STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
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Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr David Morrey
Hulme Upright
Queens Gardens Business Center 31a Iron Market
Newcastle under Lyme
Staffordshire
ST5 1RP

Ms Johnson
44 Clough Lane
Stoke On Trent
ST9 0DD

Application no: SMD/2019/0194

Determined on: 3rd July 2019

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
44, Clough Lane, Werrington, Staffordshire, ST9 0DD

Description of Development:
Erection of a bungalow

Staffordshire Moorlands District Council in pursuance of powers under the above mentioned Act hereby **REFUSE** to permit the development described above in accordance with plans ref: for the reason(s) specified below:-

1. The erection of the dwelling would be inappropriate development in the Green Belt because it would not be provided for by any of the exceptions listed at paragraph 145 of the NPPF. Particularly the new dwelling would not be a replacement for a building in the same use; it would be a materially larger building than the existing garage; result in greater impact on the openness of the Green Belt; and would not contribute to meeting an identified affordable housing need. The development would, by definition, be harmful to Green Belt and would conflict with the aims and purposes of including land within it because it would cause countryside encroachment. The development would therefore, be contrary to 'Other Rural Area' strategy SS6c of the Staffordshire Moorlands Core Strategy, emerging strategy SS10 of the yet to be adopted Local Plan, and paragraphs 143, 144 and 145 of the NPPF.

2. The bungalow would be harmful to the character and appearance of the area because it would appear prominently on an artificially raised ground level, formed on sloping ground that otherwise falls away steeply to the north and west. Visually the bungalow would be detached or divorced from the dwellings that line Clough Lane up to the Green Belt boundary, located within more open ground that currently provides transition from the edge of the existing development to the fields and open countryside beyond. Moreover, the bungalow would

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appear as an oddly located and designed property that would not relate well to the countryside location or the very recognisable inter war character, design, appearance and density of the other dwellings that line Clough Lane. The development therefore, would be harmful to the character and appearance of the area and the settlement's setting, contrary to NPPF section 12 'Achieving well-designed places' paragraphs 124 and 127; and section 15 'Conserving and enhancing the natural environment' paragraph 170. The development would not comply with the Development Plan either and would specifically contravene 'Other Rural Area Strategy' SS6c and policies DC1 and DC3 of the Staffordshire Moorlands Core Strategy and emerging strategy SS10 and policies DC1 and DC3 of the yet to be adopted Local Plan 2016-2031.

3. The development would provide a poor and substandard level of amenity for the future occupiers of the proposed dwelling with very limited outlook from windows and quality areas of garden amenity. Particularly this is because the bungalow would only be provided with a back garden depth of just 2metres, where as the Council's adopted 'Space About Dwellings' guidance conventionally requires a mean length of 11metres; and principal rear facing windows that would be just 2metres from the boundary, where as the Council's adopted 'Space About Dwellings' guidance conventionally requires a separation distance of at least 6metres between a principal window and a curtilage boundary. As such, the development would be contrary to policy DC1 of the Staffordshire Moorlands Core Strategy and emerging Local Plan.

4. It is likely that traffic generated by the proposed development would increase highway dangers owing to an increased use of the existing access which affords restricted visibility for drivers emerging from the access. The proposed development would remove parking areas from the existing dwelling without making adequate provision for two properties increasing the likelihood of vehicles being parked on the roadside and causing obstruction and increased highway danger. There is no provision for pedestrians between the proposed access point and the existing footway on Clough Lane, pedestrians walking on the roadside therefore, would be unnecessarily exposed to highway danger. The development therefore, would be contrary to NPPF Paragraph 108 and SMDC Core Strategy policies DC1, T1 and T2; and would fail to comply with SMDC Core Strategy draft parking standards.

5. It is likely that the proposed dwelling would cause damage to the mature Sycamore tree situated outside, but adjacent to, the southern boundary of the application site. A suitable tree survey/arboricultural impact assessment has not been provided to demonstrate that such damage would not occur nor how it might be avoided or mitigated. In addition, the unacceptably close proximity of the proposed dwelling to the tree would create a poor living environment for its occupants due to issues of shading, overbearing, seasonal debris and honeydew nuisance and perceived danger, leading to pressure for premature felling or substantial crown reduction to the detriment of visual amenity and local landscape quality. The proposed development would be in conflict with Policy NE2 of Local Plan (submission version) and with the Council's adopted Tree Strategy.

6. Substantial weight has been given to the harm that would occur to the Green Belt and the inappropriate development can not be approved because there are no 'very special

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circumstances' which demonstrate that the totality of the harm identified above would be clearly outweighed by other considerations. There would be a small social benefit in the provision of a housing unit and economic advantages would arise from the construction of a new house and the proposal would make a very modest contribution towards housing numbers. However, the harm that the proposed development would cause to the Green Belt and the character and appearance of the area in particular, would be both significant and lasting. The very modest benefits that would be derived from the development would not clearly outweigh the harm. The development would be contrary to the National Planning Policy Framework – specifically section 13 'Protecting Green Belt Land' paragraphs 143 and 144.

Informatives

It is considered that the proposal is unsustainable and that there is a fundamental Green Belt objection to the development with other harms additionally identified. It is considered that the applicant is unable to overcome such principle concerns and thus no amendments to the application were requested.

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.