STAFFORDSHIRE moorlands DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Sammons Architectural
10 Cawdry Buildings
Fountain Street
Leek
Staffordshire Moorlands
ST13 6JP

C/O Sammons Architectural Ltd
10 Cawdry Buildings
Fountain Street
Leek
Staffordshire
ST13 6JP

Application no: DET/2022/0004

Determined on: 10th March 2022

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

PRIOR APPROVAL REQUIRED FOR CHANGE OF USE AND APPLICATION REFUSED

Staffordshire Moorlands District Council hereby **REFUSE** to grant a prior approval in respect of either the application as originally submitted, or those alternative and revised details submitted on the 4th March 2022, that set out proposals to convert the building identified in the application and to use it as two larger 'dwellinghouses' (Class C3) at Ivy House Farm, Rownall Road, Wetley Rocks.

The application and proposal, as originally submitted and as revised in subsequent submissions, are **REFUSED** for the following reason(s):-

1. A refusal is justified under the provisions of paragraph W(3)(a) of Part 3, Schedule 2 of the General Permitted Development Order 2015. In that, it is the opinion of the Local Planning Authority that the proposed development does not comply with the conditions, limitations or restrictions specified at Part 3, Class Q specifically because:

i. The development is not permitted by virtue of limitation Q.1(b)(i)(bb) because the floorspace of the existing building that would be changing its use to the larger dwellinghouses under Class Q, prior to any demolition or adaption, exceeds 465 square metres.

ii. The development is not permitted by virtue of limitation Q.1(i), in that the development under Class Q(b) would consist of building operations other than, and in excess of, the installation or replacement of windows, doors and exterior walls, reasonably necessary for the building to function as a dwellinghouses; and partial demolition to the extent reasonably necessary for the building to function as a dwellinghouses.

2. The location and siting of the building, within the direct and immediate setting of two grade II listed buildings, makes it otherwise undesirable for the building to change from agricultural use, where the building has simple and functional form to the periphery of an historic farmstead, to a use falling within Class C3 (dwellinghouses), where adaptions to the

building and the activity of residential use around the building, would adversely affect the setting of, and relationship with, the listed buildings and historic farmstead. This would be detrimental to the significance of the designated heritage assets and there would be no public benefit to outweigh this harm contrary to the NPPF and Policy DC2 of the Local Plan

3. The building's immediate proximity to an adjacent farm shed, just 3m from the building's north west corner, raises impracticalities and the potential for undesirable living conditions, given that the shed is still active as an agricultural unit. Described as a lambing shed, any use of the shed for agricultural storage or animal housing has the potential to create noise and odours that could cause nuisance to the future occupants of the proposed dwellinghouse contrary to Policy DC1 of the Local Plan

4. The proposed design and external appearance of the building, in either original or revised submissions, would result in a structure that has the appearance of a new building that would not relate respectfully to, and would be dominant as a visual distraction in respect of, those buildings within the historic farmstead of Ivy House Farm. This would adversely affect the character and appearance of the area and the significance of the designated heritage assets, particularly because the building has a dominant height vantage over the historic farmstead and is apparent in views from Rownall Road. There would be no public benefit to outweigh this harm contrary to the NPPF and Policies DC1 and DC2 of the Local Plan

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.

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.