STAFFORDSHIRE moorlands DISTRICT COUNCIL

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Mr Richard Pigott
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Mr & Mrs Riley

Application no: SMD/2023/0223

Determined on: 05/07/2023

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

REFUSAL OF OUTLINE PLANNING PERMISSION

Location of Development:
LAND AT TOP BUILDING, Heaton Bank, Rushton Spencer, Staffordshire

Description of Development:
Erection of 3 dwellings
(all matters reserved)

Staffordshire Moorlands District Council in pursuance of powers under the above mentioned Act hereby **REFUSE** to permit the development described above and shown in plans submitted with the application ref: 001A, 002 and 003B for the reason(s) specified below:-

1. The development would undermine and conflict with the Local Plan's spatial strategy for the delivery of housing by providing a dwelling in a relativley unsustainable 'other rural area' adjacent to a 'smaller village' rural location that would not be exceptionally provided for by Policy SS9 or SS10 of the Staffordshire Moorlands Local Plan 2020. In particular, the proposal would not meet the policy criteria in Policy H1 of the Staffordshire Moorlands Local Plan 2020 to be considered as an 'infill development' because it would not be well related to the existing pattern of development; would create and extend ribbon development; would lead to a prominent intrusion into the countryside and have an adverse impact of significance to the character of the countryside and settlement setting. Whilst the Council is unable to demonstrate a 5 year housing land supply, it is considered, against the tests at paragraph 11d ii) of the NPPF, that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the limited benefits when assessed against the policies in the NPPF as a whole.

2. Any new dwelling in this location would be prominently intrusive and reduce the scale of those countryside views that make a special contribution to the rural surroundings; the villages setting and the quality of the landscape character. The dwellings, by reason of their scale and location would relate poorly to and dominate the other cottages in the village cluster and be detrimental to the character and appearance of the area and that of the landscape. In these regards the development would be harmful and contrary to policies DC1 and DC3 of the Staffordshire Moorlands Local Plan 2020.

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3. Insufficient information and detail has been submitted with this application to determine the extent to which the development would impact upon or cause detriment to:

- The health and condition of existing mature trees adjacent to the development that contribute and are important to the character and amenity of the area; and
- The ecology and biodiversity of the area.

In the absence of such information and detail there are assumed harms and adverse impacts in all of these regards and conflict with policies SS1, SS10, SD4, NE1 and NE2 of the SMDC Local Plan and the terms of the NPPF.

Informatives

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

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.

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.