

Mr P Garner
Garner Town Planning Ltd
High Lane House
148 High Lane
Stockport
SK6 8ED

Mr & Mrs Manning
Lower Overton Farm
Overton Road
Congleton
CW12 3Q

Application no: SMD/2021/0823

Determined on: 14/04/2022

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

REFUSAL OF PLANNING PERMISSION

Location of Development:

Lower Overton Farm, Overton Road, Congleton, Staffordshire, CW12 3QW

Description of Development:

Change of use to convert existing barn to single dwelling with garage and new vehicular access.

(This application is submitted under the powers at s73 of the Act for a 'differing' planning permission to be granted that is not subject to condition 23 of planning permission SMD/2017/0628).

Staffordshire Moorlands District Council in pursuance of powers under the above mentioned Act hereby **REFUSE** to permit the development described above under the differing terms requested in the application, for the reason(s) specified below:-

1. The condition numbered 23, that prevents development otherwise permitted by the GPDO from being carried out when the building becomes a dwellinghouse, is considered essential to ensure that the development permitted by the grant of planning permission SMD/2017/0628 complies with the policies of the Staffordshire Moorlands Local Plan and the NPPF. The development must result from and accord with the carefully revised plans for it to be acceptable against the terms of the development plan in a way that maintains the character and appearance of the area. Further alterations, enlargements and building work, that has not been agreed in those revised plans, has without the control of the planning authority, the potential to undermine the merits of the approved scheme and to be harmful to the open characteristics of the Green Belt, the significance of heritage assets, and the quality of the rural landscape. As such, there would be conflict with policies SS10, H1, DC1, DC2 and DC3 of the Staffordshire Moorlands Local Plan 2020, the SMDC Design Guide 2018 and the terms of the NPPF. In these respects the condition is entirely relevant to planning, specifically relevant to the unique circumstances that apply to the development, and considered reasonable.

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council

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.