STAFFORDSHIRE moorlands DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Graham Kirkham
Kirk Dezigns Limited
Holly Berry House Main Road
Shavington
CW2 5DX

Mr Cawthorne
St Edwards Vicarage 6 Church Street
Leek
ST13 6AB

Application no: SMD/2018/0776

Determined on: 13.02.2019

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015

REFUSAL OF PLANNING PERMISSION

Location of Development:
6 St Edwards Vicarage, Church Street, Leek, Staffordshire ST13 6AB

Description of Development:
Erection of a detached timber summer house

Staffordshire Moorlands District Council in pursuance of powers under the above mentioned Act hereby **REFUSE** to permit the development already carried out, that is described above and shown in plans numbered A101-A1, A103-A1 and A121-A1 for the reason(s) specified below:-

1. The development, which has already been carried fails to enhance and sustain the Grade II listed St. Edward's Vicarage and the Grade II* Listed St. Edward's Church within a highly significant and important part of the Leek Conservation Area. The development therefore harms the significance of 'designated heritage assets' adversley affecting their setting and appearance. The harm to the designated hertiage assets is consdiered to be less than substantial, however there is no public benefit that outweighs the harm that has occured. In these respects, the development has been considered against paragraphs 190, 193 and196 of the NPPF and is contrary to emerging policy DC2 of the 'submission version' of the yet to be adopted Staffordshire Moorlands Local Plan.

Informatives

In the spirit of the 'problem solving' approach that is promoted at paragrpah 38 of the NPPF, officers considered whether revisions could make the development acceptable. However, it was thought that the development was too large and close to the boundary wall to achieve a suitable remedy to the harms identified above.

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X

Signed by: Jane Colley

On behalf of Staffordshire Moorlands District Council

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NOTES

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

2. If the decision to refuse planning permission is for a householder application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

3. If this is a decision to refuse planning permission for a minor commercial application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

4. If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

5. If you want to appeal against your local planning authority's decision for any other type of development, including listed building consents then you must do so within 6 months of the date of this notice Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://acp.planninginspectorate.gov.uk

6. The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

7. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.