STAFFORDSHIRE moorlands DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Mr Nigel Forrester
Building Design Services
Smithy Bank
Alton
ST10 4AD

Mr Swinson
Kirk House
Malthouse Road
Alton
Staffordshire
ST10 4AG

Application no: SMD/2022/0279

Determined on: 10/08/2022

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
Kirk House Malthouse Road Alton Staffordshire ST10 4AG

Description of Development:
Proposed new one bedroom bungalow within the domestic curtilage of Kirk House.
Resubmission of previously refused application SMD/2022/0009.

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: 21-646-01A, 02, 03A, 04A and 05A for the reason(s) specified below:-

1. The proposal by virtue of the form, design, materials and siting of the dwelling on a plot of constrained size together with the works required to the access onto Malthouse Road including redution of a traditional stone wall, the repositioning of a hedge and the undertaking of earthworks would lead to a less than substantial harm to the character and appearance of a Conservation Area. The proposal would therefore not maintain or enhance a Conservation Area contrary to Policy DC2 'The Historic Environment' of the Staffordshire Moorlands Local Plan (adopted September 2020). It would also therefore be contrary to policies H1 - Housing Development and DC1 'Design Considerations' of the Local Plan and Sections 12 and 16 of the government planning guidance contained in the National Planning Policy Framework (NPPF). Furthermore, para 11 of the NPPF states that where the policies which are most important for determining the application are out-of-date, permission should be granted uless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The policies in the NPPF which seek to protect Conservation Areas provide such a clear reason for refusing the development. It is also considered that this level of harm, whilst less than substantial is enough

to outweigh the limited social public benfit and economic benefits of providing one dwelling in this location.

Informative

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.

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