STAFFORDSHIRE moorlands DISTRICT COUNCIL
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Mr. Mark Dauncey
Amos Group
PO BOX 8197
Ashbourne
DE6 9DJ

Application no: SMD/2020/0201

Determined on: 11/02/2021

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
Land Adj Marsh Villa Macclesfield Road Rushton Spencer Staffordshire

Description of Development:
Application for outline planning permission for a residential development of up to 9 dwellings with all matters reserved

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:
2016-22-SK04 (F)
05042-P-05
05042-P-06
for the reason(s) specified below:-

1. The development proposed cannot be supported in principle because it is not limited infill residential development of an appropriate scale and character and it does not relate well to the existing pattern of development of the village and thereby in turn would disrupt and be harmful to it's character and appearance. The southerly parcel would create or extend ribbon development and in doing so would erode one of Rushton's strong characteristics along the road which is of the rural countryside backdrop penetrating through the village to the road edge. The northerly parcel would represent a cul-de-sac form of development which does not relate well to the existing patter of development and would result in a prominent intrusion into the countryside and would have significant adverse impact on its character and appearance, contrary to policies SS1, SS9, SS10 and H1 of the Staffordshire Moorlands Local Plan 2020, the Staffordshire Moorlands Design Guide and the NPPF.

2. The development by virtue of its scale, location and relationship with the pattern of existing development within the settlement would lead to prominent intrusion into the countryside and would have a significant adverse impact on the character and the setting of the settlement as well as important views out of the settlement through gaps in the existing ribbon development contrary policies SS1; SS9; SS10; H1; DC1; DC2; DC3 of the Staffordshire Moorlands Local Plan 2020 and the NPPF.

3. The development proposed is judged harmful to the setting of the Grade II Listed Marsh Side. Whilst the harm would be "less than substantial" in the absence of any public benefits to outweigh that harm, the scheme is found to be contrary to policies SS1, SS9, SS10, DC1, DC2, DC3 of the Staffordshire Moorlands Local Plan 2020 and the NPPF. It is also found that insufficient information has been submitted to enable proper assessment of the impacts of the development on the heritage significance of the Rudyard feeder canal and its setting identified by the Local Planning Authority in assessing the application as being a non-designated heritage asset. The application is for this reason found contrary to policy DC2 of the Staffordshire Moorlands Local Plan 2020 and the NPPF.

4. Insufficient information accompanies the application to enable a full and proper evaluation of the ecological impacts of the development and it is therefore found contrary to policy NE1 of the Staffordshire Moorlands Local Plan 2020 and the NPPF.

Informatives

1. The application has been determined in accordance with Policies: SS1; SS2; SS4; SS9; SS10; SD1; SD4; SD5; H1; DC1; DC2; DC3; NE1; NE2 and T1 of the Local Plan and with the NPPF.

2. The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and it therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has nonetheless met the requirement in Paragraphs 38 of the National Planning Policy Framework.

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X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

Moorlands House, Stockwell Street, Leek, Staffordshire Moorlands, ST13 6HQ.
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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.