STAFFORDSHIRE moorlands DISTRICT COUNCIL

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Sammons Architectural
10 Cawdry Buildings Fountain Street
Leek
Staffordshire Moorlands
ST13 6JP

Mr Harris

Application no: SMD/2020/0539

Determined on: 5th February 2021

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
28 Ball Haye Road, Leek, Staffordshire, ST13 6AF

Description of Development:
Proposed car parking area

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:

- 2020-2547-01,
- 2020-2547-02 Rev A,
- 2020-2547-03

for the reason(s) specified below:-

1. The proposed development will result in an unsafe access that will pose a danger to pedestrians due to the lack of visibility when egressing onto Ball Haye Road. The proposed development will therefore be contrary to policy DC1 of the Staffordshire Moorlands Local Plan (2020), the Staffordshire Moorlands Design Guide SPD and paragraphs 108 - 110 of chapter 9 of the NPPF (2019).

2. The proposed development will erode the existing character of the row of terraced properties to the detriment of the street scene and will introduce a harsh and engineered featue into the street scene that will cumulatively lead to a significantly detrimental effect on its character and appearance. The proposed development will therefore be contrary to policy DC1 of the Staffordshire Moorlands Local Plan (2020), the Staffordshire Moorlands Design Guide SPD and the NPPF (2019).

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Informatives

1. It is considered that the proposals are unsustainable and do not conform with the provisions of the NPPF (2019). Such matters have been discussed with the applicant with a view to seeking solutions, although such solutions have not been possible as the applicant has declined to amend the application.

2. This recommendation of refusal on highways grounds will not prejudice consideration of a further application at a later date when details are provided of an achievable pedestrian visibility splay taken from 1.5m x 1.5m is included in the application.

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.