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

Mr Patrick Redmond
CTD Architects
Clerk Bank House
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Leek
Staffordshire
ST13 5HE

A J Beaman Construction Ltd
41A Radford Street
Stone
ST15 8DA

Application no: SMD/2017/0587

Determined on: 07/12/2017

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
Land Off TONGUE LANE BROWN EDGE STAFFORDSHIRE

Description of Development:
Develop former garage/workshop into two 5 No. bedroom dwellings.

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:
AL01,
AL02,
AL03,
AL04 B,
AL05,
AL06,
AL07
AL08,
AL09 for the reason(s) specified below:-

1. The site is in the Green Belt and under Section 9 of the National Planning Policy Framework (NPPF), new dwellings are considered to be inappropriate development unless they fall within one for a number of categories of development. The proposal does not fall within any of those categories and is therefore inappropriate development in the Green Belt and, harmful to its openness and should not be allowed unless very special circumstances, considered to outweigh the harm, have been demonstrated. The Council considers that no very special circumstances exist. The proposal is therefore contrary to policies SS6c 'Other Rural Areas Strategy' and R2 'Rural Housing' of the Council's adopted Core Strategy Development Plan Document and is contrary to Sections 9 'Protecting the Green Belt' of the NPPF.

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2. The application site is not considered to be in a sustainable location as it is in an area with no nearby shops or public services (including public transport) or shops or public services easily and safely accessible via walking and cycling. The proposal is therefore contrary to Section 10 'Meeting the challenge of climate change…' of the NPPF.

3. The proposed dwelling on the east part of the site, by virtue of the size and length of the east flank wall and first-floor front bedroom window positioning would significantly harm the residential amenities of the neighbouring residential property to the east, Chapel House, by way of overdominance and loss of privacy. The proposal would therefore not comply with Policy DC1 'Design Considerations' of the Core Strategy or Section 7 'Requiring Good Design' of the NPPF.

4. Policy DC1 of the Core Strategy requires development to be designed to respect the character and appearance of the site. The proposed dwellings would be sited close to large trees close to the site boundaries which contribute positively to the character and appearance of the area. No tree survey report has been submitted with the application and therefore the full impact of the development on the trees cannot be determined. There is potential harm to the trees as a result of the development and such harm would be detrimental to the character and appearance of the area. The application therefore conflicts with Policy DC1.

5. The site is within a "High Risk" historical coal mining area. There is therefore potential for the proposed development to affect ground stability and therefore the wider environment. A Coal Risk Assessment has not been submitted with the application and therefore the impact on ground stability cannot be assessed. This therefore conflicts with Policy SD1 'Sustainable Use of Resources' of the Core Strategy.

6. The proposed development by virtue of it's form, elevational detailing and materials would not be of a high quality and add value to the local area, incorporating creativity, detailing and materials appropriate to the character of the area and would not be designed to respect the site and its surroundings and promote a positive sense of place and identity through its character and appearance. The proposal is therefore contrary to Policy DC1 of the Core Strategy and the provisions of the NPPF which require new development to promote local distinctiveness.

Informative

1. It is considered that the proposals are unsustainable and do 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.

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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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