STAFFORDSHIRE
moorlands
DISTRICT COUNCIL

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Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr David Byatt
Byatt Oliver Associates
Whitebridge Way
Stone
ST15 8LQ

Mr Alan Swancott

Application no: SMD/2019/0398

Determined on: 22/10/2019

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
Garage Site School Green Ipstones Staffordshire Moorlands ST10 2LX

Description of Development:
Proposed alterations and change of use from garage to holiday accommodation

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:
5468-005 revision A
for the reason(s) specified below:-

1) The small scale of the accommodation provides very limited amenities for occupiers compounded by very poor outlook with the main living room window compromised by high likelihood of public vehicle parking immediately to the outside and the bedroom served only by an opening to the NW compromised by its proximity to neighbouring dwellings including directly facing principal windows of the facing dwelling rear of 6 High Street which comes to within 11m, well short of the 22m separation expected by the Council's Adopted Space About Dwellings SPG. A shortage of parking space in the village already places a high demand on the available public parking places including that adjacent to the easterly boundary of the site and the development will intensify the competing requirements undermining the amenities of all and risking conflict. Further conflicts of amenity will arise between visiting occupiers and those neighbouring residents whom it is established have rights to use the garden area of the proposal as a communal drying green. Accordingly the scheme is found contrary to the adopted Core Strategy policies SS1; SS1a; SS6a; DC1; the Space About Dwellings SPG and the NPPF.

2) The necessary alterations including extension, glazing of doorways and the row of three roof lights to make this humble utilitarian and obviously non-residential building into habitable accommodation would radically alter its character and appearance so as to be at odds with the character and appearance of the Conservation Area which includes

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nearby Listed Buildings and is thus harmful to heritage in particular the character and appearance of the Conservation Area. Whilst the harm would be less than substantial it would not be outweighed by public benefits of the scheme and is therefore contrary to the adopted Core Strategy policies SS1; SS1a; SS6a; DC1 and policy DC2 of the emerging Local Plan and the NPPF.

3) The absence of any assessment of the potential of the building to be utilised by protected species in particular bats despite obvious structural signs that it could be so used means that the Local Planning Authority is unable to properly assess the proposal with regard to the impacts on protected species contrary to policies SS1; SS1a; SS6a; NE1 and the NPPF and contrary to the statutory obligations under the Conservation of Habitats and Species Regulations 2017.

Informatives

The proposal would not overall improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore it does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraphs 38 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.