STAFFORDSHIRE
moorlands
DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Andrew Ellis
A.E Planning Consultants
57 Bollington Road
Bollington
SK10 5EJ

Mr R and Mrs E M Brown
The Orchards
Overton Road
Biddulph
Stoke-on-Trent
Staffordshire Moorlands
ST8 7ST

Application no: SMD/2019/0244

Determined on: 12/06/2019

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
The Orchards Overton Road Biddulph Common Biddulph Staffordshire ST8 7ST

Description of Development:
application for removal or variation of condtition 2 of SM.1910 (30.12.75) and condition 1 SM.3460 (25.02.77)

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: AE 01 for the reason(s) specified below:-

1.) Notwithstanding that the current occupants of The Orchards are in breach of the occupancy conditions cited and notwithstanding that this breach has become immune from enforcement action this does not render the condition unnecessary or irrelevant to planning or the specific development permitted nor does it make the condition unenforceable. The development remains in the Green Belt and rural countryside, where under the provisions of the NPPF and Policies SS6c and R2 of the Staffordshire Moorlands Core Strategy new dwellings are considered to be inappropriate development unless they fall within one of a number of categories, including development which is essential for agriculture or forestry. There is no evidence to suggest that a rural worker (agriculture / forestry) dwelling is no longer needed at this location. Indeed the bungalow remains closely adjacent to an apparently fully working dairy farm (with others nearby). On this basis to remove the condition would render the property “inappropriate development” and contrary to the provisions of Policies SS6c and R2 of the Core Strategy and the NPPF.

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Informative

The agent was advised of the likely outcome above based on the information submitted but declined to submit further information. It is considered that the decision has been reached in accordance with the principles of the NPPF in particular paragraph 38.

X B.J. Haywood

Signed by: Ben Haywood

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.