



TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

PLANNING APPEAL REFERENCE: APP/Y3425/W/23/3315258

**CHANGE OF USE FROM STUDENT ACCOMMODATION TO ASYLUM SEEKER
ACCOMMODATION**

**FORMER UNIVERSITY HALLS OF RESIDENCE, STAFFORD EDUCATION AND
ENTERPRISE PARK, WESTON ROAD, STAFFORD**

**SUMMARY OF PROOF OF EVIDENCE BY MR M. WEDDERBURN
ON BEHALF OF STAFFORD BOROUGH COUNCIL**

- 1.1 The following provides a summary of the proof of evidence by Matthew Wedderburn MRTPI in respect of planning appeal ref: APP/Y3425/W/23/3315258 submitted by Serco Limited (“the appellant”) in respect of the decision of Stafford Borough Council to refuse permission for change of use from student accommodation to asylum seeker accommodation (“the appeal scheme”) at the Former University Halls of Residence, Stafford Education And Enterprise Park, Weston Road, Stafford (“the appeal site”).
- 1.2 The proof of evidence addresses general planning matters and evaluates the planning balance pertaining to the appeal scheme.
- 1.3 The appeal site and the proposals are described in detail in the officer’s report to committee and the statement of common ground.
- 1.4 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004regard determination should be in accordance with the development plan unless material considerations indicate otherwise. There are no policies in the Plan for Stafford Borough specifically regarding asylum seekers accommodation.
- 1.5 National policy in respect of paragraph 92 and 130 of the Framework were cited in the refusal reason and are relevant here. There is no specific reference in the Framework to asylum seekers accommodation.
- 1.6 Local Plan policy SP1 - Presumption in favour of sustainable development accords with paragraph 11d of the Framework which states that “*where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless . . . (ii) 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*”.
- 1.7 The local planning authority identified important material considerations and concluded that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. Permission was therefore refused by the Council’s planning committee on 27 July 2022. The following reason was set out: “*The proposal, due to its nature and scale, is considered to result in a lack of social inclusivity in the community and would increase the public fear of crime. The proposal, due to its nature, is also considered to be sited in an inappropriate location in close proximity to schools, which results in an increased public fear of crime. The proposal is therefore contrary to Paragraphs 92 and 130 of the National Planning Policy Framework (2021). Additionally, the application fails to demonstrate that the proposal would not lead to a detrimental impact upon local public health service resources*”.
- 1.8 The local planning authority’s position therefore relates to matters that can be summarised as:
 - (i) the lack of social inclusivity and public fear of crime arising from the nature and scale of the proposals including its location close to schools;
 - (ii) whether the appellant has shown that the impact of the proposals upon local public health service resources will be acceptable.

- 1.9 Subject to appropriate conditions, matters other than those forming part of this reason for refusal are not disputed in defending the appeal. The local planning authority's position on all other relevant matters is set out in the officer's report.
- 1.10 The local planning authority's case is set out in the proof of evidence in the form of the following propositions:
1. Fear of crime is a material planning consideration.
 2. The proposal, due to its nature and scale including its location close to schools will result in a lack of social inclusivity and a significant local increase in public fear of crime contrary to Paragraphs 92 and 130 of the National Planning Policy Framework. This concern is genuinely held, objectively justified and gives rise to unacceptable risks.
 3. The appellant has not shown that the proposal would not have a detrimental impact upon local public health service resources.
 4. Significant weight should be attached to these matters and the appeal should be dismissed.

Proposition 1: Fear of crime is a material planning consideration.

- 1.11 Paragraph 21b-009 of the Planning Practice Guidance states "*Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case*". Case law¹ that establishes (i) that the impact of a proposed development upon the use of and activities upon neighbouring land may be a material consideration; (ii) that justified public concern in the locality as a result of a proposed development may be a material consideration and (iii) that the public perception of danger can be a material planning consideration.
- 1.12 As such fear of crime can be a material planning consideration. If a genuinely held, objectively justified public fear of crime would arise then this is a matter for the decision maker to consider when deciding what weight to give to this material consideration.

