



Civic Centre, Riverside, Stafford

Contact Jim Dean
Direct Dial 01785 619209

Email jdean@staffordbc.gov.uk

Dear Members

Planning Committee

A meeting of the Planning Committee will be held on **Wednesday, 10 July 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".

Head of Law and Governance

PLANNING COMMITTEE - 10 JULY 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.

	Page Nos
5 Planning Applications	3 - 27
6 Planning Appeals	28 - 40
7 Enforcement Matters	-

MEMBERSHIP

Chairman - Councillor B McKeown

B M Cross	A R McNaughton
I D Fordham	A Nixon
A D Hobbs	M Phillips
E G R Jones	A J Sandiford
P W Jones	S N Spencer
B McKeown	

PLANNING COMMITTEE - 10 JULY 2024

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**:-

		Page Nos
24/38932/FUL	6 Sycamore Drive, Hixon, Stafford	4 - 17
The application was called in by Councillor A G Cooper		
Officer Contact - Sian Wright - Development Lead Telephone 01785 619528		
24/38874/FUL	Leonard's Croft, 80 Lichfield Road, Stafford	18 - 27
The application was called in by Councillor J Thorley		
Officer Contact - Leon Carroll - Development Lead Telephone 01785 619184		

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.

Application:	24/38932/FUL
Case Officer:	Hannah Cross
Date Registered:	9 May 2024
Target Decision Date:	4 July 2024
Extended To:	-
Address:	6 Sycamore Drive, Hixon, Stafford, Staffordshire ST18 0FB
Ward:	Haywood and Hixon
Parish:	Hixon
Proposal:	Change of use from dwellinghouse (Use Class C3) to care home for children (Use Class C2)
Applicant:	Timmy And Associates Ltd.
Recommendation:	Approve, subject to conditions

REASON FOR REFERRAL TO COMMITTEE

This application has been called-in by Councillor A G Cooper (Ward Member for Haywood and Hixon) for the following reasons:

- Concern regarding lack of public transport locally.
- Concern regarding additional on-street parking in a restricted area
- Concern over lack of local youth facilities
- Potential impact of additional noise

1.0 Context

The application site relates to what is currently a 4 bedroomed detached dwellinghouse located within the settlement of Hixon.

The dwelling is situated on Sycamore Drive, which is an established residential estate cul-de-sac. The dwelling has an integral garage, and a block paved parking area to the front of the dwelling.

The proposal

The proposal is for the change of use of the building from Class C3 (Dwellinghouse) to C2 to form a children's care home.

The premises will accommodate a maximum of three children (ages 7-17 years old), with three caring staff working on a shift rota. The rota provided within the Planning, Design and Access statement submitted indicates there will be 3 x changeovers across a 24 hour period and one member of staff available at all times.

It is stated that the proposed care home will operate in a largely similar manner to any other

family home, with the children attending school and college as normal and medical appointments etc. taking place off site. No external or internal changes are proposed to the building. The car parking arrangement will also remain unchanged.

Officer Assessment - Key Considerations

Planning policy framework

Section 38(6) of the 2004 Planning and Compulsory Purchase Act 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 comprises The Plan for Stafford Borough 2011-2031 Parts 1 and 2 (TPSB) and the Hixon Neighbourhood Plan.

2.0 Principle of Development

- 2.1 Policy C3 - Specialist Housing of the Plan for Stafford Borough encourages the provision of a range of types and tenures of additional extra care bed units.
- 2.2 Part (b) requires that new care home developments are located in accordance with Spatial Principle SP7 at settlements within the settlement hierarchy. It also requires that they are located in sustainable locations close to services and facilitates, are self-contained and are accessible. The supporting text of Policy C3 explains that there is a significant need for care home provision across Stafford Borough, in particular for the elderly sector, where 954 new (net) places will be required by 2030 and that the majority of the need will have to be addressed by private units. It is acknowledged that this proposal is for a care home for children, however, Policy C3 also explains that specialist housing provides a range of housing options to adults and children with a variety of care and support needs to enable them to live independently.
- 2.3 In this instance, the proposed change of use of the dwelling house to a C2 care home for children would be self-contained and it would also be located within the defined settlement boundary for Hixon. The existing dwelling is within an established residential estate and in a sustainable location for access to services. The application site is accessible by car and well located in respect of modes of public transport, which are available close-by. Access by foot would be along pedestrian footpaths.

- 2.4 The proposal relates to a change of use of an existing dwelling rather than new build development inferred to within Policy C3. Whilst it is accepted that new build care home provision should be within a settlement boundary in accordance with Policy SP7, the proposed change of use of existing buildings within settlement boundaries (or otherwise) still needs to be assessed, in this case as a care home for up to 3 children, to assess if the new C2 use is appropriate for the area.
- 2.5 The proposals do not include any external alterations to the existing dwelling, signage or changes to the existing parking layout. For all intents and purposes the character of the premises would still have the appearance of a single-family dwelling.
- 2.6 The existing dwelling having 4 bedrooms could accommodate a family of 5 given its size. Occupiers as part of the existing C3 use would generally need to travel to a place of work. Likewise, schools and shopping, etc. would involve travel by car, by foot or by public transport, as required.
- 2.7 The change of use of the dwelling as a care home for up to 3 children in this location is considered to be sustainable. The applicant states that to all intents and purposes the users will be living in the property as if it were a dwellinghouse. The key difference would be that carers would need to travel to the site daily rather than someone being there permanently. This will include one carer being present during the day at any one time based on the rota system provided.
- 2.8 The rota provided within the D&A submitted indicates there will be 3 x changeovers for staff members across a 24 hour period. In terms of vehicle movements it is not considered this would be significantly greater than that associated with a Class C3 use, and other visits by other persons, such as professionals and inspectors in connection with the change of use are not considered to be significantly more than the comings and goings of various visitors to a family dwelling.
- 2.9 In summary therefore, the proposed care home would operate similar to a family dwelling, considering that during the day children would be attending local education whilst the support staff maintain the upkeep of the property.
- 2.10 Given the minimal difference in terms of occupation between a dwelling and the proposed care home, the lack of need for any external alterations and no apparent significant increase in vehicle movements it is considered that the proposal would comply with the overarching principle of Policy C3 to provide additional care home provision without detriment to the local area. On balance, given that it is already a dwelling in- situ, the principle of a care home in this location (on the basis that occupation is limited to 3 children) is therefore acceptable, subject to all other material considerations being met.

Policies and Guidance: -

National Planning Policy Framework - Section 2. Achieving Sustainable Development

The Plan for Stafford Borough - Policy SP1 Presumption in Favour of Sustainable Development, SP7 Supporting the Location of New Development, Policy C3 Specialist Housing

Hixon Neighbourhood Plan - no relevant policies

3.0 Character and appearance

3.1 There would be no harm to the character and appearance of the area. The change of use proposal involves no external works proposed to the property.

Policies and Guidance: -

National Planning Policy Framework - Section 12. Achieving well-designed places

The Plan for Stafford Borough - Policy N1 Design

Supplementary Planning Document (SPD) - Design

Hixon Neighbourhood Plan

4.0 Residential Amenity

4.1 It is not considered that there would be any undue harm with regard to visual amenity as the proposal only relates to the change of use of the premises.

4.2 The impact on residential amenity is considered to be the difference between the existing use as a dwelling compared to the use of the building as a care home.

4.3 It is stated the proposed care home will provide high quality accommodation for up to three young people in need of support, along with therapeutic services and counselling to help support them to develop coping strategies and improve their self-confidence.

4.4 Care staff will be present through the day and night to provide support to the children as may be required. The number of children cared for on site will not exceed three, and consequently will not be materially different to that which could be reasonably expected of a four-bedroomed dwellinghouse.

