STAFFORDSHIRE moorlands DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Smytheman Architectural Services
12 High Street
Upper Tean
Stoke-on-Trent
Staffordshire
ST10 4DZ

Mr Simon Wareham
2 Parkway
Forsbrook
Stoek-on-Trent
Staffordshire
ST11 9DG

Application no: SMD/2023/0118

Determined on: 11/05/2023

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
2 Parkway Forsbrook Staffordshire ST11 9DG

Description of Development:
Retrospective Planning application for a Wind Turbine.

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:
WG20-SA-XX-XX-DR-A-0203 rev P0.1

for the reason(s) specified below:

1. The wind turbine is not in an area identified in the Council's adopted Local Plan (September 2020) as suitable for wind energy development. The development is therefore contrary to NPPF paragraph 158 (b) footnote 54 and Local Plan Policy SD2.

2. Several planning impacts identified by the affected local community including both the local parish council and neighbouring residents cannot be demonstrated as having been fully addressed so as to gain their backing and these impacts include safety, design appearance and visual movement effects potentially affecting living spaces within dwellings. For this reason the development again therefore is contrary to NPPF paragraph 158 (b) footnote 54 and Local Plan Policy SD2.

3. The application fails to specify or otherwise demonstrate any kind of operational safety measures whether by compliance with any public or published standards, or by way of manufacturer warranty, or through submitted design detailing, verified for example by an appropriately qualified engineer, and for a structure of this kind with rapidly moving bladed parts positioned at height close to the public highway and pavement this is found to represent an un-quantified safety risk which fails to meet the requirements of Policy DC1, SD2 and the NPPF, in which part of one of the core principles includes at paragraph 8(b) that sustainable development should foster safe places; and the development is therefore found contrary to DC1, SD2 and the NPPF including paragraph 8(b) and NPPF section 8 including paragraph 92(b).

4. The prominent position of this unusual somewhat industrial and highly noticeable development in the front garden corner of a domestic plot on a street junction corner within a residential area is out of keeping and at odds with the locality and therefore contrary to policies SS1, SS8, DC1, DC3, and SD2 and to the NPPF.

Informative

The proposal would not overall improve the economic, social and environmental conditions of the area nor does it comply with the development plan and 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 in total and it was therefore not possible to approve the application. The Local Planning Authority discussed with and sought additional information from the applicant about the development and has met the requirement in Paragraph 38 of the National Planning Policy Framework.

X

Signed by: Jane Colley Signature

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.

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.