STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Adam Gregory
Forefront Development Consulting
9 Britannia Park
North Road
Stoke-on-Trent
Staffordshire
ST6 2PZ

Mr Peck
Cloudside House
Cloudside
Congleton
CW12 3QQ

Application no: SMD/2017/0258

Determined on: 11/07/2017

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
Cloudside House Cloudside Congleton Staffordshire CW12 3QQ

Description of Development:
Outline planning permission with all matters reserved (except access and layout) for 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:
17-106-01
17-106-02
17-106-03
17-106-04 for the reason(s) specified below:-

1. The application site is located in an isolated area of the open countryside outside of the development boundaries of the villages and towns in the District and is also within the Green Belt. Policies SS6c 'Other Rural Areas Strategy' and R2 'Rural Housing' of the Staffordshire Moorlands Core Strategy Development Plan Document (adopted March 2014) do not allow open market dwellings in the open countryside, only allowing new affordable or local needs housing in appropriate locations and the proposal is therefore contrary to those policies. Policy SS6c also also requires strict control over inappropriate development in the Green Belt. The proposed dwelling does not fall under the criteria of development allowed in the Green Belt listed under paras 89 and 90 of the government planning guidance contained in National Planning Policy Framework (NPPF) and is therefore deemed to be inappropriate development in the Green Belt which by definition is harmful to the openness of the Green Belt and should not be allowed unless there are very special circumstances considered to outweigh the operation of Green Belt policy and the harm to the Green Belt. The Council

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

considers the benefits of the proposal in providing a dwelling in a District where no five year housing land supply can be demonstrated do not amount to very special circumstances and in any case does not make a significant contribution to the housing stock. Furthermore the application site is in an isolated and unsustainable rural location and the creation of a dwelling here would lead to a strong reliance on private transport to reach employment, shops and services leading to an increase in emissions to the detriment of the wider environment and therefore the proposal is contrary to the overall environmental aims of the NPPF and in particular Section 6 of the NPPF which resists new dwellings in isolated areas and Section 10, which aims to reduce emissions and mitigate climate change, as well as Section 9 relating to the protection of the Green Belt.

2. The proposed development would be harmful to the rural and open character and appearance of the surrounding area within an 'Ancient Slope and Valley Farmlands' landscape character area (as defined in the Council's Landscape and Settlement Character Assessment 2008). Although there are other dwellings on Red Lane, development is sporadic and there are significant gaps between dwellings. The proposal would occupy a gap between dwellings and further new housing in this location would compromise the rural character and nature of the area. Furthermore, the need to improve visibility at the access to the development would lead to the significant removal of road-side hedgerows which contribute positively to the rural character and appearance of the area and the country lane and this would harm the visual amenities of the area. The proposal would therefore not comply with policies DC1 'Design Considerations' or DC3 'Landscape and Settlement Setting' of the Core Strategy and would not in line with Section 7 'Requiring Good Design' of the NPPF.

3. Insufficient information has been provided to show that the layout of development fully respects the trees within and adjacent to the application site. In particular, the details of the construction of the access are insufficient to show that a Pine tree (marked T1 in the plans) would not be harmed. Furthermore, the siting of the dwelling is close to another Pine Tree (marked T4 in the plans) within a neighbouring property. The Council considers there is scope to re-position the dwelling away from the tree without harming other trees worth retaining/protecting and this is also advised in the Tree Report accompanying the application but not shown in the application drawings. The application is therefore contrary to Policy DC1 which requires development to, amongst other things, be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, density, layout, siting, landscaping, character and appearance. It is also therefore not line with Section 7 of the NPPF.

4. The vehicular access is substandard for the purposes of accommodating a dwelling without harming the level of highway safety on Red Lane. Significant works are required to the access to make it sufficiently safe for use by vehicles in connection with the proposed dwelling and the likely intensification of use. However, there are no details of such works in the application. There is therefore insufficient information given to show that highway safety would not be harmed by the proposed development. The application would therefore not comply with Policy DC1 of the Core Strategy, which requires development to, amongst other things, provide a safe and satisfactory access.

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Informative

1. It is considered that the proposals are unsustainable and do not conform with the provisions of the NPPF. Such matters have not been discussed with the applicant with a view to seeking solutions because the proposed development is not considered to be acceptable in principle and hence it would not be possible to amend the application to make it acceptable.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

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.

STAFFORDSHIRE
moorlands
DISTRICT COUNCIL

ACHIEVING • EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive