STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Sammons Architectural
10 Cawdry Buildings
Fountain Street
Leek
Staffordshire Moorlands
ST13 6JP

C/o Agent

Application no: SMD/2016/0814

Determined on: 18/07/2017

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
Land And Garages To The Rear Of The Foxlowe, Stockwell Street, Leek, Staffordshire.

Description of Development:
Erection of 4no. bungalows following demolition of existing garage court

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: 2016-2194-04 Rev F; 2016-2194-06 Rev B and 2016-2194-10; for the reason(s) specified below:-

1. The proposed development due to its scale and layout would result in an unacceptable form of development which fails to add to the overall quality of the area, respond to local character or adequately address the constraints of the site. In this respect the application is contrary to Core Strategy policies SS1, SS1a, H1, DC1 and DC2 and the National Planning Policy Framework including chapters 7 and 12.

2. The proposed development due to its design and layout, within close proximity to the existing southern boundary, in particular the embankment and retaining walls, would have a significant detrimental and harmful impact upon the residential amenity of potential future occupants by virtue of providing a poor quality outlook, being overbearing, causing overshadowing and overall oppressive feature. The application is considered to be contrary to Supplementary Planning Guidance 'Space About Dwellings', policy DC1 of the Core Strategy and the National Planning Policy Framework including chapters 6 and 7.

3. The combination of the tree locations, size of their crowns and the positioning of the dwellings would result in a very heavily shaded and restricted outlook in which the protected trees would be significantly dominant and over-bearing. The impact of the trees would create

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a poor quality living environment for potential future occupants both internally and externally where the trees would overhang the dwellings and garden areas and which would highly likely cause ongoing pressure for the felling, substantial reduction in height and/or reduction in crown spread to the detriment of the trees. In this respect the application is contrary to Core Strategy policies DC1 and NE1 and the National Planning Policy Framework including chapters 7 and 11.

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.