STAFFORDSHIRE moorlands DISTRICT COUNCIL

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Ms Kuen To
The Boundary House
Bagnall
Staffordshire
ST9 9LN

Application no: SMD/2020/0274

Determined on: 3rd August 2020

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
The Boundary House, Clewlows Bank, Bagnall, Staffordshire, ST9 9LN

Description of Development:
Proposed new access of Clewlows Bank (vehicular and predestrian)

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:

- Location Plan received on 8th June 2020
- Site Plan received on 8th June 2020

for the reason(s) specified below:-

1. Even if the hedge was removed in its entirety, the necessary visibility splays could not be provided and together with the history of a fatal accident at this location, it is considered that the creation of a second access would have an unacceptable impact on highway safety and would not result in an access that is appropriate to the development it serves. The creation of an additional access to serve the dwellinghouse is not deemed necessary as the existing area of hardstanding provides space for a sufficient level of off-street parking and turning area to allow vehicles to exit the site in a forward gear. Therefore there is no justification to allow for the creation of an additional access at the property to off-set the harm ot highway safety which has been identified. The proposed development would therefore be contrary to policies DC1, T1 and T2 of the Staffordshire Moorlands Core Strategy (2014), policies DC1, T1 and T2 of the emerging Staffordshire Moorlands Local Plan and paragraph 108 of the NPPF (2019). In refusing the application, it would comply with paragraph 109 of the NPPF (2019) as the proposed access will have an unacceptable impact on highway safety.

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Informatives

Prior to the determination of the application the Council advised the applicant that the principle of such development is unsustainable and did 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

Moorlands House, Stockwell Street, Leek, Staffordshire Moorlands, ST13 6HQ.
www.staffsmoorlands.gov.uk Tel: 0345 605 3010
All correspondence to Staffordshire Moorlands District Council, P O Box 136, Buxton, SK17 1AQ.

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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.

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