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Dear Members

### **Planning Committee**

A meeting of the Planning Committee will be held on **Wednesday 11 March 2026** at **6.30pm** in the **Craddock Room, Civic Centre, Riverside, 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 - 11 MARCH 2026**

**Chairman - Councillor A Nixon**

**Vice-Chairman - Councillor S N Spencer**

### **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>
<b>5 Planning Applications</b>	3 - 25
<b>6 Planning Appeals</b>	26 - 49

### **MEMBERSHIP**

**Chairman - Councillor A Nixon**

B M Cross	A R McNaughton
P C Edgeller	A Nixon
A D Hobbs	M Phillips
J Hood	A J Sandiford
R A James	S N Spencer
R Kenney	

ITEM NO 5

ITEM NO 5

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 PLANNING COMMITTEE - 11 MARCH 2026
 

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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>24/39783/FUL</b>	<b>High Onn Farm, High Onn, Stafford, ST20 0AX</b>	4 - 12
	The application was called in by Councillor J Rose	
	<b>Officer Contact</b> - Della Templeton, Senior Planning Officer Telephone 01785 619541	
<b>25/41518/PIP</b>	<b>70 Old Croft Road, Walton on the Hill, Stafford, ST17 0NL</b>	13 - 25
	The application was called in by Councillor P Edgeller	
	<b>Officer Contact</b> - Emma Bailey, Senior Planning Officer Telephone 01785 619000	

**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>	24/39783/FUL
<b>Case Officer:</b>	Della Templeton
<b>Date Registered:</b>	18 November 2024
<b>Target Decision Date:</b>	13 January 2025
<b>Extended To:</b>	14 February 2025
<b>Address:</b>	High Onn Farm, High Onn, Church Eaton, Stafford, ST20 0AX
<b>Ward:</b>	Seighford and Church Eaton
<b>Parish:</b>	Church Eaton
<b>Proposal:</b>	Variation of Condition 6 (residents' age) on application 17/25878/COU
<b>Applicant:</b>	L Hillman
<b>Recommendation:</b>	Approve, subject to conditions

## REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor Jack Rose, Ward Member for Seighford and Church Eaton, for the following reasons:

- Anti-social behaviour within and surrounding the site, witnessed by residents
- Trespassing and attempted vandalism by those living on the site
- Children from the site vandalising and stealing from neighbouring properties
- Multiple emergency visits by Police.

### Context

#### The Application Site

The application relates to a substantial 3 storey detached farmhouse lying within the rural settlement of High Onn. The property sits within a large plot which also accommodates a stable block and car parking area for 6 cars.

#### Background

Planning permission was granted in 2017 to convert the premises to a residential care home for up to six residents together with a small single storey rear extension to form a new entrance lobby.

The original application sought planning permission specifically for a facility to accommodate young people, up to eighteen years of age, with learning disabilities and, on that basis, condition 6 was attached to the planning permission, reading as follows:

6. The use hereby approved shall not accommodate more than 6 young persons aged between 8 and 18 years of age.

#### The Proposed Development

The application seeks planning permission to vary the wording of condition 6 to omit reference to the age of residents thus allowing adults over the age of 18 to be accommodated at the facility. The varied condition would read:

6. The use hereby approved shall not accommodate more than 6 persons

#### Officer Assessment - Key Considerations

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless

material considerations indicate otherwise. The development plan in this case comprises The Plan for Stafford Borough 2011-2031 (9tPSB), and The Plan for Stafford Borough Part 2 2011-2031 (TBSB2).

In this case the material planning considerations include:

- 1) The principle of the development
- 2) Whether removing the age restriction would result in any greater impact upon neighbours' amenity, or the amenity of the surrounding area than the current situation.
- 3) Whether removing the age restriction would result in any further impacts in respect of parking, access and traffic generation.

#### Principle of the Proposed Development

Policy C3 seeks to ensure that proposals are in sustainable locations; the application premises are in a rural location and are not close to services or facilities. The applicant submitted supporting information under 17/25878/COU which stated that many young people flourish in rural locations. The use of this large empty dwelling as a facility to support the diverse needs of the Borough was considered to be acceptable in policy terms despite its isolated location.

On this basis, and notwithstanding that the site lies within a rural location outside of any defined settlement boundary and away from any services or facilities, the principle of using the property as a care facility for children was considered to be appropriate.

It is not considered that the current application to change to a care facility for general use would be any different. It would be illogical to assume that only children flourish in rural locations. persons requiring full time care in a facility such as this are likely to have a wide

range of different care needs regardless of their age and many adults would benefit from a peaceful environment away from the noise and disturbance of urban settings.

The Planning Statement accompanying this application states (para 2.4) that “the proposed adult residents (over the age of 18) will require similar levels of care to those under the age of 18 and as such will not have access to personal vehicles.” Traffic generation will therefore primarily be arrival/departure of staff which is similar to the current patterns and would be no more or less sustainable than for a facility for children.

Notwithstanding its isolated and unsustainable location, the development is considered to be appropriate in principle subject to compliance with other policies and guidance within the Plan for Stafford Borough (TPSB) and NPPF.

Policies and Guidance:-

National Planning Policy Framework (2025) - Paragraphs 7, 8, 10 and 11

The Plan for Stafford Borough - SP1 Presumption in Favour of Sustainable Development; SP3 Sustainable Settlement Hierarchy; SP7 Supporting the Location of New Development; Policy C3 Specialist Housing

Appearance and Residential Amenity

As set out in the submitted supporting statement (dated August 2025), there are no proposed changes to the building, site layout, physical appearance, or overall intensity of the use. It is submitted that the care home will remain within its established Use Class C2, as defined by the Town and Country Planning (Use Classes) Order.

As no changes are proposed to the external appearance of the building or its curtilage, it is not considered that any change in visual amenity would result from the variation of condition 6.

