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*moorlands*
DISTRICT COUNCIL

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Application no: SMD/2016/0259

Determined on: 12th July 2016

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

# REFUSAL OF OUTLINE PLANNING PERMISSION

**Location of Development:**
5 DRAYCOTT OLD ROAD FORSBROOK STAFFORDSHIRE ST11 9AL

**Description of Development:**
Outline planning application with all matters reserved except access for a single residential dwelling with detached garage.

In pursuance of their powers under the above mentioned Act, Staffordshire Moorlands District Council, **HEREBY REFUSE PERMISSION** for the development described in the above application, in accordance with plans ref: 00526-AL(0)01A for the reason(s) specified below:-

1.The proposal would result in the loss of off road parking provision for No 5 Draycott Old Road and no alternative provision is put forward. As such the proposal would be contrary to the interests of highway safety and contrary to the interests of the the efficient use of the highway, thus conflicting with Policy DC1 of the adopted Staffordshire Moorlands Core Strategy DPD and national policy in the National Planning Policy Framework.

2.The site is small in size, awkward in shape and dominanted by trees, some of which are large and mature and which collectively contribute significantly to the amenity of the area. These constraints lead to the judgement that the development of this site with a single dwelling could not take place without the loss of signficant trees and without adverse impact on significant trees. Furthermore the unacceptable proximity/relationship with significant trees would lead to a poor quality living environment for future occupiers of the proposed dwelling and likely pressure for further tree loss. In addition there is no assessment of the ecological value of the trees. For these reasons the proposal conflicts with Policies SS6a, DC1, DC3 and NE1 of the Staffordshire Moorlands Core Strategy DPD and national policy in the National Planning Policy Framework.

3. Overall having regard to pragraph 14 and 49 of the National Planning Policy Framework

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the harm identifed above is considered to be significant and demonstrably and in this case outweighs the benefit of delivering a single dwelling contrary to Policies SS6a, DC1, DC3 and NE1 of the Adopted Core Strategy Development Plan Document and National Planning Policy Framework (NPPF).

**Informatives**
The principle of this development is unsustainable and does 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.

**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

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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.