STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Mark Carr
Hewitt & Carr Architects
17-19 Leek Road
Cheadle
Staffordshire
ST10 1JE

Mr Williams
The Old Vicarage
Church Road
Brown Edge
ST6 8TD

Application no: SMD/2018/0752

Determined on: 15.02.2019

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
Coach House at The Old Vicarage, Church Road, Brown Edge, Staffordshire ST6 8TD

Description of Development:
Material change of use at coach house to provide a new single independent 2 bedroom dwellinghouse (Class C3 of the Use Classes Order) with associated alterations and enlargements to extend and convert the building; and engineering operations to construct a new means of access to the highway, vehicular turning and parking areas.

Staffordshire Moorlands District Council in pursuance of powers under the above mentioned Act hereby **REFUSE** to permit the development described above and shown and detailed in the drawings numbered: 00818 AL(0)01 and 00818 AL(0)05 for the reason(s) specified below:-

1. The proposed access alterations, neccessary to provide a second standalone dwellinghose with appropriate parking, vehicular turning and highway visibillity in this location, would result in significant harm to the character and appearance of the area and the setting of the Old Vicarage as a 'non desiganted heritage asset' and the setting of St. Annes Church as a 'designated heritage asset'. There are no considerations or public benefits, including the provision of a single dwelling, that would outweigh this harm. As such, the development would be contrary to policy DC1 of the Staffordshire Moorlands Core Strategy and DC2 of the emerging yet to be adopted Local Plan. It would also conflict with the principles of chapter 12 "Achieving well-designed places" and Chapter 16 "Conserving and enhancing the histotic environment" of the NPPF.

2. Insufficient survey information has been provided to determine the extent to which the proposed development might impact on bats. The preliminary bat survey conducted by 'Absolute Ecology' dated January 2019 found evidence of bats using the building and concluded that the building was of moderate potential to support roosting bats. It has not therefore, been demonstrated that the proposed development would comply with Policy NE 1 of the Staffordshire Moorlands Core Strategy or paragraph 175 of the NPPF.

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Informatives

The development has been considered agaisnt the policies of the Staffordshire Moorlands Core Strategy, the emerging Local Plan, and the sections and paragraphs of the NPPF. The harmful elements of the development proposal are in this case essential to the provision of a new dwelling in this location for the purposes of improving highway safety. While the Council's arboriculturist acknoweldged the results of the tree survey, and did not disagree with its findings, he did not consider the protected Horse Chestnut to be dangerous or for there to be an immediate reason to remove it. In any event, the loss of the tree would not have been the only issue of harm with this development and there was no obvious way to revise the scheme in a way that would make it acceptable. As such, the applicant was not asked to amend the proposal in this case.

X

Signed by: Jane Colley

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.