STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Miss Natalie Hewitt
Hewitt & Carr Architects
2 - 4 Cross Street
Cheadle
Staffordshire
ST10 1NP

Mr Alcock
22 South Cocknage Farm Cocknage Road
Nr Longton
Staffordshire
ST3 4AF

Application no: SMD/2016/0200

Determined on: 03/11/2016

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

REFUSAL OF OUTLINE PLANNING PERMISSION

Location of Development:
Land Off Tenford Lane TENFORD LANE TEAN STAFFORDSHIRE

Description of Development:
Outline planning application for residential development of up to 49 houses with all matters reserved except for access.

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: 00438-DAS-01, 00438-AL(0)01, 00438-AL(0)03A, 00438-AL(0)05 for the reason(s) specified below:-

1. Paragraph 123 of the NPPF (National Planing Policy Framework) states that amongst other things, planning policies and decisions should aim to 'avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development' and 'recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established. There are significant concerns that the scheme for up to 49 dwellings would lead to adverse noise impacts to future occupiers of the scheme from the adjoining large scale kennels immediately to the west of the site. Whilst allowing a sensitive land use adjacent to a known noisy use may lead to the closure of this valued facility, which accommodates rescue and stray dogs from the area. These issues would clearly lead to a conflict with Policies SS1 and SD4 of the Adopted Core Strategy Development Plan Document and the National Planning Policy Framework (NPPF).

2. Overall, the benefits of the residential scheme when considered together would not be sufficient in this case to significantly and demonstrably outweigh the harm identified above

contrary to Policies SS1, SS1a and SD4 of the Adopted Core Strategy Development Plan Document and the National Planning Policy Framework (NPPF).

Informatives

1.The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Despite advice it has not been possible to achieve s solution which addresses the environmental, social and economic harm outlined above.

2. Although, in the absence of any objection from the Highway Authority, it was not considered to be form a sustainable reason for refusal, the Local Planning Authority has major concerns regarding the highway safety implications of the proposed access arrangements and some minor concerns about the sustainability of the site relative to local facilities which would render it heavily car dependent.

X B.J. Haywood

Signed by: Haywood, Ben

On behalf of Staffordshire Moorlands District Council

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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.

3. If this is a decision to refuse planning permission for a minor commercial 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.

4. If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

5. If you want to appeal against your local planning authority's decision for any other type of development, including listed building consents then you must do so within 6 months of the date of this notice Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://acp.planninginspectorate.gov.uk

6. The Secretary of State can allow a longer period for giving notice of an appeal, but 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 the Secretary of State 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.

7. 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.
8.