STAFFORDSHIRE
moorlands
DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Gordon Harrison
New Hall Farm
Dingle Lane
Macclesfield
Cheshire
SK11 0QT

Application no: DET/2019/0015

Determined on: 12/09/2019

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

PRIOR APPROVAL REQUIRED AND DETAILS SUBMITTED REFUSED

Staffordshire Moorlands District Council hereby **REFUSE** approval for the siting and appearance of the development proposed for

Re-instate track for cows and vehicles at New Hall Farm, Dingle Lane Rushton Spencer

in accordance with the submitted application, details and accompanying plans listed as follows: DET0015 plan 1 and plan 2, for the following reasons:-

1. In terms of siting and design it is found that the proposed tack would be harmful to the amenities and setting of Fold Farm on account of its proximity to the house and garden and the potentially unrestricted nature of the traffic contrary to CS policies SS1, SS1a, SS6c, and DC1, and emerging LP policy DC2 and CS policy R1 and the NPPF.

2. In terms of siting the proposed track is found to have the potential to bring a significant increase in vehicular usage of the access to Beat Lane posing an unacceptable risk to highway safety contrary to SS1, SS1a, DC1, TC1 and the NPPF.

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X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

Informative

The proposal would not overall improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed through the prior notice procedure, which could have made the development acceptable and it was therefore not possible to approve the application. Discussions were held with the applicants. The Local Planning Authority has therefore implemented the requirement in Paragraphs 38 of the National Planning Policy Framework.

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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

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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.