STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
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ST13 7HT

Application no: SMD/2016/0580

Determined on: 27/07/2017

**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 to the West of 10 Cheadle Road, Cheddleton, Staffordshire. ST13 7HL

**Description of Development:**
Outline planning application with all matters reserved except for access and layout for the delivery of residential development comprising of three dwellings (resubmission of SMD/2016/0421)

In pursuance of their powers under the above mentioned Act, Staffordshire Moorlands District Council, **HEREBY REFUSE**S **PERMISSION** for the development described in the above application, in accordance with plans ref: Drawing Number 0255-01/01b; Drawing Number 0255-01/02b. for the reason(s) specified below:-

1. The proposal for the development of this site for residential purposes is considered to constitute inappropriate development in the Green Belt which would be detrimental to its character and openness whilst conflicting with the purposes of including land within it. No very special circumstances have been satisfactorily demonstrated to clearly outweigh the harm caused by reason of inappropriateness and any other harm. The proposal is contrary to policies SS1a, SS6c, R1 and R2 of the Core Strategy Development Plan Document (2014) as well as the National Planning Policy Framework including Chapter 9 'Protecting Green Belt Land'.

2. The development of residential properties in such a prominent, raised location, will change the character of the area completely, resulting in unnecessary, incongruous and visually intrusive urban features being introduced into a rural scene, the result of which will be the change, eroding and loss of the current open, rural character of the canal side to the detriment of the character and appearance of the Conservation Area (of which the site forms a part) and the setting of surrounding Listed Buildings, including the Flint Mill complex as well

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as the canal corridor. The application is therefore contrary to policies DC1, DC2, DC3 and R1 of the Core Strategy Development Plan Document (2014) and The National Planning Policy Framework including Chapters 7 'Requiring Good Design' and 12 'Conserving and Enhancing the Historic Environment.'

3. The proposed development fails to make adequate provision for the turning of vehicles within the site curtilage resulting in an increase in the likelihood of highway danger due to drivers having to manoeuvre into the A520 Cheadle Road. Furthermore the access road in front of the proposed dwellings is substandard in that it is of inadequate width to allow manoeuvring out of the driveways or for vehicles to pass. The application is therefore contrary to policies DC1 and T1 of the Core Strategy Development Plan Document (2014) and the National Planning Policy Framework including Chapter 4 'Promoting Sustainable Transport' and Chapter 7 'Requiring Good Design.

4. The lack of finished land levels details and the contradictory (scale) information on submitted drawing number 0255-01/02b results in it not being possible to assess whether the intended outdoor amenity space would be large enough or useable due to steepness of the site. Furthermore in the absence of levels details it is not possible to assess the potential amenity impact of the development upon neighbouring dwellings, including overbearing development or potential impact upon their outdoor amenity spaces, particularly number 10 Cheadle Road. The application is therefore contrary to policy DC1 of the Core Strategy Development Plan Document (2014), Supplementary Planning Guidance 'Space About Dwellings' and the National Planning Policy Framework including Chapter 7 'Requiring Good Design.'

5. The combination of the tree locations, size of their crowns and the positioning of the proposed dwellings would result in a shaded and restricted outlook in which the trees would be significantly dominant and over-bearing. The impact of the trees would create 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 be highly likely to cause ongoing pressure for the felling, substantial reduction in height and/or reduction in crown spread to the detriment of the trees and the appearance and amenity of the Conservation Area of which the site forms an important and visually prominent part. In this respect the application is contrary to policies DC1, DC2, DC3 and NE1 of the Core Strategy Development Plan Document (2014) and the National Planning Policy Framework including chapters 7 'Requiring Good Design,' 11 'Conserving and Enhancing the Natural Environment' and 12 'Conserving and Enhancing the Historic Environment'.

6. Insufficient up-to-date information has been submitted to properly assess the biodiversity impact that the proposed development would have upon the site. It has not been demonstrated that the level of proposed development on this site could be accommodated whilst being able to provide for a comprehensive biodiversity compensation and mitigation scheme in respect of potential habitat loss and impact on habitats and species. The application is therefore contrary to policies SS6c, SS7, R1 and NE1 of the Core Strategy Development Plan Document (2014) and the National Planning Policy Framework including chapter 11 'Conserving and Enhancing the Natural Environment'.

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7. The National Planning Policy Framework requires that all development should be appropriate for its location in terms of preventing unacceptable risks from land instability and pollution. No information has been submitted to demonstrate that the site is suitable for development from a land stability perspective. There are no finished land levels details, details concerning excavation or infilling, details about drainage, the disposal of foul sewage or how the spring within the site is to be dealt with, all of which have the potential to impact upon land stability (and in this case the structural integrity of the canal itself), as well as potentially raising pollution matters and impacting upon the wider appearance of the Conservation Area and setting of surrounding Listed Buildings. The application is therefore contrary to policies SS6c, SS7, SD4, DC1, DC2, DC3 and R1 of the Core Strategy Development Plan Document (2014) and the National Planning Policy Framework including chapters 11 'Conserving and Enhancing the Natural Environment' and 12 'Conserving and Enhancing the Historic Environment.'

**Informative**

1. The application proposes an unsustainable form of development and does not conform with the provisions of the National Planning Policy Framework. It is considered that the applicant(s) is unable to overcome such concerns and thus no amendment to the application were sought.

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.