

Mr David Byatt
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Mr Elkin
C/O Byatt Oliver

Application no: SMD/2023/0655

Determined on: 15/02/2024

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

REFUSAL OF PLANNING PERMISSION

Location of Development:

Agricultural Building Boundary Road Boundary Staffordshire ST10 2NU

Description of Development:

Proposed erection of two dwelling houses

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: 6048 001a and 6048 004 for the reason(s) specified below:-

1. The site is in the North Staffordshire Green Belt and the proposed development of two dwellinghouses does not fall under the exceptions to inappropriate development in the Green Belt listed under paras 154 and 155 of the National Planning Policy Framework (NPPF). The proposal is therefore inappropriate development in the Green Belt which by definition in the NPPF is harmful to the openness of the Green Belt and should not be allowed unless there are very special circumstances considered to outweigh the harm to the openness of the Green Belt. The Council does not consider that such circumstances exist. The proposed development therefore does not comply with Policy SS10 'Other Rural Areas' of the Council's Local Plan (adopted September 2020) which requires strict control over inappropriate development in the Green Belt as well as being contrary to Section 13 of the NPPF.
2. The proposed dwellings do not represent sustainable development as the site location is not easily accessible to shops, services and workplaces via public transport or walking and there would be a strong reliance on the use of private transport causing emissions to the detriment of the environment. The proposal would not comply with policies SS1 'Development Principles' and SS10 'Other Rural Areas Strategy' of the Local Plan.
3. The proposed development, by virtue of the form and height of the dwellings, would lead to

a prominent incursion into the open countryside and this together with the height of development significantly exceeding existing neighbouring buildings and the amount of hard-standing visible from the adjacent highway, would lead to significant harm to the character and appearance of the village and wider area of countryside and the rural setting of the village. The proposal would not comply with policies DC1 'Design Considerations', DC3 'Landscape and Settlement Setting', SS9 'Small Villages Area Strategy', SS10 'Other Rural Areas' or H1 'New Housing Development' of the Local Plan and would also conflict with Sections 5 and 12 of the NPPF.

4. There are mature trees on site which contribute positively to the rural character and appearance of the area but the application fails to demonstrate that the proposed development would not result in harm to the trees on site therefore leading to further potential additional harm to the rural character and appearance of the area. The proposed development would be contrary to policies DC1 'Design Considerations' and NE2 'Trees, Woodland and Hedgerows' of the Local Plan and would also conflict with Section 12 of the NPPF.

Informative

Prior to the determination of the application the Council advised the applicant that the principle of such development is unsustainable and did not conform with the provisions of the NPPF (2023). It is considered that the applicant is unable to overcome such principle concerns and thus no amendments to the application were requested.

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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