



Civic Centre, Riverside, Stafford

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Dear Members

### **Planning Committee**

A meeting of the Planning Committee will be held on **Wednesday, 1 May 2024** at **6.30pm** in the **Oak Room, County Buildings, Stafford** to deal with the business as set out on the agenda.

Please note that this meeting will be recorded.

Members are reminded that contact officers are shown in each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

A handwritten signature in black ink, appearing to read "I. Curran", written in a cursive style.

Head of Law and Governance

## PLANNING COMMITTEE - 1 MAY 2024

**Chairman - Councillor B McKeown**

**Vice-Chairman - Councillor A Nixon**

### AGENDA

- 1 **Minutes**
- 2 **Apologies**
- 3 **Declaration of Member's Interests/Lobbying**
- 4 **Delegated Applications**

Details of Delegated applications will be circulated separately to Members.

	<b>Page Nos</b>
5 <b>Planning Applications</b>	3 - 16
6 <b>Planning Appeals</b>	17 - 38
7 <b>Enforcement Matters</b>	-

### MEMBERSHIP

**Chairman - Councillor B McKeown**

B M Cross	D M McNaughton
F D J James	A Nixon
E G R Jones	M Phillips
P W Jones	J P Read
R Kenney	S N Spencer
B McKeown	

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PLANNING COMMITTEE - 1 MAY 2024

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**Ward Interest - Nil**

**Planning Applications**

*Report of Head of Economic Development and Planning*

**Purpose of Report**

To consider the following planning applications, the reports for which are set out in the attached **APPENDIX**:-

		<b>Page Nos</b>
<b>23/37272/COU</b>	<b>The Saltings, Baswich Lane, Baswich</b>	4 - 9
	This matter was referred to the Committee as the Borough Council is the applicant	
	<b>Officer Contact</b> - Leon Carroll, Development Lead Telephone 01785 619184	
<b>23/38284/FUL</b>	<b>Hixon Millenium Green, High Street, Hixon</b>	10 - 16
	This application was referred to the Committee because the applicant is a related to a Council Member	
	<b>Officer Contact</b> - Richard Wood, Development Lead Telephone 01785 619324	

**Previous Consideration**

Nil

**Background Papers**

Planning application files are available for Members to inspect, by prior arrangement, in the Development Management Section. The applications including the background papers, information and correspondence received during the consideration of the application, consultation replies, neighbour representations are scanned and are available to view on the Council website.

<b>Application:</b>	23/37272/COU
<b>Case Officer:</b>	Ike Dimano
<b>Date Registered:</b>	21 March 2023
<b>Target Decision Date:</b>	28 June 2023
<b>Extended To:</b>	-
<b>Address:</b>	The Saltings, Baswich Lane, Baswich, Stafford, Staffordshire
<b>Ward:</b>	Baswich
<b>Parish:</b>	-
<b>Proposal:</b>	Continued use of land as mobile home site.
<b>Applicant:</b>	Stafford Borough Council
<b>Recommendation:</b>	Approve, subject to conditions.

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## **REASON FOR REFERRAL TO COMMITTEE**

The applicant is Stafford Borough Council.

### **Context**

The Saltings Caravan Park is located in Baswich, to the east of Stafford. The site forms part of a larger mobile home/ caravan site. The site is leased out by Stafford Borough Council and comprises more than forty mobile homes. The surrounding area is a mix of greenfield, residential and commercial and buildings. A railway line runs to the south. The Staffordshire and Worcestershire Canal is adjacent to the northern boundary of the site.

### **Description of proposal**

The application seeks a permanent permission for the use. However, the latest in a series of temporary consents expired on 25 July 2023. These have been considered necessary as the site has formed part of the land reserved for a possible improved eastern access route for Stafford.

### **Officer Assessment - Key Considerations**

#### **1. Principle of development**

The site lies within the settlement boundary of Stafford as defined in Spatial Principle 3. The site is therefore considered to represent a sustainable location.

The site is in a residential area where in policy terms the principle of new dwellings in this location is considered to be acceptable. In this case however, the principle of development

has already been established to a degree, given that the mobile homes are in situ and have been occupied for a number of years.

Although there is no specific policy for mobile home sites, Policy C1 generally encourages the provision of an appropriate mix of dwelling types and sizes. There is therefore no objection in principle to the continued use.

Policies and Guidance: -

National Planning Policy Framework - Paragraphs 8 and 11

The Plan for Stafford Borough:

Spatial Principle (SP) 3 – Stafford Borough Sustainable Settlement Hierarchy; SP7 - Supporting The Location of New Development; Policy Stafford 1 - Stafford Town; Policy C1 - Dwelling Types and Sizes; Part II: Policy SB1 - Settlement Boundaries.

## **2. Character and appearance**

The development has been completed for some time and is currently occupied with mobile homes. No additional accommodation is being sought after. No alterations are proposed on the site and therefore it unlikely to result in harm to the landscape and character of the area.

Policies and Guidance:-

National Planning Policy Framework  
Paragraphs: 131, 135 and 137

The Plan for Stafford Borough  
Policies: N1 Design and N8 Landscape character.  
Supplementary Planning Document (SPD) - Design

## **3. Residential amenity**

Policy N1(e) of The Plan for Stafford Borough and the Design Supplementary Planning Document (SPD) seek to ensure that new development in residential areas should not detract from residents amenity, with specific regard to overlooking, daylight and privacy.

In context of policy N1 and relevant supplementary planning guidance, the development as proposed does not harm residential amenity in context of privacy, light and outlook and amenity space. No alterations are proposed.

Policies and Guidance:-

National Planning Policy Framework  
Paragraphs: 131, 135

The Plan for Stafford Borough  
Policies: N1 Design

#### 4. Highways

The eastern access improvement route is shown across the western end of the site on the Stafford Area Inset 1 plan of TPSB. This extends along Baswich Lane from the railway bridge and across the River Sow valley to link up with the new Beaconside extension from Weston Road at its junction with Tixall Lane.

Policy Stafford 4 - East of Stafford of TPSB refers to the potential highway capacity improvements along Baswich Lane and its written statement confirms that they are part of measures that are critical to the delivery of this Strategic Development Location. Appendix D of TPSB under Stafford Town East Infrastructure Requirements includes an initial programme for the improvement works. Paragraph 10.5 of the written statement to the Transport section of TPSB adds that the existing traffic route via St Thomas` Lane needs to be improved within the plan period (to 2031).

The Highway Authority`s recommendation of a 5 year temporary permission to secure the planned new route has been accepted by the applicant and a condition would secure this. There are no other highway issues.

Policies and Guidance:-

National Planning Policy Framework  
Section 9 - Promoting sustainable transport

The Plan for Stafford Borough  
Policies: T1 Transport; T2 Parking and manoeuvring facilities.

#### 5. Drainage

In this instance, the development is existing and no amendments are proposed to either the buildings or the site. There will be no increase in impermeable area and no change to the surface water run off generated on the site.

The Lead Local Flood Authority suggested a condition to control flood risk. However it is not considered that the condition is necessary in this instance, as no additional buildings or hardstanding are proposed and this permission relates to a continuation of the use only.

Policies and Guidance

National Planning Policy Framework  
Section 14 - Meeting the challenge of climate change, flooding and coastal change.

The Plan for Stafford Borough  
Policy N2 - Climate Change

#### 6 Other matters

Issues with appearance of residents amenity/ garden areas do not form planning considerations and as such cannot be dealt with within the report.

## 7 Conclusion

The principle of residential development on this site is established, given its current use as a site for mobile homes. This planning application to extend planning permission for a further 5 years is acceptable having regard to residential amenity, highways issues and trees. Subject to conditions, the development complies with the requirements of the relevant policies of the Plan for Stafford Borough and the National Planning Policy Framework.

A further grant of a 5-year temporary consent is appropriate in this instance.

### Consultations

#### Highway Authority:

No objection subject to a condition to secure a temporary permission of no more than five years.

#### Local Lead Flood Authority:

No objection subject to suggested condition.

