STAFFORDSHIRE moorlands DISTRICT COUNCIL

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Mr Kev Ryder
KDR Developments
4 Biddulph Road
Newcastle under Lyme
Staffordshire
ST7 4LD

Mr & Mrs Sheard

Application no: SMD/2020/0517

Determined on: 08/01/2021

**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:**
Two and single storey extensions. Construction of a replacement ancillary garage/workshop building & porch.

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 ref: 20/01/040; 20/01/20; and 20/01/09A that were submitted with the application, for the reason(s) specified below:-

1. The provision of the developments would be inappropriate in the Green Belt and, by definition, harmful because they are not provided for by any of the exceptions listed at paragraph 145 of the National Planning Policy Framework (NPPF). The development would result in disproportionate additions over and above the size of the original building and replace agricultural sheds with a building that would not be in the same use. The proposed developments would have a greater impact on the openness of the Green Belt than the existing form of development. There are no other considerations that would amount to 'very special circumstances' that would clearly outweigh the harm to the Green Belt or any other harms resulting from the development. The development would conflict with the terms of the NPPF and policy SS10 of the Staffordshire Moorlands Local Plan.

2. The development would result in harm to the character, appearance and heritage of the 18th Century moorlands cottage and in turn that of the area and setting of the small settlement grouping. The development would completely conceal the original rear elevation of the cottage with bulky two storey form that would present contemporary fenestration; and, unbalance the oringal elevations with a strangely proportioned two storey side extension to the east, and an arrangement of clumsy and crowded gable ends to the single storey side extensions to the west. From the rear development would be exposed to and apparent from the public footpath numbered Biddulph Town 93; and the two storey side extension when viewed from the east would compete with, detract from, and appear confused adjacent to the original farm

outbuilding to the front. The design and appearance of the development would not relate well to the existing dwelling in a way that would respect its form, scale and character in a subordinate complimentary manner . The development would not comply with the adopted Design Guide 2018, Development Plan strategy or policy in these respects and would specifically contravene policies DC1 and DC3 of the Staffordshire Moorlands Local Plan.

**Informatives**

It is considered that the proposals are unsustainable and do not conform with the provisions of the NPPF. The applicant was offered the opportunity to amend the application in a way that might address concerns, as advocated at paragraph 38 of the NPPF, however the applicant declined to make suggested amendments.

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.