STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

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Application no: SMD/2017/0338

Determined on: 04/08/2017

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
24a Leek Road Stockton Brook Staffordshire ST9 9NN

Description of Development:
New single storey dwelling to replace existing timber structure

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: 1701 15 01,
1701 15 02 for the reason(s) specified below:-

1. 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. The Council considers that there are no Very Special Circumstnaces in this case to outweigh the operation of Green Belt policy and the harm to the Green Belt.

2. The applicant has failed to demonstrate that the layout of development fully respects two trees with Tree Preservation Orders (TPOs) located adjacent to the south boundary of the application site and that it complies with Policy DC1 of the Council's Core Strategy 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.

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3. There is potential for the use of the existing building by bats, a protected species, for the purpose of roosting. The proposal would result in the demolition of the building. The applicant has failed to demonstrate that the site is not in use by bats or to identify what mitigation measures must be put in place. It is therefore considered the proposal does not take into account the conservation and enhancement of the ecological value of the site and therefore does not comply with Policy NE1 'Biodiversity and Geological Resources' of the Council's Core Strategy and is not in line with Section 11 'Conserving and Enhancing the Natural Environment' of the NPPF.

4. The vehicular access is substandard for the purposes of accommodating the predicted increase in vehicular movements caused by the provision of an additional dwelling without harming the level of highway safety on Leek Road (A53 classified road). 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. The applicant has therefore failed to demonstrate that highway safety would not be harmed by the proposed development or that the proposal would comply with Policy DC1 of the Core Strategy, which requires development to, amongst other things, provide a safe and satisfactory access.

5. Due to the limited size of the site and the size of the dwelling proposed, the proposed dwelling would not have a private amenity area/private garden thereby affecting the living conditions of the future occupants and resulting in harm to the residential amenity. It would therefore not comply with Policy DC1 'Design Considerations' of the Council's Core Strategy Development Plan Document (adopted March 2014) and would not be in line with government planning guidance contained in Section 7 'Requiring Good Design' of the National Planning Policy Framework (NPPF). It would also be contrary to the Council's 'Space About Dwelling' Supplementary Planning Guidance (SPG).

6. The occupants of a proposed dwelling on the application site are likely to be affected by the potential of noise and disturbance from an adjacent public house and restaurant and associated outdoor seating area. The application does not include a noise assessment report to demonstrate that there would be no harm to the residential amenities of the future occupants of the site as a result. The proposal would therefore not comply with Policy DC1 'Design Considerations' of the Council's Core Strategy Development Plan Document (adopted March 2014) and would not be in line with government planning guidance contained in Section 7 'Requiring Good Design' of the National Planning Policy Framework (NPPF).

7. There are inaccuracies and inconsistencies in the application drawings in terms of the proposed size of footprint of the dwelling shown in the layout and elevation drawings in relation to the details of the siting and orientation of the dwelling given in the block plan. It appears the application site, by virtue of its size, would not be capable of accommodating a dwelling with the dimensions shown on the layout and elevation drawings. Accordingly the proposal fails to comply with Policy DC1 'Design Considerations' of the Council's Core Strategy Development Plan Document (adopted March 2014) and would not be in line with government planning guidance contained in Section 7 'Requiring Good Design' of the

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National Planning Policy Framework (NPPF). It would also be contrary to the Council's 'Space About Dwelling' Supplementary Planning Guidance (SPG).

8. The marginal social and economic benefits of the proposal in providing a dwelling in a sustainable location in a District with no five year housing land supply demonstrated, are outweighed by the environmental harms identified and the adverse impacts described in the other reasons for refusal and therefore the proposal does not comply with all parts of the NPPF and runs contrary with the key environmental, social and economic aims of the NPPF, as outlined in paragraph 14 of the NPPF.

Informative

1. No pre-application planning advice from the Council was sought by the applicant. 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

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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.