*“The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment: The Saltings Caravan Park FRA, Version 1.0, RAB Consultants Limited, 02/05/2023 and the following mitigation measures detailed within the document:*

- *Any new mobile homes shall have a finished floor level of at least 0.5m above surrounding ground level.*
- *Any new mobile homes shall utilise water butts on downpipes.*
- *Any new hardstanding on site shall be constructed of permeable material.*

### Reasons

- *To manage the risk of surface water flooding.”*

#### Canal and River Trust:

Any additional mobile homes proposed on this site should be assessed against the need to protect and enhance the heritage setting of the canal and the listed bridge.

#### Environmental Health:

No objection.

#### Staffordshire Police

No objection.

**Neighbours:**

(57 notified) 3 representations received (Objecting), citing the following.

1. inconsistencies in the Flood Report
2. impact on relief road.
3. Unsightly and unkept garden areas

**Relevant Planning History**

18/28606/COU - Continued use of land as mobile home site. Approved 27.07.2018.

13/18532/COU - Continued use of land as mobile home site - limited permission of 5 years granted on 17 July 2013; expired 17 July 2018.

10/13498/SG3 - Continued use as mobile homes site for temporary period of 3 years - approved 21 July 2010.

1977 - 2006, applications for temporary mobile home site, approved.

**Recommendation**

Approve, subject to conditions:

1. This permission relates to the originally submitted details and specification and to the following drawings, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence: - 1:1250 scale Ordnance Survey extract with the red application site outline, received 4 May 2023.
2. This is a grant of a limited planning permission for 5 years only and the use shall cease, and all mobile homes and ancillary structures shall be removed from the site by [insert date] 2028 unless a further planning permission has been granted.

The reasons for the Council's decision to approve the development subject to the above conditions are:

1. To define the permission.
2. In order to safeguard part of the route of the eastern access improvement works (Policy Stafford 4 - East of Stafford of The Plan for Stafford Borough).

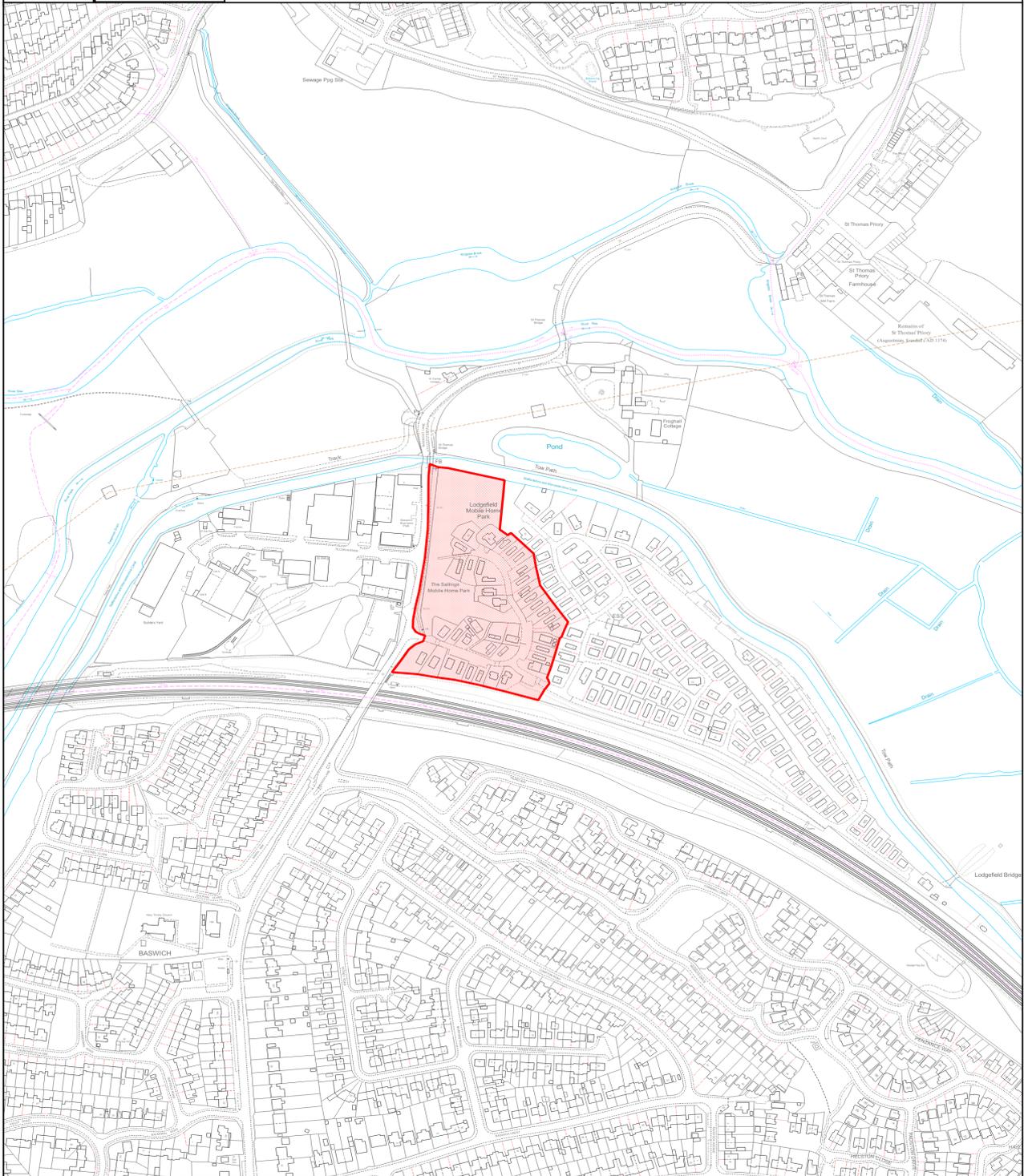
**Informative(s)**

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015, as amended, and the National Planning Policy Framework 2023, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.

**23/37272/COU**  
**The Saltings**  
**Baswich Lane**  
**Baswich**

Scale	1:4462
Grid Ref	SJ9422

Economic Development & Planning  
23/37272/COU



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Date Created:  
17-04-2024



<b>Application:</b>	23/38284/FUL
<b>Case Officer:</b>	Jodie Harris
<b>Date Registered:</b>	21 September 2023
<b>Target Decision Date:</b>	16 November 2023
<b>Extended To:</b>	-
<b>Address:</b>	Hixon Millenium Green, High Street, Hixon, Stafford, Staffordshire
<b>Ward:</b>	Haywood and Hixon
<b>Parish:</b>	Hixon
<b>Proposal:</b>	Installation 5m x 5m x 3.9m high oak framed 'gazebo' to provide a covered area for every day use and events.
<b>Applicant:</b>	Mrs S McKeown
<b>Recommendation:</b>	Approve, subject to conditions

## REASON FOR REFERRAL TO COMMITTEE

This application has been referred to the Planning Committee due to the applicant being related to a serving Member of Stafford Borough Council.

### Context

The application site forms an area of public open space, the Hixon Millenium Green, which was established following planning permission under 98/36939/FUL.

The site is located on the corner of Back Lane and High Street and is predominantly surrounded by residential properties, alongside the Hixon Memorial Hall and The Bank House public house.

### Proposal

The planning application proposes the installation of an oak framed gazebo with a cedar shingle pitched roof measuring 5m (depth) x 5m (width) x 3.9m (high).

The proposed structure would be used by the local community and for annual events held by the Hixon Millenium Green Trust.

### Planning policy framework and Material Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70 of the Town and Country Planning Act 1990, as amended, require decisions to be made in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for the purposes of this application comprise The Plan for Stafford Borough 2011-2031 Parts 1 and 2 (TPSB) and the Hixon Neighbourhood Plan.

## **Officer Assessment – Key Considerations**

### **1. Principle of Development**

The application site is located in Hixon which forms part of the Sustainable Settlement Hierarchy under Spatial Principle 3 (SP3) of TPSB and as such is considered to represent a sustainable location.

