STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
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Chief Executive

DEP Architects
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Woore
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CW3 9RT

Mr Sanders
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Newcastle Under Lyme
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Application no: SMD/2017/0829

Determined on: 15th November 2018

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
Vacant Land Adjacent To Railway Cottages CRESSWELL OLD LANE CRESSWELL STAFFORDSHIRE

Description of Development:
Construction of 8 new houses

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: TL/CW/2018/1, TL/CW/2018/2, TL/CW/2018/3, TL/CW/2018/4 and TL/CW/2018/7A for the reason(s) specified below:-

1.The application site lies within the hamlet of Cresswell and on land designated as open countryside. Cresswell is not even identified as a small village in the adopted Staffordshire Moorlands Core Strategy DPD owing to the lack of services and facilities available. It is not a location where new development is encouraged with the spatial strategy focusing most new development within the three main towns and larger villages of the District. Policy SS6c sets out the strategy for the rural areas of the District including the application site. It says that these areas will only provide for new housing development which meets an essential local need. Furthermore Policy SS1 (amongst other things) expects new development to provide easy access to jobs, shops and transport services and to contribute towards a reduction in carbon emissions. The majority of trips from the development would be car borne. As a result, the proposal would conflict with Policy SS6C of the Staffordshire Moorlands Core Strategy DPD which forms part of the spatial strategy for the District and underpins the Core Strategy and with Policy SS1 and the National Planning Policy Framework.

2. The site is located close to a number of noise sources including the railway, road and an industrial unit immediately to the east of plots 1-4. Notwithstanding the applicants submitted Noise Assessment(which does not address this existing industrial unit), it is considered these noise sources have the potential to significantly impact on future occupier's

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reasonable enjoyment of their properties and that the proposed mitigation including the acoustic fencing would not adequately mitigate this harm. For these reasons there is conflict with Policy SD4 of the Staffordshire Moorlands Core Strategy DPD which seeks to avoid unacceptable amenity impacts and the National Planning Policy Framework which says that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions.

3. The immediate area in which the site is situated has an open character and loose knit nature. The submitted Design and Access Statement does not explain the design rationale which has lead to the proposal for eight detached suburban style houses. Having regard to the context in which the site is experienced the judgement is that the proposal is neither appropriate for this rural location nor does it reflect local vernacular, perhaps with the exception of some elements of Type A. The siting of Units 1-4 is likely to lead to pressure for fencing along the road frontage to enclose and provide privacy and security to their rear gardens. Furthermore some of the dwellings have small private gardens for the size of the properties having regard to the Council's Space about dwelling standards. The inward facing frontage of plots 1-4 is very car dominant. There is also concern about the visual and physical relationship between plot 4 in particular and the existing industrial shed directly adjacent to it (occupied by Blythe Patterns Ltd) which also sits on higher land. This is a substantial building with little breathing space between it and plot 4. It is an unacceptable relationship. The acoustic fencing presents an unfortunate design solution in this rural location. It is not in keeping, would be visually prominent, randomly sited and adds to the harm to the character and appearance of the area. The proposal is not well designed nor does it reinforce local distinctiveness or promote a positive sense of place. It would not create a high quality place, not function well nor would it create an attractive, welcoming place to live. It fails to protect residential amenity in terms of outlook and provision of ameniy space. For these reaons there is conflict with Policy DC1 of the Staffordshire Moorlands Core Strategy DPD and the National Planning Policy Framework.

4. Insufficient information has been submitted to assess the potential impacts arising from the development on protected species in particular amphibians, bats, breeding birds, invertebrates and reptiles likely to be present given the habitats present on site. In the absence of this survey information there is conflict with Policy NE1 of the Staffordshire Moorlands Core Strategy DPD and the National Planning Policy Framework.

5. Insufficent information has been submitted to demonstrate that a safe and suitable access can be achieved. The submitted plans are unclear and there is no plan showing site conditions as existing. In the absence of this information it is not possible to determine if a safe and suitable access can be achieved and there is conflict with Policy DC1 of the Staffordshire Moorlands Core Strategy DPD and the National Planning Policy Framework.

6. Whilst it is acknowledged that the Council cannot demonstrate a 5 year supply of housing, in accordance with paragraph 11 of the National Planning Policy Framework, it is concluded that the adverse impacts of granting planning permission as detailed above in this case

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would significantly and demonstrably outweigh the benefit that the provision of 8 dwellings would bring when assessed against the polices in the Framework taken as a whole.

Informatives

The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Despite advice it has not been possible to negotiate a solution to overcome the environmental, social and economic harm identified above.

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