4.5 No additional bedrooms or other alterations would be needed to enable the development and it is not unreasonable to assume that the premises could already accommodate a family of 4 or more given that the dwelling has 4 bedrooms.

4.6 The primary difference would be the additional coming and goings associated with staff change-overs on a daily basis. Whilst there would likely be an increase in vehicle movements along the public highway and within the premises, given the scale of the proposed use it is considered that this would not be sufficient to cause significant harm to the occupiers of neighbouring properties.

- 4.7 Neighbour concerns surrounding adverse noise impact are noted. Regulatory Services have raised no comments in relation to the application and the Police Liaison Officer notes noise levels can be expected to be the same as any household with three children under the age of 18 years of age.
- 4.8 Neighbour comments surrounding potential increase in crime and anti social behaviour are noted. The Staffordshire Police Designing Out Crime Officer raises no objections to the proposal, but raises several points surrounding the management of the care home.
- 4.9 It is understood that in order for a care home to open and operate they need to be registered with OFSTED and be subject to their stringent requirements. Management companies will also clearly need to have well-conceived and implemented policies and procedures to reduce opportunities for problems to arise or deal with any problems that have arisen, taking into consideration the respective care needs of the individual children.
- 4.10 The safe running of the care home is therefore a separate matter better dealt with under the appropriate, separate legislation and is subject to scrutiny by other agencies. Furthermore it is considered appropriate to attach the police liaison officer's comments as an informative to any grant of consent.
- 4.11 Neighbour concerns about the siting of the children's home on a residential estate and any potentially adverse impacts are noted. However the presence of a care home does not automatically equate to a problem location and/or issues for the surrounding environment.
- 4.12 In this particular case, the Staffordshire Police Designing Out Crime Officer has not objected to the proposed use or the location as a children's home but has made recommendations, to include that the police are informed once the care home is operational so that they are aware of the management process for both the staff and the children in care.
- 4.13 Therefore, in consideration of the above and in the absence of any objections from technical consultees, it is considered that, in planning terms, the proposed change of use would not have an adverse impact on neighbouring amenity and the proposals would comply with Policy N1 of The Plan for Stafford Borough and associated SPD guidance.

Policies and Guidance:-

The Plan for Stafford Borough

Policies: N1 Design

Supplementary Planning Document (SPD) - Design

5.0 Access and parking

- 5.1 A site plan has been provided detailing that 3 car parking spaces are available on the existing site frontage in addition to an existing integral garage.
- 5.2 As above the rota provided within the D&A statement submitted indicates there will be 3 x changeovers for staff members across a 24-hour period with one staff member present at any one time. In terms of vehicle movements it is not considered this would be significantly greater than that associated with a Class C3 use, and visits by other persons, such as professionals and inspectors in connection with the change of use are not considered to be significantly more than the comings and goings of various visitors to a family dwelling. In addition as there is only one parking space proposed to be occupied by staff at any one time it is considered sufficient parking will be available for such visitors.
- 5.3 The Highway Authority (H/A), noting the existing parking provision on site and the proposed shift pattern of staff consider that the proposal will not have an adverse effect upon the highway, subject to a condition requiring the existing 4x full height kerbs fronting the site to be dropped to allow for independent access on/off the driveway and access to the garage for the members of staff, as well a condition to ensure the garage is retained for use as a garage (to house vehicles and/or cycles).
- 5.4 The 4x full height kerbs fall outside of the submitted red edge, and as the highway Sycamore Drive is unclassified the dropping of these kerbs would not require planning permission in its own right. As such a Grampian condition is recommended in this instance taking account of the comments of the H/A and to ensure adequate access to all 3 parking spaces as well as the existing garage is available.
- 5.5 Neighbour comments surrounding highway danger and parking issues are noted and addressed above. Public highways are by nature available for use for a wide variety of users and the frequency of use cannot be controlled. However, should any issues arise that result in highway danger (such as the obstruction of a public highway etc), then these matters can be reported to and dealt with under separate legislation by the Highway Authority.
- 5.6 In all and having regard to the comments of the Highway Authority it is considered the proposal is acceptable in terms of highway safety and convenience.

Policies and Guidance: -

National Planning Policy Framework

Paragraphs: 115 and 116

The Plan for Stafford Borough

Policies: T1 Transport; T2 Parking and manoeuvring facilities; Appendix B – Car parking standards

6.0 Other Matters

- 6.1 Neighbour comments are noted and addressed within the relevant parts of the report. Comments on property values and legal covenants/ property deeds are noted, however, are not material planning considerations.
- 6.2 Neighbour occupiers raise concern that trees between no. 4 and no. 6 Sycamore Drive may need to be removed. There is no indication that this is the case and no extended parking area is proposed.
- 6.3 Neighbour comments surrounding lack of consultation / publicity are noted. In terms of notification the local planning authority is required to erect a site notice or send letters to neighbours. The Council has carried out both in this instance and have fulfilled its statutory duty in this regard.
- 6.4 Neighbour comments seek further clarification as to the background of the children which would use the home. This is not information the Local Planning Authority could reasonably request to assess the current planning application.
- 6.5 The site is located within 8km of the Cannock Chase SAC, 5km of West Midlands Mosses and 5km of Charltey Moss. It has been concluded given the nature of the proposal as a change of use of an existing dwelling with no net increase in residential units proposed, that these ecological sites would not be adversely affected by the proposal.
- 6.6 Staffordshire Fire and Rescue Service have commented on the application with several general advisories surrounding fire safety. This can be addressed via an informative to the applicant.

7.0 Conclusion

- 7.1 Given the minimal difference in the nature of the use between a dwelling and a care home for 3 x children, the lack of external alterations and that based on the information submitted no significant increase in vehicle movements and levels of activity is expected, it is considered that the proposal would comply with the overarching principle of Policy C3 to provide additional care home provision.
- 7.2 There would be limited impact on neighbouring amenity, acceptable levels of parking, and no impact on the character and appearance of the area. The proposed change of use on balance is therefore considered to be acceptable and, subject to conditions, the development complies with the relevant local plan policies and the National Planning Policy Framework.

Consultations (comments summarised)

Parish Council:

Objection raised on the following grounds:

- Residential and visual amenity - noting an increase in vehicle movements and disturbance.
- Highways - noting a lack of parking on the cul-de-sac, and that the proposed use will necessitate a substantial number of vehicles visiting the property.
- Noise - associated with 3 young people, carers, vehicle movements.

Public representations: 54 total representations received from 32 addresses (52 representations objecting, 2 in support); comments summarised as:

Objections raising the following concerns:

- Insufficient facilities in the village to support a children's home
- Proposal will affect house prices in the vicinity
- Insufficient information has been submitted surrounding the proposed use
- Insufficient consultation has taken place with neighbours
- Property deeds has a covenant to state no trade or business can be carried out
- Highway safety / parking issues due to narrow entrance road (Sycamore Drive) and proximity to roundabout
- Increase in traffic from visiting social and care workers, police etc
- Insufficient on-site parking leading to on road parking and creating obstruction for road users
- Size of garage too small for most cars
- Limited / no on-street parking available
- Unsuitable location for a children's home (quiet residential area)
- Question surrounding whether the change of use is temporary or permanent
- Question surrounding whether the property is privately owned
- Concerns surrounding noise and potential increase in crime and anti-social behaviour
- Nearest GP health practice is in the village of Great Haywood
- Poor public transport links to Stafford

- Not enough things to do in the area for children
- Noting there are more suitable location for a care home e.g. University Halls of Residence
- If planning permission is granted this will set a precedent for similar proposals in future
- Children could feel rural isolation
- Social integration of children better achieved in a town or city
- Noting trees between boundary of no. 6 and no.4 Sycamore Drive and asking whether these will be removed
- Insufficient information submitted as to the proposed users of the home and their background
- Only one point of access to the road Sycamore Drive, and the road is busy
- Insufficient garden size for young people to enjoy
- Noting external works are required by Police Liaison Officer and Highway Authority

In support (2) - no specific comments made.

