STAFFORDSHIRE moorlands DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Mr Whitfield
The Moorings Birchall Lane
Leek
Staffs
ST13 5RA

Application no: SMD/2023/0367

Determined on: 21st February 2024

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
Gorseydale Cheddleton Heath Road Leek Staffordshire ST13 7DX

Description of Development:
Variation of Condition 2 of SMD/2020/0218.

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:

RLM/1092/3 Rev A (Non Material Amendment to Plot 1 approved under NMA/2023/0003)
RLM/1092/4 Rev A (Amended Site Plan)
RLM/1092/7 (Non Material Amendment to Plot 1 approved under NMA/2023/0003)
RLM942/8 Rev D
RLM942/10 Rev D
RLM942/11 Rev C
RLM942/15 Rev C
RLM942/16 Rev C
RLM1092/23 Rev C (Amended Elevations for Plot 2)
RLM1092/24 Rev B (Amended Elevations and Layout for Plot 2)

for the reason(s) specified below:-

The proposed extension is partially retrospective and did not form part of the original approved development. Permitted development rights were removed from the property to enable the Local Planning Authority to control development and so safeguard the character and visual amenities of the area and to protect the residential amenities of neighbouring residents. The proposed rear extension, by virtue of its scale, massing, design and appearance, in relation to the approved dwelling, would not harmonise with the appearance of the dwelling, resulting in an overdevelopment of the site and would therefore result in harm to the character and

appearance of the area in conflict with Policy DC1 'Design Considerations' of the Council's Local Plan (adopted Sep 2020), which inter alia, seeks to protect the visual amenities of the area and would also therefore not comply with Section 12 of the government planning guidance contained in the National Planning Policy Framework (NPPF).

Informatives

1.The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraph 38 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. It was not possible to suggest amendments to overcome the harm identified above.

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.