Neighbours are concerned that there have been incidences of anti-social behaviour, including some involving criminal or violent acts in the past, when the facility was accommodating mainly children. It is suggested that the facility may have been poorly managed with a lack of supervision of residents. There is a fear that issues would be exacerbated with older adult residents. As these concerns relate to the operation and management of the facility, they do not fall within the remit of planning control. Such issues could arise with any care facility in any location if it is not properly managed and are the direct responsibility of the care provider's operational management, safeguarding procedures, the police, and regulatory bodies like the Care Quality Commission (CQC). The planning system is not designed to regulate day-to-day behaviour or the quality of service delivery.

Concern is also expressed over loss of privacy/overlooking of neighbouring residential properties and there are a number of factors to consider in this regard.

The site comprises a former residential dwelling and its relationship to surrounding properties would not alter if permission is granted. Existing principal windows would not be any closer to facing windows in neighbouring dwellings and no new windows would be inserted. Whether the site is occupied by children or adults, the impacts, in terms of privacy/overlooking, would be the same.

The only neighbouring property with windows facing the application site is Badgers Barn on the opposite side of New Road, to the south, of the application site. This property has six windows and two rooflights facing towards the site with separation distances ranging from approximately 19.5m to 30m.

The Council's adopted Supplementary Planning Document on Design (Design SPD) provides guidance on distances between facing windows of neighbouring dwellings - Guideline 2 dealing with new development and Guideline 6 with extensions and alterations to existing dwellings. In both cases a minimum distance of 21m is suggested to achieve appropriate privacy. Although neither scenario is directly relevant in this case where facing windows have existed with the same juxtaposition for many years, it is worthy of note that there is only one instance of facing windows failing to meet this suggested distance an given that the application premises already exists as a residential care home, refusal could not be sustained on grounds of overlooking or loss of privacy.

Policies and Guidance:-

National Planning Policy Framework (2025) - Section 12. Achieving well-designed places;

The Plan for Stafford Borough - Policies N1 Design

Supplementary Planning Document (SPD) --- Design

Highways and Parking

The Planning Statement accompanying this application states (para 2.4) that "the proposed adult residents (over the age of 18) will require similar levels of care to those under the age of 18 and as such will not have access to personal vehicle". Traffic generation would therefore primarily be arrival/departure of staff which is similar to the current patterns and would be no more or less sustainable than for a facility for children.

On the basis that adult residents of the premises would not have access to cars/private vehicles, the Highways Authority does not consider that the proposed variation of condition 6 would result in any material change in access, parking or other highways impacts and consequently raises no objection to the proposal.

Notwithstanding this, it is acknowledged that whilst adult residents requiring care may have access to personal vehicles it is also possible that residents 17-18 years of age and requiring care could have access to private vehicles. Consequently, any change to the permitted age of residents would not have any fundamental bearing on the possibility of residents driving.

Policies and Guidance:-

National Planning Policy Framework (2025) - Section 9. Promoting sustainable transport

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

Other Matters

Biodiversity Net Gain (BNG)

BNG does not apply to section 73 permissions where the original permission which the section 73 relates to was granted before 12 February 2024. In this instance, the original permission (17/25878/COU) was granted in 2017.

#### Biodiversity/Ecology

The site lies within the 15km zone of influence of the Cannock Chase Special Area of Conservation (SAC). Evidence shows that any development which would increase the human population, tourism or visitor use within 15km of the Cannock Chase SAC may have a significant impact on the site.

The Council must ensure that decisions made on applications will not have a negative impact on Cannock Chase SAC, in line with Policy N6 of the Plan for Stafford Borough. If there are any potential negative impacts, the Council must either refuse development or ensure there are appropriate mitigation measures in place.

In this instance, the premises already has consent to operate as a care home for a maximum of six residents up to the age of 18 and the proposed condition variation would simply allow residents of any age. There would be no increase in human population as a result, and it is unlikely to have any impact on tourism or visitor use.

Due to the nature and minor scale of the proposed development, it is not considered that any negative impact would accrue.

As the site lies within a red impact risk zone for Great Crested newts and there are ponds in the vicinity, the Newt Officer was consulted. However, due to the nature of the application, affecting only the age of residents, it is not considered likely that GCN impacts would result.

#### Neighbour concerns

The suitability of this location for a care home was considered under the original consent (17/25878/COU) and found to be acceptable. This is the authorised use and cannot be rescinded under the current application.

Whether the proposed variation of condition to allow older residents is motivated by any financial interest is not a material planning consideration. The decision must be based on planning merits alone.

#### Conditions

Some conditions attached to permission 17/25878/COU are no longer necessary. The time limit condition is now obsolete as the development approved under that permission has commenced. Conditions relating to materials and hours of works are no longer considered to be necessary on the basis that the extensions have been carried out and the site has been bound by fencing - it is acknowledged that permitted development rights for means of enclosure were not previously removed. The condition relating to parking provision should be varied to ensure that appropriate parking provision is retained for the life of the development.

#### Policies and Guidance:-

National Planning Policy Framework (2025) - Paragraphs: 192, 193, 194, 195

The Plan for Stafford Borough

Policies: N4 The Natural Environment & Green Infrastructure; N6 Cannock Chase Special Area of Conservation

Conclusion and Planning Balance

The principle of using High Onn Farm as a care facility for up to 6 residents up to the age of 18 was established under permission 17/25878/COU. The current proposal to vary condition 6 in order to remove the age restriction is not considered to harm the appearance or character of the building or the amenity of neighbours. The proposal complies with the aforementioned policies of TPSB and with national guidance set out within the NPPF (2024) and, subject to planning conditions the proposal is considered to be acceptable.

The application should be approved, subject to conditions.

Consultations

Parish Council:

Object due to concerns that increasing the age range will have a major detrimental impact on local residents.

Highway Authority:

The proposed adult residents will not have access to personal vehicles. Therefore, as this application does not propose any increase in the number of residents (which remains at six) or any changes to the nature of site operations that would lead to an increase in vehicle movements or traffic generation there are no Highways objections.