Highway Authority:

Drawing No 24/691/05 (Location and Site Plan) identifies x3 car parking spaces fronting the property, there is also an integral garage as shown on Drawing No 24/691/03 (Proposed Floor Plans), however the proposed parking space to the west and in front of the garage is currently not accessible due to existing full height kerbs. Therefore, the current driveway is only able to provide legal access for two vehicles. It is noted from historical Google Street view images that the original integral garage has been previously converted and a side extension built to create a new garage, although not accessible due to no dropped kerbing from the highway.

Part of the existing driveway fronting the new garage there are two full height kerbs with a transitional kerb either side. Given the change of use, I will require these x4 kerbs to be dropped to allow for independent access on/off the driveway also access to the garage for the members off staff as vehicles may bounce up and over the kerbs to gain access to the driveway and over time this will damage the highway asset. The applicant will need to apply for a Permit to Dig and Section 184 Notice of Approval from Staffordshire County Council to carry out these works within our highway.

Therefore, given the above rota system and 3 staff members I am satisfied with the three proposed car parking spaces being provided if the alterations are made to improve/legalise the vehicular access.

I do not feel the proposed development will have a detrimental impact on the highway, given the above requirement to amend the existing vehicular access which will create ease of independent access to the driveway with the following conditions below.

Recommendations:

There are no objections on Highway grounds to the proposed development subject to the following condition being included on any approval: -

- 1 The development hereby permitted shall not be brought into use until the x4 kerbs fronting the existing driveway are altered to dropped kerbs for independent access and shall thereafter be retained for the lifetime of the development.
- 2 The existing garage shall remain as a garage for the intended use to house a vehicle or cycles.

Informative requested re. dropped kerb license (Section 184 Notice of Approval from Staffordshire County Council).

Regulatory Services: No comments

Staffordshire Police Designing Out Crime Officer:

Application Comments

1. The application proposes not to alter the existing property in any way, either internally or externally.
2. However, I recommend contact sensors are added to the external doors, windows and garage door to alert onsite staff if any of these have been opened, especially at night if a child attempts to leave the grounds.
3. I recommend CCTV is installed to cover the front entrance and driveway. This will provide police with evidence of what a child was wearing and what time they left if a child is reported missing. The CCTV images are recommended to be stored directly in the cloud, with access restricted to authorised personnel only.
4. The proposed shift patterns do not allow time for a shift handover, where staff can raise any child concerns or household issues with the incoming staff member.
5. There should be an assigned Care Home manager for this care home, who knows who each child is, and is a regular face for the child to have a consistent member of staff to talk to. A care home manager will also allow police and other professionals to have a regular contact point with the care home if required.
6. It appears to only be one member of staff onsite at any time. This would limit the support available to the children in care if the onsite support worker needs to dedicate their time to a particular child i.e. ill health, welfare issues, missing etc. Two members of staff should be available at all times. The presence of a care home manager would resolve this problem during the day, but two members of staff are still recommended for the nightshift.
7. There is no mention of a Missing Policy in place. The onsite staff should all be aware of their missing policy and procedures. The difference between absent and missing should be clearly defined in the policy, as well as when the police should be called.

8. If planning is granted for this proposal, Staffordshire Police would recommend the use of the Philomena Policy. This policy requires management to complete a form for each child resident detailing key information including a photo. This policy is stored locally by the care home management team. In the event of a child going missing, the management team could hand this information to the officers visit on the scene to help officers with any searches.
9. It should be noted there will be regular police visits to the property, as part of the normal care home engagement policies Staffordshire Police have in place. This does not mean there is trouble with the care home, but it is just routine check-in. However, Police may need to visit the home if a child is reported missing, or if any other issues arise.
10. I note a number of the local residents have objected to the application due to their concerns regarding anti-social behaviour and noise levels. It should be noted the noise levels will be the same as any household with three children under the age of 18 years of age.
11. Any anti-social behaviour (ASB) experienced by the local residents should initially be reported to the staff onsite or the care home manager. This should be dealt with inhouse. If the problems still persist, ASB should be reported to the council.
12. If this planning application is approved, I recommend the care home management team contact Staffordshire Police, so the local policing team are aware of the staff, location, and help build a good line of communication.

Staffordshire Fire and Rescue Service:

General advisories surrounding fire safety e.g. vehicle access, fire mains and automatic water suppression systems

Site Notice:

Expiry date: 14.06.2024

Relevant Planning History

None

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, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence:-

- Location plan and site plans Drawing Number 24/691/05
 - Proposed Floor Plans Drawing Number 24/691/03
 - Proposed elevations 24/691/04
3. The care home hereby approved shall not be occupied by more than 3 resident children at any time.
 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises shall only be used for the purposes specified in the application and for no other purpose (including any other purpose in Class C2 - Residential Institutions on the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).
 5. The development hereby permitted shall not be brought into use until the x4 kerbs fronting the existing driveway are altered to dropped kerbs for independent access and shall thereafter be retained for the lifetime of the development.
 6. The existing garage shall remain as a garage for the intended use to house a vehicle or cycles.

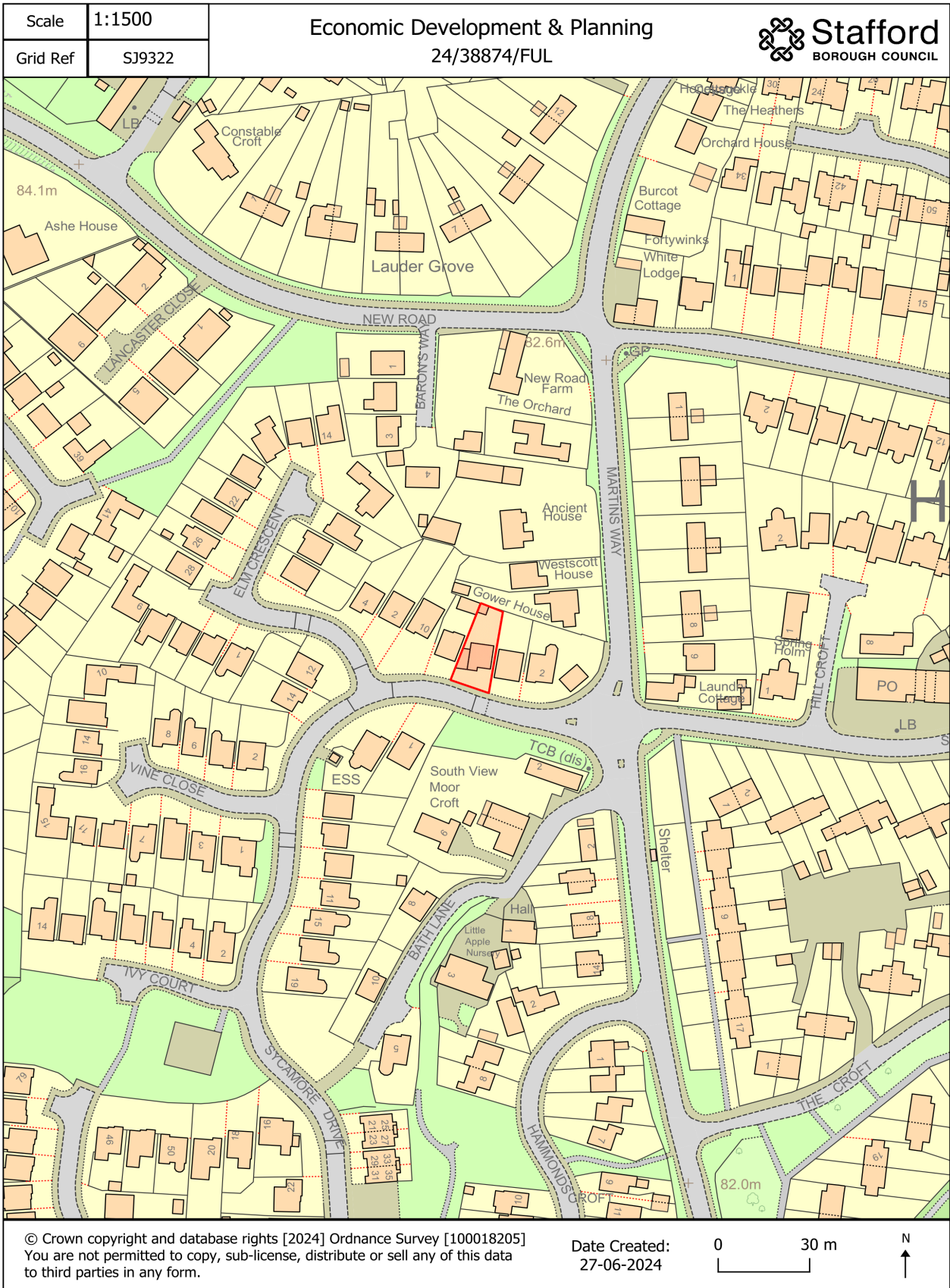
The reasons for the Council's decision to approve the development subject to the above conditions are:

