

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

**REFUSAL OF PLANNING PERMISSION**

**Application No:** 13/00500/FUL\_MJ

To:  
Renew Land Developments Ltd  
c/o Mr Ben Weatherley  
Knights LLP  
The Brampton  
Newcastle Under Lyme  
Staffordshire  
ST5 0QW

**Location of Development:**

Former Colourworks, Congleton Road, Biddulph, Staffordshire

**Description of Development:**

Redevelopment of former dye works for residential purposes comprising of two, 3-bedroom and sixteen 4-bedroom open market homes and eight 3-bedroom affordable homes.

The Council of the Staffordshire Moorlands District in pursuance of powers under the above mentioned Act hereby **REFUSE** to permit the development described above in accordance with plans ref: 101; 200; 201; 202; 203; 204; 205; 206; 207; 208; 209; 210; 211; 212; 213; 214; 215; 216; 217; 218; 219; 115 REV A; 116; 117; SCP/12188/F01 REV A; SCP/12188/ATR01; RL008/T00; FIGURE 18 REV A; FIGURE 19 REV A; CW/6690-P-TR; CW/6690-P-TP; BID1210\_L001; BID1210\_L002; FIGURE 21 REV A; FIGURE 17 REV A; for the reason(s) specified below:-

1. The National Planning Policy Framework (NPPF) advocates a presumption in favour of sustainable development (para 14). For decision-taking this means approving development proposals that accord with the development plan without delay, and, where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole and specific policies in this Framework indicate development should be restricted, including land designated as Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence. The former dye works is on the periphery of the town within the open countryside, which is designated as Green Belt. A key function of this part of the Green Belt is to maintain the separation of Biddulph from Congleton. The proposal for the redevelopment of the former dye works for residential purposes is considered to constitute inappropriate development in the Green Belt which would be detrimental to its character and openness whilst conflicting with the purposes of including land within it. The Local Planning Authority does not consider the case put forward by the applicant to constitute very special circumstances sufficient to outweigh the harm by reason of

inappropriateness and any other harm to the Green Belt. Accordingly, the proposal is contrary to Saved Policies N2 and N7 of the Adopted Staffordshire Moorlands Local Plan; Policies SS6c and R2 of the Core Strategy Development Plan Document (Revised Submission Document) and the National Planning Policy Framework, including but not limited to Chapter 9 'Protecting Green Belt Land'.

2. The National Planning Policy Framework states that in rural areas, Local Planning Authorities should plan housing development to reflect local needs, particularly affordable housing. This is carried forward by Policies SS6c and R2 of the emerging Core Strategy which seek to limit new housing in the countryside to, amongst other things, affordable housing or that essential to meet an identified local need. The former dye works is on the periphery of the town within the open countryside, which is designated as Green Belt. Fundamentally, the site would not be considered preferable to any of the 'B Class' housing sites within the Green Belt identified within the Council's Strategic Housing Land Availability Assessment (SHLAA). Consequently, the provision of eight affordable housing units is considered insufficient to outweigh conflict with both national and local policy restricting new housing in the countryside and promoting sustainable development. Accordingly, the proposal is contrary to Policies H1, H2, R2 and SS6c of the emerging Core Strategy and the National Planning Policy Framework.

3. Insufficient information has been submitted with the application relating to risk assessment in accordance with the risk management framework provided in CLR11 (model procedures for the management of Land Contamination, when dealing with land affected by contamination) in order to assess adequately that the site is suitable for its proposed use or can be made so through appropriate remediation. Accordingly, the proposal is contrary to Policy SD3 of the Core Strategy Development Plan Document (Revised Submission Document) and the National Planning Policy Framework including, but not limited to Chapter 11 "Conserving and Enhancing the Natural Environment".

4. Saved Policy A1 of the Adopted Staffordshire Moorlands Local Plan requires financial contributions towards community facilities, environmental and infrastructure improvements. For this particular proposal, the Council's Supplementary Planning Guidance (SPG), 'Developer Contributions' requires contributions towards local open space provision and education facilities. Also, Policy C1 of the Council's Local Development Framework Core Strategy Development Plan Document (Revised Submission) states that development proposals must make provision for financial contributions and/or land to secure community facilities by means of a planning obligation. The application does not include any legal mechanism to secure such financial contributions. Accordingly, the proposal is contrary to the above policies / guidance and also the National Planning Policy Framework.

5. The proposed development would significantly impact upon nature conservation interests concerning badgers, particularly in respect of the habitat margin to the eastern border of the site. Furthermore, insufficient levels of information have been submitted with the application in order to assess adequately the impact of the proposed development on nature conservation interests. Accordingly, the proposal is contrary to Saved Policy B13 of the Adopted Staffordshire Moorlands Local Plan; Policy NE1 of the Core Strategy Development Plan Document (Revised Submission Document) and the National Planning Policy Framework including, but not limited to Chapter 11 "Conserving and Enhancing the Natural Environment".

6. The proposed development is unacceptable as it involves the construction of new buildings within 8.0m of the top of the bank of the Biddulph Brook therefore restricting access to carry out essential maintenance work. The permanent retention of a continuous unobstructed area is an essential requirement for future improvement works and / or maintenance of the brook. Accordingly, the proposal is contrary to the National Planning Policy Framework including, but not limited to Chapter 10 "Meeting the Challenge of Climate Change, Flooding and Coastal Change".

7. The application site, as existing is essentially open across the main central area (with remnant slabs and wall bases from the colourworks buildings, since demolished), however with substantial established mature tree and woodland cover to virtually all boundaries, with some protected by a Tree Preservation Order (TPO). Whilst some of this tree cover is identified for retention, other significant trees/groups would be removed either to allow contamination remediation works and/or to accommodate the proposed development layout. Consequently, the proposal would lead to an unacceptable loss of existing trees (some of which are protected under a TPO), which would be detrimental to the visual amenity and character of the site and its surroundings and would result therefore in the proposed development having a greater adverse visual impact through the loss of screening and in some places a limited opportunity to establish new screening. As a consequence, the proposal by reason of its intrusive layout and significant tree loss would introduce an urbanising element into this edge of settlement location within a highly prominent location adjacent to the A527. Consequently, this visually intrusive form of development would have a detrimental impact upon the openness / visual amenities of the Green Belt and also character of the Special Landscape Area (SLA). The supporting information is not considered sufficient, either individually or cumulatively, to outweigh the harm to the character and appearance of the area. Accordingly, the proposal is contrary to Saved Policies N2, N7, N8, N9 and B13 of the Adopted Staffordshire Moorlands Local Plan; Policies DC1 and DC3 of the Core Strategy Development Plan Document (Revised Submission Document and the National Planning Policy Framework including, but not limited to Chapter 7 "Requiring Good Design", Chapter 9 "Protecting Green Belt Land" and Chapter 11 "Conserving and Enhancing the Natural Environment".

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**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](http://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.