

**Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2010**

REFUSAL OF OUTLINE PLANNING PERMISSION

Application No: 13/00674/OUT

Mr Ron Dale
c/o Mr David Woodfine
Tarpey Woodfine Architects
10 King Street
Newcastle-under-Lyme
Stoke-on-Trent
Staffordshire
ST5 1EL
United Kingdom

Location of Development:

Fern Lea 277 Congleton Road Biddulph Staffordshire ST8 7SE

Description of Development:

Outline Erection of 5 new dwellings (all matters reserved)

In pursuance of their powers under the above mentioned Act, Staffordshire Moorlands District Council, **HEREBY REFUSE PERMISSION** for the development described in the above application, in accordance with plans ref: 0812 00 - Location Plan; 0812 01 - Block Plan and 0812 02 – residential dev Plan for the reason(s) specified below:-

1. The proposal constitutes inappropriate development within the greenbelt and the applicant has not advanced the very special circumstances necessary to warrant the granting of permission for the development. It therefore conflicts with the advice contained within paragraphs 87 - 89 of the National Planning Policy Framework, Staffordshire Moorlands District Local Plan Policies N2 and N7 and Policies SS1 and SS6c of the Core Strategy Revised Submission Document.
2. The proposal relates to the erection of 5 new dwellings on a greenfield site within the Special Landscape Area of the open countryside, outside of any recognised settlement limit, which the N.P.P.F states should be protected from encroachment and that isolated dwellings require careful justification. The proposal would be an alien and intrusive feature in the countryside contrary to the guidance contained within paragraph 55 of the N.P.P.F and Staffordshire District Local Plan Policies H4 and H7 and Core Strategy Revised Submission Document Policies H1, R2, SD1, SS1, SS2, SS3 and SS6c.
3. The site falls within flood-risk zone 3, and the applicant has failed to provide any information regarding alternative sites to allow the Local Planning Authority to undertake the sequential test, and it is considered that alternative sites in a lower flood-risk zone would be available. Additionally, the applicant has failed to advance compelling justification for the release of a Greenfield site by means of the exceptions test, and no flood-risk assessment has been provided. It therefore conflicts with the advice contained within paragraphs 2-19 of the technical guide to of the National Planning Policy Framework.

Informative

POSITIVE AND PRO-ACTIVE INVOLVEMENT WITH THE APPLICANT/AGENT

The Authority's Officers have assessed the proposal against Development Plan policies, the National Planning Policy Framework, and any other material considerations and have concluded that it represents a form of development that is not capable of being amended in a way which would make the scheme acceptable; consequently, no amendments were requested.

Signed 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. All other types of development have a 6 month deadline for submission of appeals. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs. The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him 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. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.
3. 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.