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission.
3. To ensure that the development carried out in accordance with the submitted proposals and if necessary, to further consider the suitability of the premises for additional residents (Policy C3 of the Plan for Stafford Borough).
4. To define the permission.
5. In the interests of highway safety and convenience (Policy T2 of The Plan for Stafford Borough).
6. In the interests of highway safety and convenience (Policy T2 of The Plan for Stafford Borough).

Informative(s)

- 1 In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2010, 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 applicant's attention is drawn to the comments of the Highway Authority, the Staffordshire Fire and Rescue Service, and the Staffordshire Police Designing Out Crime Officer in respect of this application which are available for view on the following link www.staffordbc.gov.uk/planning-public-access and are summarised within the case officer's report.
- 3 Please note that you require a Permit to Dig and a Section 184 Notice of Approval from Staffordshire County Council. Please complete and send to the address indicated on the application form, which is Staffordshire County Council at Traffic and Network Management Unit, Staffordshire Place 1, Tipping Street, Stafford, Staffordshire, ST16 2DH. (or email to (trafficandnetwork@staffordshire.gov.uk)
Vehicle access crossing (dropped kerb) - Staffordshire County Council.

24/38932/FUL 6 Sycamore Drive Hixon



Application:	24/38874/FUL
Case Officer:	Sian Eggington
Date Registered:	23 April 2024
Target Decision Date:	19 June 2024
Extended To:	-
Address:	Leonard's Croft, 80 Lichfield Road Stafford Staffordshire ST17 4LP
Ward:	Forebridge
Parish:	-
Proposal:	Erection of detached garden building
Applicant:	Priory Group
Recommendation:	Approve, subject to conditions

REASON FOR CALL-IN TO COMMITTEE

This application has been called in to be decided at planning committee by Councillor J Thorley (Ward member for Forebridge) for the following reason/s:

- Adverse impact upon the amenity of adjoining properties .
- The building is moving ten meters closer to the adjoining property which is deemed encroachment.
- The site parking is insufficient for the current users of the building.

1.0 CONTEXT

The Application Site

80 Lichfield Road (formerly the Leonards Croft Hotel) is a detached, traditional Victorian building, with a very distinct character and appearance. It is an attractive building within the Lichfield Road Street scene which mainly comprises of Victorian terraced houses. It has a generous gravel frontage with ample car parking provision and is located in a prominent and elevated position. The property is currently used as a C2 care home.

Proposed Development

The proposal is for a garden room which will measure by 5.9m in width and 4.3m in depth with a flat roof at a maximum height of 2.8m. The external materials will be cedar cladding with anthracite powder coated metal windows and doors. The outbuilding would be utilised in association with the existing care home by staff and residents and would be situated along the south-east boundary of the site.

The application is submitted following the withdrawal of a previous application which sought permission for a similar building in a more prominent position to the front of the main house. Officers advised the applicant that the application as then submitted was unlikely to be supported, therefore the applicant has now submitted details of this amended scheme.

Technical Note: The plans associated with the application show the red line boundary around the majority of the site and a blue line round the existing garden building on the south-eastern boundary of the site. This part of the site was accidentally omitted from the red line boundary of the original application, therefore the applicant has repeated the same red line in order to take advantage of a free resubmission, but has added a blue line to make clear the extent of the land ownership.

The existing garden building was not shown on the original plans for this application therefore amended plans have been obtained by officers which show the existing building and the applicant has confirmed that this building will be retained.

Planning policy framework

Section 38(6) of the 2004 Planning and Compulsory Purchase Act 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 comprises The Plan for Stafford Borough 2011-2031 Parts 1 and 2 (TPSB)

OFFICER ASSESSMENT - KEY CONSIDERATIONS

2.0 PRINCIPLE OF DEVELOPMENT

The application site is located within Stafford which is listed as one of the settlements in the Sustainable Settlement Hierarchy under Spatial Principle 3 of TPSB and its defined settlement boundary under Policy SB1 and as shown on the associated Inset map for Stafford.

Policy C3 of The Plan for Stafford Borough (2014) states that to meet the anticipated need to provide additional extra care bed units in Stafford Borough provision of a range of types and tenures will be encouraged by:

- a. Resisting development that would lead to a reduction in the number of extra care premises unless it can be demonstrated that a replacement facility was being built or that such a use was unviable;

- b. Ensuring that any new developments are located in accordance with Spatial Principle SP7 at a settlement within the settlement hierarchy, in a sustainable location close to services and facilities, are self-contained, and are accessible by both public and private transport. New development should make adequate provision for off-street car parking within any development scheme;
- c. Allowing for the extension of existing residential / nursing homes and conversion of existing sheltered accommodation providing that:
 - i. The development is compatible with the character of the local area;
 - ii. There is adequate and well located car parking and the site is accessible by both public and private transport;
 - iii. The development does not have an adverse impact on the amenity of adjoining properties through excessive noise, light pollution, loss of privacy and excessive traffic movements.
- d. Seeking to secure the provision of new Extra Care facilities through liaison between the Borough Council, Staffordshire County Council and the Staffordshire Cluster Primary Care Trust (PCT) on new major development schemes.

Of particular importance is paragraph C of Policy C3, given that this would constitute extension to an existing care home. The principle of development is therefore considered to be acceptable given that the property is located within a sustainable location in the Stafford settlement boundary, but subject to other material considerations being satisfied, including:-

- Impact upon the character and appearance of the site and the surrounding area;
- Residential amenity;
- Car parking provision.

