STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mrs Aida McManus
AM Planning Consultants Limited
17 Derwent Road
Burton upon Trent
DE15 9FR

Mrs Little
C/O Agent

Application no: SMD/2019/0100

Determined on: 17/04/2019

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
Frimsmoor Croft Ashbourne Road Rue Hill Cauldon Low Staffordshire ST10 3HD

Description of Development:
Removal of condition 2 (holiday let restriction) relating to SM94-1109

Staffordshire Moorlands District Council in pursuance of powers under the above mentioned Act hereby **REFUSE** to permit the development described above in accordance with plans ref: Location Plan for the reason(s) specified below:-

1. The application site is located outside of any settlement boundary and within the open countryside where residential development is restricted except in certain circumstances. Paragraph 79 of the National Planning Policy Framework (NPPF 2019) requires that policies and decisions should avoid the development of isolated homes in the countryside; exceptions are; a) the provision of essential rural workers accommodation; b) the optimal viable use of a heritage asset and/or enabling development; c) the re-use of redundant buildings and enhancement of their setting; d) the subdivision of an existing rural dwelling or; e) a design which is of exceptional quality. The NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development. It is acknowledged that the Local Planning Authority cannot demonstrate a five-year housing land supply and as such paragraph 11 (NPPF) requires planning permission to be granted unless (11.d.ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. Removal of the holiday-let occupancy condition would result in an isolated new dwelling within the open countryside, the loss of tourist accommodation without any substantial and satisfactory evidence to justify the proposal, prevent tourist financial contributions/support to the area and result in visual harm to the agricultural character of the building. It is considered that on balance the resultant harm would significantly outweigh the benefits of one additional dwelling contributing to the five-year land shortage supply.

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Furthermore, approval of the application could set a dangerous precedent for other similar developments within the Staffordshire Moorlands which, cumulatively, would result in significant harm to the tourism industry. The application is therefore contrary to policies SS1, SS1a, SS6c, SS7, DC3, R1, and R2 of the Core Strategy Development Plan Document (March 2014), the Churnet Valley Masterplan (March 2014 adopted as a Supplementary Planning Document) and the National Planning Policy Framework including sections 2, 5 and 12.

Informatives

1. The application has been assessed against adopted Development Plan policies (including paragraph 38 of the National Planning Policy Framework - February 2019) and any other material considerations. The application has not addressed the reasons why the previous application (SMD/2015/0525) was refused or the reasons stated by the Planning Inspector during the dismissal of the subsequent appeal (APP/B3438/W/16/3148726).

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

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.