Environmental Health Officer:

On the basis that the condition relates purely to the age of residents, EH have no comments to make.

Great Crested Newt Officer:

No objections or further comments at this time

Neighbours (13 consulted): 3 responses received - concerns summarised as follows:

- A care home for young people is fundamentally different in nature from one housing adults
- Isolated location/poor road quality makes the property difficult to access by Ambulance/emergency services in case elderly residents require hospitalisation
- Suspect the proposed change is fuelled by financial matters

- This is not a suitable location for a care facility
- Many incidences of anti-social, criminal and violent behaviour whilst the facility operated under the age restriction - fear that these would increase with adult residents
- Overlooking of neighbouring property
- Concern that older residents may require increased staff/patient ratio leading to increased traffic etc

Site Notice: 26.11.2024

Expiry date: 18.12.2024

#### Relevant Planning History

17/25878/COU – Change of use from dwellinghouse (Class C3) to residential care home (Class C2) for up to six residents and single storey rear extension - Approved 12.07.2017

13/18376/FU - Conversion of a detached farmhouse into 2 residential units, internal alterations and additional windows - 24.04.2013

92/27641/FUL - Change of Use To 3 No Dwellings And Garages 3 No Cottage Industry Units With Associated Landscaping And Drainage - Approved 03.06.1992

#### Recommendation

Approve subject to the following 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:-

drawing no: 1461-PL01A

drawing no: 1461-PL02

drawing no: 1461-PL03

drawing no: 1461-PL04A

drawing no: 1461-PL05A

2. The use hereby approved shall not accommodate more than 6 persons.
3. The parking area shall be retained in accordance with drawing 1461-PL05A for the life of the development.

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

conditions are:

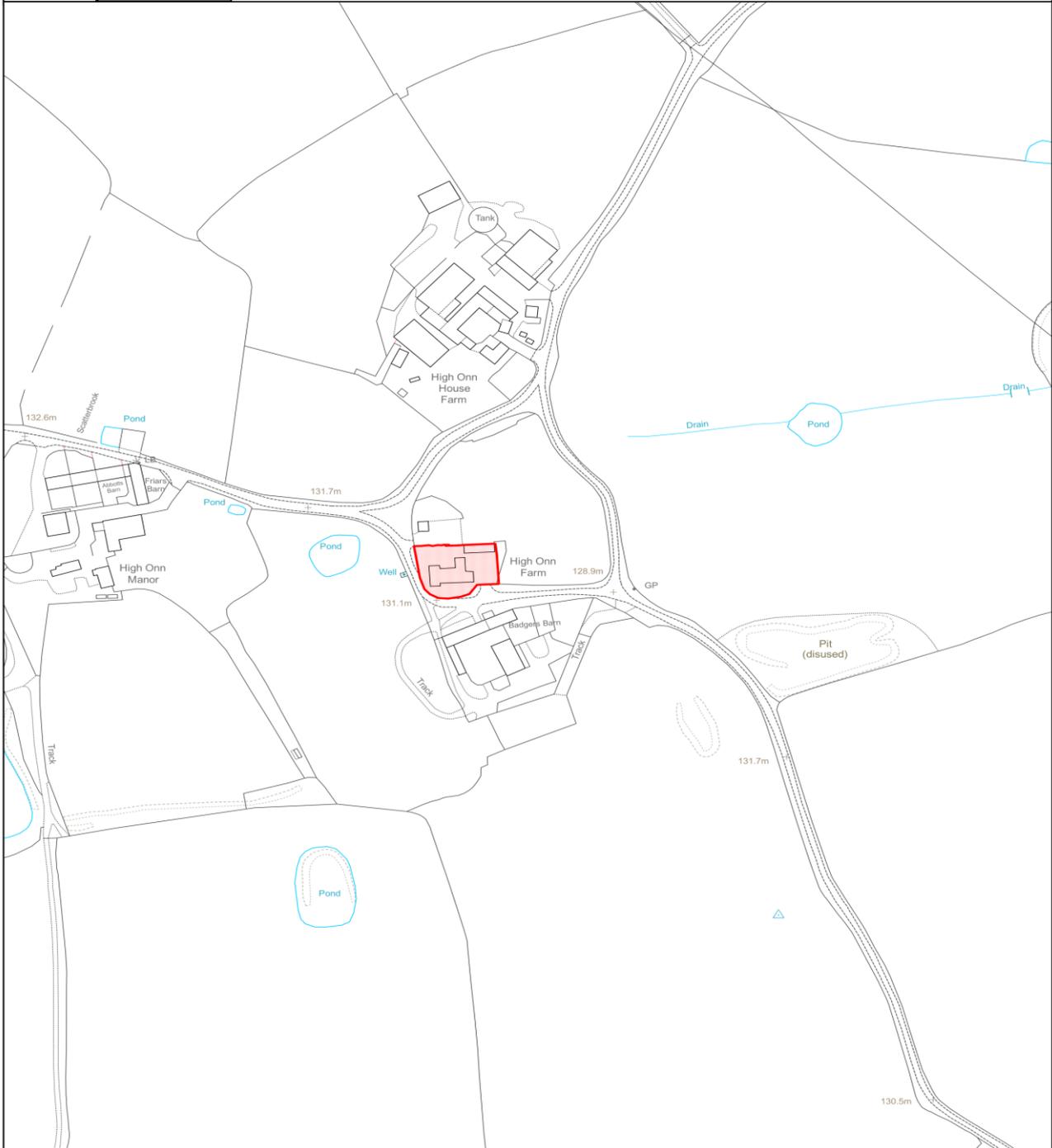
1. To define the permission.
2. To safeguard the amenities of the area (Policy N1e of The Plan for Stafford Borough).
3. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).

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 2024, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.