Polices and Guidance:-

National Planning Policy Framework 2023 (NPPF)

Paragraphs 8 and 11

The Plan for Stafford Borough 2011-2031 (TPSB)

Part 1 - Spatial Principle 1 (Presumption in Favour of Sustainable Development, Spatial Principle 3 (Sustainable Settlement Hierarchy), Spatial Principle 7 (Supporting the Location of New Development), Policy C3 Specialist Housing

Part 2 - SB1 (Settlement Boundaries)

3.0 CHARACTER AND APPEARANCE

Policy N1 of the TPSB sets out design criteria including the requirement for design and layout to take account of local context and to have high design standards which preserve and enhance the character of the area. Section 8 of the Supplementary Planning Document on Design (SPD) then provides further detailed guidance on extensions and alterations to dwellings.

The proposal seeks permission for the construction of a garden room which will measure by 5.9m in width and 4.3m in depth with a flat roof at a maximum height of 2.8m. It will be situated to the south-east area of the site. In comparison to the existing structure, which is large in footprint, the proposal would form a proportional addition to the site. The proposal also includes a large door to the front elevation and a two small side windows. These are appropriately placed. The windows and doors are to be constructed in anthracite powder coated metal, whilst this is out of keeping with the main dwelling due to the siting within the garden there will be no undue impact on the street scene and on balance would be acceptable.

The proposed outbuilding is of a simple design which, due to the proposed timber cladding and low ridge height would assimilate well with the site. The proposal would be screened from view from Lichfield Road due to the outbuilding being placed approximately 25.5m from the front boundary and would be screened by a collection of trees and hedging along with an existing fence to prevent any views from the street scene. Whilst the materials are out of keeping with the existing building, there are several buildings and outbuildings on site which include a variety of different materials and as such there will be no undue impact on the character of the site and no undue impact on the street scene.

Overall, the proposal is considered to be appropriately sited and designed and is in keeping with the below policies.

Policies and Guidance:-

National Planning Policy Framework 2023 (NPPF)

Section 12 - Achieving well-designed places

The Plan for Stafford Borough 2011-2031 (TPSB)

N1 (Design)

Supplementary Planning Document – Design (SPD)

4.0 RESIDENTIAL AMENITY

Criteria (e) of Policy N1 of the TPSB and the SPD require design and layout to take account of adjacent residential areas and existing activities.

The proposed garden building will be situated in the side garden of the property toward the south eastern boundary, but will however be screened from view of the adjacent dwelling 81 Lichfield Road by the existing pitched roof garden structure which is of a larger scale and is located on the boundary with that dwelling, and other existing boundary planting and boundary walls. The proposed building is to be used for purposes incidental

to the main care home building by both staff and residents and is therefore consistent with the current lawful use of the site.

Furthermore the proposal is low in height at only 2.8m and officers are mindful of the fact that householder permitted development rights would permit the building as proposed if it had a maximum height of 2.5m. Whilst the application site is a C2 care home for up to 8 residents, the term “dwellinghouse” is not defined in the 1990 Act or the General Permitted Development Order. Planning case law has established that the distinctive characteristic of a dwellinghouse is its ability to afford to those who use it the facilities required for day to day private existence. The approved floor plans for the existing care home demonstrate that residents do not live in self-contained units of accommodation and that the care home provides private bedrooms and communal living areas for all residents including kitchen, dining and living room. Officers are therefore of the opinion that a garden building which provides facilities incidental to the enjoyment of the main building and which complied with the limitations set out in Schedule 2, Part 1, Class E would be permitted development.

Class E also allows the construction of a garden building of up to 4m in height provided, amongst other criteria, it is not positioned within 2m of any boundary of the site. The proposed building is located 1m from the nearest boundary to the south but is 2.3m away from the nearest elevation of the adjacent dwelling. Officers are satisfied that due to the existing garden building and boundary treatments, the proposed 2.8m high building would not have any significantly greater impact on the occupants of 81 Lichfield Road than that which could be constructed under permitted development rights. The proposal is therefore considered to be in accordance with the below policies.

Policies and Guidance:-

National Planning Policy Framework 2023 (NPPF)

Paragraph 135

The Plan for Stafford Borough 2011-2031 (TPSB)

N1 (Design)

Supplementary Planning Document – Design (SPD)

5.0 HIGHWAYS AND PARKING

The proposal is not providing addition habitable floorspace to require further parking spaces. Concerns have been raised regarding the lack of parking provided on site in which Highways have also objected. However the proposal would not result in an increase in the number of staff, residents or visitors to the site, and officers are satisfied that there is a large, gravelled car park to the front of the site which offers adequate parking and as such is in compliance with the below parking policies for Stafford. Officers are also satisfied that whilst objection has been raised the proposal does not impact the existing parking situation and no further parking requirements are needed in relation to the proposed outbuilding.

Policies and Guidance:-

National Planning Policy Framework 2023 (NPPF)

Paragraphs 112 and 113

The Plan for Stafford Borough 2011-2031 (TPSB)

Policies T1 (Transport), T2 (Parking and Manoeuvring Facilities), Appendix B – Car Parking Standards

6.0 TREES

Policy N4 (The Natural Environment and Green Infrastructure) of the TPSB states that the Borough's natural environment will be protected, enhanced and improved, partly through the protecting, conserving and enhancing the natural and historic environment and irreplaceable semi-natural habitats, such as ancient woodlands, and ancient or veteran trees. There are a number of trees located within this site and the applicant has submitted an Arboricultural report to accompany this application. There are a number of trees protected on this site. The Council's Tree Officer has been consulted and makes the following comments relevant to the case:

The proposals are to create a substantial detached building in the garden area to the east of the building in a space where no trees exist. The previous application (23/37309/FUL) had a similar building located closer to large trees. This application has managed to avoid the significant trees. The Arboricultural information has shown shading as a constraint and this shows that the proposed building is likely to be partly shaded by T1 Brewers Spruce, a particularly ornamental species of Spruce. The form, growth rate and relative location of this tree mean that the shading is probably unlikely to be as significant as the shading arc suggests. This is realised by the clear photographs of the trees on the site in the Arboricultural submission.

It is accepted that there will be no impact on the trees from these proposals and that is clearly backed up by the Arboricultural report and associated Tree Protection Plan that shows suitable protection measures to make sure there is no damage during construction.

Therefore, the location of this building sits much better with the existing tree cover and if the protective measures are utilised then it is considered unlikely that there will be any significant adverse pressure on any trees as a result of the proposals.

Policies and Guidance:-

National Planning Policy Framework 2023 (NPPF)

The Plan for Stafford Borough 2011-2031 (TPSB)

N4 Natural Environment

CONCLUSION AND PLANNING BALANCE

The proposed outbuilding represents development which would not unduly impact the character and appearance of the surrounding area and represent appropriate and sustainable development. The proposal is consistent with local and national planning policies. As such, the additions sought under this application should be approved without delay, subject to appropriate conditions.

CONSULTATIONS

Highway Authority:

(Surgery) - Objection as the parking is not in compliance with the existing approved parking arrangements.

Whilst this is acknowledged officers are satisfied that the proposal is a stand alone application and will not result in a additional need for parking.

Trees:

From an Arboricultural point of view I recommend that this application is Approved subject to the following condition:

Tree Protection Plan - compliance

All measures within the approved Tree Protection Plans and Development Tree Report shall be implemented and maintained throughout development until completion of all construction related activity, unless agreed otherwise in writing with the local planning authority.

Neighbours:

(6 consulted): 1 representations received raising the following material considerations:-

- Noise

The development is minor in scale, and it would be unreasonable to attach a condition to limit construction activity on site.

