STAFFORDSHIRE
moorlands
DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Garry Harrison
Northern Structural Services Ltd
1 Prestbury Road
Macclesfield
Cheshire
SK10 1AU

Mrs Deborah Howell
19 Daisy Bank
Leek
Staffordshire Moorlands
ST13 5HA

Application no: SMD/2018/0005

Determined on: 25/04/2018

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
19 DAISY BANK LEEK STAFFORDSHIRE ST13 5HA

Description of Development:
Proposed retaining wall / driveway to provide off road parking for 2 cars

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: C12033-10,
C12033-11 for the reason(s) specified below:-

1) The overall scale, physical presence and visual impact of the scheme as a whole in the street scene would be an abrupt and highly engineered development brutal in its appearance and at odds with the host 1930s property and the street scene and causing the loss of the 'softening' garden frontage to this prominent elevated building all therefore contrary in terms of design to core strategy policies SS1, SS1a, SS5a and DC1 of the Staffordshire Moorlands Core Strategy and also to the NPPF in particular section 7 and paragraph 58.

2) The scale in depth of the excavation and resulting necessary retaining wall structures at close proximity to the neighbouring attached dwelling at 17 Daisy Bank are considered unduly intimidating and unsettling for the adjacent and potential future occupiers of this and the host dwelling and therefore harmful to residential amenity contrary to policy DC1 of the Staffordshire Moorlands Core Strategy and the NPPF.

3) The scheme proposals provide no information as to the ground conditions and implications for land stability contrary to guidance contained in the NPPF in particular at paragraphs 109, 120 and 121.

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Informative

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.

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.