STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Bruce Johnson
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High Street
Upper Tean
Stoke-on-Trent
Staffordshire Moorlands
ST10 4DZ

Mr Finlayson
1 Cresswell Old Road
Stoke-on-Trent
Staffordshire Moorlands
ST11 9RF

Application no: SMD/2018/0649

Determined on: 18/12/2018

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
36 Sandon Road Cresswell Staffordshire ST11 9RB

Description of Development:
Outline application with all matters reserved for 1 new dwelling in replacement of the various garage structures on land adjacent to 36 Sandon road

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: LF04-SA-XX-XX-DR-A-0101 Rev A for the reason(s) specified below:-

1. The proposed residential development does not fall under the criteria of development that can be exceptionally allowed in the Green Belt listed under paragraph 145 of the National Planning Policy Framework (NPPF) and therefore the proposal is deemed to be inappropriate development in the Green Belt which by definition, in paragraph 143, is harmful to the Green Belt and should not be approved except in very special circumstances. The Council considers that no very special circumstances have been adequately demonstrated in the application that could be considered to outweigh the harm to the Green Belt or outweigh the operation of Green Belt policy.

2. As a result of its close proximity the proposed development would give rise to unacceptable adverse impacts on the amenities of the host dwelling and dwellings which neighbour the site in particular in terms of sense of privacy in the rear gardens of the extant properties and is thus found contrary to DC1 and the NPPF in particular section 12.

3. The proposed development fails to make adequate provision for the turning of vehicles within the site curtilage resulting in an increase in the likelihood of highway danger due to drivers having to manoeuvre into the C13 Sandon Road contrary to DC1 and the NPPF paragraph 108 and contrary to the interests of highway safety.

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4. The development of a single dwelling in this position would be out of character with its setting at the rear of the rear gardens of an otherwise singular character of development which is otherwise consistent in its structure and density and its relationship to the open rural countryside and the proposal is therefore contrary to SS6c, DC1, DC3 and R2.

Informatives

1. The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore it does not comprise sustainable development. The agent was advised that there were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraphs 38 of the National Planning Policy Framework.

X Rachael Simpkin

Signed by: rachael.simpkin

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.