STAFFORDSHIRE moorlands DISTRICT COUNCIL
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Ms Hannah Barter
D2H Land Planning Development Limited
D2H LPD Ltd Foxlowe Arts Centre (First Floor)
Leek
Staffordshire
ST13 6AD

Mr Nigel Owen
C/O D2H LPD ltd First Floor, Foxlowe
Arts Centre
Leek

Application no: SMD/2020/0088

Determined on: 05/06/2020

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
Martins Hill Nursery Luzlow Lane Bagnall Staffordshire ST9 9JZ

Description of Development:
Change of use from horticultural/retail to suis generis natural burial ground and pet crematorium. Including demolition of existing building and erection of new single storey building.

Staffordshire Moorlands District Council in pursuance of powers under the above mentioned Act hereby **REFUSE** to permit the development described above in accordance with plans ref:
1644-01
1644-02
1644-03
1644-04
1644-05
1644-06 for the reason(s) specified below:-

1. Whilst a cemetery and burial ground does come within the categories of appropriate development within the Green Belt at Paragraph 146 (e) of the NPPF, provided that they preserve its openness and do not conflict with the purposes of including land within it, the proposed areas of formalised car parking, paths, access roads and seating areas along with animal incineration facility are found not to preserve the openness of the Green Belt or avoid conflict with the purposes of including land within the Green Belt but in fact conflict with openness and lead to encroachment on the countryside. The proposed change of use is therefore considered to be inappropriate development which may only be allowed where the harm to the Green Belt and any other harm is outweighed by 'very special circumstances'. No very special circumstances are identified in relation to this

application. The development is therefore found contrary to policies SS1, SS1a, SS6c, R1 and to the NPPF.

2. Paragraph 145 of the National Planning Policy Framework (NPPF) 2019 states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt with certain exceptions. Whilst under paragraph 145 (b) of the NPPF buildings providing 'appropriate facilities' in connection with cemeteries are acceptable in the Green Belt, the pet cremation aspect of this development and the extent of the reception building facilities would appear not to come within these provisions. Other exceptions include 'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces'. As the proposed replacement building would not be in the same use as the one replaced the development cannot qualify as an allowed exemption under this paragraph. Furthermore the existing building has been used for horticultural purposes and therefore falls outside of the definition of previously developed land. As such the proposed development cannot be permitted under the exemption at paragraph 145(g) of the NPPF. Inappropriate development may be allowed where the harm to the Green Belt and any other harm is outweighed by 'very special circumstances'. No very special circumstances are identified in relation to this application. The development is therefore found contrary to policies SS1, SS1a, SS6c, R1 and to the NPPF.

3. The formalised design and layout of the development and appearance of the proposed reception building in this semi-remote rural location is considered at odds with the undeveloped semi-natural appearance of this location and the proposal is therefore found contrary to policies SS1, SS1a, SS6c, R1, DC1 and DC3 of the Staffordshire Moorlands Core Strategy and to the relevant sections of the NPPF which seek to achieve good design and to protect the character and appearance of the rural area.

Informatives

It is considered that the proposals do not conform with the provisions of the NPPF as they fail overall to improve the economic, social and environmental conditions of the area, nor do they comply with the development plan and therefore do not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable overall and it was therefore not possible to approve the application. The Local Planning authority has nonetheless reached this decision in accordance with the requirement in Paragraph 38 of the National Planning Policy Framework.

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X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

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All correspondence to Staffordshire Moorlands District Council, P O Box 136, Buxton, SK17 1AQ.

disability confident EMPLOYER

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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.