STAFFORDSHIRE moorlands DISTRICT COUNCIL

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Mr David Allen
G D A Design Associates Ltd
4 Oakleigh Court
Congleton
Cheshire
CW12 4NP

Mr & Mrs Sheard
Smithy Farm
Dial Lane
Congleton
Cheshire
CW12 3QN

Application no: SMD/2020/0526

Determined on: 19/11/2020

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
Smithy Farm, Dial Lane, Congleton, Staffordshire, CW12 3QN

Description of Development:
Erection of a replacement agricultural building in a different location to that which has been approved with existing planning permisison SMD/2020/0316.

Staffordshire Moorlands District Council in pursuance of powers under the above-mentioned Act hereby **REFUSE** to permit the development described above that is shown and detailed in plans numbered 20_01_07 and 20_01_08 for the reason(s) specified below:-

1. The development would result in significant harm to the visual amenity enjoyed by users of the public footpath (Biddulph Town No.93) and Dial Lane; and, the setting of this small informal settlement grouping of cottages and traditional farm buildings. This is because the development would introduce a large, functional building in a very exposed and visually prominent location within proximity to the roadside where, by reason of its location and orientation, it would close down, obstruct and interfere with significant views of the quality and sensitive landscape to the north (gritstone highland fringe) and distant views of The Cloudside plantation. There are no other benefits or considerations that would justify or outweigh that harm. The development would not comply with the Development Plan strategy or policy in these respects and would specifically contravene 'Other Rural Area Strategy' SS10 and policies DC1 and DC3 of the Staffordshire Moorlands Local Plan 2016-2031.

2. Despite the applicant's claim to the contrary, it appears that the development would cause obstruction to the Public Right of Way (Biddulph Town No. 93). The applicant has not shown that he has consulted the definitive rights of way map and observations on the ground relevant to the position of the existing stiles and way markers, suggest the building would cause obstruction. The development would thus cause conflict with Policy T2 of the Staffordshire Moorlands Local Plan and paragraph 98 of the National Planning Policy Framework which requires decisions to protect and enhance public rights of way in the interests of providing access to open space and recreation.

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Informatives

It is considered that the proposal is unsustainable and does not conform with the provisions of the NPPF. It is considered that the applicant is unable to overcome such principle concerns and thus no amendments to the application were requested.

X

Signed by: Jane Colley Signature

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.

1. 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.

2. 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.

3. 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.

4. 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

5. 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.

6. 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.