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

Karen Harper
Added Value Architecture Ltd
3 Chapel Street
Congleton
CW12 4AB

Mr Shaw
34 Smokies Way
ST8 6TZ

Application no: SMD/2019/0771

Determined on: 5th March 2020

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
Land Off Akesmore Lane, Biddulph, Staffordshire

Description of Development:
Proposed stable block

Staffordshire Moorlands District Council in pursuance of powers under the above mentioned Act hereby **REFUSE** to permit the development described above and shown in plans numbered 191103 PR 001; 191103 PR 002; 191103 PR 003 and191103 PR 003 'A' for the reason(s) specified below:-

1. The proposed development, both as originally submitted and revised, would provide further facility on the site and within the locality relating to the stabling of horses. The precise nature of the applicant's, or anybody else's, outdoor sport or recreation has not been clearly explained to enable a proper assessment of 'appropriateness' relevant to that. In any event, the development would fail to preserve the openness of the Green Belt and would also exacerbate countryside encroachment because of its size, height and location to the south east of an existing building on, and consuming, an open area of riding manege (a facility that actually does provide for outdoor recreation while preserving openness). This would be inappropriate development in the Green Belt, therefore, because it is not provided for by one of the listed exceptions at either paragraph 145 or 146 of the National Planning Policy Framework 2019 (NPPF). The NPPF confirms that such inappropriate development should be considered to be harmful by definition and makes it clear that substantial weight must be attributed to any Green Belt harm. Permission cannot be granted for the inappropriate development because there are no 'very special circumstances' that clearly outweigh the harm to the Green Belt and the other harm that would result from the development identified below.

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2. The development of this open and prominent site would be harmful to the character and appearance of the surrounding area. It would fail to protect or enhance the local landscape contrary to Policy DC 3 of the Staffordshire Moorlands Core Strategy Development Plan and emerging local plan and advice in the NPPF.

3. The site lies within a coal mining Development High Risk Area. Although a Coal Mining Report is submitted, it does not provide an assessment of the risks to any proposed development from past mining activity and whether any mitigation measures are required to address issues of land stability. In the absence of this, the proposal is in conflict with advice in the National Planning Policy Framework on land stability.

Informatives

This application has been considered with due regard for paragrpah 38 of the NPPF which advoates a positive and creative approach. The applicant had opportunity to provide additional information and revised the scheme to reduce some massing. However, they were unable to address fundamental 'in principle' concerns and were ultimatley not proposing development that would be sustainable.

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 (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.