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

Mr Pilarczyk
1 Amber Court
Stockton Brook
ST9 9NE

Application no: SMD/2019/0172

Determined on: 23/08/2019

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 off Amber Court Stockton Brook Staffordshire

Description of Development:

Application for outline permission (all matters reserved) for one detached dwelling

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:

- Site Plan;
- Location Plan;

for the reason(s) specified below:-

1. The erection of a dwelling on this site is inappropriate development in the Green Belt by virtue of non-compliance with paragraph number 145 of the National Planning Policy Framework. The proposal does not fall within any of the paragraph 145 exceptions including the provision for 'limited infilling in villages.' It is not considered to be infill development due to the position of the plot at the roadside edge and being forwards of the building line. The site does not sit within any identifiable gap between built structures. Inappropriate development is, by definition, harmful to the Green Belt and Local Planning Authorities should ensure that substantial weight is given to Green Belt harm. Furthermore, no very special circumstances have been advanced. The application is therefore contrary to policies SS1, SS1a, SS6c, SD1, R1 and R2 of the Core Strategy Development Plan Document (Adopted March 2014) and the National Planning Policy Framework including sections 2 and 13.

2. The proposed building plot occupies a prominent position and currently provides a

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valuable contribution to the spaciousness of the area at this point. A dwelling in this location would result in a form of development detrimentally at odds with the existing linear form of development along this part of Leek Road. The proposal would not respect its surroundings in terms of its relationship with surrounding buildings and would adversely impact upon the spacious and open character of this area. The application is therefore contrary to policies SS1, SS6c, DC1, DC3 and R1 of the Core Strategy Development Plan Document (Adopted March 2014) and the National Planning Policy Framework including section 12.

3. It has not been demonstrated that it would be possible to construct a detached dwelling (with sufficient internal and external amenity space) which would comply with the Council's Space About Dwellings amenity standards whilst not having a physically detrimental impact upon surrounding trees, including a mature Lime and a mature Copper Beech which are protected by virtue of a Tree Preservation Order. The large Root Protection Areas of each of these trees pose a significant constraint to any development and an outline only application does not demonstrate that there is a sufficiently sized area upon which to build (including amenity space and parking/turning facilities). Furthermore the lack of information does not allow the opportunity to consider the living environment for any future occupants by reason of overshadowing/overshading by inappropriate proximity to tree crowns, which may, in turn, result in undue pressure for removal or pruning. The application is therefore contrary to policies SS1, DC1, DC3 and NE1 of the Core Strategy Development Plan Document (Adopted March 2014) and the National Planning Policy Framework including sections 2, 12 and 15 of the National Planning Policy Framework.

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.