STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Adam Gregory
Forefront Development Consulting
4 Ridge House Ridge House Drive
Stoke-on-Trent
Staffordshire
ST1 5SJ

Mr Sims
Edgefields Farm Edgefields Lane
Stockton Brook
Staffordshire
ST9 9NS

Application no: DET/2019/0011

Determined on: 29th July 2019

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) (AS AMENDED) ORDER 2015

PRIOR APPROVAL APPLICATION REFUSED

Staffordshire Moorlands District Council hereby **REFUSE** the application that sets out a proposal to finish a partially completed building and to use it as a 'dwellinghouse' (Class C3) at Edgefields Farm, Edgefields Lane, Brown Edge.

The application is **REFUSED** under the provisions of paragraph W(3)(a) of Part 3, Schedule 2 of the General Permitted Development Order 2015 for the following reason(s):-

1. The partially completed building is the result of unlawful building operations that were involved in its construction, by reason of Article 3(5)(a) none of the permissions granted by Schedule 2 of the Order shall apply to that building.

2. In the opinion of the authority the proposed development does not comply with the conditions, limitations or restrictions specified at Part 3, Class Q specifically because:

i. The partially completed building is not in use and was not last in use as an agricultural building. The site was not used solely for an agricultural use as part of an established agricultural unit on 20th March 2013 because on the date of inspection the 'site' and the partially completed building were being used for a mix of general storage purposes.

ii. Unlawful building operations that have already been carried out and those necessary to finish the building, primarily involve extensive 'rebuilding' which

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exceed building operations that would have been reasonably necessary to convert the original pre 1895 farm building that has in the most part been demolished.

iii. The developer did not before unlawfully beginning and carrying out the extensive re building work, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the items referred to in sub-paragraphs Q.2(1)(a) to (e) matters (a)–(f) and the provisions of paragraph W (prior approval) of Part 3, Schedule 2 of the order apply in relation to that application.

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

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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.