

Mr Philip Plant
P4 Architecture
Wallbridge Drive
Leek
Staffordshire
ST13 8NE

Mr Brookes
Fairwinds 244 Leek Road
Endon
Staffordshire
ST9 9EA

Application no: SMD/2022/0514

Determined on: 19/12/2022

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

REFUSAL OF OUTLINE PLANNING PERMISSION

Location of Development:

244 Fairwinds Leek Road Endon Staffordshire ST9 9EA

Description of Development:

Outline Permission with details of access (all other matters reserved) for a proposed Dormer Bungalow

In pursuance of their powers under the above mentioned Act, Staffordshire Moorlands District Council, **HEREBY REFUSE PERMISSION** for the development described in the above application, in accordance with plans ref: PABR/PP/03/001 A for the reason(s) specified below:-

1. The proposed development, by virtue of its backland siting, also including an access in an insufficient gap between two dwellings facing Leek Road, would lead to an alien form of development which is out of keeping in this area which is characterised by frontage ribbon development. It therefore would result in significant harm to the character and appearance of the area, contrary to Policy DC1 'Design Considerations' of the Council's adopted Local Plan which aims to protect the visual and residential amenities of the area and Section 12 of the government planning guidance contained in the National Planning Policy Framework (NPPF).
2. The proposed development, by virtue of the siting of the access in an insufficient gap between two dwellings, together with the length of access, its distance from a neighbouring residential property and the siting of the parking area and proposed garage in relation to that property, would lead to significant noise and disturbance from vehicles using the access and parking area to the detriment of the residential amenities of the occupants of no.246 Leek Road, Endon. This is contrary to Policy DC1 of the Local Plan which aims to protect the visual and residential amenities of the area and also Section 12 of the NPPF.
3. Paragraph 11 of the NPPF states, inter alia, that where the policies which are most important for determining an application are out-of-date, permission should be granted. Unless, inter alia,

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. There is less than a five year housing land supply in the District and therefore the relevant policies are deemed to be "out-of-date". However, the Council considers that the proposal would lead to harm to the visual and residential amenities of the area, sufficient enough to outweigh the limited social and economic benefits of a single dwelling and therefore the application does not accord with Para. 11 of the NPPF.

Informative

1. It is considered that the proposals are unsustainable and do not conform with the provisions of the NPPF. Such matters have been discussed with the applicant and although amendments have been received, these are insufficient to overcome this.

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.
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