STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
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Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Andrew Dukesell
DBD Architectural Consultancy Ltd
50 Broad Street
Leek
Staffordshire
ST13 5NS

Mr Whitehouse
The Ashes Farm
Easing Lane
Thorncliffe
Leek
ST13 8UR

Application no: DET/2019/0016

Determined on: 20/08/2019

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

# PRIOR APPROVAL REQUIRED & REFUSED

Staffordshire Moorlands District Council hereby **REFUSE** approval for the conversion of an a**gricultural stone barn to dwelling house at The Ashes Farm, Easing Lane, Thorncliffe Leek.**

in accordance with the submitted application, details and accompanying plans listed below for the following reasons:-

PL01C, PL02A, PL03D.

1. Class Q of Schedule 2, Part 3 of the Town and County Planning (General Permitted Development) (England) Order 2015 allows for the change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses). The term curtilage is defined within paragraph X (Interpretation of Part 3) as a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser. Submitted drawing PL01C clearly shows that the red edge area is far greater than the land area occupied by the agricultural building and therefore the scheme does not comply with the Class Q criteria

2. There is insufficient information to demonstrate that the proposed change of use of the building would be acceptable from a noise and contamination perspective. The application is therefore contrary to policies SD4 and DC1 of the Core Strategy Development

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Plan Document (Adopted 2014) and the National Planning Policy Framework. Furthermore in its current form the scheme does not satisfy the requirements of Class Q.2 (1) (b, c and e)

3. Location Plan PL01C indicates a drainage plan using a Bio-disk treatment unit and the resultant effluent leaving the site northwards and then to the west. There is no further information about drainage and whether this will run to a water course or to a soakaway. There are no details to confirm where any excavations (for the purposes of drainage) may be located and how they would impact on areas that have not been assessed for any ecology constraints, such as tree root protection or protected species presence. The application is therefore contrary to policies SD4, DC1, DC3 and NE1 of the Core Strategy Development Plan Document (Adopted 2014) and the National Planning Policy Framework. Furthermore in its current form the scheme does not satisfy the requirements of Paragraph W (Part 3) which allows for the assessment of impacts/risks or consideration of how impacts/risks are to be mitigated.

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

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(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.