

Ms Beverley Poole
BP Architecture Ltd
High Street
Stoke on Trent
Staffordshire
ST8 6AB

Mr Boffey
Higher Overton Farm
Overton Road
Congleton
Staffordshire
CW12 3QW

Application no: SMD/2024/0060

Determined on: 15th July 2024

Planning (Listed Buildings and Conservation Areas) Act 1990
The Planning (Listed Buildings and Conservation Areas) Regulations 1990

REFUSAL OF LISTED BUILDING CONSENT

Location of Development:

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

Description of Development:

Full roof overhaul and roof spread correcting

Staffordshire Moorlands District Council in pursuance of powers under the above mentioned Act **HEREBY REFUSE LISTED BUILDING CONSENT** for the works described above and shown in plans, submitted with the application, ref: 24 037 BPA A0 001 P2, 24 037 BPA A0 002 P2, and 24 037 BPA A0 003 P2, for the reason(s) specified below:

The proposed work, as presented in the application, would involve the replacement of original parts of the roof structure and the rebuilding of existing walls. There is no justification for the extent of such work and it would risk the entire collapse of the building. The proposal would fail to preserve the special interest of the listed building contrary to Section 16 (2) of the Planning (Listed Buildings and Conservation Area) Act 1990 and it would cause substantial harm to the significance of the designated heritage asset without obvious public benefit. There would be conflict with Policy DC2 of the SMDC Local Plan and the terms of the NPPF in these regards.

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

NOTES

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse Listed Building consent for the proposed works, or to grant consent subject to conditions, he may appeal to the Secretary of State in accordance with Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act, 1990. The Secretary of State has power to allow a longer period for the giving of a notice of appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the Local Planning Authority in regard to the proposed works are in progress.
2. If Listed Building consent is refused or granted subject to conditions whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the District Council in which the land is situated, a Listed Building purchase notice requiring that Council to purchase his interest in the land in accordance with the provision of Section 32 of the Planning (Listed Buildings and Conservation Areas) Act, 1990.
3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 27 of the Planning (Listed Buildings and Conservation Areas) Act, 1990.
4. If you want to appeal against your local planning authority's decision listed building consent 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>