STAFFORDSHIRE moorlands DISTRICT COUNCIL

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Application no: SMD/2023/0337

Determined on: 31st October 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 adjacent to Izaak Walton, Cresswell Road, Cresswell, Staffordshire, ST11 9RE

Description of Development:
Proposed residential development of 8 dwellings

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: 00932 AL(0)207 Location Plan, 00932 AL(0)202 B, 00932 AL(0)203, 00932 AL(0)204, and 00932 AL(0)206, submitted with the application; and revised plans 00932 AL(0)201 E and 00932 AL(0)205 A, that were submitted on the 11th September 2023, for the reason(s) specified below:-

1. The application site is in a 'other rural' area of countryside outside of any of the smaller or larger village settlements that are identified in the Local plan. In these areas of countryside housing development is only provided for exceptionally. Those specific exceptions do not apply in this case. Where a 'finely balanced' concession has previously been made for a smaller area of development on part of the land, the current proposal to provide eight dwellings would see houses built on land that has been reclaimed by nature and is covered by scrub and young broadleaf woodland. The development therefore would be carried out on land that cannot be accepted as being 'previously developed' and has environmental value. As such, the development would be contrary to policies SS10 and H1 of the Staffordshire Moorlands Local Plan 2020.

2. Overall, having regard to the number of dwellings, the layout of the scheme, its context and surroundings, and the loss of existing and established young woodland enclosure and buffer, it is concluded that the proposed development would have a significant adverse effect on the character and appearance of the surrounding area. Consequently, it would conflict with policies SS10, H1, DC1, and DC3 in the Staffordshire Moorlands Local Plan, guidance within the Council's Design Guide SPD and the relevant parts of the National Planning Policy Framework.

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3. The cramped and crowded layout of the proposed development would deliver less than satisfactory standards of amenity and poor quality living conditions for future residents. The development would provide housing that is of a poor quality and ultimately unsustainable. Therefore, in these regards, the development would be contrary to policies SS10, H1 and DC1 of the Staffordshire Moorlands Local Plan 2020, the Council's Design Guide and the relevant parts of the National Planning Policy Framework.

4. The development would result in significant loss of biodiversity habitat, trees and hedgerow that in their onsite location possess other environmental qualities that cannot adequately or suitably be compensated for. Any benefits that might be associated with the provision or enhancement of offsite biodiversity would not outweigh the totality of harms identified. In these regards the development would be contrary to policies SS10, H1, NE1 and NE2 of the Staffordshire Moorlands Local Plan 2020 and the relevant parts of the National Planning Policy Framework.

5. With careful consideration of the totality of the planning harms identified, in the overall balance, the significant weight attributed to these harms amounts to adverse impacts that would significantly and demonstrably outweigh the limited economic and community benefits associated with the provision of the dwellings, when assessed against the policies of the NPPF taken as a whole.

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. In this case it was not possible to negotiate amendments that would overcome the harm in principle 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.