STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Stephen Cooper
The Winter Partnership
24Rottingdean Place Falmer Road
Brighton
BN2 7FS

W G Tankers
Ashbourne Road
Winkhill
ST13 7PP

Application no: SMD/2017/0506

Determined on: 18th January 2018

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
Winkhill Garage Ashbourne Road Winkhill Staffordshire ST13 7PP

Description of Development:
Removal of condition 12 (Site operation times) of 08/01675/FUL_MJ

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: TWP WH07-002F Site Plan for the reason(s) specified below:-

The request to allow 24 hour operation every day on this site would significantly impact on the noise environment of the area and cause adverse sleep impacts to neighbouring residents. The night time environment of the area would change significantly and compromise the rural nature of the village. The opinion of the applicant that pre-existing noise levels would mask proposed noise impacts and that night time operations would have a negligible impact on the area is not accepted. For these reasons the removal of Condition 12 which would enable 24 hour operations would conflict with Policy SD4 of the Staffordshire Moorlands Core Strategy DPD which seeks to ensure that unacceptable amenity impacts from noise pollution are avoided by refusing polluting schemes adjacent to pollution sensitive areas. Although the applicant advances an economic argument, no evidence or analysis is put forward to justify the statements made. The National Planning Policy Framework states that economic, social and environmental gains from development should be sought jointly. It seeks to protect amenity and avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of development. The proposal would give rise to environmental and social harm which in this case is considered to be overriding. As such the proposal is not in accordance with the Development Plan and would not deliver sustainable development.

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Informatives

Prior to the determination of the application the Council advised the applicant that the principle of such development is unsustainable and did 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.

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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