Relevant Planning History

- [Change of use from nine-bed guest house \(Class C1\) to residential care home \(Class C2\) for up to eight residents](#) Ref. No: 16/25067/COU | Status: Application Permitted
- [TPO No. 18 CSB of 1973: T1 Pinus sp. \(Pine\) - Crown Lift to 5.5 metres + Crown Reduction by 25% + Overhead Line Clearance by 1.5 metres, T3 Pinus sp. \(Pine\) - Crown Reduction by 25%](#) Ref. No: 17/26762/TWT | Status: GRANT
- [Retention of 1.8m high timber gate and fence to front boundary](#) Ref. No: 17/26784/FUL | Status: Application Refused

- [Erection of detached garden building for ancillary office use.](#) Ref. No: 23/37309/FUL | Status: Application Withdrawn

To ensure that the proposed development is compatible with existing development in the locality (Policies N1 and C5 of The Plan for Stafford Borough).

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 originally submitted details and specification and to the following drawings, except where indicated otherwise or by a condition attached to this consent, in which case the condition shall take precedence: -
 - Location Plan (001)
 - Construction Section (005)
 - Proposed Plan (004 Rev F)
3. The development to which this permission relates shall be carried out in accordance with the materials specified on the approved plans and on the application form.
4. All measures within the approved Tree Protection Plans and Development Tree Report shall be implemented and maintained throughout development until completion of all construction related activity, unless agreed otherwise in writing with the local planning authority.
5. The outbuilding hereby permitted shall not be occupied at any time other than for purposes incidental to the use of the residential care home known as 180 Lichfield Road, Stafford, Staffordshire, ST17 4LP and shall not be used as primary living accommodation, including sleeping accommodation. The building shall not be occupied or let independently.

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.
3. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).

4. To ensure that adequate measures are taken to preserve trees and their root system whilst construction work is progressing on site (Policy N4 of The Plan for Stafford Borough).
5. To ensure that the proposed development is compatible with existing development in the locality (Policies N1 and C5 of The Plan for Stafford Borough).

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.

24/38874/FUL
Leonard's Croft
80 Lichfield Road
Stafford

Scale	1:1500
Grid Ref	SJ9322

Economic Development & Planning
 24/38874/FUL



© Crown copyright and database rights [2024] Ordnance Survey [100018205]
 You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form.

Date Created:
 27-06-2024



 PLANNING COMMITTEE - 10 JULY 2024

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

Application Reference	Location	Proposal
22/36059/OUT + Costs Delegated Refusal	Land Rear of 66 Mount Road Stone	Outline application for a new dwelling (access and scale)

Decided Appeals

Application Reference	Location	Proposal
23/37496/HOU Delegated Refusal Appeal Dismissed	Moorfields Cottage Goosemoor Lane Goosemoor	Retrospective planning application for the erection of a fence over 1 metre above ground level adjacent to a highway.
21/34598/FUL Delegated Refusal Appeal Dismissed	Land at Puddle Hill Hixon	Retrospective application for change of use of agricultural land into residential. Proposed erection of steel framed building onto existing concrete base.
23/37448/HOU Delegated Refusal Appeal Dismissed	Ashwood 93 Hilderstone Road Meir Heath	Erection of two-storey front/side extension, single storey rear extension

V1 28/06/2024 15:00

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 14 May 2024

by **U P Han BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 June 2024

Appeal Ref: APP/Y3425/D/24/3341925

Moorfields Cottage, Goosemoor, Church Eaton ST20 0BD

- 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 Miss Nicola Brookes against the decision of Stafford Borough Council.
 - The application Ref is 23/37496/HOU.
 - The development proposed was described as “retrospective planning application for the erection of a fence over 1 metre above ground level adjacent to a highway”.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Reference to “retrospective” in the description of the application is not a form of development. The application form confirms that the development has been completed and I was able to see this during my site visit.
3. The appellant has pointed to inaccuracies within the Officer Report relating to the location and description of the appeal site and its surroundings. I have noted these inaccuracies and was able to see the appeal site and surroundings during my site visit. I have thus determined the appeal on this basis.
4. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became “National Landscapes”. The appeal site therefore now falls within the Cannock Chase National Landscape (CCNL). However, the legal designation and policy status of AONBs is unchanged, so I have used both terms where relevant.
5. On 26 December 2023, Section 245 of the Levelling-Up and Regeneration Act (LURA) amended the duty on relevant authorities in respect of their interactions with statutory purposes of AONBs, as set out in Section 85 of the Countryside and Rights of Way Act 2000 (as amended) (CRWA). In so far as it relates to this appeal, the amendment now requires relevant authorities “in exercising or performing any functions in relation to or so as to affect land in an AONB...to seek to further the purpose of conserving and enhancing the natural beauty of the AONB” [my emphasis].
6. There are currently no regulations or guidance to assist, but the explanatory note to the LURA states “The clause strengthens the duty on certain public authorities when carrying out functions in relation to these landscapes to seek to further the statutory purposes and confers a power to make provision as to how they should do this.” As such, it is incumbent upon me to evidence

consideration of possible ways to further the purpose of conserving and enhancing the natural beauty of the AONB and CCNL. I have therefore taken this into consideration in my determination of the effect of the proposal in respect of the Council's second reason for refusal regarding character and appearance. However, I did not liaise with the main parties regarding this point, as it would not have altered the outcome regarding the harm caused to the character and appearance of the area.

Main Issues

7. The main issues are the effect of the development on:
 - highway safety; and
 - the character and appearance of the area, including whether it would conserve and enhance the natural beauty of the Cannock Chase Area of Outstanding Natural Beauty and National Landscape.

Reasons

Highway safety

8. The appeal site comprises of a two-storey dwelling with a garden to the north and parking area and garage to south. The western elevation of the dwelling is close to and fronts on to Goosemoor. This is a narrow single track lane with high hedges on both sides. The appeal site is accessed from Goosemoor and during my site visit I noted three circular safety mirrors, two at the entrance of the driveway of the site and one directly opposite in the highway.
9. The development is for a solid wooden fence with a trellis-like design at the top. The fence defines part of the western boundary of the site and is next to the highway. It continues around the south of the dwelling demarcating the driveway and ends adjoining a small outbuilding.
10. The height and location of the fence does not allow for acceptable visibility for vehicles accessing and egressing the site. The south-west corner of the fence severely restricts visibility for vehicles exiting the drive and passing in Goosemoor due its height and positioning.
11. I appreciate that there is disagreement as to whether mirrors can be relied upon to provide visibility. However, their contribution to road safety is likely to be affected by, amongst other things, glare from the sun or headlamps, bad weather, and dirt from the road.
12. The appellant has indicated that the fence could be angled back at the south-west corner to improve visibility. As the details for this have not been provided and it is unclear where the fence would need to be positioned, there is insufficient evidence before me to assess whether this would appropriately address the highway safety issues referred to above.
13. For the reasons above, I conclude that the development has an unacceptable and detrimental impact on highway safety. Consequently, it conflicts with Policies T1 and T2 of the Plan for Stafford Borough (PFSB), which seek to improve highway safety and not to materially impair it, and to ensure safe and adequate means of access and egress.

