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## Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

### REFUSAL OF OUTLINE PLANNING PERMISSION

Application Number:	24/00375/OUTM
Proposed:	Outline planning application for up to 45no. residential dwellings, a community car park, associated drainage and infrastructure with off-site highway improvement works. Details of access provided, all other matters reserved for subsequent approval.
At:	Land South Of Coven Road Brewood

In pursuance of their powers under the above mentioned Act, South Staffordshire Council, hereby **REFUSE** permission for the development described in the above application,

#### Reasons for refusal:

1. The proposed development fails to comply with Core Policy 1 of the South Staffordshire District Core Strategy. CP1 identifies that growth within the District should be located at the most accessible and sustainable locations in accordance with the Council's settlement hierarchy, to ensure that adequate infrastructure services and villages are available to support growth. The position of the site 0.8km from the development boundary of Brewood is located 'Outside a Service Village' and is not identified for housing growth under Policy CP1. The proposal is functionally isolated from the nearest main service village with no safe pedestrian links, public transport and range of everyday services or facilities to support the development. The occupants of the proposed dwellings would therefore be dependent on the use of a private car to gain access to everyday facilities. The proposal therefore results in an unsustainable development, contrary to the aims of the National Planning Policy Framework (2023) and Core Policy 1 and Policy H3 of the Core Strategy.
2. The proposal is within the Green Belt and is considered to be inappropriate development as set out in policy GB1 of the adopted Core Strategy and paragraph 154 of the National Planning Policy Framework. The development is therefore harmful to the Green Belt, contrary to policy GB1 of the adopted Core Strategy and Section 13 of the National Planning Policy Framework (2023).
3. The Local Planning Authority has considered the reasons advanced, but does not consider that these reasons constitute the very special circumstances required to clearly outweigh the harm to the Green Belt by reason of inappropriateness, visual and spatial harm, conflict with the purposes of the Green Belt and other harm resulting from the proposal, contrary to policy GB1 of the adopted Core Strategy and Section 13 of the National Planning Policy Framework (2023).

4. The proposed dwellings would not respect the prevailing form and pattern of development within the local area, contrary to Policies EQ4 and EQ11 of the Core Strategy, the National Planning Policy Framework (2023) and the Design Guide SPD (2018).
5. The proposal of dwellings in this position would result in less than substantial harm to the setting of the surrounding designated heritage assets, including the Chillington Conservation Area, Shropshire Union Canal Conservation Area, Avenue Bridge Grade II listed structure and the Grade II\* Chillington Registered Park and Garden. . The public benefits of the proposal do not outweigh the harm identified. As such, the application is contrary to Policy EQ3 of the Council's Core Strategy and the National Planning Policy Framework (2023).
6. Insufficient information has been provided by way of a road safety audit, revised visibility splays and tracking of vehicles for all movements. The proposal fails to demonstrate that an appropriate level of highway safety can be secured, and there is substandard visibility for the access of the proposal. As such, the proposal is contrary to the National Planning Policy Framework (2023), and the Council's Core Strategy.
7. Insufficient information has been provided to demonstrate there would be no detrimental impact on protected species, with specific regard to ground nesting and woodland birds, in line with the requirements of the National Planning Policy Framework (2023), Policy EQ1 of the Council's Core Strategy and the ODPM Circular 06/2005 or the Conservation of Habitats and Species Regulations 2017 (as amended).
8. The proposal, in the absence of necessary mitigation measures, is contrary to Policy EQ2 'Cannock Chase Special Area of Conservation' of the adopted Core Strategy being within a 15 kilometre radius of the SAC and having potentially adverse effects on its integrity.
9. The Local Planning Authority, as Competent Authority, has not been provided with sufficient information to demonstrate that there would be no detrimental impact on Cannock Chase SAC and/or Cannock Extension Canal SAC by way of nitrogen deposition from road traffic emissions associated with the proposed development and other plans and projects 'in-combination'. Given this the Local Planning Authority as Competent Authority has been unable to either screen out or complete a Habitat Regulations Assessment for these specific impacts on these European Protected sites contrary to the requirement of regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended) and Paragraph 188 of the National Planning Policy Framework (2023).
10. Insufficient information has been provided to demonstrate there is no risk of flooding, or appropriate flood mitigation measures, contrary to the National Planning Policy Framework, Core Policy 3 and Policy EQ7 of the Core Strategy.
11. In the absence of a completed Section 106 agreement, the proposal fails to secure appropriate provision for:
  - o Affordable housing (40%) - 25% First Homes, 50%, Social Rent, and 25% Shared Ownership.
  - o Open space contribution (in line with Policy SAD7 of the Site Allocations Document 2018)
  - o Contribution to the Integrated Care Board (£40,346.00)
  - o Education Contribution (£128,240.00)
  - o Securing 30-year biodiversity net gain habitat management, and monitoring fee for

- o any significant on-site habitat gains
  - o Towpath improvements following appropriate justification from the Canal and River Trust
- Contrary to policy EQ13 of the Local Plan.

Proactive Statement - Whilst paragraph 38 of the National Planning Policy Framework (2023) requires the Local Planning Authority to work with applicants in a positive and proactive manner to resolve issues arising from the proposed development; in this instance a positive solution could not be found, and the development fails to accord with the adopted Core Strategy (2012) and the National Planning Policy Framework (2023).

Signed

Dated: 15 October 2024



Helen Benbow  
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## APPEALS

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.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

If this is a decision to refuse planning permission for a householder application, if 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.

If this is a decision to refuse planning permission for a minor commercial application, if 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.

Otherwise, if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

However, if you are not sure which of these time limits applies to your decision please contact the Planning Inspectorate

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on 0303 444 5000.

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.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

## PURCHASE NOTICE

If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or the Secretary of State for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Borough Council or District Council or County Council in which the land is situated, as the case may be, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

## COMPENSATION

In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.