**24/39783/FUL  
High Onn Farm  
High Onn  
Church Eaton**

Scale	1:2548	Economic Development & Planning 24/39783/FUL	 <b>Stafford</b> BOROUGH COUNCIL
Grid Ref	SJ8216		



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Date Created: 25-02-2026

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<b>Application:</b>	25/41518/PIP
<b>Case Officer:</b>	Emma Bailey
<b>Date Registered:</b>	3 December 2025
<b>Target Decision Date:</b>	13 January 2026
<b>Extended To:</b>	13 March 2026
<b>Address:</b>	70 Old Croft Road, Walton on the Hill, Stafford, Staffordshire, ST17 0NL
<b>Ward:</b>	Milford
<b>Parish:</b>	Berkswich
<b>Proposal:</b>	Permission in Principle - Demolition of existing bungalow to create up to four 3-5 bedroom dwellings within the existing residential curtilage
<b>Applicant:</b>	Mr Keith Scott
<b>Recommendation:</b>	Approve

## REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor P Edgeller Ward Member for Milford for the following reason(s):

*“Relative now wants to demolish the bungalow and replace with 4 houses in rear property. This means uprooting mature trees, this is a major route out of Walton - very busy onto a difficult route too dangerous to develop any more houses on this route.”*

### 1.0 SITE AND SURROUNDINGS

- 1.1 The application site comprises a detached bungalow dwelling located within a plot of about 1,885sqm (0.18ha). The site is located on a corner bend to the western side of Old Croft Road in Walton on the Hill, Stafford. Access to the site is gained from an egress point to the northern part of the front boundary leading directly onto Old Croft Road. Mature vegetation and trees make up the boundaries to the site and large, mature trees populate the rear garden (non of which are protected by Tree Preservation Orders).
- 1.2 The site is located within the defined settlement boundary of Stafford and is surrounded by residential development. The rear of the site backs onto Walton High School playing fields. The site is located within 15km of the Cannock Chase Special Area of Conservation (SAC).

## **2.0 PROPOSED DEVELOPMENT**

- 2.1 This application seeks permission in principle for the erection of up to four dwellings within the existing residential curtilage. As part of the proposal the existing bungalow will be demolished.
- 2.2 The submitted site location plan indicates that a new access would be created to the southern part of the front boundary. The submission also advises that the dwellings would be between 3-5 bedroom dwellings. These matters would however be assessed at the Technical Details Consent stage.
- 2.3 To support the application the following documents have been submitted:
- Design and access statement. Prepared by Croft Architecture
  - Bat survey Report, August 2025 (reference AE25.160). Prepared by Astute ecology

## **3.0 POLICIES AND GUIDANCE**

- 3.1 The National Planning Policy Framework (NPPF) and The Plan for Stafford Borough (TPSB) 2011-2031 provide the policy framework against which the development proposal will be assessed.

### **National Policies**

- 3.2 **The Town and Country Planning (Permission in Principle) (Amendment) Order 2017**
- 3.3 **National Planning Policy Framework (NPPF)**
- Section 2 - Achieving sustainable development
- Section 5 - Delivering a sufficient supply of homes
- Section 8 - Promoting healthy and safe communities
- Section 11 - Making effective use of land
- Section 12 - achieving well designed places

### **Local Policies**

- 3.4 **The Plan for Stafford Borough (TPSB) 2011-2031**
- SP1 - Presumption in Favour of Sustainable Development
- SP2 - Stafford Borough Housing and Employment Requirements
- SP3 - Stafford Borough Sustainable Settlement Hierarchy
- SP4 - Stafford Borough Housing Growth Distribution
- SP7 - Supporting the Local of New Development

T1 - Transport

T2 - Parking and Manoeuvring Facilities

C1 - Dwelling Types and Sizes

N1 - Design

N5 - Sites of European, National and Local Nature Conservation Importance

### **The Plan for Stafford Borough: Part 2 (TPSB) 2011-2031**

SP3 - Stafford Borough Sustainable Settlement Hierarchy

SP4 - Stafford Borough Housing Growth Distribution

SP7 - Supporting the Local of New Development

3.5 Supplementary Planning Document (SPD) - Design

## **4.0 PERMISSION IN PRINCIPLE CONTEXT**

### What is the permission in principle consent route?

4.1 The permission in principle consent route is an alternative way of obtaining planning permission for housing led development which separates the consideration of matters of principle for proposed development from the technical details of development. The permission in principle consent route has 2 stages: the first (or permission in principle stage) establishes whether a site is suitable in principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.

### What matters are within the scope of a decision on whether to grant permission in principle?

4.2 The scope of permission in principle is limited to **location, land use and amount of development**. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. The determination of the application must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework and national guidance, which indicate otherwise.

## **5.0 OFFICER ASSESSMENT**

5.1 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.

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

### **Exemption of certain developments**

- 5.3 The determination of this application should be assessed firstly as to whether the proposal is an exempt development as set out in Article 5B of the Town and Country Planning (Permission in Principle) (Amendment) Order 2017. Should the proposal fall within an exception then a permission in principle cannot be granted.

**(1) A local planning authority may not grant permission in principle, on an application to the authority, in relation to development which is -**

*(a) Major development;*

Major development is defined as involving any one or more of the following: the provision of 10 or more houses; the provision of a building(s) where the floor space to be created is 1,000m<sup>2</sup> or more; the development site has an area of 1 hectare or more. This is further defined within The Town and Country Planning (Development Management Procedure) (England) Order 2015, Article 2.

This application seeks development of up to 4 dwellings and has a site area of approx. 0.18 hectares. The development is therefore not a major development.

*(b) Habitats development;*

Habitats development is defined as “*development which is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site.*”

The site falls within 15km of Cannock Chase SAC, however the development, subject to mitigation in the form of a financial contribution towards this SAC (which has been secured as part of this application), would not have a significant effect on a European site and as such is not habitats development.

*(c) Householder development;*

The proposal seeks to erect 4 dwellings. The development is therefore not householder development.

*(d) Schedule 1 development*

The proposal is not Schedule 1 development as defined in regulation 2 of the EIA Regulations.

