



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

REFUSAL OF OUTLINE PLANNING PERMISSION

Application Number: 24/00376/OUTM
Proposed: Outline planning permission for up to 85no. residential dwellings, an 80-bed care home, community facilities and associated landscaping and green infrastructure.
At: Land At Hockerhill Farm Kiddemore Green Road Brewood STAFFORD ST19 9BQ

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 development would fall outside of the defined settlement boundary of Brewood Village, in an area outside the service village where the objective of the Spatial Strategy is to protect the attractive rural character of the countryside, contrary to Core Policy 1 of the Core Strategy.
2. The site is within the Green Belt where there is a presumption against development. The development is not considered to meet the definition of limited infilling within the Green Belt, as set out within Policy GB1 and the supporting SPD, or any of the other exceptions listed in Policy GB1 or paragraphs 154 and 155 of the NPPF, accordingly it is considered to be inappropriate development within the Green Belt and by definition is harmful to its openness and function.
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, substantial harm to openness, encroachment into the countryside, and other harm identified relating to highway safety, protected species, impact on the SAC, ecology, flooding and impact on heritage assets.
4. The principle of an 80-bed care home, due to its likely scale and massing, would be considered to have a detrimental impact on the setting of nearby Designated Heritage Assets, contrary to Policy EQ3 and The Planning (Listed Buildings and Conservation Areas) Act 1990, which sets out a statutory duty for Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Listed Buildings and Conservation Areas.

5. Insufficient information has been submitted to demonstrate that the development would have an acceptable impact on highway safety, contrary to paragraphs 108 and 115 of the NPPF, Core Policy 11 and Policy EV11 of the Core Strategy.
6. Insufficient information has been provided to demonstrate there would be no detrimental impact on protected species, in line with the requirements of the National Planning Policy Framework, 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).
7. Insufficient information has been provided to demonstrate there would be no adverse in-combination impacts to Cannock Chase SAC or The Canal Extension SAC by way of diffuse air pollution. As a consequence, the Council as CA has insufficient information to progress to either a project-level HRA or screening out of impacts and as such, the LPA is unable to meet its requirements as Competent Authority under regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended).
8. Insufficient information has been submitted to demonstrate compliance with mandatory biodiversity net gain, contrary to Policy EQ1 and paragraph 180 of the NPPF.
9. 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.
10. Insufficient information has been submitted to demonstrate that the care home element of the proposed scheme would not detrimentally impact on the significance of the designated heritage assets, namely Brewood Conservation Area and an important group of Grade II listed buildings centred on the Roman Catholic Church of St. Mary. As such there is conflict with Policy EQ3 and The Planning (Listed Buildings and Conservation Areas) Act 1990, Policy EQ3 of the Core Strategy and Paragraph 203 of the NPPF (2023)
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 Highways Travel Plan Contribution (total £11,000) plus any potential off site highway works.
 - o Contribution to the Integrated Care Board (£135,979)
 - o Education Contribution (£282,128, index linked)
 - o Contribution of £344.01 per dwelling plus legal fee to secure mitigation in respect of recreational pressure to Cannock Chase SAC.
 - o Biodiversity Net Gain contribution and monitoring fee.

Contrary to Policy EQ13 and Policy EQ2.

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: 18 October 2024

A handwritten signature in black ink, appearing to be 'HMB'.

Helen Benbow

Development Management Team Manager

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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) 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.