STAFFORDSHIRE
moorlands
DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
*Chief Executive*

Mr Sanders
73a Newcastle Street
Newcastle under Lyne

Application no: SMD/2018/0539

Determined on: 29th January 2019

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

# REFUSAL OF PLANNING PERMISSION

**Location of Development:**
401 Cheadle Road, Cheddleton, Staffordshire, ST13 7BH

**Description of Development:**
Construction of a new and altered means of vehicular access to the A520 including the provision of a dropped kerb and footway crossing along the full 16metre width of the property frontage and operations to raise and level the land immediately to the front of the dwelling to create a new parking space.

Staffordshire Moorlands District Council in pursuance of powers under the above mentioned Act hereby **REFUSE** to permit the development described above, which has in part already been carried out, for the reason(s) specified below:-

1. A new parking space immediately to the front of the dwelling has been provided by constructing a raised and level surface that is open to the public foot way. The raised surface area is likely to increase the possibility of water flowing onto the highway. There is insufficent space between the front of the dwelling and the rear of the footway to provide a turning area for this new parking space and other vehicles parked to the south of the dwelling would obstruct the movement of a vehcile and prevent it from turning to enter and leave the new parking space in a forward gear. Moreover, the proposal to drop the footway and kerb to the front of this new parking space demomstrates a clear intention to either reverse a vehicle straight onto or off the A520 and this would present a significant danger to all users of the highway and footpath. The development would fail to provide safe and suitable access and would be contrary to the policy approach set out at Paragraph 108 of the National Planning Policy Framwework; and polcies DC1 and T1 of the Staffs Moorlands Core Strategy.

2. The provision of a parking space to the front of the dwelling and the edge of the highway would introduce a parked vehicle the would conceal part of the dwelling's principal elevation and appear exposed and unduly prominent wihin the streetscene. In both respects the parking space would be harmful to the character and appearance of the area and contrary to policies DC1 and DC3 of the Staffordshire Moorlands Core Strategy and Section 12 of the National Planning Policiy Framework.

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**Informatives**

The County Highway Authority raised an objection to the proposed development; ultimately it is their consent that would be required under section 184 of the Highways Act to carry out works within the public highway to alter the kerb edge and footway. The Highway Authority's objection also crtiticised the lack of detail and information provided with the application that failed to clearly show the extent and width of the proposed highway crossing; demonstrate how the new parking space would be drained and surfaced; and clarify the turning arrangements that would allow a vehcile using that space to enter and leave the property in a forward gear. In the spirit of a positive approach to problem solving, promoted at paragraph 38 of the NPPF, the matters were discussed with the applicant during the application process. He was however, able to confirm that his proposal was to drop the kerb and footway across the entre width of his property; there was no plan to provide surafce water drainage for the new parking space; and that a vehicle using the new parking space would not be able to enter and leave the property in a forward gear because its movement would be obstructed by other vehicles parked at the property. On that basis and with the benefit of clarification, the Planning Authority was able to determine the application without the submission of further details or plans.

29/01/2019

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.