Policy 8 in the Hixon Neighbourhood Plan identifies local green spaces that should be protected from new development and includes the Hixon Millenium Green. The wooden structure is considered to enhance the use and enjoyment of the space and on this basis is not considered to conflict with Neighbourhood Plan.

The principle of development is therefore considered acceptable subject to other material considerations being satisfied including:

- Impact upon the character and appearance of the area
- Impact upon the residential amenity of surrounding properties
- On-site parking provision and highway safety

#### Polices and Guidance:-

National Planning Policy Framework  
Paragraphs: 7, 8, 10, 11, 84

The Plan for Stafford Borough: Part 1  
Policies: SP1 Presumption in favour of sustainable development; SP3 Sustainable Settlement Hierarchy

The Plan for Stafford Borough: Part 2  
Policy: SB1 Settlement boundaries

Hixon Neighbourhood Plan:  
Policy 8 Local Green Space

### **2. Character and Appearance**

Provisions (g) and (h) of Policy N1 of TPSB require proposals to be of a high standard of design and have regard to the local context. The National Planning Policy Framework also places emphasis on high quality design and requires that developments add to the overall quality of an area.

The application site comprises a large open space mainly of grass with footpaths, together with a play area and benches.

The overall scale and design of the gazebo is considered to be appropriate for its location within the open space. The proposed materials are also considered to be sympathetic to the wider area.

Policies and Guidance:-

National Planning Policy Framework

Section 12 - Achieving well-designed places

The Plan for Stafford Borough  
Policy N1 Design

Supplementary Planning Document - Design

Hixon Neighbourhood Plan – no relevant policies

**3. Amenity**

Criteria (e) of Policy N1 of the TPSB and the Supplementary Planning Document on design require the layout of proposals to take account of adjacent residential areas and existing activities.

The three neighbour representations are noted regarding concern over anti-social behaviour with a potential for noise and disturbance to the surrounding residential properties.

The Millenium Green is used by the public and the introduction of the proposed structure is not considered to change the overall use of the space or for it to result in a greater propensity for incidents of anti-social behaviour to occur. Indeed, there is no substantive evidence to demonstrate that the proposal would result in anti-social behaviour and such concerns can only therefore be considered as representing perceived harm. Moreover, the introduction of the structure seeks argument the overall experience and enjoyment of the users of the Millenium Green.

The proposed structure would also be located approximately 47m away from residential properties along Back Lane, 40m from those High Street and 45m away to those on Walnut Crest.

It is also noted that Staffordshire Police have not commented on the proposal.

Policies and Guidance:-

National Planning Policy Framework  
Paragraph 127

The Plan for Stafford Borough  
Policy N1 Design

Supplementary Planning Document (SPD) - Design

Hixon Neighbourhood Plan - no relevant policies

#### 4. Parking and Highway Safety

The proposal does not raise any car parking implications and the Highway Authority raise no objections.

##### Policies and Guidance:-

National Planning Policy Framework  
Section 9 - Promoting sustainable transport

The Plan for Stafford Borough  
Policies T1 Transport, T2 Parking and Manoeuvring Facilities, Appendix B – Car Parking Standards

Hixon Neighbourhood Plan - no relevant policies

#### 5. Ecology

##### Special Areas of Conservation (SAC)

The site is within 8km of the Cannock Chase SAC and 5km of the West Midlands Mosses and Pasturefields Salt Marsh SAC's. However, due to the nature of the proposal it is not considered that the development would result in any impact on the reasons for the designation of the SAC's. The Council is, therefore, not required to carry out an appropriate assessment.

##### Trees

Whilst the site contains numerous trees the Council's Tree Officer raises no concerns.

##### Great Crested Newts

The proposal is located within a 'green' impact risk zone with regard to great crested newts and the District Newt Officer considers the development to be unlikely to have an impact upon great crested newts and/or their habitats.

##### Policies and Guidance:

National Planning Policy Framework

Section 15 – Conserving and enhancing the natural environment

The Plan for Stafford Borough  
Policies: N4 The natural environment and green infrastructure; N5 Sites of European, national and local nature conservation importance; N6 Cannock Chase Special Area of Conservation

Hixon Neighbourhood Plan  
Policy 4: Open spaces and the natural environment

## 6. Other Matters

The Staffordshire Fire and Rescue Service have asked that from a fire safety point, the applicant should ensure that the timber is appropriately treated with fire resistant paint/spray and should the gazebo ever be decorated that any decorations are made from suitable fire resistant materials.

As such, an informative can be added to any grant of planning permission to bring the comments of the Staffordshire Fire and Rescue Service to the attention of the applicant.

## 7. Conclusion and planning balance

The proposal is not considered to result in undue harm to the character and appearance of the area, the residential amenity of the occupiers of surrounding residential properties, car parking provision or matters relating to ecology.

### Consultations

#### Highway Authority:

Highway surgery 06.03.2024: No objection

#### Tree Officer:

No objection

#### Newt Officer:

No objection

#### Staffordshire Fire and Rescue Service:

Having looked at the above application, the only thing I would request from a fire safety point is to ensure that the timber is appropriately treated with fire resistant paint/spray. I would also add that if the gazebo is ever "decorated" that any decorations are made from suitable fire resistant materials

#### Parish Council:

No objection

#### Neighbours:

(10 consulted):

Two representation received in support of the proposal.

Three representations received objecting to the proposal on the grounds of concerns over noise and anti-social gatherings.

## Publicity

### Site Notice:

Expiry date: 28.02.2024

## Relevant Planning History

98/36939/FUL - Change of use to Millenium Village Green from protected open space and formalising existing car parking area - approved 09.12.1998.

## Recommendation

Approve subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. This permission relates to the following drawings:-  
 Location Plan 1:1250 received 24th January 2024;  
 Proposed Site Plan 1:500 received 24th January 2024;  
 Proposed Elevations 1:50 received 25th October 2023.

The reasons for the Council's decision to approve the development subject to the above conditions are:

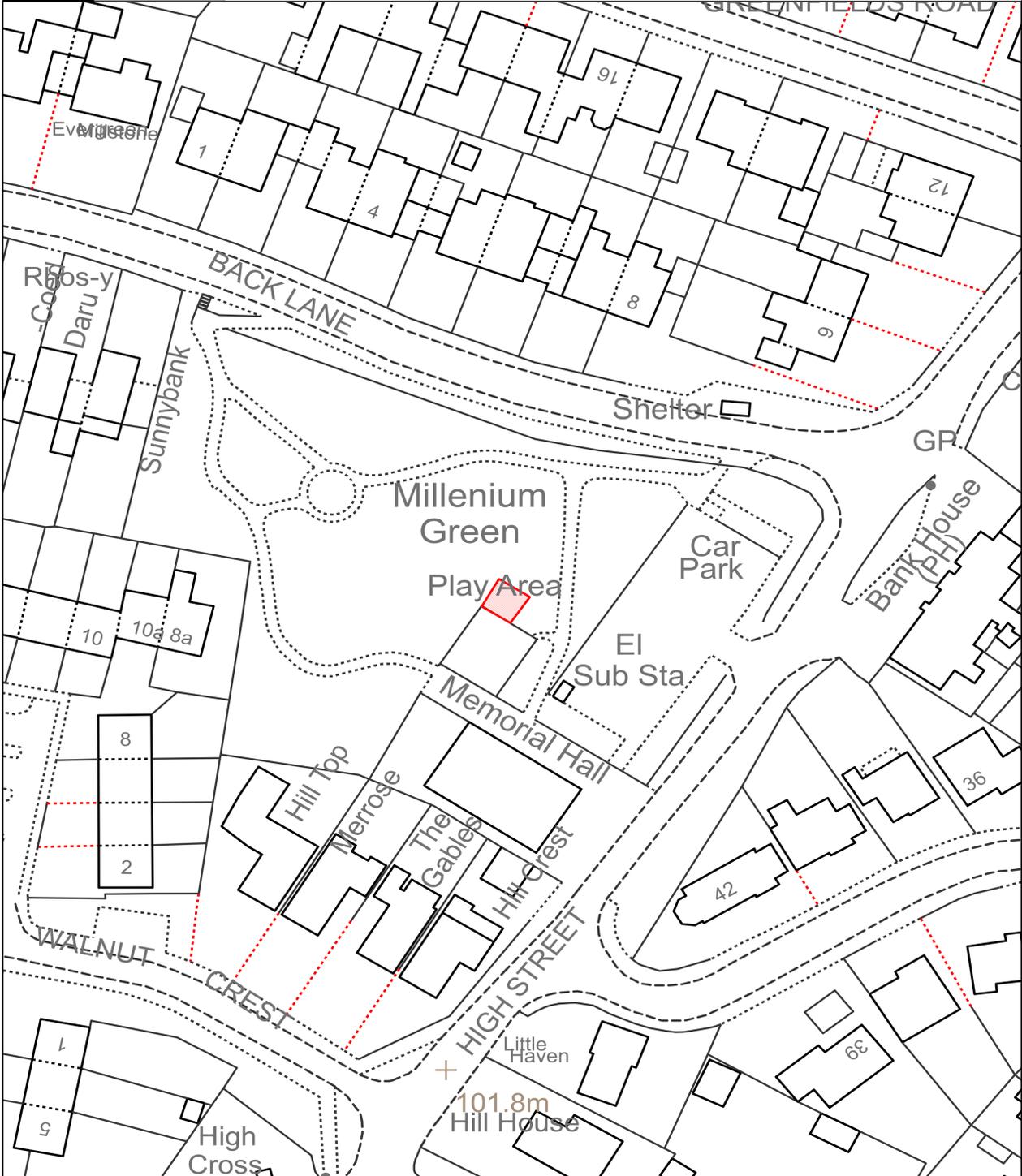
1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission.

