STAFFORDSHIRE moorlands DISTRICT COUNCIL

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Mrs Kate Thompson
Pegasus Group
4 The Courtyard
Church Street
DE74 2SL

Application no: SMD/2017/0789

Determined on: 30/09/2020

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 Cauldon Close Leek STAFFORDSHIRE

Description of Development:
Full planning application for the development of two dwellings

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: EMS2722_003A, EMS2722_005B, EMS2722_HT, EMS2722_009, EMS2722_0010 for the reason(s) specified below:-

1. Proposed development on the site would lead to significant harm to the ecological value of the site and habitats within a Site of Biological Importance (SBI) and the mitigation measures and compensation measures put forward as part of the proposal are not considered by the Council to off-set the harm identified. It is also considered by the Council that the proposal would not provide any measures leading to an overall biodiversity enhancement of the site. The proposal is therefore contrary to Policy NE1 of the Council's Local Plan (adopted September 2020) and also Section 15 of the government planning guidance contained in the National Planning Policy Framework (NPPF).

2.The proposed dwellings by virtue of their form, scale, height and siting and involving significant extraction and engineering works into an open hillside would harm the character and appearance of Cauldon Close and would also harm the character and appearance of the historic open, rural and parkland landscape to the south and east of which the site forms part of, within a 'Dissected Sandstone Cloughs and Valleys' landscape in the Council's Landscape and Settlement Character Assessment (2008) which describes the landscape here as being very sensitive to development and change of use. This part of the landscape outside Leek is also described as having high heritage value in the Council's Historic Environment Character Assessment (2010). The proposal is therefore contrary to Policies

DC1 and DC3 of the Council's Local Plan (adopted September 2020) and also Sections 12 and 15 of the government planning guidance contained in the National Planning Policy Framework (NPPF).

3.The proposed development, by virtue of the siting of the proposed access road, would lead to the loss of a mature high quality tree which is also the subject of a recently placed Tree Preservation Order (TPO). The tree contributes positively to the character and appearance of the area and the Council does not consider the proposed new landscaping and planting scheme would compensate for its loss. Its removal would therefore be contrary to Policy DC1 of the Local Plan which seeks to retain positive features and characteristics of a site as part of development proposals and also Policy NE2 which seeks to retain significant trees. The proposal would also therefore be contrary to Sections 12 and 15 of the NPPF.

4.The proposal by virtue of its scale, height and siting would intrude into views of the open landscape considered to contribute to the character and setting of the Conservation Area and also intrude into views of towards the Conservation Area from east and south of the site, therefore harming the character, appearance and setting of the Conservation Area. The harm is considered to be less than substantial but the Council does not consider the proposal would not lead to any public benefits which would outweigh the level of harm and therefore the proposal is contrary to Policy DC2 of the Local Plan and Section 16 of the NPPF.

5.The proposed development would harm the setting of the listed Lady of the Dale well a short distance to the south of the site due to being prominent in views from the well towards the Conservation Area. The harm is considered to be less than substantial but the Council does not consider the proposal would not lead to any public benefits which would outweigh the level of harm and therefore the proposal is contrary to Policy DC2 of the Local Plan and Section 16 of the NPPF.

Informative

1. 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

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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