STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Nigel Forrester
Building Design Services
Ilett House
Smithy Bank
Alton
Staffordshire Moorlands
ST10 4AD

Ms M L Davenport and Ms E J Shepherd
1 Garden Village
Upper Tean
Stafordshire Moorlands
ST10 4JG

Application no: SMD/2016/0741

Determined on: 27/02/2017

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
1 Garden Village, Upper Tean, Staffordshire Moorlands ST10 4JG

Description of Development:
Proposed bungalow in the garden of the existing house and the provision of a new vehicular access to serve the existing property

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: 16/506/01; 16/506/02; 16/506/03; 16/506/04; 16/506/05 and 16/506/06 for the reason(s) specified below:

1) The proposed dwelling is over large in the form and position adopted and the proposed site layout results in an unduly compromised division of amenity space between the proposed and existing houses which would lead to unsatisfactory amenity in the positioning of the available garden space for both properties contrary to policies SS6a and DC1 of the adopted Staffordshire Moorlands Core Strategy and paragraph 17 and section 7 of the NPPF.

2) The close proximity of the new build development at right angles to the rear facing elevation of the extant property at 1 Garden Village conflicts with the Council's adopted Supplementary Planning Guidance for Space About Dwellings guidelines that no development to the side of a property should extend out beyond a line drawn at 45 degrees in the horizontal plane from the mid point of any neighbouring principal window as arises here in relation to the ground floor rear sitting room window of 1 Garden Village. The proposal is therefore contrary to policies SS6a and DC1 of the adopted Staffordshire Moorlands Core Strategy and the NPPF paragraph 17 and section 7.

3) The relationship of the new development to Garden Village and Draycott Road in the open and prominent public views from the North West fails to add value to the local area or contribute to local distinctiveness or promote a sense of place and is therefore contrary to policy DC1 of the adopted Staffordshire Moorlands Core Strategy and the NPPF paragraph 17 and section 7.

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.

X B.J. Haywood

Signed by: Ben Haywood

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.