STAFFORDSHIRE moorlands DISTRICT COUNCIL

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Mr Jason Knight
JPK Design Limited
83 Dimsdale Parade East
Newcastle
Staffordshire
ST5 8DP

Mr Hoskins
Lynton Shopfitters Ltd Lynton House
Tunstall
Stoke on Trent
ST6 5AL

Application no: SMD/2020/0468

Determined on: 18th August 2023

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
Land Adjacent to 23 Castle View Biddulph Staffordshire ST8 6LF

Description of Development:
Proposed detached dwelling with detached double garage and new access.

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: 4307 Rev D, Location & Block Plan for the reason(s) specified below:-

1. The proposed dwelling and detached garage, by virtue of the size and scale relative to the plot size would result in a dominant form of development to the detriment of the character of the street scene and the surrounding local distinctiveness. Approval of the development would therefore be contrary to the provisions of Policy DC1 of the Local Plan, and Staffordshire Moorlands District Council Design Guide and the National Planning Policy Framework.

2. The proposed boundary treatment by virtue of its height and design would fail to reflect the open character of the street scene to the detriment of visual amenity. The proposal is therefore contrary to the provisions of provisions of Policy DC1 of the Local Plan, and Staffordshire Moorlands District Council Design Guide and the National Planning Policy Framework.

3. Insufficient information has been submitted to formulate a worst case scenario of the zone of influence of the shaft and any risk to the development proposal as the site is located with the defined Development High Risk Area for coal workings. The development is therefore contrary to Policy SD1 of the Staffordshire Moorlands Local Plan and the National Planning Policy Framework.

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Informatives

- The Local Planning Authority has acted positively and proactively in determining this application, in accordance with paragraph 38 of the National Planning Policy Framework, by assessing the proposal against relevant planning policies and all material considerations and identifying matters of concern with the application. The Local Planning Authority liaised with the applicant to address those concerns but the information was not forthcoming. As a result, the Local Planning Authority has been unable to grant planning permission.

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.

1.