STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
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Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr A Bailey
Plot 1
Stanley Bank
Stanley
Stoke On Trent
Staffs
ST9 9LT

Mr Harrison
Broadoak Propeties
Broadoak Estate
Green Head
Kingsley
Staffordshire
ST10 2EL

Application no: SMD/2017/0142

Determined on: 16/06/2017

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
Grove Garage Kingsley Road Cellarhead Staffordshire ST9 0DJ

Description of Development:
Proposed erection of a dwelling.

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: 1422-P53, Location Plan for the reason(s) specified below:-

1. Section 9 of the National Planning Policy Framework (NPPF) in paras 89 and 90 lists the forms of development in the Green Belt which are not inappropriate in the Green Belt and this includes 'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.' The proposed dwelling is on previously-developed land but by virtue of its height in relation to the height of the previous buildings on the site, is considered to have a greater impact on the openness of the Green Belt and therefore constitues inappropriate development in the Green Belt which is by definition harmful to the Green Belt and harmful to openness. Such development should only be allowed where there are very special circumstances considered to outweigh the harm to the Green Belt. However, the Council does not consider that such very special circumstances exist. The proposal also does not comply with policies SS6c 'Other Rural Areas Area Strategy' requiring strict control to be exercised over inappropriate development within the Green Belt.

2. The proposed dwelling, by virtue of its form and height, would be out of keeping with the

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character and appearance of the immediate surrounding rural area comprising open land and sporadic buildings which do not exceed two storeys in height. Furthermore the proposed height would significantly exceed the heights of the former buildings on the site which is out of keeping with the rural and open nature of the area. The application would therefore not comply with policies DC1 'Design Considerations' or DC3 'Landscape and Settlement Settings' of the Council's Core Strategy Development Plan Document (adopted March 2014) and is not in line with Section 7 (Requiring Good Design) of the NPPF.

Informative

1. Prior to the determination of the application the Council advised the applicant that the principle of such development is unsustainable and did 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.

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.

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