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Application no: SMD/2015/0411

Determined on: 05/08/2015

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

REFUSAL OF PLANNING PERMISSION

Location of Development:

2 Breach Road Brown Edge Staffordshire ST6 8QG

Description of Development:

Outline planning permission with some matters reserved (except access, layout and scale) for two storey dwelling and garage with parking spaces and associated works (resubmission of SMD/2014/0788)

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: Location plan, Proposed plans/site plan and section for the reason(s) specified below:-

1. The proposed development, by reason of its location, prominence, scale and siting, compromise the openness of the frontage to Breach Road to the significant detriment of the character and appearance of the site and its immediate surroundings. Moreover, the proposed dwelling would result in the over-development of a restricted site that would be lacking in satisfactory private amenity space that would be overlooked from the street and nearby dwellings, and would have an adverse impact on the outlook from the principal elevations of the existing dwellings in Breach Road to the detriment of their reasonable enjoyment. The application is accordingly contrary to the provisions of Policies DC1 and H1 of the Staffordshire Moorlands Core Strategy Development Plan Document in so far as they relate to site-specific design considerations, the requirements contained in saved Appendix 3 to the 1998 Staffordshire Moorlands Local Plan on amenity space standards for dwellings, and the provisions of the NPPF relating to the need for sustainable design.

Informatives

1. It is considered that the proposals are unsustainable and do not conform with the provisions of the NPPF. The applicant was advised accordingly on the occasion of the previous similar proposal and that it was considered that it would not be possible to overcome the Council's objections. This has proved to be the case so therefore the applicant has not been invited to amend the scheme in any way.

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. 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.