

MBD Architectural Ltd
74 Newcastle Road
Staffs
ST15 8LB

Mrs Cooper
82 Whitney Road
Staffs
ST17 0BP

Application no: SMD/2021/0623

Determined on: 30th December 2021

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

REFUSAL OF PLANNING PERMISSION

Location of Development:

37 High Street Kingsley Staffordshire ST10 2AF

Description of Development:

Change of use of land to form a vehicular access to the property

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:

- 20L62 P01 Rev B

for the reason(s) specified below:-

1. The development comprises a change of use of land and an engineering operation which affects the openness of the Green Belt and does not comply with one of the five purposes for including land in the Green Belt. The development therefore comprises inappropriate development in the Green Belt. No Very Special Circumstances have been advanced to clearly outweigh the harm caused by its inappropriateness. The application is therefore contrary to policy SS10 of the Local Plan (2020) and chapter 13 of the NPPF (2021).
2. The dwellinghouse as approved, was designed with a means of access/egress and a parking/turning area that were acceptable to the Highways Authority from a highway safety perspective. In contrast, the development as currently exists, has been recommended for refusal by the Highways Authority as it poses a danger to highway safety as vehicles are unable to turn within the site and exit in a forward gear onto the A52; a busy main road through the middle of the village. The application is therefore contrary to policies DC1 and T1 of the Local Plan (2020) and chapter 9 of the NPPF (2021).
3. No essential need has been demonstrated for the extension of the garden into the adjacent field. The encroachment has resulted in the creation of a new

access/egress. However, the dwellinghouse as approved functioned without the need for this additional piece of land and the development as currently exists is a danger to highway safety. The development is therefore contrary to policy SS10 of the Local Plan (2020).

4. The development has encroached into the adjacent agricultural field. It has changed the character of the land from an soft landscaped unmanaged corner of field to a hard engineered domestic driveway with a boundary wall and timber gates. The development has eroded the character of this part of the countryside, it does not protect or enhance the local landscape, nor does it reinforce or enhance the setting of the settlement of Kingsley. The development is therefore contrary to policies DC1 and DC3 of the Local Plan (2020), the Landscape & Settlement Character Assessment of the Staffordshire Moorlands, and the NPPF (2021).

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

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.