### Informative(s)

- 1 In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015, as amended, and the National Planning Policy Framework 2023, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.
- 2 The applicants attention is drawn to the comments of the Staffordshire Fire and Rescue Service as submitted in response to this application. All comments can be viewed online through the planning public access pages of the Council's website at ([www.staffordbc.gov.uk](http://www.staffordbc.gov.uk)).

**23/38284/FUL  
Hixon Millenium Green  
High Street  
Hixon**

Scale	1:750	Economic Development & Planning 23/38284/FUL	 <b>Stafford</b> BOROUGH COUNCIL
Grid Ref	SK0026		



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Date Created: 17-04-2024

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 PLANNING COMMITTEE - 1 MAY 2024
 

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**Ward Interest - Nil**

### Planning Appeals

*Report of Head of Economic Development and Planning*

#### Purpose of Report

Notification of new appeals and consideration of appeal decisions. Copies of any decision letters are attached as an **APPENDIX**.

#### Notified Appeals

<b>Application Reference</b>	<b>Location</b>	<b>Proposal</b>
<b>23/38083/OUT</b> <b>Delegated Refusal</b>	Land Adjacent 3 Quarry Lane, Gnosall	Outline application for a single dwelling within the garden area of 3 Quarry Lane (access only)
<b>23/37560/PAR + Costs</b> <b>Non determination</b>	Burston Cottage Farm Lichfield Road Burston	Change of use of agricultural building to a single dwellinghouse (Class C3).
<b>23/37496/HOU</b> <b>Delegated Refusal</b>	Moorfields Cottage Goosemoor Lane Goosemoor	Retrospective planning application for the erection of a fence over 1 metre above ground level adjacent to a highway.
<b>23/37580/FUL</b> <b>Delegated Refusal</b>	Land To The South Of Blackhole Lane Derrington	Erection of new barn, construction of new hardstanding and new track from existing access

**Decided Appeals**

<b>Application Reference</b>	<b>Location</b>	<b>Proposal</b>
<b>21/35138/REM</b> <b>Committee Refusal</b> <b>Appeal Allowed</b> <b>Costs Dismissed</b>	Former Eagle Inn Car Park, Newport Road Eccleshall	Residential development for up to 2 dwellings appearance, landscaping, layout, scale the outline was not an EIA
<b>22/36317/FUL</b> <b>Delegated refusal</b> <b>Appeal Allowed</b>	Land At Embry Avenue Stafford	Erection of two two-bed semi-detached houses and two one-bed maisonettes with associated parking and amenity space
<b>23/36954/FUL</b> <b>Delegated Refusal</b> <b>Appeal Dismissed</b>	Hawkswood Barn Broad Hill Bescote	Retrospective application for the change of use of land to residential curtilage (class C3) and retention of boundary wall and detached garage
<b>21/35141/COU</b> <b>Delegated Refusal</b> <b>Appeal Partly Dismissed and Partly Allowed</b>	5 Prince Avenue Haughton Stafford	Retrospective application for change of use of ground floor to treatment centre. Residential use of first floor retained and create new access, driveway and permeable surfaced hard-standing for parking.

**Previous Consideration**

Nil

**Background Papers**

File available in the Development Management Section

**Officer Contact**

John Holmes, Development Manager, 01785 619302



## Appeal Decision

Site visit made on 26 March 2024

**by Paul Cooper MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10<sup>th</sup> April 2024

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### **Appeal Ref: APP/Y3425/W/23/3332072**

#### **Former Eagle Car Park, Newport Road, Eccleshall, Staffordshire ST21 6AE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Jones against the decision of Stafford Borough Council.
  - The application Ref 21/35138/REM, dated 22 October 2021, was refused by notice dated 9 August 2023.
  - The development proposed is residential development for up to two dwellings.
- 

### **Decision**

1. The appeal is allowed, and Reserved Matters permission is granted, for matters of appearance, layout, landscaping and scale at the Former Eagle Car Park, Newport Road, Eccleshall, Staffordshire ST21 6AE in accordance with the application Ref 21/35138/REM dated 22 October 2021, subject to the conditions enclosed in the attached schedule.

### **Preliminary Matters**

2. The application was for Reserved Matters following outline approval. Matters of access were determined at outline stage.

### **Procedural Matters**

3. I note that all other matters other than the reason for refusal were not raised by the Council in their Decision Notice. I have no reason to question the findings of the Council and I shall therefore not refer to these matters in my final decision.

### **Application for costs**

4. An application for costs was made by Mr Jones against Stafford Borough Council. This application is the subject of a separate Decision.

### **Main Issue**

5. The main issue in this appeal is the effect of the proposal on the living conditions of No.14 Spring Hollow, by reason of loss of natural light and overshadowing.

### **Reasons**

6. The site was last used as the car park for the Eagle Public House, and is located on Newport Road, with the Spring Hollow development located to the rear. The site is approximately 700 sq.m in area and rectangular in shape. The appeal site already has approval at outline stage, with means of access determined at

that time The site is in close proximity to, but not within the Eccleshall Conservation Area.

7. The proposed development would be for 2no. four-bedroomed houses, at two and a half storeys in height, with accommodation in the roof-space. Each dwelling would have 2no. parking spaces, and a turning area is provided.
8. Policy N1 of the Plan for Stafford Borough (2017) (the LP) requires the design and layout to take into account noise and light implications together with the amenity of existing residential areas.
9. The proposal was recommended for approval by Officers but refused at Committee for the sole reason indicated on the Decision Notice.
10. Following that refusal, the appellant has commissioned a Daylight and Sunlight Report, which confirms that windows on the west elevation of No.14 Spring Hollow are non-habitable and therefore are not subject to assessment as per the Council's own design Supplementary Planning Document (the SPD) and the Building Research Establishment (BRE) guide "Site Layout and planning for daylight and sunlight : a guide to good practice", which is recommended for use by the SPD.
11. The rear garden of No.14 Spring Hollow is south facing, and the key plot, which is plot 2, is located on the north side of this rear garden. The properties were amended by negotiation in terms of height and width during the application process and the scheme passes the BRE "time in sun" test.
12. Based on this evidence, the application plans and my site visit, I can find no conflict with policy N1 of the LP.

