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

Mr David Evans
DEP Architects
Brookwood Pipegate
Market Drayton
TF9 4HA

Mr Rhodes
Gutters Cottage
Eliases Lane
Biddulph Moor
ST8 7LG

Application no: SMD/2017/0644

Determined on: 08/12/2017

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
Gutters Cottage Eliases Lane Biddulph Moor Staffordshire ST8 7LG

Description of Development:
Replacement 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:
CR/GC/2016/1 A
CR/GC/2016/2 A,
CR/GC/2016/3 A,
CR/GC/2016/4 A,
CR/GC/2016/5 A for the reason(s) specified below:-

1. The site is in the Green Belt whereby replacement dwellings are considered not to be inappropriate development if they are not materially larger than the original dwelling. However, the proposed dwelling would have a footprint which is nearly three times larger than the original footprint and would also have a significantly greater height resulting in a building which is substantially larger than the existing dwelling to be replaced. The proposal therefore amounts to inappropriate development in the Green Belt which by definition is harmful to to the green belt. The proposal would result in harm to the openness of the green belt and in the absence of any very special circumstances being provided which may outweigh this harm the proposal is contrary to policy SS6c 'Other Rural Areas Strategy' of the Core Strategy 2014 and Section 9 - Protecting the Green Belt of the National Planning Policy Framework.

2. The proposed dwelling, by virtue of its height and design and in particularly the garden room structure with large expanses of glazing, would dominate the rear elevation and fail to harmonise with proposed dwelling as a whole. As such the dwelling would be harmful to the

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traditional and rural character and appearance of the surrounding area and would fail to comply with Policy DC1 – Design Considerations of the Core Strategy 2014 and Section 7 of the National Planning Policy Framework.

3. The proposed dwelling would be sited close to several significant trees within the site which are considered to contribute positively to the character and appearance of the area. In the absence of a tree survey report, it has not been possible to assess the full impact of the development on the trees. As such the development fails to comply with contrary Policy DC1 of the Core Strategy 2014.

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 in principle concerns and thus no amendments to the application were requested.

X

Signed by: Jane Colley

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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