

Mrs Martin  
The Eaves Eaves Lane  
Cheadle  
Staffordshire  
ST10 1TL

**Simon W. Baker** B.Ed MBA MIMSPA  
*Chief Executive*

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Application no: SMD/2014/0751

Determined on: 07/01/2015

**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:**

THE EAVES EAVES LANE CHEADLE STAFFORDSHIRE ST10 1TL

**Description of Development:**

LISTED BUILDING CONSENT FOR INSTALLATION OF A TWIN WALL LINED FLUE TO  
THE SIDE OF THE GABLE WALL AT THE REAR OF THE PROPERTY

Staffordshire Moorlands District Council in pursuance of powers under the above mentioned Act hereby **REFUSE LISTED BUILDING CONSENT** for the works described above in accordance with plans ref: 1407/05/01C for the reasons specified below:

1. The proposed flue constitutes an inappropriate and alien feature onto the rear of the Grade II Listed Victorian property. Its location and design is inappropriate and will have a significant impact on the character and special nature of this historical asset and is, therefore, contrary to Policies DC1, DC2 of the Staffordshire Moorlands Local Plan Core Strategy Development Plan Document 2014 and NPPF, in particular but not exclusively, sections 7 and 12.

**Informatives**

1. It is considered that the proposals are unsustainable and do not conform with the provisions of the NPPF. Such matters have been discussed with the applicant with a view to seeking solutions, although such solutions have not been possible as the applicant has declined to amend the application.

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**Signed 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 for the Environment in accordance with Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act, 1990, within six months of the date of the decision notice. 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 for the Environment, 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 the applicant wishes to exercise his right of appeal referred to in Note 1 the appropriate form on which the notice of appeal should be submitted may be obtained from the Secretary of State for the Department of the Environment, The Planning Inspectorate (PLUP 2), Tollgate House, Houlton Street, Bristol. BS2 9DJ