STAFFORDSHIRE moorlands DISTRICT COUNCIL

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Mrs Caroline Payne
Emery Planning
South Park Court 1-4 Hobson Street
Macclesfiled
Cheshire
SK11 8BS

Mr Vincent
C/o Agent

Application no: SMD/2023/0021

Determined on: 21/02/2023

**Town and Country Planning Act 1990**
**Planning and Compensation Act 1991**
**Town and Country Planning (Development Management Procedure) (England) Order 2015**
**The Town and Country Planning (Permission in Principle) (Amendment) Order 2017**

# REFUSAL OF PLANNING PERMISSION IN PRINCIPLE

**Location of Development:**
Land at the Old Bowling Green Leek Road Cellarhead Staffordshire ST9 0JQ

**Description of Development:**
Permission In Principle (PIP) for the construction of up to 9 residential units with care (C2), communal lounge/office and associated works

Staffordshire Moorlands District Council in pursuance of powers under the above mentioned Act hereby **REFUSE** to permit the development described above in accordance with plans ref: 22-141-01 22-141-03 for the reason(s) specified below:-

1. The application site is outside of the development boundaries of the District and is therefore deemed to be within the countryside of the District and is also within the Green Belt. Policy SS10 of the Council's Local Plan (adopted September 2020) requires strict control over inappropriate development in the Green Belt. The government planning guidance contained in the National Planning Policy Framework (NPPF) in paras 149 and 150 sets out the forms of development which are not inappropriate development in the Green Belt but the proposal does not fall under any of the forms of development listed. The proposed development, based in its location, proposed land use and the amount are deemed to be inappropriate development in the Green Belt and is therefore deemed to be harmful to its openness. Inappropriate development should only be allowed where very special circumstances, considered to outweigh the harm to the Green Belt, have been demonstrated. However, no such very special circumstances have been sufficiently demonstrated. The proposal is therefore contrary to Section 13 of the NPPF and is also therefore contrary to Policy SS10 and Policy H1 of the Council's adopted Local Plan which, also, resists new dwellings in the countryside.

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2. The proposed development, based in its location, proposed land use and the amount would lead to a significant intrusion into the countryside and would significantly harm the rural setting of the village of Cellarhead and the overall rural character and appearance of the area. The proposal is therefore contrary to Policies SS10 and DC1 of the Council's adopted Local Plan and the National Planning Policy Framework.

X

Signed by: Jane Colley Signature

**On behalf of Staffordshire Moorlands District Council**

Moorlands House, Stockwell Street, Leek, Staffordshire Moorlands, ST13 6HQ.
www.staffsmoorlands.gov.uk Tel: 0345 605 3010
*All correspondence to Staffordshire Moorlands District Council, P O Box 136, Buxton, SK17 1AQ.*

disability confident EMPLOYER

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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.

1.