STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
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Chief Executive

Mr Rob Duncan
Rob Duncan Planning
70 Ferndale Road
Lichfield
Staffordshire
WS13 7DL

Mr Hallam
Macclesfield Road

Application no: SMD/2018/0537

Determined on: 18th February 2019.

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 Rear Of Jim Hallam Landrovers Macclesfield Road Rushton Spencer Staffordshire SK11 0SE

Description of Development:
Outline permission with details of access (all other matters reserved) for the erection of up to 9no. 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: 00729 AL(0)01A, 00729 AL(0)03 for the reason(s) specified below:-

1. This is a greenfield site situated outside the Settlement boundary of Rushton Spencer within open countryside. Rushton Spencer is identified as a Smaller village in the adopted Staffordshire Moorlands Core Strategy DPD because of the poor range of services and facilities. The Settlement boundary is drawn tightly around the nucleated core of the village in order to accommodate limited infilling but restrict peripheral growth. Policy SS6C of the Core Strategy seeks to restrict new housing development in the open countryside to that which meets an essential local need (agricultural worker for example). Policy SS6B restricts new housing within Smaller villages to development to which meets a local need. There is no evidence that the proposal is meeting a local need or an essential need for a rural worker. Furthermore Policy SS1 (amongst other things) expects new development to provide easy access to jobs, shops and transport services and to contribute towards a reduction in carbon

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emissions. The majority of trips from the development would be car borne. In addition the application fails to make effective use of land by using greenfield land. For all of these reasons the principle of development is unacceptable and there is conflict with Polices SD1, SS1, SS6B and SS6C of the adopted Staffordshire Moorlands Core Strategy which form part of and underpin the spatial strategy for the District, emerging Policy H1 of the Staffordshire Moorlands Local Plan and the NPPF.

2. The site consists of part of a larger open field which is prominent from the main A523 Macclesfield Road and from a network of Public footpaths including that which runs alongside the Canal Feeder immediately adjacent to the site and which is on raised land providing clear views into the site. It is considered that the development of the site for up to 9 dwellings would be at odds with the prevailing settlement pattern. It would lead to sporadic, peripheral development and would have an urbanising impact on the area. It would be harmful to the open character and appearance of the site which makes a positive contribution to the local landscape and setting of the village. The proposal would neither protect nor enhance this local landscape or the settlement setting. As such there is conflict with Policy DC3 of the adopted Staffordshire Moorlands Core Strategy and the NPPF which requires development to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

3. The site is located close to two Staffordshire Sites of Biological Importance (SBI). Lane End Farm located 25m north of the site, and Sugar Street Fields, approximately 245m to the east. It has not been demonstrated that up to 9 dwellings can be accommodated on the site whilst providing an appropriate buffer from possible impact on the adjacent SBI or providing satisfactory enhancements to the network of SBIs through an appropriate size and scale of habitat creation. As such the proposal conflicts with Policy NE1 of the adopted Staffordshire Moorlands Core Strategy and the NPPF which require development to contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiveristy.

4. It has not been demonstrated that the development of the site for up to 9 dwellings will provide a satisfactory living environment for future occupiers owing to the close proximity to potential sources of noise. As such the proposal conflicts with policies DC 1 and SD4 of the adopted Staffordshire Moorlands Core Strategy and the NPPF.

5. Insufficient information has been submitted to demonstrate that a drainage scheme is available which does not increase flood risk elsewhere contrary to Policy SD 4 of the adopted Staffordshire Moorlands Core Strategy and the NPPF.

6. Whilst it is acknowledged that the Council cannot demonstrate a 5 year supply of housing, in accordance with paragraph 11 of the National Planning Policy Framework, it is concluded for the above reasons that the adverse impacts of

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granting planning permission in this case and conflict with Polices SS1, SS6b, SS6C, SD1, SD4, NE1, DC1 and DC3 of the adopted Staffordshire Moorlands Core Strategy would significantly and demonstrably outweigh the benefit that the provision of up to 9 dwellings would bring when assessed against the polices in the Framework taken as a whole.

INFORMATIVES

1. The Framework advises that LPA'S should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. In this case the applicant did not seek pre application advice. Although discussions have been held with the applicant to try and address the technical matters, these remain outstanding. The principle of development in this location is not acceptable. The proposal will not deliver sustainable development and thus conflicts with the provisions of the NPPF.

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.

8.