

Mr Tom Withers
Tom Withers Architecture Ltd
5 The Courtyard
Congleton
CW12 4TR

Mr Ian Scarratt
Land opposite 1 Dorian Way
Endon
Staffordshire
ST9 9EP

Application no: SMD/2022/0245

Determined on: 22nd May 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 OPPOSITE 1 Dorian Way Endon Staffordshire

Description of Development:

Proposed detached new build bungalow

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:

001 P10 site plan
002 P5 floor plan
003 P5 elevations

for the reason(s) specified below:-

1. The site does not provide the space to accommodate the development and at the same time satisfactorily provide for the constraints of the location. Development of the detached dwelling close up to the roadside edge of Dorian Way and boundary with the public footpath would result in cramped form of development which would intensify the building density of the location and result in the loss of a beneficial 'green wedge' of land within the development boundary which is found to contribute positively to the overall appearance and amenity of the location including for users of public footpath route 74. As such the development is found contrary to local plan policies SS1, SS2, SS8, H1, and DC1 and the NPPF.

2. The development would necessitate works including elements of the dwelling construction along with its essential boundary fencing and works associated with the diversion and re-routing of a public footpath (understood to be definitive footpath 74 Endon) taking place well inside the 8m margin of protection for a designated main river where ordinarily development would not be supported due to needs to provide access, accommodate fluctuating water levels and safeguard biodiversity. There would be attendant reductions in accessibility for maintenance and an incursion into the embankment ecology and biodiversity. As such the development is found contrary to local plan policies SS1, SS2, SS8, H1, DC1 and NE1 and to the NPPF.

3. It has not been possible to establish if work to divert the footpath would be acceptable to the Environment Agency or to the County Council as Highways Authority but the LPA considers that the enclosing effects of the development as a result both of the dwelling and its fencing would result in unacceptable reductions in user enjoyment and their sense of security as a result of a loss of natural surveillance and increased sense of enclosure. It would also result in access to the Right of Way and associated lighting for maintenance becoming more restricted. As such the development is found contrary to local plan policies SS1, SS2, SS8, H1, DC1 and NE1 and to the NPPF.

4. No ecological survey information has been submitted with the application but it is nevertheless apparent to the LPA that the varied tree cover and ground layer vegetation will provide and represent a range of beneficial ecological habitats including potentially for protected species such as water voles. In the absence of ecological survey information and assessment of the existing site the application is found contrary to Staffordshire Moorlands Local Plan policies SS1; SS2; SS8; H1; DC1; NE1 and NE2 and to the NPPF as there is insufficient information to assess the potential for biodiversity loss as a result of the development.

5. Although the site is within the Endon development boundary and the Council is at present unable to demonstrate a full housing supply the adverse implications leading to this refusal as set out above are not found to be outweighed in this case by the limited contribution of single new dwelling to the housing supply. The agent has also referred to this being a 'self-build' proposal but again the adverse implications are not outweighed by the benefits.

Informatives

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. In this instance it has not been possible to resolve all matters of concern identified.

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.
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.