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Application no: SMD/2014/0237

Determined on: 28/01/2015

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

REFUSAL OF PLANNING PERMISSION

Location of Development:

LAND AT BARNSWOOD FARM MACCLESFIELD ROAD RYCROFT GATE RUSHTON
SPENCER STAFFORDSHIRE SK11 0RA

Description of Development:

ERECTION OF 3NO. HOLIDAY CHALETs

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: 030811CP-02, 2014 M04 01, 14/M04 for the reason(s) specified below:-

1. The site is located in the Green Belt where development is only allowed under exceptional circumstances. The proposed development comprises inappropriate development and under Green Belt policy as described in the National Planning Policy Framework may only be permitted if the application can clearly demonstrate that there are 'very special circumstances' that are sufficient to outweigh the harm that would be caused by reason of inappropriateness and additionally, in this case, harm to openness and visual amenity. The 'very special circumstances' that have been put forward by the applicant to justify the development being a small contribution to the local economy is considered to be weak and could be rehearsed many times over in the district. Furthermore, there is no proven case for a demand or need for the proposed self-catering accommodation in general. It is concluded therefore that the proposal is contrary to the policy advice contained in the NPPF on Green Belt policy, the requirements of Policies SS6c of the Staffordshire Moorlands Local Development Framework Core Strategy and The Churnet Valley Masterplan.

2. The application site for the three log cabins is at the bottom of a valley close to the bank of Rudyard Reservoir which despite the presence of field hedgerows is relatively exposed to views from the public domain both locally from nearby land, a public right of way that passes alongside the site and from more distant viewpoints. The landscape at this point has upland characteristics characterised by rolling hills dissected by wooded small scale valleys, low intensity pastoral farming with blocks of woodland particularly around Rudyard Reservoir edge and extensive views from higher ground and roads free from vegetation. To that degree the landscape is relatively undisturbed and thus is more sensitive to change and the introduction of new buildings. It is considered that the proposed log cabins would be of place in this environment and that they would damage and not maintain or enhance the landscape. The proposed development is accordingly not considered to be sustainable in both design and landscape harm terms. Although there are policies that seek to enhance the provision of sustainable tourist facilities it is not considered that the proposed development is acceptable in this location as landscape protection is paramount. The application is accordingly contrary to Sections 3 and 11 of the National Planning Policy Framework and Policies SS6c, SS7, DC1 and DC3 of the Staffordshire Moorlands Local Development Framework Core Strategy.

3. The application site is accessed via a track along the eastern side of Rudyard Reservoir off Reacliffe Road to the north of the reservoir. The proposed development would result in an increased number of vehicles using an access that is a privately owned path which forms part of the Leek to Rushton Spencer Greenway which would adversely affect the safe unencumbered movement of pedestrians and as a consequence would increase the likelihood of pedestrian/vehicle conflict resulting in increased highway danger. The access track is a privately owned track which may be closed temporarily or permanently at any time. The applicant has provided no evidence that they have a right of access which outweighs the track owners rights to close it. Neither is there any evidence to suggest why they might have vehicular access along a former railway track which has never had vehicular use. This is a pedestrian path and is not intended for regular vehicular access for commercial means and any planning approval could not be implemented without approval of the landowner. It is concluded therefore that the proposal is contrary to the policy advice contained in the NPPF and the requirements of Policies SS1, SS1a, SS6c, SS7, SD1, SD2, DC1, R1, T1 and T2 of the Staffordshire Moorlands Local Development Framework Core Strategy.

Signed on behalf of Staffordshire Moorlands District Council

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.

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/pes. 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.