STAFFORDSHIRE moorlands DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Miss Billie Chell
Hewitt & Carr Architects
17-19 Leek Road
Cheadle
Staffordshire
ST10 1JE

Mr & Mrs Wheat
c/o Hewitt & Carr Architects

Application no: SMD/2020/0132

Determined on: 11th June 2020

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
Land off Cheadle Road Draycott Old Road Forsbrook Staffordshire ST11 9AL

Description of Development:
Proposed residential dwelling with basement

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: 00960 AL(0)01A, 00960 AL(0)02C, 0960 AL(0)03A and 00960 AL(0)04A for the reason(s) specified below:-

1. Although no objection is raised to the principle of a dwelling on this site, the proposal involves the construction of a basement as part of the design. The updated Arboricultural Report dated 17th April 2020 makes no reference to this basement and has not therefore demonstrably taken this into account and assessed its likely impact on trees to be retained, nor proposed any tree/ground protection measures or construction methods aimed at avoiding or mitigating for potential damage to trees. There is a Pine tree (tree T5 of the survey) which is protected under a Tree Preservation Order TPO NO 299 and sited close to the proposed dwelling. In the absence of any assessment of impact from the construction of the basement and excavation thereof on this tree there is concern that it is likely to cause significant damage to the roots of the protected Pine tree leading to potential decline in its condition, instability and/or loss of the tree to the detriment of the visual amenity of the area, which would be in conflict with Policy DC1 of the adopted Staffordshire

Moorlands Core Strategy DPD, Policy NE2 of the emerging Staffordshire Moorlands Local plan, the Council's adopted Tree Strategy and the NPPF. The proposal does not deliver sustainable development.

Informatives

Although the Local Planing Authority have attempted to work with the applicant in accordance with paragraph 38 of the NPPF, unfortunately the additional submitted information has not address the Councils concerns.

X

Signed by: Jane Colley

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.