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Application no: SMD/2017/0434

Determined on: 22nd November 2018

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

REFUSAL OF OUTLINE PLANNING PERMISSION

Location of Development:

Land South Of Thorncliffe Road LEEK Staffordshire

Description of Development:

Outline planning application for residential development, including access, with all other matters reserved for future approval

In pursuance of their powers under the above mentioned Act, Staffordshire Moorlands District Council, **HEREBY REFUSE PERMISSION** for the development described in the above application, in accordance with plans ref: Location Plan, CAL030517 A and CAL030516 01 A for the reason(s) specified below:-

1. This is a greenfield site which lies outside the Development boundary of Leek as defined on the Saved Proposal Map. It consists of open pasture land. From the site there is no physical or visual connection with the built up area of Leek. It is very much part of an open landscape which contributes to the setting to the Peak District National Park (PDNP). The site is seen in the context of this large scale open landscape and a number of iconic visitor destinations within the PDNP, Ramshaw Rocks, Hen Cloud for example. For these reasons it displays physical attributes which make it a valued landscape. The application would fundamentally change the character and appearance of the site from its present rural/agricultural character to one of a substantial suburban residential development and this in turn would harm the surrounding landscape character. It would be notably incongruous and would undoubtedly have suburbanising effects and would clearly result in an expansion of Leek into a sensitive landscape on the fringe of the Peak District National Park resulting in harm to views from the Park, its setting and special qualities. It would be

viewed as an isolated and stand-alone development rather than being “well-related to the existing settlement of Leek” as suggested by the applicant. It would adversely harm the high quality character and appearance of the local and wider landscape. Reference in the application to the proposed positive management of existing trees/hedges and the introduction of new landscape planting and creation of public access to the site would not, it is considered mitigate the impact of the development which is considered to be significant and adverse. There is as such conflict with Policy DC3 of Staffordshire Moorlands Core Strategy DPD and the NPPF which seeks to preserve and enhance valued landscaped and attaches great weight to conserving and enhancing landscape and scenic beauty in National Parks.

2. Whilst it is acknowledged that the Council cannot demonstrate a 5 year supply of housing, and therefore policies which are most important for determining the application are out-of-date, the application of policies in the Framework relating to National Parks provide a clear reason for refusing the proposed development. Notwithstanding this it is considered that the benefits of the provision of housing, including the social and economic benefits are significantly and demonstrably outweighed by the environmental harm arising to a valued landscape and the landscape and scenic beauty of the National Park.

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

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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