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7 Derby Street  
Leek  
Staffordshire  
ST13 6HN

Application no: SMD/2021/0137

Determined on: 20<sup>th</sup> January 2022

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

**REFUSAL OF PLANNING PERMISSION**

**Location of Development:**

7 Derby Street Leek Staffordshire ST13 6HN

**Description of Development:**

Change of use upper floor for HMO for 5No. room, internal alterations and first floor side/rear extension

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:

- 015.21/ 01E, 02D, 03D, 04D, 05D, 06B, 07F, 08F, 09A, 12F, 14E, 16F and 18D  
for the reason(s) specified below:-

1. The application site is located within the Leek Conservation Area and whilst not listed, the building comprises a non-designated heritage asset due to its architect being Leek's most prominent in the 19<sup>th</sup> Century. A Heritage Statement was submitted with the application but its content is lacking and does not comply with the minimum requirements as detailed in paragraph 194 of the NPPF (2021). Insufficient information has also been submitted to understand which Noise Assessment Report is to be followed and the associated impact of either, alterations to the existing windows or the inclusion of through-wall ventilation, will have on the significance of the non-designated heritage asset or the Leek Conservation Area. The application is therefore contrary to policy DC2 of the Local Plan (2020) and the NPPF (2021), particularly chapter 16.
2. It is proposed to provide an internal bin storage area on the first floor of the building, as there is no available external space. Environmental Health has raised concern regarding the health implications associated with an internal bin storage area and the adverse effect this will have on the living conditions of future occupiers. The proposed development will therefore result in substandard living conditions, contrary to policy

SD4 of the Local Plan (2020) and the NPPF (2021), particularly chapter 15.

**Informatives**

This is considered to be a sustainable form of development and so complies with the provisions of the NPPF (2021).

X *B.J. Haywood*

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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.