STAFFORDSHIRE moorlands DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Sammons Architectural
10 Cawdry Buildings
Fountain Street
Leek
Staffordshire Moorlands
ST13 6JP

Mr Mark Briand
C/o Agent

Application no: SMD/2023/0469

Determined on: 26th January 2024

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
Land Off Kiln Lane Leek Staffordshire

Description of Development:
Erection of a single split level detached dwelling with associated means of access and hard and soft landscaping works

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:

2023-2764 04
2023-2764 06D
2023-2764 07D

for the reason(s) specified below:-

1. The development owing to its design form, scale and position on steeply rising ground close above existing neighbouring dwellings is found to be out of keeping in particular with nos 3 to 5 Orchard Court. The development at this publicly prominent and visually attractive location would result in a significant adverse impact on the character and appearance of the area and on important views into and out of the settlement in particular for users of Kiln Lane which is a definitively registered public footpath right of way. The development is therefore for this reason found contrary to Staffordshire Moorlands Local Plan policies SS1, SS5, H1, DC1 and DC3 and to the NPPF.

2. There are specific adverse effects for the living conditions or amenities of the immediate neighbouring dwellings for whose occupiers the development would undoubtedly be overbearing in particular for nos 2 and 3 Orchard Court and for whom there would also be un-acceptable intrusions on privacy as a result of direct overlooking from a high elevation where effective screening could not be satisfactorily achieved. Overlooking of rear garden areas is especially sensitive for occupiers when it intrudes on the very closest space at the rear of a dwelling as this would including for properties in Jason Court as well for neighbours Orchard Court. The development is therefore for this reason found contrary to Staffordshire Moorlands Local Plan policies SS1, SS5, H1 and DC1 and to the NPPF.

3. Given the proximity of an existing dwelling at the foot of the site and given a known or reported history of ground stability problems elsewhere nearby along Kiln Lane and given the steepness and narrowness of the ground available it would not be appropriate to consider granting consent without appropriate professional survey to confirm the slope stability and any measures needed to secure it. On the information as currently submitted the Council therefore cannot be satisfied as to the developability of this site on this basis. There is further uncertainty about construction access feasibility. The development is therefore for this reason found contrary to Staffordshire Moorlands Local Plan policies SS1, SS5, H1 and DC1 and to the NPPF.

4. Notwithstanding that the Council cannot currently demonstrate a full five year housing land supply the development of just a single dwelling despite having some benefits the adverse impacts of granting permission would significantly and demonstrably outweigh these benefits. The proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.

Informative

1. This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 38 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.

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.

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.