Character and appearance

14. The appeal site is located in a rural agricultural area with open fields running directly up to the highway. The surrounding area is predominantly open countryside with a handful of sporadic dwellings. However, the openness of the countryside can only be appreciated by intermittent gaps in the vegetation or changes in levels.
15. The fence runs next to the highway along the entire western boundary of the house and part of its garden. Thereafter, the boundary treatment northwards is formed by hedges, similar to those either side of Goosemoor.
16. While the fence is only visible from within its immediate locality, the use of solid timber over some distance along the frontage of the site means it is, nevertheless, conspicuous and incongruous within its verdant surroundings and harmful to the appearance of the street scene of Goosemoor. The effect of painting the fence green or growing climbers on it would not overcome its incongruity and would be visually inharmonious with the character and appearance of the surrounding area.
17. The height of the fence is similar to the hedges found to either side of Goosemoor. In that sense, the way in which it encloses the carriageway has not amounted to a harmful change to the openness of the countryside beyond its immediate setting. Despite the absence of harm to the openness of the countryside, the fence does not conserve and enhance the natural beauty of the wider AONB/CCNL, as required the CRWA, as amended by LURA.
18. The appellant has drawn my attention to other similar fences nearby. I have taken this into account in terms of any influence on the character and appearance of the area, so far as I am able to, based on the information before me. Even so, their existence does not provide justification for the development and I have considered this appeal proposal on its own merits.
19. For the reasons above, I conclude that the development has a harmful effect on the character and appearance of the area and would fail to conserve and enhance the natural beauty of the AONB/CCNL. Hence, it would conflict with Policy N1 of PFSB which requires development to have regard to the local context, and to preserve and enhance the character of the area including the use of locally distinctively materials.

Other matters

20. While I note the submissions that Cannock Chase National Landscaping Partnership, Church Easton Parish Council and neighbours have not objected in principle to the fence, this is not a reason in itself to allow development which would be harmful. The appellant has made comments in relation to the competence of the Council's planning officer in assessing highway safety. This is not a matter for my deliberation in the context of a planning appeal.

Conclusion

21. For the reasons given above the appeal should be dismissed.

U P Han

INSPECTOR



Appeal Decision

Site visit made on 5 June 2024

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26TH June 2024

Appeal Ref: APP/Y3425/W/23/3335985

Land at Puddle Hill, Hixon, Stafford, Staffordshire ST18 0NG

- 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 Miss Buckley & Mr Marshall against the decision of Stafford Borough Council.
 - The application Ref is 21/34598/FUL.
 - The development proposed is Retrospective application for change of use - Extension of residential curtilage into agricultural land. Erection of steel framed building onto existing concrete slab..
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of my site visit, I observed that the appeal site had the appearance of being incorporated into the boundary of Wassand, the Appellants property. The application has been submitted part retrospectively, with the change of use having been implemented; I have dealt with the appeal on this basis.

Main Issue

3. The main issue in this appeal is the effect of the development on the character and appearance of the area in general.

Reasons

4. The Council confirm that the appeal site is outside of the lawful domestic curtilage of Wassand and within countryside, comprising agricultural land.
5. Policy E2 of the Local Plan confirms that rural development will only be permitted when criteria outlined in the policy is satisfied. I have not been provided with substantive evidence to confirm compliance with the criteria detailed in Policy E2.
6. The hardcore surface associated with the retrospective change of use is harsh in the context of both the adjacent domestic property and the agricultural land. The fencing in situ separating the remaining agricultural land with the appeal site comprises concrete posts with either timber fence or mesh material, this along with the hardcore, machinery and associated structures including floodlights which I understand is not part of the proposal before me give the appeal site a commercial aesthetic. Notwithstanding this I am conscious that

the proposal is for use of the land as residential in association with the Appellants property Wassand.

7. Mature landscaping does exist along the southern boundary of the appeal site which does screen the site to a degree from Puddle Hill. Nevertheless, the proposed development would be visible to surrounding properties and public vantage points, for instance, in Swanmoor Drive.
8. The Appellant has drawn my attention to a previous building on the site and the historic use of the appeal site in association with the adjacent property. I have not been provided with substantive evidence to demonstrate that the previous use of the site was residential, nor that it was lawful and note that the previous building has now been demolished.
9. Whilst the removal of the building, which was in a poor condition visually has benefitted the area this along with the retention of a concrete base is not substantive reasons to allow the erection of another building, and change of use of the land.
10. The proposed building would not complement the materials or design of the adjacent property, or the surrounding area.
11. The intrusion of urban features including the proposed building into the agricultural land would be out of keeping with the setting of the appeal site. The appeal proposal before me fails to have regard to the local context and existing settlement and has introduced a stark urbanising form of development into the countryside.
12. I find that the proposed development would harm the character and appearance of the area in general.
13. There is conflict with Policies EN2, N1 and N8 of the Plan for Stafford Borough 2011-2031 (2014) (the Local Plan) which seek amongst other things for developments to be of high design standards, respecting the character of the settlement, its landscape setting and protecting rural areas.

Conclusion

14. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR



Appeal Decision

Site visit made on 11 March 2024

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 June 2024

Appeal Ref: APP/Y3425/D/23/3331476

93 Hilderstone Road, Meir Heath, Staffordshire ST3 7NS

- 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 James Platt against the decision of Stafford Borough Council.
 - The application reference is 23/37448/HOU.
 - The development proposed is the erection of a two-storey front/side extension and single storey rear extension.
-

Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. The planning application was submitted in the name of Mr James Platt, while the appeal form gave the name of the applicants as "Mr and Mrs James Platt". The appeal proceeds in Mr Platt's name only; as the Procedural Guide¹ makes clear, only an applicant named on the planning application can ordinarily make an appeal. This matter has had no practical bearing on my determination of the appeal.

3. The proposed development was described on the planning application form as:

"Extension and Alterations to 93 Hilderstone Road, Meir Heath: Single Storey Rear Extension to provide an open plan kitchen dining and living space. Internal Alterations to provide home office, utility, boot room and first-floor ensuite. Two Storey Front Extension to provide replacement double garage and bedroom extension. Existing Roof finish is to be replaced to allow for additional insulation."

An amended wording was used on the Council's decision notice; I have used that in the banner heading above as it provides a much more concise description of the proposal.

4. The appellant submitted a set of revised drawings showing a range of amendments to the scheme, which their appeal statement indicated had formed part of a new planning application (which I refer to hereafter as "the second planning application")². That is in line with the Procedural Guide's advice that "if an applicant thinks that amending their application will overcome the LPA's reasons for refusal, they should normally make a new planning application". However, they went on to invite me have regard to those

¹ Procedural Guide: Planning appeals – England, online at <https://www.gov.uk/government/publications/planning-appeals-procedural-guide/procedural-guide-planning-appeals-england>

² LPA Ref: 23/37994/HOU

amended drawings, and to approve them in the event of my allowing the appeal.

5. The Procedural Guide advises that “it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the LPA and by interested parties at the application stage”. There is nothing before me to indicate the views of either the Council or any other party on the amended scheme. I have not therefore taken the revised plans into account in my decision, as to do so may prejudice other parties; I have instead made my decision based on the plans which were considered by the Council when it determined the planning application.
6. The Government published revised versions of the National Planning Policy Framework (“the Framework”) on 5 September 2023, replacing the July 2021 version extant at the time the application was determined, and again on 19 December 2023. The amendments made did not have any bearing on the main issues in this appeal, and it was not therefore necessary to seek comments from the main parties on the updated Framework. Where I have referred to specific paragraphs of the Framework, the numbering used is that of the December 2023 version.

Main Issues

7. The appeal site lies within the Green Belt, and accordingly I consider that the main issues are:
 - Whether the proposal would be inappropriate development within the Green Belt having regard to the Framework and any relevant development plan policies, and its effects on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposed front/side extension on living conditions for the occupiers of the neighbouring property at No 95 Hilderstone Road, with particular regard to privacy, and whether it would be overbearing or would cause unacceptable overshadowing; and
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

8. The appeal property is a detached dormer bungalow in a semi-rural setting. It is one of a group of ten dwellings set back from Hilderstone Road and accessed by a narrow, unmade private road parallel to the main road. The entire site is within the Green Belt. The proposed development is a two-storey front extension, which would create a new double garage on the ground floor and master bedroom above (along with other internal alterations), and a single storey “orangery” at the rear of the house.