- (2) A local planning authority may not grant permission in principle, on an application to the authority, in relation to Schedule 2 development unless
- (a) The local planning authority has adopted a screening opinion under regulation 6 of the EIA Regulations that the development (up to and including the maximum net number of dwellings\_ is not EIA development;
  - (b) The Secretary of State has made a screening direction under regulation 7 of the EIA Regulations that the development is not EIA development, or
  - (c) The Secretary of State has made a direction under regulation 63 of the EIA Regulations that the development is exempted from the application of those Regulations.

The proposal is not Schedule 2 development as defined in regulations 2 of the EIA Regulations.

### **Consultation before applying for permission in principle**

- 5.4 The proposal does not include development specified in Article 5C, therefore no consultation is required prior to submitting the permission in principle application.

## **6.0 ASSESSMENT OF APPLICATION**

- 6.1 As established above, the scope of permission in principle is limited to location, land use and amount of development. Each element will be discussed below.

### **Location**

- 6.2 Spatial Principle 3 (SP3) of TPSB sets out the settlement hierarchy for the borough. The policy seeks to provide the majority of future development through the sustainable settlement hierarchy which directs development towards the towns of Stafford as priority 1, Stone as priority 2 and the defined Key Service Villages as priority 3.
- 6.3 Spatial Principle 7 (SP7) establishes the settlement boundaries for the Sustainable Settlement Hierarchy defined in SP3.
- 6.4 The application site falls within the settlement boundary of Stafford which sits at the top of the sustainable settlement hierarchy identified in the adopted Plan for Stafford Borough 2011 - 2031. Stafford is located on the national road and rail network and has the highest level of services and facilities in the Borough area which means it has the greatest potential to provide for new development. Therefore, in principle, new development in this location is appropriate.
- 6.5 On the 12 December 2024 the National Planning Policy Framework (NPPF) was updated, and a new standard methodology is now being used to calculate the local housing need. This new methodology has resulted in the Local Housing Need target for Stafford Borough increasing from 358 dwellings per year to 749 dwellings per year, and the housing provision of the adopted Plan's Spatial Principle 2 for 500 dwellings per year suspended. This increase has resulted in a reduction of the 5-year land supply to 3.37 years, based on year end data at 31 March 2025.

- 6.6 Due to the loss of 5-year land supply, paragraph 11 of the NPPF now applies alongside the adopted TPSB, that being the presumption in favour of sustainable development for decision taking. Therefore, within the context of TPSB, Spatial Principle 7 criteria a) to e), delivery of the spatial strategy continues to be applied through Spatial Principle 3 as this sets out the sustainable settlement hierarchy of Stafford, Stone and the Key Service Villages. Spatial Principle 4 then apportions a sustainable spatial distribution at Stafford (70%), Stone (10%), Key Service Villages (12%), and the rest of the Borough (8%).
- 6.7 Within the context of Spatial Principle 7 and criteria b) for Stafford, as of 31 March 2025, the existing settlement has 31,287 houses and 4,045 new homes with planning commitments. Therefore 4 new residential units would not result in a cumulative increase in the size of the settlement of more than 1.9% when taken together with other sites for 680 units currently under consideration.
- 6.8 The proposal of 4 new dwellings within the Stafford settlement boundary is at an appropriate scale for Stafford as the existing settlement, which is at the top of the sustainable settlement hierarchy of the adopted local plan. Therefore, it is considered acceptable within the context of Spatial Principle 7 criteria (a) and (b).
- 6.9 Accordingly, the proposed development would comply with the requirements of Policy SP3, and SP7 as well as conforming to the relevant criteria outlined in the NPPF.

### **Land Use**

- 6.10 The existing site houses a single residential dwelling and garden area. The site is located within an established residential area within the defined settlement boundary. Residential development surrounds the site with school playing fields to the rear. Consequently, residential dwellings in this location are an appropriate and accepted land use for the site.

### **Amount of Development**

- 6.11 TPSB Policy N1 sets out design criteria including the requirement for design and layout to take account of residential amenity and local context and have high design standards. Policy N8 states that new development should respect the character of the landscape setting through layout. Policy N5 requires development to retain and integrate healthy, mature trees. Policy C1 advises that new development should provide an appropriate mix of dwelling types, tenures and sizes.
- 6.12 The proposal is seeking a maximum of 4 dwellings on a site area of about 0.18ha. Within the rear garden there are a number of mature trees which are not protected by Tree Preservation Orders but do provide verdant visual amenity to the site.
- 6.13 Given the overall size of the site (0.18ha) and its broadly rectangular shape, it is considered that there would be adequate space to provide up to 4 dwellings, (if of a suitable scale, layout, design etc) including the necessary supporting development such as vehicular access to the proposed dwellings, front and rear gardens and off street parking. However, 4 and perhaps even 3 dwellings would likely lead to a very

constrained form of development contrary to the general grain and characteristics of the existing area. But, until the size and layout of the dwellings is known (at the technical detail consent stage) this cannot be fully assessed and cannot under the Permission In Principle application process be a reason for refusal.

- 6.14 Whilst it is not possible for conditions to be attached to a grant of Permission In Principle the Planning Practice Guidance (PPG) states that local planning authorities can inform applicants about what they expect to see at the technical details consent stage (TDC). The PPG further states that local planning authorities should take a proportionate approach to any information requested in support of applications for TDC, which should be relevant, necessary and material to the application in question.
- 6.15 To ensure the development is appropriate in the context of the site, the TDC would need to include an analysis of the existing character and appearance of the area and the design and scale of the proposed development would need to be sensitive to the relationship of the site to neighbouring properties to ensure existing levels of privacy and amenity are not adversely impacted. Given the number of trees on the site, a tree report would be necessary to identify those trees to be removed and those to be retained along with any mitigation measures. Although vehicular access exists at the site, the submitted location plan identifies that a new access is also proposed. Any new or retained access would need to comply with the requirements of the highways authority who will provide clarity at the TDC stage. In addition, it would be necessary for the applicant to demonstrate how surface water will be managed for the lifetime of the development without increasing flood risk elsewhere. These expectations can reasonably form part of an informative.