### **Other Matters**

13. I have noted the comments of third parties with regard to the scheme and find that the vast majority of the objections were dealt with at application stage, and no material harms were found with the exception of what eventually became the reason for refusal, which I have appraised above. I have no reason to question the judgement of the Council on these other issues.

### **Conditions**

14. I consider that the conditions set out by the Council are both fair and reasonable and I will replicate those in the schedule below.
15. Condition 1 and 2 relate to good planning and set out the parameters of the development. Condition 3 is in the interests of the character and appearance of the locality. Condition 4 ensures that privacy to adjacent residents is protected.
16. Condition 5 is necessary given the relationship between new and existing properties and the need to respect the amenities and privacy of those properties whilst Condition 6 is also to protect the amenities and privacy of existing properties.

**Conclusion**

17. For the reasons given above, having regard to the development plan and all relevant material considerations, I conclude that the appeal is allowed.

*Paul Cooper*

INSPECTOR

## SCHEDULE

- 1 This approval of reserved matters in respect of appearance, landscaping, layout, and scale is granted pursuant to outline planning permission 20/32127/OUT and the approved development shall comply in all respects with the terms of that outline permission and the conditions imposed on it.
- 2 This permission relates to the originally submitted details and specification and to the following drawings, except where indicated otherwise by a condition attached to this consent (or 20/32127/OUT), in which case the condition shall take precedence :-
  - Drawing no: 1185 00 Location Plan
  - Drawing no: 1185 03 Rev C Proposed streetscene elevations
  - Drawing no: 1185 01 Rev G Existing and proposed site plan
  - Drawing no: 1185 02 Rev G Proposed plans and elevations
- 3 Notwithstanding any description/details of external materials in the application documents, the development shall not proceed beyond slab level until precise details or samples of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to and approved in writing by the Local Planning Authority.
- 4 Notwithstanding any description/details in the application documents, before the development is first occupied the (rear) east-facing, first-floor windows on the dwellings serving bathrooms and dressing rooms as illustrated on Drawing 1185 02E shall be obscure glazed and non-opening up to 1.7m in height above floor level and shall thereafter be retained as such.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any other subsequent equivalent Orders, no development within Classes A (alterations, improvement, enlargement or other alteration), B (additions or alterations to the roof that enlarge the house), C (other additions/alterations to the roof) and E (buildings, pools or enclosures within the curtilage of the dwelling) of Part 1 and Class A (gates, fences, walls etc) of Part 2 to Schedule 2 shall be carried out without the prior written consent of the Local Planning Authority.
- 6 Notwithstanding the submitted information no development shall take place before details of the proposed finished floor levels; ridge and eaves heights of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding property and shall demonstrate that the ridge heights of the proposed dwellings shall not exceed those of 14/15 Spring Hollow.

END OF SCHEDULE



## Costs Decision

Site visit made on 26 March 2024

**by Paul Cooper MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10<sup>th</sup> April 2024**

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### **Costs application in relation to Appeal Ref: APP/Y3425/W/23/3332072 Former Eagle Car Park, Newport Road, Eccleshall, Staffordshire ST21 6AE**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr Jones for a full award of costs against Stafford Borough Council.
  - The appeal was against the refusal of Reserved Matters planning permission for residential development of up to two dwellings.
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### **Decision**

1. The application for an award of costs is dismissed.

### **Reasons**

2. Paragraph 030 of the Planning Practice Guidance (the PPG) indicates that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Examples of unreasonable behaviour by Local Planning Authorities are set out in Paragraph 049 of the PPG.
4. The applicant considers that the Planning Committee refused planning permission contrary to Officer recommendation without technical basis to do so.
5. The Council states that Members are entitled to overturn an Officer recommendation if they consider the planning balance weighs against approval and that the Officer report was a balanced judgement and Members found for a different final judgement.
6. I find that the Council's concerns were justified, and in the absence of technical information better explaining the position of the applicant, which in such a balanced judgement would have been in the best interests of the applicant to provide at application stage, it is easy to see why Members could consider that the impact of the harm to the living conditions of the resident of Spring Hollow would be sufficient to warrant refusal in this instance.
7. Consequently, a refusal could be justified, and an appeal was necessary. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

8. The application for an award of costs is refused.

*Paul Cooper*

INSPECTOR



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# Appeal Decision

Site visit made on 26 February 2024

**by Ben Plenty BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 March 2024**

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**Appeal Ref: APP/Y3425/W/23/3331724**

**Land At Embry Avenue, Stafford ST16 3QF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by St. Augustine's Court Investments Ltd. against the decision of Stafford Borough Council.
  - The application Ref 22/36317/FUL, dated 22 September 2022, was refused by notice dated 24 April 2023.
  - The development proposed is Erection of two two-bed semi-detached houses and two one-bed maisonettes with associated parking and amenity space.
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## Decision

1. The appeal is allowed, and planning permission is granted for the erection of two two-bed semi-detached houses and two one-bed maisonettes with associated parking and amenity space at Land at Embry Avenue, Stafford ST16 3QF in accordance with the terms of the application, Ref 22/36317/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

## Preliminary Matters

2. The site is located within the influence of the Cannock Chase Special Area of Conservation (SAC) which is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). Although not an issue raised by the Council in its decision, it is incumbent upon me as competent authority to consider whether the proposal would be likely to have a significant effect on the integrity of the SAC. As such, it is necessary to consider this matter as a main issue.
3. The Appellants have provided a financial contribution towards mitigating the effects of the proposal on the European Protected Site. A Unilateral Undertaking (UU), under Section 106 of the Town and Country Planning Act [1990], has been provided to secure a contribution towards mitigation of the identified adverse impact.
4. An amended plan<sup>1</sup> has been submitted in support of the appeal. This has altered the internal arrangement of plot 3 to switch the bathroom and bedroom 2. This change has not been subject to re-consultation during the Council's consideration of the planning application. Nonetheless, under the Holborn Studios Ltd<sup>2</sup> principles, I have considered whether the development is

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<sup>1</sup> Drawing reference: HB-MA[20]0001 Rev P01

<sup>2</sup> Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

so changed that to grant approval would deprive those who should have been consulted the opportunity of such consultation.

5. Despite the Council's view on this matter, I find that the internal change, including a further bedroom window looking to the rear of plot 3, would be minor and would not change the substance of the proposal. Furthermore, the proposal would have no material effect on surrounding neighbouring plots, partly due to the existence of the adjacent substation and the plot not being adjacent to the rear garden of No 7a. Consequently, my acceptance of the plan would not cause procedural unfairness to neighbouring occupiers who would have otherwise required re-consultation. As such, I have taken the revised plan into account in this appeal.

### **Main Issues**

6. The main issues are:

- Whether the proposed development would affect the integrity of the Cannock Chase Special Area of Conservation (SAC),
- Whether the proposal would make suitable provision for parking, and
- The effect of the proposal on the living conditions of future occupiers with particular respect to privacy.

### **Reasons**

#### *Cannock Chase SAC*

7. Policy N5 of the Plan for Stafford Borough [2014] (PSB) states that the highest level of protection will be given to European Sites, where development will only be permitted where either there are no adverse effects, or such effects can be mitigated. Furthermore, PSB policy N6 states that development within 15kms of the SAC, leading to a net increase in dwellings, shall provide necessary steps to avoid or mitigate any adverse effects which may include contributions to a range of measures. It states that these measures should be secured through a suitable mechanism (such as a Legal Agreement) to mitigate any adverse harmful effects.
8. The appeal site is located within the 15km Zone of Influence (ZOI) of the SAC, which is primarily allocated due to its heathland habitat. This is the largest in the Midlands and the habitat and dependent species are of very high nature conservation importance. It is incumbent upon me, in accordance with the Habitat Regulations as competent authority, to consider whether the proposal would be likely to have a significant effect on the integrity of the SAC through an Appropriate Assessment.
9. The Council has formed a partnership with other Council's within the vicinity of the SAC, known as the Cannock Chase SAC Partnership, to assess the impact of development upon the SAC. The evidence suggests, through the Council's Visitor Observation Study, that development within the ZOI would increase visitors to the SAC having a deleterious effect on its integrity. Recreational pressure, path creation and widening, erosion and nutrient enrichment create increasing detrimental effect on the heathland. The majority of visitors to the SAC are from within the 0-15km zone of influence surrounding the Cannock

Chase SAC. Natural England has confirmed, in standing advice, that any development within 15kms of the SAC would be likely to cause significant harm through increasing visitor numbers.

