STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Sammons Architectural Ltd
10 Cawdry Buildings
Fountain Street
Leek
Staffordshire Moorlands
ST13 6JP

L & C Homes Ltd
C/O Agent

Application no: SMD/2019/0143

Determined on: 28/08/2019

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

REFUSAL OF OUTLINE PLANNING PERMISSION

Location of Development:
Land Adjacent 10 Ox Pasture Cheddleton Staffordshire

Description of Development:
Outline application for residential development all matters reserved

In pursuance of their powers under the above mentioned Act, Staffordshire Moorlands District Council, **HEREBY REFUSE PERMISSION** for the development described in the above application, in accordance with plans ref: 2018-2352-01A, 2018-2352-02A 2018-2352-03A for the reason(s) specified below:-

1. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses. In relation to the setting of the Grade II* Listed Building of the Church of St Edward the Confessor, it is considered that there would be 'less than substantial' harm to its setting by virtue of the development of an open and undeveloped area of land and the associated view of the Church which contributes towards its setting. Although the development would deliver some public benefits including social and economic benefits associated with the delivery of a moderately sized housing scheme, such benefits, are not considered to outweigh the less than substantial harm to the setting of the designated heritage asset. Accordingly the proposal would not amount to sustainable development in the terms of the National Planning Policy Framework 2019 and therefore would not benefit from the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. The proposed development would be contrary to Policies DC1 and DC2 of the Adopted Core Strategy Development Plan 2014.

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Informatives

1. The scheme is considered to be unsustainable in the terms of the National Planning Policy Framework.

X

Signed by: JaneC

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.
8.