STAFFORDSHIRE moorlands DISTRICT COUNCIL

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Mr Ken Wainman
KEN WAINMAN ASSOCIATES Ltd
Ravenoak Road
Stockport
SK2 7BQ

Mr Smallwood
133 Sandbach Road North
Alsager
Staffordshire
ST7 2AP

Application no: SMD/2023/0425

Determined on: 16th October 2023

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
Stanley Farm Bungalow, Dial Lane, Congleton, Staffordshire, SK11 0RU

Description of Development:
Bungalow erected in accordance with planning permission SM94-0628
(The application seeks a new and differing permission, to the one granted under appeal reference T/APP/B3438/A/99/1023357, that would allow the bungalow to be retained without occupancy restriction and not be subject to a condition that requires it to be removed now that it ceases to be occupied by Mr and Mrs ST Flowers)

Staffordshire Moorlands District Council in pursuance of powers under the above mentioned Act hereby **REFUSE** to permit the development described above that is shown and detailed in plans ref: C545 1B, C545 2B, and C545 3B, that were submitted with the application for the reason(s) specified below:-

1. The application seeks a new planning permission for inappropriate development in the Green Belt that has already occurred. The inappropriate development has, by definition, harmed the Green Belt. That development was granted only for a temporary period to provide a home for the previous occupants relevant to circumstances personel to them which were considered to outweigh the harm. Those circumstances no longer apply to the development and there are now no other considerations that amount to speical circumstances that clearly outweigh the harm to the Green Belt and other harms that result from the development. The change in circumstances that currently relate to the development were anticipated with the grant of the previous permission that is subject to a condition that requires the development to be removed and the land restored to its former condition.

2. The presence of an additional dwellinghouse in the countryside landscape does not preserve its open and rural character and appearance. The timber dwelling is also out of keeping with the stone and slate built properties that are that are typical of this upland area. The development has contravened policies SS10, H1, DC1 and DC3 of the Staffordshire Moorlands Local Plan 2020.

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Informatives

It is considered that the proposals are unsustainable and do not conform with the provisions of the NPPF. It is considered that the applicant is unable to overcome such principle concerns and thus no amendments to the application were requested.

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.