STAFFORDSHIRE moorlands DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

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

Mr McGowan
C/o Agent

Application no: SMD/2023/0385

Determined on: 25th September 2023

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
Pleasant View Hulme Lane Werrington Staffordshire ST3 5BH

Description of Development:
Removal of condition 3 relating to SMD/2014/0100

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:

- Planning statement
- Decision notice SMD/2014/0100
- Location plan (taken from SMD/2014/0100)

for the reason(s) specified below:-

1. The property to which this decision relates is already materially larger than the dwelling it replaced but was allowed as the design benefits were considered to be very special circumstances to outweigh the harm to the Green Belt arising from the larger dwelling. The cumulative impact of the larger dwelling plus permitted development rights allowance, however, would not, on balance, outweigh the harm to the Green Belt. Furthermore, the design benefits which were given significant weight as very special circumstances could be lost through inappropriately designed, sited or proportioned extensions carried out under Permitted Development Rights. Therefore Condition 3 under SMD/2014/0100 to restrict future use of permitted development rights is necessary and reasonable having regard to local and national policy concerning development in the Green Belt. Exceptional circumstances as required by the Planning Practice Guidance was triggered to justify the removal of permitted development rights. Any extensions and alterations would in this instance, constitute

as inappropriate development within the Green Belt. This would by definition, cause harm to its openness.

As such, the Council considers that the condition removing permitted development rights to ensure that any proposed works do not detract from the openness and character of the surrounding area, meets the 6 tests and is necessary to ensure compliance with Local Plan Policy SS10 and the National Planning Policy Framework.

Informatives

The application has been assessed against adopted Development Plan policies (including paragraph 38 of the National Planning Policy Framework – September 2023) and any other material considerations.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

STAFFORDSHIRE moorlands DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

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.