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

Mr Frain
138 Congleton Road
Biddulph
ST8 6QL

Application no: SMD/2019/0467

Determined on: 29th October 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:
138 Congleton Road Biddulph Staffordshire ST8 6QL

Description of Development:
Outline permission for the erection of single 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: Location Plan 1:2500; Amended Site plan received 23rd October 2019 for the reason(s) specified below:-

1. The proposed point of access as shown on the submitted plans is close to a complex junction layout consisting of five interconnecting roads with a public house and fish and chip shop also in its vicinity. Introducing a further access at this location would create confusion for road users and increase the likelihood of highway danger. It is considered that the traffic generated by and turning movements into and out of the proposed development would be contrary to through traffic interests and to highway safety generally and a likely source of danger to road users, particularly because of the heavy volumes of traffic using this road. As such the proposal is contrary to Polices DC1 and T1 of the adopted Staffordshire Moorlands Core Strategy DPD and the NPPF which requires all development to provide safe and suitable access for all users.

2. It has not been demonstrated that a dwelling can be accommodated on the site whilst respecting the amenity of existing residents and protecting that of future occupiers of the proposed dwelling and meeting the Councils Space about Dwelling standards. The reason for this being a combination of site characteristics including level changes such that properties on Smithy Lane sit

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at a lower level; the unusually shallow depth of gardens to these properties and their 'open' boundaries and the shape and size of the application site. It is considered that the combined effect of these constraints would result in an adverse impact on the amenity of existing dwellings as a result of potential noise disturbance from the proposed access road and associated parking/turning area and potential overlooking/loss of privacy of rear private amenity space. In addition the amenity of future occupiers of the proposed dwelling is likely to be compromised as a result of the lack of space around the dwelling thus restricting outlook, daylight and amenity space. For these reasons it has not been demonstrated that the proposal would protect amenity or could be designed to respect the site and its surroundings. It does not represent good design and conflicts therefore with Policy DC1 of the adopted Staffordshire Moorlands Core Strategy DPD and the NPPF which says that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Informatives

It is considered that the proposals are unsustainable and do not conform with the provisions of the NPPF. 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.
8.