Whether inappropriate development in the Green Belt

9. The Government attaches great importance to Green Belts. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very specific

circumstances, while Paragraph 154 indicates that, other than for listed exceptions, the construction of new buildings in the Green Belt should be regarded as inappropriate. One exception, provided for by Paragraph 154 c), is “the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”; the Framework does not define the extent of additions which may or should be considered disproportionate.

10. Policy E2 of the 2014 Plan for Stafford Borough 2011—2031 (“the PfSB”) sets out the approach to sustainable rural development in the borough, and indicates that development within the Green Belt will be “controlled in accordance with national guidance”. Policy C5 of the PfSB addresses residential development in locations outside identified settlements, including the Green Belt. Among other things, C5 states that “extension or alteration of an existing building should not result in additions of more than 70% to the dwelling as originally built”, unless “the design and appearance of the proposed extension is proportionate to the type and character of the existing dwelling and the surrounding area”; it therefore provides a local interpretation of what may be considered a “disproportionate addition”. As far as this appeal is concerned, both of these policies reflect, and are consistent with, the provisions of the Framework.
11. By the Council’s calculation, the dwelling had an original floor area of 197.4m². The appellant indicates that, as part of the second planning application, they submitted calculations indicating that this appeal scheme would mean the floor area of the dwelling having increased by 74%, and its volume by 50%, over the size of the original building. Those calculations have not been put before me in the appeal evidence but, nevertheless, it is clear from the appellant’s evidence that the total increase on the original floor area of the dwelling would exceed the generous threshold set out in Policy C5.
12. Looking beyond the floorspace calculations, taken on its own it appears that the proposed front extension would be a substantial addition, and the orangery would add further volume at the rear. There are no drawings before me showing the original extent of the building, but it is clear to me the proposed development would represent a considerable enlargement of the property as it currently stands.
13. Taking all this together, I cannot be satisfied that the proposed extensions would not be a disproportionate addition over and above the original building. Consequently, the development would not fall within the exception described in Paragraph 154 c) of the Framework, and would be inappropriate development in the Green Belt. By definition, it would be harmful to the Green Belt, and this is a matter to which I afford substantial weight in the planning balance as required by Paragraph 153 of the Framework. The development would also conflict with Policies E2 and C5 of the PfSB, which seek to protect the Green Belt within the borough in line with national policy.

Openness of the Green Belt

14. A fundamental aim of Green Belt policy, set out Paragraph 142 of the Framework, is to keep land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The baseline for considering the effect on openness, which is the absence of development and

which has both a spatial and visual aspect, must be what currently exists at the site.

15. The proposed extensions would increase the amount of built form on the appeal site, and would therefore reduce the spatial openness of the Green Belt. They would also increase the depth of the appeal property. This additional built mass would be visible in some public views from Hilderstone Road, although the dense hedgerow between the main road and private shared road would provide some screening. Nevertheless, there would also be a loss of visual openness of the Green Belt.
16. Given the size of the proposed extensions in the context of the Green Belt as a whole, as well as the limited and localised nature of the visual and spatial impacts, I consider that the development would cause only moderate harm to the openness of the Green Belt. Once again though, the Framework is clear that substantial weight should be given to any harm to the Green Belt.

Character and appearance

17. While the front elevations of No 93 and its immediate neighbours are not on a single building line, there is nevertheless a broad degree of alignment arising from the similar depths of front gardens and distances by which dwellings are set back from front boundaries. The proposed two-storey front extension would project a significant way forward of the main front elevation of the appeal property, and those of its neighbours. It would be a large and intrusive feature, overwhelming the front of No 93 and conflicting with advice in the Council's 2018 *Design Supplementary Planning Document* that "significant extensions projecting forward of the front elevation will not normally be permitted due to their effect on the streetscene", and that "garages should not unduly dominate the front façade of dwellings".
18. The Council considered that the rear extension would be a proportionate and acceptable addition, with no harmful impact on the character of either the dwelling or the wider area. I was not able to view the rear of the property at the time of my site visit, but none of the evidence before me leads me to a different view on this point. This does not outweigh the other harm which I have found.
19. I conclude that the proposed development would be harmful to the character and appearance of the area. It would conflict with Policy N1 of the PfSB which seeks to ensure that development exhibits high-quality design by, among other things, taking into account local character and context, and strengthening the continuity of street frontages. It would also conflict with the provisions of Paragraph 135 of the Framework, which seek to ensure that developments are visually attractive, sympathetic to local character, and maintain a strong sense of place.

Living conditions

20. The proposed front extension would be towards the south end of No 93, close to No 95. The appeal property is bounded on that side by a high evergreen hedge. I saw on my site visit that No 95 has a detached garage adjacent to the boundary with the appeal property, which separates the nearest habitable room from No 93.

21. As the appeal property is north of No 95, I am satisfied that there would be no harmful overshadowing as a result of the development. While the proposed front extension would be a considerable size, as a result of the distance by which it would be separated from the nearest habitable rooms within No 95, and the proposed pitched roof form along its southern side elevation, I am satisfied that it would not be harmfully overbearing.
22. As part of the reconfiguration of the existing dwelling, a window opening would be created on the first floor of the side elevation nearest to No 95, to serve a new ensuite bathroom. Though not referred to in the decision notice, the Council's officer report also expressed concern about the development's impact on the privacy of the occupiers of No 95 as a result of overlooking. However, had the proposal been acceptable in all other respects I am satisfied that the use of a condition requiring that window to be glazed with obscure glass would be sufficient to ensure that no harmful loss of privacy would arise.
23. I conclude that the proposed development would not cause unacceptable harm to living conditions for the occupiers of the neighbouring property at No 95 Hilderstone Road. In this respect it would therefore comply with Policy N1 of the PfSB, which among other things requires development to take account of the amenity of neighbouring residential areas. There would also be no conflict with the provisions of Paragraph 135 of the Framework, which seek to ensure that development functions well.

Other considerations

24. The appellant has stated that, although an alternative scheme has been put forward as I have described above, they would prefer the larger forward extension proposed in this case as they have two classic cars, and it is a struggle to get them into the existing garage. While I recognise that this would be an advantage to the appellant, it is however essentially a matter of personal preference, and an argument which can therefore carry only limited weight in favour of the proposal as a whole.

Other Matters

25. I understand that the Council granted a lawful development certificate for the proposed rear "orangery" extension in September 2023³, though I have not been provided with further details. In any case however, that does not alter my conclusion in this appeal, which relates to the proposed development before me as a whole. At the same time, my conclusion in this appeal does not affect the LDC issued by the Council.
26. I note the concerns which the appellant has raised about the Council's handling of the planning application, including matters relating to delays and communication problems. These are not directly related to the planning merits of the proposal, and have had no bearing on my determination of the appeal.

Planning Balance and Conclusion

27. The proposed development would be inappropriate development in the Green Belt, and would cause moderate harm to the openness of the Green Belt, conflicting with Policies E2 and C5 of the PfSB which seek to protect the Green Belt. These are matters to which I attach substantial weight, as required by

³ LPA Ref: 23/37993/LDCPP

Paragraph 153 of the Framework. In addition, the proposed extension would cause some harm to the character and appearance of the area, and there would be further conflict with the development plan in this regard.

28. The proposed development would not be harmful to neighbours' living conditions, but a lack of harm in this respect is a neutral factor in the overall balance. I have considered and weighed the other considerations in the scheme's favour which have been put to me by the appellant, but for the reasons I have described above these carry only limited weight for the proposal.
29. The substantial weight to be given to the Green Belt harm, and the other harm arising from the development identified above, is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances. I therefore conclude that the appeal should be dismissed.

M Cryan

Inspector