### **Other matters**

#### *Flood Risk*

- 6.16 The site is located within Flood Zone 1 (i.e. lowest risk of flooding), which is compatible with this type of development/use.

#### *Ecology*

- 6.17 This application has been supported by a Bat Survey Report. The survey carried out a bat roost assessment and emergence surveys during August 2025. The surveys did not find evidence of bats and as such no further surveys are required. At this stage, there is no reason to consider that ecological matters would be detrimentally impacted by the proposal. Applications for Permission in Principle are not subject to the statutory Biodiversity Net Gain condition, which applies only to the Technical Details stage.
- 6.18 The developer has made a financial contribution of £1420.08 via a Section 111 Agreement as mitigation for the impact of the development on the Cannock Chase Special Area of Conservation.

### *Neighbouring representations received*

- 6.19 Neighbouring objections have been received which raise issues that are not appropriate to consider at this stage, through the Permission in Principle application route the Applicant has submitted. Most of the issues raised would be considered at the Technical Details Consent stage, if the scheme progresses to that stage. At that stage neighbours would be consulted again and those issues would be considered during the determination of the Technical Details Consent application. Only those objections which relate to location, land use and amount of development can be considered at this stage.

## **7.0 CONCLUSION AND PLANNING BALANCE**

- 7.1 The application site is within the built up, settlement limit confines of Stafford, its residential development would therefore accord with the Borough's growth strategy and spatial intent, to which significant weight is attached. The proposal would result in the creation of up to 4 dwellings and would make a small contribution to addressing the Council's housing shortage in a sustainable location.
- 7.2 The proposal would also secure economic benefits for the duration of the construction phase, and also through the increase in population and the consequent use of local businesses and services in the locality.
- 7.3 There are no material considerations that indicate the decision should be made other than in accordance with the development plan.
- 7.4 For the reasons given, the application is recommended for approval.

## **8.0 CONSULTATIONS (comments summarised)**

### **8.1 Berkswich Parish Council (19.12.2025)**

No in principle objection but consider a maximum of 2 dwellings should be erected

Relatively modern bungalow with no distinctive architectural merit

- Area is typified by medium to large size dwellings set well back from the road behind long gardens
- Proposal would represent an over densification of development of the land demonstrably at variance with and harmful to the character of the area.
- Accept that there is scope for more than 1 dwelling
- Maximum of 2 dwellings should be erected

### **8.2 Biodiversity Officer (22.12.2025)**

No objection

#### *Protected species*

- Submitted bat survey accepted
- Survey found no evidence of bats
- No further surveys required

*Nesting Birds*

- No works should be carried out during nesting season (march to August)

*Landscaping*

- Development will retain and enhance boundary vegetation and mature trees to maintain privacy and local amenity
- New builds must be provided with 2x integrated swift bricks
- Boundaries must be hedgehog friendly with gaps left for passage

*Biodiversity Net Gain*

- The application is not exempt from BNG - therefore a BNG Assessment and Metric must be submitted.
- It may not be possible to provide the net gain on site so evidence of provision of off site credits will be required.

8.3 Planning Policy (15.12.2025)

No objection

- Development of up to 4 dwellings within the Stafford settlement boundary is at an appropriate scale for Stafford as the existing settlement at the top of the sustainable settlement hierarchy of the adopted Plan for Stafford Borough

8.4 Highways Authority

No comments received at the time of writing this report

8.5 Environmental Health

No comments received at the time of writing this report

8.6 Tree Officer

No comments received at the time of writing this report

8.7 Neighbours:

26 neighbouring letters of objection were received and can be summarised as follows:

Character of area/ design and scale

- Rural location
- Not in keeping with the local area/completely out of character
  - Predominantly 1930s family homes, generous plot width, consistent building lines, space surrounding plots

- 4 houses would not complement the traditional style of properties in Old Croft which have garden space around the dwellings
- Dwellings should not be higher than a bungalow
- Too many dwellings proposed for the size of the plot
- Overdevelopment/Overcrowding of plot
  - o Density calculation
    - Approximate size of plot: 0.12-0.14 hectares
    - Proposed density: 28-33 dwellings per hectare
    - Existing density on Old Croft Road: 6-10 dwellings per hectare
    - 3-5 times higher than the established pattern of development and is incompatible with the low density suburban character of Walton on the Hill
- Detrimental to the street scene
- Existing character does not support the introduction of higher density infill development
- Loss of openness surrounding dwelling

#### Highways/parking

- Increase in traffic
- Site is on a bend which has limited visibility
- Parking conflict on the road
- Parking resulting in visibility hazards as site is a corner plot
- Construction vehicles resulting parking hazards
- Already a busy road particularly at school times
- Southern end of the road is narrow
- Visibility splays of 2.4m x 43m (30mph road) cannot be met owing to the bend in the road
- Sufficient parking in accordance with parking standards cannot be accommodated within the site

### Amenity

- Concerns for loss of light to neighbouring properties
- Overlooking to neighbouring properties and gardens
- Noise and dust impacts during construction
- Increase in noise from additional households, vehicles etc
- Poor outlook

### Trees

- Rear garden currently has a significant amount of trees within it and this would result in a loss of trees and habitats
- Loss of mature vegetation and landscaping and ecological benefits that current garden provides

### General

- Would set an unwelcome precedent for other similar developments
- Infrastructure already stretched - schools, medical, drainage, water pressure etc
- Already fewer bungalows in the area - this will further reduce this stock
- Already proposals for housing developments in the area- there is no need for more changing the characteristics of the area

### 8.8 Publicity:

A site notice was displayed on the 16.12.2025 and expired on the 06.01.2026.

