STAFFORDSHIRE moorlands DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Adam Gregory
Forefront Development Consulting Ltd
4 Ridge House
Ridge House Drive
Stoke-on-Trent
ST1 5SJ

Ms Jones
362 Ash Bank Road
Werrington
ST9 0JR

Application no: SMD/2018/0797

Determined on: 18/02/2019

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
362 Ash Bank Road Werrington Staffordshire ST9 0JR

Description of Development:
The formation, laying out and construction of a means of vehicular access to a highway

Staffordshire Moorlands District Council in pursuance of powers under the above mentioned Act hereby **REFUSE** to permit the development that is described above and shown on the drawing numbered 18 152 02 for the reason(s) specified below:-

1. The proposed access would not allow the requisite visibility splays to be provided within land under the applicant's control resulting in an access that would have severely restricted visibility . The access point is within 15m of a four way traffic signal controlled junction and use of the access would lead to an increased highway danger that would obstruct and disrupt the free flow of traffic. As such, the development would conflict with paragraph 108 of the NPPF; and policy DC 1 of the Staffordshire Moorlands District Council Core Strategy.

Informatives

The County Highway Authority has raised an objection to the proposed development in that it would create an unsafe and illegal access. When previous attempts were made to open an access in this location the Highway Authority advised the owner, at the time, that it was an illegal and unsafe access and must be closed. With the commencement of legal action the owners carried out the minimum amount of work necessary to close that access opening. Under the applicant's ownership occupants have again started to illegally use the opening as an unsafe access to the highway. Ultimately it is the consent of the County Highway Authority that would be required under section 184 of the Highways Act to carry out the proposed development and those works within the public highway. The Local Planning Authority's decision in this matter, or any consent granted for development by an Order, is

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

without prejudice to the County Highway Authority's powers to take action against an illegally formed or used access with the highway.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

STAFFORDSHIRE moorlands DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

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.