



# South Staffordshire Council

## Town and Country Planning Act 1990

## Town and Country Planning (General Development Procedure) Order 1995

### REFUSAL OF PLANNING PERMISSION

Application Number: 14/00526/FUL

Proposed:

Installation of a kart racing track and associated facilities and works to include:-

1. A racing circuit
2. A race control building (incorporating toilet, food preparation, covered eating/picnic area).
3. The parc ferme including start and finish area with small admin office and an open sided Scrutineering Area
4. Storage building.
5. Car parking
6. The provision of a new access to Warstone Road
7. Circulation route provided around the perimeter of the track.
8. Extensive landscaping around the developed and non-developed portion of the site.

At: Hollybush Farm Warstone Road Shareshill South Staffordshire WV10 7LX

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 proposal is an inappropriate form of development in the Green Belt contrary to Core Strategy Policy GB1. Whilst the proposal is a form of outdoor sport/recreation it is not an 'appropriate small scale facility' and would not 'preserve the openness' of the Green Belt in this prominent location by reason of the hard surfacing of the track and the associated paraphernalia that accompanies a go-cart facility of this nature and scale. The proposal in this prominent location would also be in conflict with the purposes of including land in the Green Belt - in particular encroachment into the countryside and urban sprawl by reason of the nature and scale of the proposed facilities. Furthermore there are no 'very special circumstances' advances sufficient to outweigh the harm to Green Belt by reason of inappropriateness and other harm.
2. The hedgerow along the Warstone Road (A462) is a key feature and its removal, without further landscape details, would detrimentally affect landscape character, resulting in the key feature not being maintained or enhanced and conversely there has been a lack of thought in ensuring the landscape scheme is part of the overall design; contrary to policies EQ4 and EQ12 of the adopted Core Strategy and the NPPF.
3. The analysis of importance of the site for protected species has not been based on survey evidence or assessment of local ecological connectivity, therefore the impact upon biodiversity cannot be fully ascertained or the impact upon ecological networks; contrary to Policy EQ1 of the adopted Core Strategy and the NPPF.
4. Ground nesting birds and skylarks would be disturbed by the proposal, and without appropriate mitigation and a comprehensive landscape scheme, it would impact upon the Government's commitment to halt overall decline in biodiversity;

contrary to Policy EQ1 of the adopted Core Strategy and the NPPF.

5. A survey for Great Crested Newts has not been conducted and these are protected species under the Conservation of Habitats and Species Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended), therefore the proposal may cause harm or potential harm to these protected species contrary to Policy EQ1 of the adopted Core Strategy and the NPPF.
6. A re-survey for badger activity and their setts is required as there is potential for their occupation on the site. These are protected species under the Protection of Badgers Act 1992 therefore the proposal may cause harm or potential harm to these protected species contrary to Policy EQ1 of the adopted Core Strategy and the NPPF.
7. A feasibility study has not been conducted as to why the proposal cannot connect to a public sewer for foul water disposal which may lead to potential ground water pollution and deterioration of the Saredon Brook catchment compromising its ability to meet its Water Framework Directive objectives; contrary to Policy EQ7 of the adopted Core Strategy and the NPPF.
8. No details of fuel storage or refuelling activities and no oil separators have been provided, leading to the proposal posing an unacceptable risk of surface water pollution to the Saredon Brook catchment compromising its ability to meet its Water Framework Directive objectives; contrary to Policy EQ7 of the adopted Core Strategy and the NPPF.
9. The proposal would give rise to an unacceptable level of noise disturbance impacting upon the amenity and quality of life of nearby residents. Appropriate noise mitigation measures have not been demonstrated and out-of-date background noise data, that lacks detail, has been provided; contrary to Policy EQ9 of the adopted Core Strategy.
10. Whilst paragraphs 186 and 187 of the National Planning Policy Framework (2012) 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 (2012).

Signed

Dated: 17 December 2014



**Andrew Johnson**

Director of Planning and Strategic Services

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## NOTES

### 1) APPEALS

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, or to grant permission subject to conditions, she/he may appeal to the Secretary of State for Communities and Local Government in accordance with Section 78(I) of the Town and Country Planning Act 1990. Any appeal must be made within **6 months** of the date of the decision.

\* As/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.

The Secretary of State has power to allow a longer period for giving of a notice of appeal, but she/he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to her/him that permission for the proposed development could not have been so granted otherwise then subject to the conditions imposed by them, having regard to the statutory requirements, to the provision of the development order and to any directions given under the order.

Appeal forms are obtained from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6NP or online to [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)

### 2) 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, she/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.

### 3) 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.

\*Householder development means development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse. It does not include a change of use or a change to the number of dwellings in a building.