Proposition 2: . The proposal, due to its nature and scale including its location close to schools will result in a lack of social inclusivity and a significant local increase in public fear of crime contrary to Paragraphs 92 and 130 of the National Planning Policy Framework. This concern is genuinely held, objectively justified and gives rise to unacceptable risks.

- 1.13 The Council considers that the proposed development will give rise to a significant local increase in the fear of crime. These concerns arise from the nature of the development and from its scale and location.
- 1.14 Asylum seekers are unable to access employment and the limited financial allowance provided to asylum seekers means they are unlikely to have funds to cover anything beyond the bare

¹ Newport BC v Secretary of State for Wales [1998] Env. L.R. 174 (CD G1) West Midlands Probation Committee v Secretary of State for the Environment, Transport and the Regions (1998) 76 P. & C. R. 589 (CD G2) and R v Broadland DC ex p Dove [1998] PLCR 119 (CD G3)

essentials. Unless the accommodation provides sufficient facilities and activities on-site, groups of asylum seekers may have little to occupy their time and gather in the vicinity of the facility.

- 1.15 Open space within the application site boundary is limited to an internal courtyard and the floor plans for the proposed development do not show communal spaces where exercise classes or teaching could be held, space for worship or a social area for groups to meet. Nor does the application set out details of activities proposed to be organised.
- 1.16 Unable to access employment, without funds to partake in the local leisure and retail economy and with limited on-site facilities, it is clearly reasonable to expect asylum seekers would gather in the locality. This may have a considerable impact on many local residents and affect use of local open spaces and walking to and from school for example. The Council therefore considers that harm would arise in respect of the impact on social inclusion and increased public fear of crime.
- 1.17 These concerns are magnified by the scale of the proposals. At 481 bed spaces, this facility would be greater in size than other examples of similar asylum accommodation identified.
- 1.18 In respect of the location of the development, the local planning authority's position is that the nature of the surroundings of the appeal site adds to the fear of crime and to the negative impact on community cohesion that would arise. Weston Road Academy secondary school is 350m north east of the appeal site, Veritas Primary School 275m north and St Johns Primary School 750m west. With residential areas to the south and the west of the appeal site, many children pass the site on the way to or from school. Many responses from the general public to the planning application include comments on fear of crime and raise specific concerns regarding the proximity to nearby schools. The Council therefore asserts that the location of the appeal proposals would lead to a significant increase in the local level of fear of crime.
- 1.19 Such concerns are genuinely held and objectively justified. There has been national press coverage of a range of incidents and issues arising regarding asylum seeker facilities in other areas. A number of press articles are provided detailing incidents elsewhere and it is clear from these accounts that tensions between the local community and the asylum seekers may arise. Furthermore, given its substantial size, it is reasonable to fear that the facility could become a wider target, including as a result of action by groups from further afield seeking to provoke public disorder. There is evidence that larger facilities can be a target for far-right political activity due to their visibility and nature segregated from communities.
- 1.20 At the planning committee meeting on 27 July 2022 where the planning application was determined protestors and large numbers of the public attended and the meeting was paused due to disruption. Many local residents genuinely hold fears of a rise in crime or anti-social behaviour. It is therefore a reasonable expectation that the proposals would lead to rising local tension and a negative impact on community cohesion. Weight can be placed on these matters in accordance with case law.
- 1.21 The appellant carried out a public consultation exercise prior to submission of the application however no response to the issues raised was set out nor modifications made to the proposals. Similarly, through the application process although there was significant response received, but

the application was not amended or added to. The Staffordshire Police Designing Out Crime consultee made a number of safety and security-related recommendations (such as fencing, blocking up the arched access and CCTV, along with management measures) but these were not taken forward by the applicant. There is no management plan for the proposed facility as part of the application and it is therefore apparent that there are no physical measures or management mechanisms in place that would assist in addressing these fear of crime and social inclusion impacts in respect of the appeal scheme.

