STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

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ST13 8JT

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Application no: DET/2019/0041

Determined on: 31/01/2020

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

PRIOR APPROVAL REQUIRED FOR CHANGE OF USE

REFUSAL

Staffordshire Moorlands District Council hereby **REFUSE** approval for the Part 3 Class R change of use proposed for

Prior approval for change of use of hay and straw barn to a cafe and farm shop (classes A3 and A1) and change of use of stock shed to indoor paddle tennis court (class D2) at Brook Farm Porters Lane Bradnop

in accordance with the submitted application, details and accompanying plan BDB 01 Site Location scale 1:1250 for the following reasons:-

1. The proposed development does not comply with all the relevant tests of Part 3, Class R of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for the following reasons:

a) The cumulative floor space of the buildings which would “have changed use” as a result of this proposal is of the order of 600 square metres, without question therefore exceeding the permitted upper limit of 500 square metres as stipulated at R.1(b).

b) At 1,800 square metres the land incorporated within the red edge of the application site outside the ground plan area of the buildings is three times in area the permitted maximum allowed as curtilage, based on the 600m2 occupied by the buildings in this case, as defined at paragraph X.

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c) Buildings to which the defined permitted development under Class R is available are buildings in use for agriculture and so used for the purposes of a trade or business. In the case of the 250m2 building proposed for use as a farm shop and café the existing structure is so damaged and dilapidated that it can no longer be regarded in any meaningful way as a functioning building serving or making any contribution to the farm trade or business and is therefore not a building with a relevant use available to be changed.

2. Additional to the identified failings of compliance the application lacks sufficient information for the Local Planning Authority to establish or fully establish:

a) whether the 350 square metre building proposed for leisure use for 'Paddle Tennis' meets the tests of being in current use for agriculture and so used for the purposes of a trade or business;

b) whether the two buildings subject of the application were solely in use for an agricultural use as part of an established agricultural unit on 3rd July 2012 or otherwise meet the requirements of R.1 (a);

c) the transport and highways impacts of the development (R.3(1)(b)(i) as there is no detail of parking and turning provision or need, access layout and vehicular visibility splays, and vehicle and trip movement numbers;

d) the noise impacts of the development in operation (R.3(1)(b)(ii) and the potential adverse impacts for residential neighbours;

e) the contamination risks on the site (R.3(1)(b)(iii) identified as potentially arising from asbestos, made-up ground, tipped materials and farm chemicals.

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

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to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.