

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

Mr and Mrs Gibson
c/o Sammons Architectural Ltd

Application no: SMD/2023/0620

Determined on: 8th May 2025

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

REFUSAL OF PLANNING PERMISSION

Location of Development:

Sprinks Farm Blackwood House Lane Horton Leek Staffordshire ST13 8QE

Description of Development:

Retrospective application for raised patio and pergola

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: 2023-2851-14; 2023-2851-15; 2023-2851-15A for the reason(s) specified below:-

1. The development represents a change in use of some 320m² of formerly agricultural field land to garden along with a substantial physical construction forming a raised patio 8.5m in width x 23m in length amounting in total to some 195m² in built area.

The location is in the Green Belt and the site is not previously developed and whilst the site may be considered to occupy a 'grey belt' location the proposal cannot be said to meet a demonstrable un-met need. As such the proposal is considered to be inappropriate development in the Green Belt within the meaning of paragraph 155 of the Framework. An original approval for conversion of the adjacent barn to a dwelling granted under DET/2018/0041 made full provision, to the front (SW) and rear (NE) of the building and in the pre-existing farm yard, for all outside amenity space and parking requirements in proper accordance with the terms of Class Q of Part 3 at Schedule 2 to the GPDO (2015) (as amended) under which the conversion to dwelling was permitted.

Paragraph 154 of the Framework presents a closed list of exceptions whereby certain development may also be regarded as not inappropriate in the Green Belt. However, none of these exceptions is found to apply in this case

In addition to this definitional harm, the development also conflicts with one of the main

purposes of including land within the Green belt, namely that of encroachment and it has compromised openness. The active functional use of the development will have a conspicuousness in the wider countryside, especially as a result of active use during dusk and evening conditions when it can be expected that the associated floodlighting over the terrace and patio heaters will draw attention to the development from the wider surroundings further exacerbating the harm to openness.

There are not found to be any very special circumstances that would clearly outweigh the harms identified to the Green Belt which must be accorded substantial weight and harm to the setting of the building and character and appearance of the area. As such there is conflict with Local Plan Policy SS10 and the NPPF. The development is not acceptable in principle.

2. There is harm in the design of the development and harm to locational character and setting as a result of the developments form, scale and functional use. The design and positioning of the patio development is severely at odds with the humble rural vernacular character of the former farmstead building failing to respect the building's character and its connection with the land and its surroundings. As such there is conflict with Local Plan policies DC1 and DC3, the Council's adopted Design Guide 2018 (a Supplementary Planning Document), the adopted Design Principles Supplementary Planning Guidance (1996) and the NPPF.

Informative

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has nonetheless met the requirement in Paragraphs 39 of the National Planning Policy Framework.

X *Jane Curley*

Signed by: Jane Curley

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.
2. 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.
3. 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.
4. 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.
5. 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>
6. 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.
7. 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.