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Mr J Jeffery
c/o Agent

Application no: SMD/2024/0227

Determined on: 20th November 2024

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

REFUSAL OF PLANNING PERMISSION

Location of Development:

Barn off Heath House Lane Lower Tean Staffordshire ST10 4HA

Description of Development:

Change of use of an agricultural building to a dwelling with a basement extension

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:
HEATH-HOUSE-IDS-296-DR-A-00-10-003 revision E – Site location plan
HEATH-HOUSE-IDS-296-DR-A-00-10-005 revision E – Site block plan
HEATH-HOUSE-IDS-296-DR-A-00-10-006 revision B – Plans, sections and elevations

for the reason(s) specified below:-

1. The two proposed basement bedrooms are the only bedrooms for this proposed dwelling and would each be served by a single below-ground level window opening into a light well excavated externally to the exterior wall sides. The resulting principal windows would face directly on to the retaining wall structure at a distance of just 0.7m with the wall top 0.6m higher than the top of the windows. The Council's adopted Space About Dwellings Supplementary Planning Guidance expects a minimum separation of at least six metres (6.0m) for any solid object higher than the top of a facing principal window. The very short separation distance in this design would result in a very oppressive living environment for occupiers and would severely reduce the available light to each of the two principal bedrooms. The proposal is therefore found contrary to SS10; H1 and DC1 and to the NPPF.

2. The conversion and use of the building for a dwelling and the creation of an expanded residential curtilage at this location would bring a marked and harmful change to character and appearance strongly at odds with the rural field siting and agrarian use of the land in turn bringing harm to the setting of the adjacent South Lodge, a curtilage Listed Building to the Grade II* Listed Heath House, and to the adjacent surrounding historic park land setting including to Heath House itself. In the relevant wording of the NPPF there is found to be 'less than substantial harm' as a result of these impacts and in accordance with the NPPF 'great weight' is given to the importance of conserving these heritage assets. Without the

counterbalance of a public benefit the proposal is found contrary to the Staffordshire Moorlands Local Plan 2020 policies SS1, SS10, DC1, DC2 and DC3 and H1.

3. The external appearance of the development would be of a compromised design with no place or linkage to the rural building tradition of the area and therefore wholly at odds with its location relating neither to its field position nor to any understood or recognised expectation of a residential dwelling. In strict design terms the proposal is found contrary to Staffordshire Moorlands Local Plan 2020 policies SS1, SS10, DC1, DC2, DC3 and H1 and to the NPPF.

Informatives

1. The submitted elevations details in drawing 006 revision B listed above omitted to show the front and rear elevations. The details were requested and the applicant / their agent made a commitment to supply them but has subsequently declined to do so in advance of the issuing of this decision notice. The applicant / their agent confirmed in correspondence in advance of the Council's decision that the front and rear elevations were intended to be of a design submitted previously in connection with a prior approval consent as shown on drawing HEATH-HOUSE-IDS-296-DR-A-00-10-002 Rev G. The Council has based its decision on those details.

2. The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has nonetheless met the requirement in Paragraphs 38 of the National Planning Policy Framework.

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.