- 1.22 The Council considers that the proposals do not therefore represent an acceptable approach to housing people seeking asylum safely within the existing community. As set out above the proposal would create a large and segregated group within the wider local community. It would be harmful to social inclusion and would not represent sustainable development.
- 1.23 The Council's position is therefore that the proposal gives rise to a lack of social inclusivity, and public fear of crime arising from the nature and scale of the proposals including its location close to schools contrary to paragraphs 92 and 130 of the Framework.

Proposition 3: It has not been shown that the proposal would not have a detrimental impact upon local public health service resources.

- 1.24 Paragraph 92(c) of the Framework states that planning decisions should “*address local health and well-being needs*” and paragraph 93 states that planning decisions should “*take into account and support the delivery of local strategies to improve health*”. Access to appropriate health services both for the occupants of the facility and for the wider community is therefore a material planning consideration.
- 1.25 In responding to the planning application, the NHS consultee advised that the proposal would result in demand for local primary care services above the current baseline of a vacant building and “*more intensive*” than the previous student accommodation use. Staffordshire County Council's Director of Children and Families considered that the impact on local services is “*likely to be considerable*”. The NHS consultee reply explained that asylum seekers have greater and more complex health needs when compared with a student population.
- 1.26 The applicant suggests the occupants of the Dispersed Accommodation would use local primary care facilities. Up to 310 persons would therefore need to be accommodated by local GP surgeries and health centres.
- 1.27 Whilst the applicant suggests the facility would provide health services in-house for the Initial Accommodation occupants, they also indicated it would be the local NHS that would arrange this and this could therefore impact upon the resources available more widely. Concerns also arise that there is no planning mechanism in place to ensure that a suitably equipped medical room would be provided within the physical space identified.
- 1.28 For all 481 potential occupants of the facility, local health services would also be required for more complex or more significant medical needs such as emergency care. These would need to be addressed by the local NHS and could impact on overall resources available.

1.29 It is also noted that the asylum seekers may have poorer mental and physical health than the general population and may have important health needs requiring specialist care that may not currently be widely available. Where such additional needs arise, this could impact upon resources available.

1.30 The Council's position is that it has not been shown that the proposal would not have a detrimental impact upon local public health service resources. The appeal should therefore be resisted with reference to paragraphs 92(c) and 93 of the Framework.

Proposition 4: Significant weight should be attached to these matters and the appeal should be dismissed.

1.31 The proposals would have social benefits in respect of providing accommodation for asylum seekers and economic benefits in terms of new employment and reuse of a vacant building.

1.32 Significant harm would however arise in respect of impact on social inclusion, public fear of crime and the potential for public health impacts. It is submitted that significant weight should be ascribed to these adverse impacts.

1.33 In accordance with paragraph 11 of the Framework, when assessed against the Framework taken as a whole, it is asserted that the benefits must therefore be given the lesser weight and that the greater weight needs to be given to the identified harm. This harm therefore outweighs the benefits.

1.34 In conclusion:

- Fear of crime is a material planning consideration. The weight to give to this impact is a matter of planning judgment.
- The proposal, due to its nature and scale including its location close to schools will result in a significant lack of social inclusivity and local increase in public fear of crime contrary to Paragraphs 92 and 130 of the Framework. This concern is genuinely held, objectively justified and would result in unacceptable harm in the locality.
- The appellant has not shown that the proposal would not have a detrimental impact upon local public health service resources contrary to reference to paragraphs 92(c) and 93 of The Framework.
- These are important material planning considerations to which significant weight should be attached. These impacts outweigh the case for the proposals which it is considered does not therefore represent sustainable development.

1.35 It is therefore respectfully requested that the appeal is dismissed.