10. The Cannock Chase SAC Partnership has agreed a series of mitigation and avoidance measures with Natural England. These are referred to as Strategic Access Management and Monitoring Measures (SAMMM). Based on the submitted evidence I find that the proposal, individually and in combination with other development, would be likely to have an adverse effect on the integrity of the SAC. Under the Habitat Regulations, such impact would need to be avoided and mitigated through a package of suitable measures as detailed in the SAMMM. The Council has produced Planning Guidance [2023] to explain the approach to mitigating the impact of new development on the SAC. The approach agreed through the SAMMM is to require a mitigation payment per net residential dwelling from all new development within the 0-15km 'zone of payment'.
11. The Habitat Regulations require me to consider whether compliance with conditions or other restrictions, such as a planning obligation, would enable it to be ascertained that the proposal would not adversely affect the integrity of the SAC. The Council has identified that, in agreement with standing advice of Natural England, that subject to a contribution of £329.83 per dwelling being provided towards mitigation measures, the integrity of the SAC would not be affected.
12. The submitted UU provides for a sum to be paid to the Council should the appeal be allowed. This commits the Appellant, under schedule One, to make the required contribution to the Council prior to the commencement of development. This is a signed and executable document and would suitably secure the required mitigation to my satisfaction. This sum accords with the value of contribution as identified by the Council as necessary to be proportionate and suitable for the scale of proposed development to contribute towards the SAMMM.
13. For the reason given above, due to the provision of suitable mitigation, I conclude through an Appropriate Assessment that the proposed development would not have a significant effect, either alone or in combination with other development, upon the integrity of the Cannock Chase SAC. Accordingly, the proposal would accord with PSB policies N5 and N6, the Cannock Chase SAC Guidance [2023] and the National Planning Policy Framework (the Framework). These seek, among other matters, for development to be resisted if it would lead to an adverse effect upon the integrity of the SAC.

*Parking provision*

14. Embry Avenue is a short cul-de-sac with two rows of terraced houses facing across a narrow roadway. Houses here have narrow front gardens and most do not have on plot parking. As a result, the road accommodates the majority of parking requirement for residents and visitors. At the end of the road is a turning head that would be directly in front of the proposed development and four on plot parking spaces. The scheme provides for 2 two-bed dwellings and 2 one bed maisonette.
15. PSB Policy T2 requires parking and manoeuvring facilities for development to make adequate provision for parking in accordance with appendix B. This

appendix explains that parking should be provided at a rate of two spaces for up to a 3 bed detached or semi-detached dwelling and one space per 4 units for visitors. Dwellings that are not detached or semi-detached, with up to 2 bedrooms, should provide two spaces per dwelling, with one space per 4 units for visitors. The Council has determined that for the proposal this creates a demand for six spaces.

16. However, the policy also states that parking provision will be assessed on a flexible site-by-site basis depending on the provision of public transport and access to local services. The policy sets out criteria for where reduced parking provision would be considered. This takes into consideration accessibility, contents of any Travel Plan, traffic generation, and access to public car parking.
17. The site is within a residential area close to the town centre. The Appellant explains that the site is around 1.3km from the town centre and Douglas Road includes the frequent 11/11A bus route into town. The site is also around 300 metres from shops and 700 metres from a primary school. As such, it is within walking distance of neighbourhood services, education and employment opportunities.
18. The Appellant has demonstrated, using Census data, that car ownership in the area is relatively low. This shows that over a third of households do not own a car or van and around half only own one vehicle. During my site visit, I noted that Embry Avenue was occupied by only three cars and retained substantial on-street parking capacity. Although providing only a snap-shot in time, and despite expecting parking demand to be higher in evenings and weekends, the evidence suggests that on street parking would be available to visitors of the proposed development if required. Accordingly, based on the car ownership locally, the type of accommodation proposed and the availability of sustainable travel options, a minor reduction of the parking requirements of appendix B would be acceptable.
19. Although the Highway Authority considers that the proposal may result in parking within the turning head, such parking would block access to the proposed parking spaces. Accordingly, the proposal would be more likely to ensure that the turning head is kept free of parked cars, improving its functionality and the safety of motorists entering Embry Avenue. Furthermore, the Council is concerned that the proposal does not demonstrate how users of the southern-most parking space would access the space. However, the submitted tracking plan demonstrates how a vehicle would be able to exit the parking bay without crossing third party land. Consequently, I am satisfied that motorists would be able to reverse out of the space onto the highway without causing undue hazard on the highway. It has therefore been unnecessary for me to consider the merits of the Appellant's alternative car parking plan.
20. Consequently, the proposed development would make adequate provision for off-street parking and improve the safe manoeuvrability of vehicles in the highway. Accordingly, the proposal would comply with PSB policy T2. This seeks development to, among other matters, ensure adequate parking is provided in compliance with parking standards and with regard to the site's relative accessibility.

### *Living conditions*

21. The proposal includes four dwellings, arranged in two groups, one being perpendicular to the other. As such, units 3 and 4 would have a front elevation that looks onto the side of the maisonette of plots 1 and 2. The garden of plot 2 is to its side and alongside the frontages of plots 3 and 4.
22. A fence is proposed to the front and side of this garden to afford a reasonable degree of privacy, preventing overlooking from ground floor living windows of plots 3 and especially plot 4. First floor windows would consist of bathrooms only, which could be obscurely glazed to secure intervisible privacy. As a result, the garden of plot 2 would not be materially overlooked providing a reasonable level of privacy for future occupiers of this unit.
23. Accordingly, the proposal would accord with PSB policy NI and the Design Supplementary Planning Document [2018]. These require development to, *inter alia*, ensure that the design and layout of a scheme take account of the amenity of adjacent residential areas and achieve adequate levels of privacy.

### **Other Matters**

24. Interested parties have raised concerns that the proposal would result in an over intensification of the plot. However, the scheme meets Nationally Described Space Standards and would have gardens of sufficient size to enable occupiers to enjoy a good standard of outside living space. The scheme would not appear contrived or congested on site and follows the established pattern of development formed by existing built form both in front and behind the site. This would therefore complement the local streetscene and provide a visual terminus to the street.
25. The site is an area of rough grass, largely on a gradient and may have been accessed in the past by the public for recreation. However, due to its gradient it has limited use for local occupiers and as it is in private ownership the site could be secured with fencing preventing public access. I therefore concur with the Council that the scheme would not result in the loss of public open space.
26. Some local residents have raised concerns that the scheme would result in overlooking. However, windows proposed close to boundaries serve non-habitable rooms and the rear facing bathroom and kitchen windows of plot 2 could be obscurely glazed to prevent overlooking. Other first floor windows, such as the bedroom windows of plots 3 and 4, would be a considerable distance from adjacent neighbouring dwellings preventing material overlooking.
27. It is recognised that the site is small, and the proposal may generate some construction disturbance to local residents due to noise and general disturbance. However, the scheme is for only 4 properties and has space within it to accommodate materials and construction vehicles without overspilling onto the highway. Furthermore, any disturbance would be largely limited to daytime only and would be for a temporary duration.

### **Conditions**

28. I have considered the use of conditions in line with the guidance set out in the Government's Planning Practice Guidance (PPG). I shall take the Council's suggested conditions into consideration and impose these with some amendments and adjustments for clarity.

