STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING • EXCELLENCE

Mr Bloxham - Jones
1 Maple Grove
Cheddleton
Leek
ST13 7BF

Application no: SMD/2018/0715

Determined on: 26th July 2021

Planning (Listed Buildings and Conservation Areas) Act 1990
The Planning (Listed Buildings and Conservation Areas) Regulations 1990

REFUSAL OF LISTED BUILDING CONSENT

Location of Development:
St Edwards Park Number 2 Summer House Cheadle Road Cheddleton Staffordshire

Description of Development:
Listed Building Consent for The partial demolition and removal of summer house no.2 on St Edwards Park

Staffordshire Moorlands District Council in pursuance of powers under the above mentioned Act hereby **HEREBY REFUSE LISTED BUILDING CONSENT** for the works described above in accordance with plans ref: Location Plan
Site Plan
0715/01
0715/02
0715/03
0715/04 for the reasons specified below:

1. The proposal would result in significant harm and loss of significance of an important Grade II listed structure, which is regarded as being of the highest level of significance on the site. No clear and convincing justification or public benefits have been identified to outweigh the harm and the proposal is therefore found contrary to Policy DC2 of the adopted Staffordshire Moorlands Local Plan and the provisions of Section 16 of the NPPF.

Informatives

1.The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraph 38 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. In this case amendments could not be suggested which would overcome the substantial harm which has been identified.

X

Signed by: Jane Curley

On behalf of Staffordshire Moorlands District Council

NOTES

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse Listed Building consent for the proposed works, or to grant consent subject to conditions, he may appeal to the Secretary of State in accordance with Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act, 1990. The Secretary of State has power to allow a longer period for the giving of a notice of appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the Local Planning Authority in regard to the proposed works are in progress.

2. If Listed Building consent is refused or granted subject to conditions whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the District Council in which the land is situated, a Listed Building purchase notice requiring that Council to purchase his interest in the land in accordance with the provision of Section 32 of the Planning (Listed Buildings and Conservation Areas) Act, 1990.

3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 27 of the Planning (Listed Buildings and Conservation Areas) Act, 1990.

4. If you want to appeal against your local planning authority's decision listed building consent 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