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Application no: SMD/2014/0723

Determined on: 20/01/2015

**Town and Country Planning Act 1990  
Town and Country Planning (Development Management Procedure)(England) Order 2010**

**REFUSAL OF PLANNING PERMISSION**

**Location of Development:**

Land To North East Of Light Oaks Avenue, Bagnall Road, Bagnall, Staffordshire

**Description of Development:**

(i) The change of use of land from a forestry use to a mixed use which would allow for the importing and storage of timber not produced at the site. The imported timber would be cut, split and mixed with timber grown at the adjoining site and sold as part of a firewood and log sales business.

(ii) The proposed erection of a building (retention of the existing) and the erection of 2 enclosures which would be used in connection with the firewood and log sales business.

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: AE01, AE02, AE03, plans and elevations of existing storage building, plans and elevations of existing enclosure, plans and elevations of enclosure 1, plans and elevations of enclosure 2 for the reason(s) specified below:-

1. The firewood and log sales operation at the site, involving the processing of imported timber, does not fall under the criteria of development that can be exceptionally allowed in the Green Belt listed under paragraph 89 of the National Planning Policy Framework (NPPF) and therefore the proposal is deemed to be inappropriate development in the Green Belt which by definition, in paragraph 87, is harmful to the Green Belt and should not be approved except in very special circumstances. The Council considers that no very special circumstances have been adequately demonstrated in the application that could be considered to outweigh the harm to the Green Belt or outweigh the operation of Green Belt policy. Furthermore, the site is located in an area defined as being in an "Other Rural Area"

in the Council's Core Strategy Development Plan Document (adopted March 2014) and policies SS6c 'Other Rural Areas Area Strategy' and E1 'New Employment Development' seek to locate new employment/industrial uses in existing employment areas and not rural open 'greenfield' sites with no previous employment use.

2. The two proposed timber storage buildings together with the existing building on site being used to store imported timber would cumulatively, due to their siting in the open field, close siting in relation to each other and their maximum height would be harmful to the open and rural character and appearance of the 'Ancient Slope and Valley Farmlands' Landscape Character Area as defined in the Core Strategy and therefore the buildings would not comply with policies DC1 'Design Considerations', DC3 'Landscape and Settlement Setting' or R1 'Rural Diversification' of the Core Strategy.

3. The current operations on site relating to the process/manufacture of firewood and logs from imported timber is causing significant noise and disturbance which is harming the residential amenities of the occupants of residential properties at Light Oaks Avenue and there are no details in the application of how the noise and disturbance can be controlled and/or mitigated. The business operations on site therefore do not comply with policy SD4 'Pollution and Flood Risk' or R1 'Rural Diversification' of the Core Strategy.

### **Informative**

1. 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.

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**Signed 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. All other types of development have a 6 month deadline for submission of appeals. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs). The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him 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. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.
3. 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.