### 9.0 **RELEVANT PLANNING HISTORY**

None

### **RECOMMENDATION**

Approve

### **INFORMATIVE(S)**

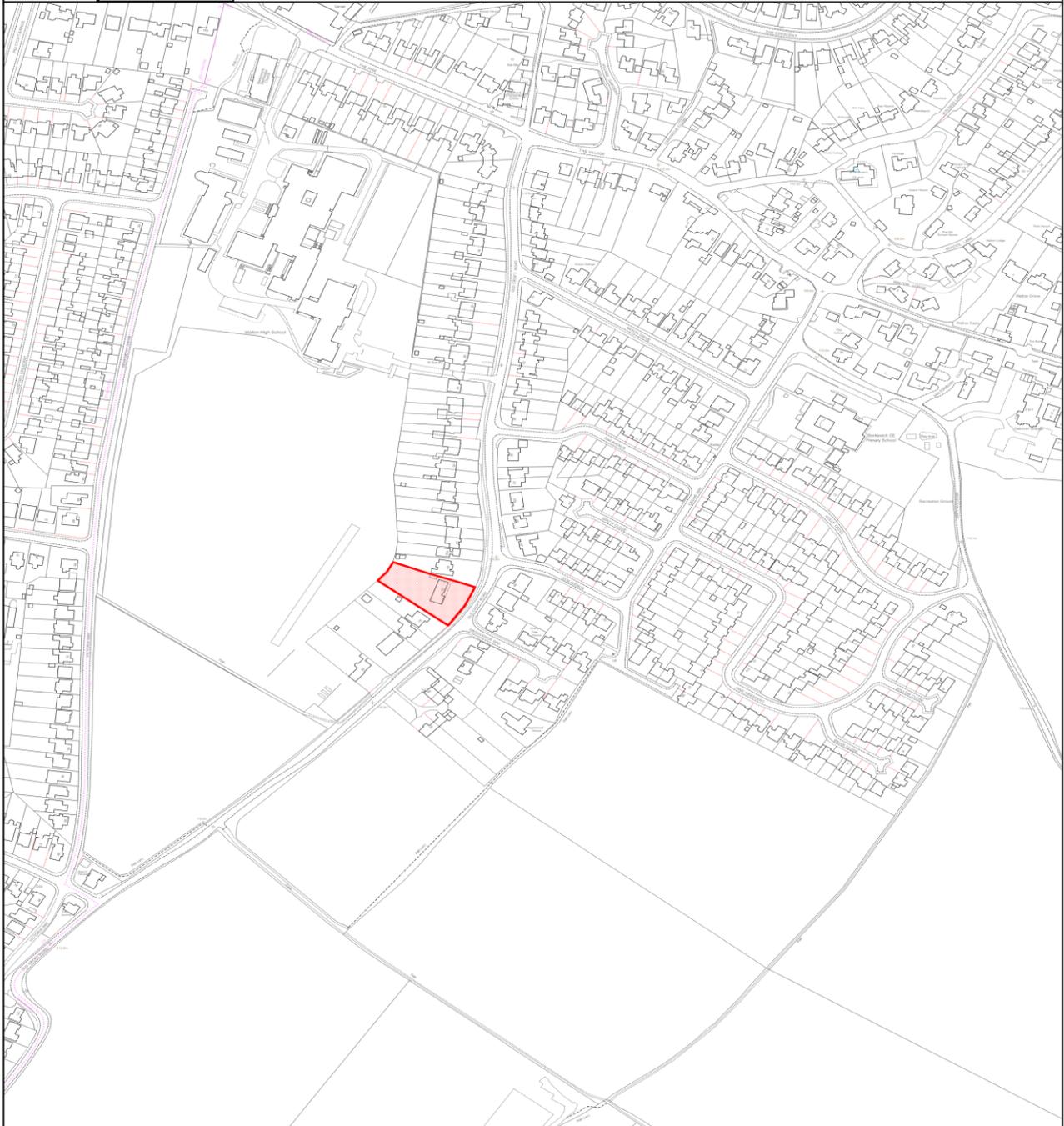
- 1 This permission in principle (PIP) shall cease to have effect three years after the date of this Decision Notice. The technical details consent (TDC) relating to the proposed development must be granted prior to the expiration of the PIP.
- 2 The technical details consent should include the following:

- (i) an analysis of the existing character and appearance of the area:
- (ii) an analysis of the relationship of the site to neighbouring properties.
- (iii) a tree survey of all existing trees to be removed or retained.
- (iv) access and parking in compliance with the standards of the highway authority.
- (v) details of how surface water will be managed for the lifetime of the development without increasing flood risk on or off site.
- (vi) A Biodiversity Net Gain Assessment and Statutory Metric

**25/41518/PIP**  
**70 Old Croft Road**  
**Walton on the Hill**  
**Stafford**

Scale	1:3756
Grid Ref	SJ9520

Economic Development & Planning  
25/41518/PIP



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Date Created:  
25-02-2026



ITEM NO 6

ITEM NO 6

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 PLANNING COMMITTEE - 11 MARCH 2026
 

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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>24/39877/OUT</b> <b>Committee Refusal</b>	The Mount, Stowe Lane, Hixon	Outline Application - Erection of two dwellings (access only)
<b>25/41340/LDCPP</b> <b>Delegated Refusal</b>	199 Silkmore Lane, Stafford	Change of use from a residential dwelling (Class C3) to a small scale children's care home (Class C2). The property will provide long term accommodation and care for up to two children aged between 8 and 17 years, supported by a team of professional carers
<b>25/41320/HOU</b> <b>Delegated Refusal</b>	20 Oak Avenue, Walton on the Hill	Retrospective approval for the erection of a single storey lean-to garden shed
<b>24/39049/FUL</b> <b>Delegated Refusal</b>	Land opposite Beech Tree Farm, London Road	Change of use of land to use as a residential caravan site for 3 gypsy families each with one mobile home, one touring caravan and one day room and stable block, car parking, foul drainage, landscaping and hardscaping