29. I have imposed the standard conditions with respect to timeframe and approved plans as advised by the PPG for clarity and certainty [conditions 1 and 2]. Conditions are necessary with respect to the provision of planting, materials and bin storage areas in the interests of the character and appearance of the area [4, 7 and 8].
30. The implementation of the approved parking areas and cycle storage areas are required by condition to ensure that the proposed scheme functions well [3 and 5]. It is also necessary for a condition to be imposed to require the biodiversity measures are implemented to enhance the ecological value of the site in accordance with PSB policy N4 [6]. Further a condition is necessary to require bathroom windows are obscurely glazed in the interests of the living conditions of neighbouring and future occupiers [9].

### **Conclusion**

31. The proposal would accord with the development plan, when taken as a whole, and there are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. As such, the appeal is allowed, and planning permission granted subject to the attached conditions.

32. *Ben Plenty*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:  
Site Location and Block Plan - Drawing No. WHB-SA[20]0001 P00,  
Site Plan As Proposed - Drawing No. WHB-SA[20]0005 P01,  
Cycle Storage - Drawing No. WHB-SA[20]0008 P00,  
Site Section As Proposed - Drawing No. WHB-SA[20]0007 P00,  
Plots 1&2 – Elevations As Proposed - Drawing No. WHB-MA[20]0002 P00,  
Plots 3&4 – Elevations As Proposed - Drawing No. WHB-MA[20]0003 P00,  
Plots 1-4 Floor Plans As Proposed - Drawing No. WHB-MA[20]0001 P01.
- 3) The parking areas, shown on the approved layout plan, shall be provided and available for use prior to the occupation of any dwelling. The parking areas shall be retained and maintained in perpetuity.
- 4) Prior to above ground construction, details of all the developments external finishing materials shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be constructed in accordance with those approved details.
- 5) Prior to the development being brought into use the cycle storage detailed on the submitted plans WHB-SA[20]0005 P01 and WHB-SA[20]0008 P00 shall be fully implemented and thereafter retained.
- 6) Prior to the development being brought into use, the recommendations for biodiversity enhancement detailed within the Preliminary Ecological Appraisal (June 2022) shall be fully implemented and thereafter retained.
- 7) Prior to first occupation, the hard and soft landscaping detailed shall be submitted to and approved in writing by the Local Planning Authority, and shall be fully implement within six months of first occupation, and any plants or trees that are removed or die or become seriously damaged or diseased within a period of five years from the date of planting shall be replaced with others of similar size and species in the next planting season, unless the local planning authority gives written consent to any variation.
- 8) Prior to first occupation, full details of means of enclosure and bin storage shall be submitted to and approved in writing by the Local Planning Authority, and thereafter fully implemented in accordance with those approved details.
- 9) Notwithstanding the plans hereby approved, all bathroom windows (to Pilkington level 3 or equivalent) and the kitchen window of plot 2, shall be obscure glazed prior to first occupation and maintained as such thereafter.

### **End of conditions**



## Appeal Decision

Site visit made on 25 March 2024

**by Tamsin Law BSc MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 3 April 2024**

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**Appeal Ref: APP/Y3425/W/23/3326849**

**Hawkswood Barn, Broad Hill, Beffcote, Stafford, Staffordshire, ST20 0ED**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr M Birch against the decision of Stafford Borough Council.
  - The application Ref is 23/36954/FUL.
  - The development is described as “regularisation of the change of use of land to residential curtilage and retention of boundary wall and detached garage.”
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The proposal is retrospective in that the development has already been fully implemented.

### Main Issue

3. The main issue is the effect of the development on the character and appearance of the host building and area.

### Reasons

4. The appeal forms part of an area of land to the front and side of an existing dwelling. The appeal site is accessed via a single lane track, with hedgerows and mature trees on both sides. This, combined with large area of grass verged and glimpses into agricultural land, gives the area a rural character and a spacious and verdant appearance.
5. The appeal building is a semi-detached barn conversion which forms part of a group of buildings located in the open countryside. The development comprises an area of land to the front of the building, which during my site visit had been utilised as an area of garden, with paving, small sheds and a boundary wall and gate. A detached garage had also been constructed, which due to its location, forward of the front elevation of the host dwelling, blocks views of the barn conversion and is visible when travelling along the access lane.
6. I observe from the plans and my site visit that the development has led to the enclosure of an area of land that would have been left open. This, combined with the suburban design and appearance of the wall, gates and garage, erodes the rural character and spacious feel of the area. The garage, walls and gates project forward of the barn conversion, hiding it from view when travelling along the access lane. Together these give an overly suburbanised, domestic appearance to the area. This is at odds with the simple, vernacular, red brick

appearance of the existing barn conversions and significantly erodes its rural character.

7. Notwithstanding the use of similar materials, the garage, extended curtilage and associated walls and gate appear as an incongruent afterthought rather than part of an integrated design that respects the character of the original building.
8. The appellants are of the opinion that the Council has approved a similar scheme at the neighbouring barn conversion. Whilst I accept that an outbuilding has been approved, the neighbouring site has a larger curtilage, and the proposed garage appears to have been designed to appear as a small red brick barn. As such, the specifics of that case are not directly comparable to the appeal before me. Consequently, I give this limited weight in the planning balance of this appeal.
9. Accordingly, I conclude that the development harms the character and appearance of the host buildings and area and conflicts with Policies E2, N1 and N8 of The Plan for Stafford Borough (2014) which seek, amongst other things, to ensure that developments include high design standards that takes in to account local character. The proposal would also not comply with paragraph 135 of the National Planning Policy Framework that seeks good design sympathetic to local character.

#### **Other Matters**

10. The appellant has asserted that the development is lawful, due to the time that has elapsed since it was constructed. However, this has not been substantiated through a Certificate of Lawfulness and is eroded by the limited information submitted with the appeal.

#### **Conclusion**

11. For the above reasons, there are no relevant material considerations, including the approach of the Framework, that would indicate a decision otherwise in accordance with the development plan. It is for this reason that the appeal should be dismissed.

*Tamsin Law*

INSPECTOR



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# Appeal Decision

Site visit made on 27 February 2024

**by N Bromley BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18<sup>TH</sup> April 2024**

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**Appeal Ref: APP/Y3425/W/23/3330983**

**5 Prince Avenue, Haughton, Stafford ST18 9ET**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by M Mitoraj against the decision of Stafford Borough Council.
  - The application Ref is 21/35141/COU.
  - The development proposed is described as "*Retrospective application for change of use of ground floor to treatment centre. Residential use of first floor retained and create new access, driveway and permeable surfaced hard-standing for parking.*"
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## Decision

1. The appeal is dismissed insofar as it relates to "*create new access, driveway and permeable surfaced hard standing for parking*". However, planning permission is granted for "*change of use of ground floor to treatment centre. Residential use of first floor retained*" at 5 Prince Avenue, Haughton, Stafford ST18 9ET in accordance with the terms of the application Ref 21/35141/COU and the plans submitted with it insofar as they relate to that part of the development hereby permitted, and subject to the following conditions:
  - 1) The commercial use on the ground floor of the building shall be limited to a paediatric treatment facility only.
  - 2) The paediatric treatment facility hereby permitted is to be operated between the hours of 9am to 6pm Mondays to Saturdays only.
  - 3) The commercial activities on the ground floor shall be carried out inside the building only.

## Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
3. The description of development in the above banner header is different to that described on the original application form. The parties agreed to combine two applications and a change to the description of development accordingly. Therefore, I have adopted the description of development from the decision notice and the appeal form in the banner heading above and my formal decision.

4. The Council has confirmed that it has no concerns with respect to the change of use of the ground floor to a paediatric treatment centre, subject to conditions. Nothing I have seen or read leads me to a different conclusion in respect of the change of use. I am satisfied this aspect of the appeal scheme is clearly severable from the new access, driveway and permeable surfaced hard-standing for parking. I therefore intend to issue a split decision in this case.

### **Main Issues**

5. The main issues are the effect of the proposed development on:
- the character and appearance of the area; and
  - highways safety.

