STAFFORDSHIRE moorlands DISTRICT COUNCIL

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Mr Chandler
Heybridge Farm
Uttoxeter Road
Lower Tean
ST10 4LN

Application no: DET/2020/0009

Determined on: 19th August 2020

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

APPLICATION FOR PRIOR APPROVAL IS REFUSED

Staffordshire Moorlands District Council hereby **REFUSE** to approve the siting of the proposed building that is shown and detailed in the drawing numbered 7670-1 that was submitted with the application, for the following reason(s):

The building would be sited where it would:

- cause encroachment and intrusion into the countryside to the southwest of the existing yard and shed in the foreground of a Grade II listed dovecote;
- have the entirety of its northwest elevation (37m long and 6m high to eaves) against the boundary of the adjacent residential property, approximately 25m from the dwelling's side elevation (Yew Tree Cottage, part of a Grade II listed building);
- obscure from the landscape a mature tree and hedgerow, potentially causing them harm and resulting in their loss;
- be built over the top of the existing farm track that provides access to the fields at the south of the river, this and the positioning of a door on the south west elevation makes it probable that a new less direct track and additional hard surfaces would be required within proximity of the water course.

This would result in disproportionate harm to the character and appearance of the landscape, countryside and the setting of a grade II listed dovecote, particularly when viewed from the public footpath to the south of the property. The building would have unreasonable impact on the residential amenity of the adjacent residential neighbour at Yew Tree Cottage through its imposing presence and the potential for noise and disturbance from commercial activity. The development would conflict with policies DC1, SD4 and DC3 of the Staffordshire Moorlands Core Strategy and Emerging Local Plan and the NPPF.

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Note to applicant

The applicant should be aware that the authority does not, in any event, consider the proposed development to be permitted by Part 6, Schedule 2 of the GPDO and therefore, full planning permission would be required. This is because it is apparent that the building would not be provided on an 'agricultural unit' as defined, and would instead be provided on a 'mixed use' unit occupied for the purposes of the business 'Chandler's Lime and Fertilisers Ltd' and agriculture. This also makes it less than probable that the building is reasonably necessary for the purposes of agriculture within the unit.

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.