STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr David Woodfine
Tarpey Woodfine Architects
10 King Street
Newcastle-under-Lyme
ST15 1EL

Mr Rushton
Briar Clough
Clay Lake
Stoke-on-Trent

Application no: SMD/2018/0455

Determined on: 23rd 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:
Briar Clough Clay Lake Endon Staffordshire ST9 9DE

Description of Development:
Proposed demolition of existing dwelling and construction of two new dwellings

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:

1042-100
1042-101a
1042-110e
1042-111c
1042 -112

for the reason(s) specified below:-

1. The proposed development of 2 No. dwellings within the application site is considered to be out of keeping with the street-scene and the character and appearance of the area. The street is characterised by relatively large properties in relatively large plots. Inserting 2 No. dwellings into the application site, which would readily accommodate 1 No. dwelling, would comprise over-development of the site. The impact would be harmful to the street-scene and consequently the character and appearance of the area. Therefore the proposal would not accord with Core Strategy policies DC1 and DC3, both of which, inter alia, seek to protect or enhance the character of the area. The identified enviornmental harm results in the proposal being an un-sustainable form of development which therefore does not accord with Core Strategy policy S1a or the concept of sustainability at the heart of the National Planning Policy Framework, which is a significant material consideration.

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Informatives

1. The LPA has worked with the applicant throughout the application process, securing revised plans to address concerns initially raised by the Officer. However, the Council's Planning Applications Committee resolved to refuse the application for the reason(s) outlined above. It is considered that the environmental harm identified could not be addressed via amendments, conditions or legal agreements. Although a sustainable form of development has not been secured para 38 of the NPPF has been adhered to.

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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