STAFFORDSHIRE moorlands DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Mr Rob Duncan
Rob Duncan Planning
70 Ferndale Road
Lichfield
Staffordshire
WS13 7DL

Mr Stonier
Bryn Helyg
Kiln Lane
Leek
Staffordshire
ST13 8LJ

Application no: SMD/2020/0597

Determined on: 21st December 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 detached split level dwelling and conversion of existing agricultural building to ancillary residential use.

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 PL21A, PL22D, PL23A, PL24A submitted with the application, for the reason(s) specified below:-

1. The proposal would result in a prominent intrusion and encroachment beyond the edge and form of the existing settlement into an undeveloped area to the north west that is open to the boundary of the Green Belt. The land has a countryside and rural character and occupies the exposed highground to the edge of an open softly rounded hilltop. A new dwelling here would appear oddly located, intrusive, overbearing and relate poorly to its surroundings and the adjacent settlement. 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 and very apparent from the nearby residential area to the south west, from Macclesfield Road on approach from the north, and it would loom above the amenity path and cycle way of the former Leek to Rudyard railway that edges the bottom of the hill to the south west. A dwelling in this location would lead to a prominent intrusion into the countryisde with a significant adverse impact on the character and appearance of the countryisde, the landscape, settlement setting and public amenity. As such, the development would be contrary to Staffordshire Moorlands Local Plan Policies SS1, SS5, H1, DC1, DC3 and the NPPF.

2. Despite the site's location within the Leek Area Development Boundary, the site is not allocated specifically for housing and those impacts identified above, together with an awkward access arrangment, at the end of a steep unmade track, and construction challenges requiring excavation to reprofile sloping land, would make for an unsustainable form of development. In these respects the development would not provide quality 'windfall' housing to meet a wide range of housing need that is of an appropriate scale and nature for the town. As such, the

development would be contrary to policy SS1, SS2, SS5, SD1 and H1 of the Staffordshire Moorlands Local Plan.

Informatives

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

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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.

1. 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.

2. 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.

3. 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.

4. 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

5. 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.

6. 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.