STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Sammons Architectural
10 Cawdry Buildings Fountain Street
Leek
Staffordshire Moorlands
ST13 6JP

C/O Sammons Architectural Ltd

Application no: SMD/2018/0174

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 At Cheddleton Park Avenue Cheddleton Staffordshire

Description of Development:
Outline application with means of access for residential development of up to 8 dwellings

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: 2018-2296-01B, 2018-2296-02A, 2018-2296-03 for the reason(s) specified below:-

1. Although the application site is situated within the development boundary of Cheddleton, it is a greenfield site forming part of a larger field situated on ground which rises appreciably from the canal to north. Within the site there are further level changes. The site is open and prominent in the wider landscape and from the canal tow path and public footpath to the north, with undefined boundaries to the north, south and west. It is considered that up to eight dwellings could not be accommodated on the site without adverse impact on the character and appearance of the area as a result of existing levels, level changes necessary to accommodate development on the site and the site's elevated position. It would not be sympathetic to its surroundings but would be visually intrusive within the landscape. As such the proposal is contrary to Polices DC1 and DC3 of the Staffordshire Moorlands Core Strategy DPD and the NPPF.

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2. Insufficient information has been submitted to assess the potential impact of the development on protected species, particularly the Great Crested Newt. As such the proposal is contrary to Policy NE1 of the Staffordshire Moorlands Core Strategy DPD and the NPPF.

3. The site affects the setting of both the Cheddleton and Cauldon Canal Conservation Areas and the setting of Grange Farm (Grade II Listed) and the locks on the Cauldon Canal. No Heritage Assessment has been provided by the applicant to assess the impact of development on these designated heritage assets. The steeply undulating fields between Cheddleton Park Avenue and Cheadle Road provide an important open space reinforcing the rural setting of the historic village centre of Cheddleton and Grange Farm, separating them from recent suburban development. The extension of this existing development on Cheddleton Park Avenue into rising and undulating ground levels would represent a harsh, linear intrusion into an attractive open landscape. It would have a harmful impact on the open, rural setting of nearby designated heritage assets. This harm is judged to be less than substantial but is not outweighed by public benefits that the scheme would deliver in terms of economic benefits and the provision of housing in circumstances of a significant undersupply. For these reasons there is conflict with Policy DC2 and the NPPF

4. 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 Heritage assets provides a clear reason for refusing the proposed development. Notwithstanding this it is considered that the public benefits of the provision of housing, including the social and economic benefits are significantly and demonstrably outweighed by the harm arising to the character and appearance of the area, harm to designated heritage assets and potential adverse impact on protected species.

Informatives

It is considered that the proposals are unsustainable and do not conform with the provisions of the NPPF.

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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

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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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