### **Reasons**

#### *Character and appearance*

6. 5 Prince Avenue is a semi-detached property which fronts the A518, Newport Road, within the village of Haughton. The property is set back from the road by its lawned garden and a grassed highway verge. The front boundary has a shallow grassed embankment with a timber fence and pedestrian gate. A bus stop, including an attractive timber bus shelter, and the associated layby is located to the front of the appeal site.
7. The immediate area reflects the edge of village location, with a prominence of hedgerows and deep, grassed highway verges. Residential properties are primarily set back from the road by lawned gardens with front hedgerows or low boundary fences. The appeal site contributes to the prevailing, spacious, and verdant character and appearance along this part of Newport Road, with open agricultural fields opposite.
8. The proposed vehicle access is likely to require a relatively high degree of engineering works to facilitate the proposed access and the necessary visibility splays. Therefore, a large section of the grassed verge, as well as the shallow embankment and front boundary fence would be lost. The loss of these features and replacement with large areas of hardstanding would have a stark and incongruous appearance. This would be exacerbated by the provision of parking and turning areas, which would also dominate the frontage.
9. In addition, the scale of the works within the highway verge and to the site frontage would allow little opportunity for landscaping to soften the effect of the proposals.
10. I accept that a number of residential properties that front Newport Road have frontage access and parking provision. However, those existing access arrangements are discreet, and the parking areas are set behind tall frontage hedgerows. Therefore, having considered the effect of the proposal on the character and appearance on the area, for the reasons given, I consider that there would be unacceptable harm. Given this, these examples do not add weight in favour of the development. Accordingly, as I am required to do, I have determined the case before me on its own merits.
11. For the collective reasons outlined above, the proposed development would be unacceptably harmful to the character and appearance of the area. Therefore, the proposals would be contrary to Policy N1 of The Plan for Stafford Borough

2011-2031 (the Development Plan) which amongst other things, seeks development that takes into account local character, context and landscape features, while also ensuring that car parking is well integrated and discreetly located.

*Highways safety*

12. The access and parking area is proposed off Newport Road, to create an additional parking area for the property, which operates as a paediatric treatment facility at ground floor and residential accommodation at first floor. The existing parking area is located off Ash Drive and provides off street car parking provision for a number of vehicles.
13. The use of the ground floor as a paediatric treatment facility is likely to generate increased vehicle movements to the appeal property when compared to the residential use which will also continue at first floor of the building.
14. Policy T2 of the Development Plan seeks to ensure that adequate parking facilities are provided for new development, which must, amongst other things, have safe and adequate means of access, egress, and internal circulation, that does not materially impact highway safety or traffic movement and not detract or conflict with the transport function of the road.
15. Newport Road has a 30mph speed limit and the proposed access would be located in between the Prince Avenue and Ash Drive junctions. The proposed access is also located on a bus stop and its associated layby, which the Highway Authority (the HA), advise is used as a timing point stop that requires buses to stop until their designated time of departure. Therefore, there will be certain times when buses will be stationary within the layby for extended periods of time.
16. The proposed access would require vehicles to cross the bus stop and layby in order for vehicles to access the frontage parking area. Therefore, there are likely to be instances when a bus is stopped or parked in the layby, which would prevent vehicles from using the access. In particular, vehicles would likely need to wait on Newport Road until the access is free from obstruction. This would prevent the free flow of traffic on the road and is likely to increase highway safety conflicts.
17. I acknowledge that the business operates on an appointment basis with a maximum of five patients per day and one staff member that resides at the property, operating from 9am to 6pm on Monday to Saturday. However, there are still likely to be instances when buses, parked in the layby, would prevent vehicles using the proposed access and parking area.
18. I accept that should the frontage parking area be obstructed by a bus then the rear parking area could be used by visitors to the property. The HA have confirmed that the rear parking area has an acceptable number of spaces for the change of use and the first-floor residential accommodation. I have no reason to disagree.
19. However, it is clear that the appellants intension is for the new access and parking area to be utilised more frequently than the rear parking area. Therefore, even if I were to accept that the rear parking area would provide a suitable alternative if the proposed frontage access and parking area was obstructed, I am not satisfied, on the evidence before me, that the proposed

access would be suitable and safe and that appropriate management of the parking arrangements at the site would avoid highway safety implications on this part of Newport Road.

20. For the reasons outlined above and on the evidence before me, I find that the proposed new access and parking area would have an unacceptable impact on highway safety. Accordingly, this would conflict with Policy T2 of the Development Plan.
21. The appeal site has an acceptable level of off street car parking provision for the use of the ground floor of the building as a paediatric treatment facility and the first floor as one bedroom residential accommodation. Therefore, insofar as it relates to those uses, it is acceptable in respect of highways safety. It would thereby accord with the aforementioned requirements of Policy T2 of the Development Plan.

## **Other Matters**

### *Noise and Disturbance*

22. The use of the ground floor of the building is likely to increase noise and disturbance to neighbouring occupiers, primarily from increased comings and goings to the property. In particular, the additional trips would increase the frequency of vehicular movements, people entering and leaving the site, and general talking and engine noise. However, the business operates on an appointment basis and the appellant suggests that a maximum of five patients per day would visit the property, with only one staff member that already resides at the property. The business also operates from 9am to 6pm on Monday to Saturday. Therefore, the level of activity, and any subsequent disturbance throughout the day, would not be significant, such that it would lead to an unacceptable effect on living conditions of neighbouring occupiers.
23. I am also mindful that the Council's Environmental Health Officer does not raise objections to the application, but they do recommend a number of conditions. In particular, a restriction on the days and hours of operation, and that the commercial use should be limited to a paediatric treatment facility. Commercial activities should be carried out inside the building only. The suggested conditions would further mitigate the effect of noise and disturbance, on neighbouring occupiers also.
24. I acknowledge that Haughton Parish Council and third parties raise additional concerns relating to increased exhaust fumes from the movement of vehicles, as well as increased overlooking and loss of privacy from visitors to the property. The appellant has sought to address the concerns and has installed a sign on the fence instructing visitors to turn off their engine. The location of the rear parking area and the position and height of boundary fences also prevents any significant overlooking and loss of privacy to neighbouring occupiers.

### *Special Area of Conservation (SAC)*

25. The Council have highlighted in the Delegated Officer Report that the site lies within 15km of the Cannock Chase SAC (the SAC). The SAC is designated for its unique heathland habitat. Adverse effects to the SAC would be as a result of increased recreational activity from visitors, which could have an adverse effect on the integrity of the SAC. Activities such as walking, cycling and horse riding

are popular due to the excellent accessibility via its network of public footpaths, bridleways, and permissive trails.

26. The retained residential accommodation at first floor has a reduced size compared to the previous use as a residential dwelling at ground floor and first floor. Furthermore, the use of the ground floor as a paediatric treatment facility is likely to attract patrons from the local area and is unlikely to then result in associated onward trips to the SAC. Therefore, it is highly probable that the acceptable elements of the appeal scheme would not increase use of the SAC for recreational activities and have a likely significant effect on the qualifying features of the SAC. As such, based on the evidence, I do not consider that an Appropriate Assessment is required in this instance.

### **Conditions**

27. I have had regard to conditions suggested by the Council, as well as to the Framework and national Planning Practice Guidance (PPG). A time limit condition is not necessary as the use has already been implemented. For similar reasons, a condition stating the approved drawings is not necessary.
28. Conditions to mitigate noise and disturbance are required to ensure that the living conditions of neighbouring occupiers are protected from potential noise and disturbance. The conditions largely reflect those suggested by the Council, including the hours of operation which align with those specified on the original application form. However, for clarity and precision purposes, I have made minor changes, where necessary.

### **Conclusion**

29. For the reasons set out above, and having considered all other matters raised, I conclude that the appeal should be allowed insofar as it relates to the change of use to a treatment centre at ground floor and the residential use of the first floor retained. Insofar as the appeal relates to the new access, driveway and permeable surfaced hard-standing for parking, I conclude that for the reasons given above, the proposal would conflict with the development plan, when read as a whole. Material considerations do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised I therefore conclude that this element of the appeal is dismissed.

*N Bromley*

INSPECTOR