STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
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Chief Executive

Sammons Architectural
10 Cawdry Buildings Fountain Street
Leek
Staffordshire Moorlands
ST13 6JP

Mr Walker
C/O Agent

Application no: SMD/2018/0614

Determined on: 11th March 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 At Caverswall Old Road Forsbrook Staffordshire

Description of Development:
Outline application with all matters reserved for residential development

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: 2018-2365-01, 2018-2365-02A and 2018-2365-03 for the reason(s) specified below:-

1. This is a greenfield site situated within the Green Belt. The development of the site for housing represents inappropriate development in the Green Belt. Inappropriate development is harmful by definition. The development would, in addition significantly compromise openness by replacing open fields with a housing estate. Openness and permanence are, the NPPF confirms, the essential characteristics of the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Furthermore there would be conflict with one of the main purposes of including land within the Green Belt namely that of safeguarding the countryside from encroachment. Local Planning Authorities are required to give substantial weight to any harm to the Green Belt. It is not considered that the other considerations put forward by the applicant amount to the very special circumstances to clearly outweigh the totality of harm to the Green Belt in this case. It is for these reasons that the proposal is contrary to Policy SSC6 of

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the Staffordshire Moorlands Core Strategy Development Plan Document and national advice in the National Planning Policy Framework.

2. In the absence of a Drainage Strategy and details of the means for the disposal of surface water discharge it is not possible to assess the flood risk posed from the proposed development. The proposed development may present risks of flooding on –site or off-site if surface water run-off or other external flood risk is not effectively managed. There is as such conflict with Policy SD4 of the Staffordshire Moorlands Core Strategy Development Plan Document and national advice in the National Planning Policy Framework.

3. Although it may be possible to create an access from Caverswall Old Road to serve a development on the application site, in order for such an access to be acceptable and safe and suitable for all users of the highway, the Local Highway Authority has confirmed that a number of improvements would be required. These would include firstly widening Caverswall Old Road which is currently of substandard width to accommodate two way traffic flow; secondly provision of adequate visibility on Caverswall Old Road and thirdly the improvement of the Caverswall Road/Caverswall Old Road junction which is geometrically substandard due its insufficient width to accommodate vehicle movements and the entry radii being insufficient to accommodate the swept path of all vehicles. Although no details of the proposed access arrangements are provided, the improvements detailed above would require the removal of mature trees, some of which are protected under a Tree Preservation Order SM 75 and the removal of significant stretches of hedgerow. None of these inpacts are shown on the Indicative plan. These impacts would it is considered give rise to a loss of amenity and would be harmful to the rural character and apppearance of the area. For these reasons there is conflict with Polices DC1, DC3 and NE1 of the Staffordshire Moorlands Core Strategy Development Plan Document and national advice in the National Planning Policy Framework.

4. Insufficient information has been provided to demonstrate that potential contamination and noise constraints that may affect the development are fully understood nor that they can be satisfactorily addressed to deliver a suitable and viable development. As such there is conflict with Policy SD 4 of the Staffordshire Moorlands Core Strategy Development Plan Document and national advice in the National Planning Policy Framework.

Informative

The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraph 38 of the National Planning Policy Framework. The

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Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. In this case the fundamental Green belt issue was not capable of resolution and thus no negotiations were entered into. The applicant was given the opportunity to address the drainage issue but declined to do so.

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.