STAFFORDSHIRE
moorlands
DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Andrew Dukesell
DBD Architectural Consultancy Ltd
50 Broad Street
Leek
Staffordshire
ST13 5NS

Mr Stonier
Bryn Helyg
Kiln Lane
Leek
ST13 8LJ

Application no: SMD/2020/0074

Determined on: 15th April 2020

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
Bryn Helyg, Kiln Lane, Leek, Staffordshire, ST13 8LJ

Description of Development:
Erection of dwelling built into the hillside on land behind Bryn Helyg

Staffordshire Moorlands District Council in pursuance of powers under the above mentioned Act hereby **REFUSE** to permit the development described above and shown in the plans numbered PL 11, PL12A, and PL13 for the reason(s) specified below:-

1. The revised and resubmitted proposal would lead to prominent intrusion into the countryside by locating a large building on an exposed and open hilltop. There would be significant harm to the attractive countryside that can be identified as being important to the setting of Leek. The intrusive building would be visible from nearby residential areas of the town and on approach from the north. It would loom above the amenity path and cycle way of the former Leek to Rudyard railway. A dwelling in this location which harms the landscape, settlement setting and public amenity is therefore contrary to policies SS1, SS1a, SS5a, DC1, DC3 (SS1, SS1a, SS5, DC1 and DC3 of the emerging Local Plan) and the material guidance of the NPPF.

2. The provision of a house in this location would only benefit and contribute to the economy, local community and housing supply in a very small way and, as such, those benefits carry limited weight in favour of the proposal. Those benefits would be significantly and demonstrably outweighed by the adverse impacts identified above. For these reasons the proposal does not constitute sustainable development in accordance with paragraph 11d) ii) of the NPPF and planning permission should be refused.

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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.