<b>25/41367/PAR</b> <b>Delegated Refusal</b>	Barns Bridge Farm Buildings, Norbury Road, Norbury	Prior Approval Change of Use of Agricultural Building to form Two Dwellings.
<b>24/40076/FUL</b> <b>Committee Refusal</b>	Rear of The Surgery, Wharf Road, Gnosall	Hybrid application seeking outline planning permission for the erection of 19 dwellings with all matters reserved except for means of access and detailed permission for the conversion of a barn into a dwelling

### Decided Appeals

<b>Application Reference</b>	<b>Location</b>	<b>Proposal</b>
<b>24/39886/FUL</b> <b>Appeal Dismissed</b>	Land At Trentham Retail Village, Stone Road, Tittensor	Retrospective full planning application for the temporary installation (18 months) of an Observation Wheel at the Trentham Estate
<b>25/40170/FUL</b> <b>Appeal Dismissed</b>	Land South East of Chase Lane, Tittensor, Stoke-on-Trent	Agricultural track to access agricultural building
<b>25/40694/FUL</b> <b>Appeal Allowed</b>	Former Garage Site, Land off Read Avenue, Stafford	Residential development of five two storey dwellings
<b>25/40322/HOU</b> <b>Appeal Dismissed</b>	Old Mill House, Barn Lane, Weston Jones	Single storey rear extension

### Previous Consideration

Nil

### Background Papers

File available in the Development Management Section

### Officer Contact

Sushil Birdi, Development and Policy Manager, 01543 464326



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## Appeal Decision

Site visit made on 9 December 2025

by **K Stephens BSc (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 January 2026.

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### Appeal Ref: 6000692

#### Land at Trentham Retail Village, Stone Road, Tittensor, Stoke on Trent

- 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 John Noyce (of John Noyce Amusements) against the decision of Stafford Borough Council.
  - The application Ref is 24/39886/FUL.
  - The development proposed is a temporary installation (18 months) of an observation wheel at the Trentham Estate.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I saw that the observation wheel has been erected and that the application is clearly retrospective. I have dealt with the appeal on its planning merits and removed the term 'retrospective' from the description of development as it is not a definition of development.
3. I have used the appeal site address taken from the application form. This also corresponds with that used in the Council's decision notice and appeal form. However, the appellant's Design & Access Statement and Appeal Statement refer to Trentham Shopping Village. However, it is clear that the Trentham Retail Village and Trentham Shopping Village are the same and their interchanging usage matters not in this instance for knowing where the appeal site is.
4. The Council's second refusal reason relates to the harm caused to the Grade II\* listed Registered Park and Garden that is Trentham Gardens<sup>1</sup> (the RPG). However, the Council's Officer Report refers to the site also being located within the Trentham Park Conservation Area (the TCA) and within the setting of "*several listed buildings and structures associated with the historic Trentham Estate*". The report concludes that there is harm to the significance of both the RPG and the TCA. However, the Officer Report makes little assessment of the effect of the development on the TCA and nothing about the setting of the nearby associated listed buildings.
5. As decision maker, the statutory duties set out under sections 66(1) and 72(1) of the Listed Buildings and Conservation Areas Act 1990 (the Act) require me to have special regard to the desirability of preserving the [listed] building or its setting or any features of special architectural or historic interest which it possesses, and to

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<sup>1</sup> National Heritage List for England: list entry number 1001168

pay special attention to the desirability of preserving or enhancing the character or appearance of that [conservation] area.

6. There is no similar statutory duty with regards Registered Parks and Gardens. However, with reference to paragraph 213b) of the National Planning Policy Framework (the Framework) they are designated heritage assets, with Grade II\* RPGs being of the highest significance along with Grade I and II\* listed buildings. Pursuant to Framework paragraph 212 “great weight” should be given to the heritage asset’s conservation (with the more important the asset, the greater the weight should be).
7. The Council is clearly aware of various listed buildings in the vicinity of the appeal site, as it mentions them. In the Questionnaire it specifies two listed buildings whose settings are affected, namely the Grade II “Remains of Trentham Hall: orangery, sculpture gallery and clock tower”<sup>2</sup> and the Grade II\* “Remains of Trentham Hall: the grand entrance and conservatory”<sup>3</sup>.
8. The appellant’s Heritage Statement, which was submitted with the application and replicated again in the appellant’s appeal statement, considers these same listed buildings, in addition to a number of others that have the potential for their settings to be affected, namely the Grade II “Remains of Trentham Hall: former stable block and service quarters”<sup>4</sup>, the Grade II\* Church of St Mary and All Saints<sup>5</sup> and the Grade II\* Sutherland Monument<sup>6</sup>, as well as the TCA. The appellant scoped out a number of other listed buildings (there are some 35 listed buildings) and I have no reason to disagree.
9. The Council has therefore had the opportunity to comment on these heritage assets as part of the application and appeal process. However, the Council has not submitted an appeal statement but relies on its Officer Report. Therefore there is no prejudice to the parties in my consideration of the various designated heritage assets as part of my duties. For the avoidance of doubt I have confined my assessment to the above mentioned listed buildings.

## **Main Issues**

10. The main issues in this appeal are:
  - The effect of the proposal on the special interest and significance of the heritage assets;
  - Whether the appeal development would be inappropriate development in the Green Belt, having regard to the Framework and the development plan, and the effect of the appeal development on the openness of the Green Belt and purposes of including land within it; and
  - If the development constitutes inappropriate development in the Green Belt, would the harm, by reason of inappropriateness and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

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<sup>2</sup> National Heritage List for England: list entry number 1038987

<sup>3</sup> National Heritage List for England: list entry number 1190243

<sup>4</sup> National Heritage List for England: list entry number 1293887

<sup>5</sup> National Heritage List for England: list entry number 1190214

<sup>6</sup> National Heritage List for England: list entry number 1038951

## Reasons

11. The development comprises an observation wheel that has been erected on land that forms part of the overspill car park at Trentham Retail Village, at the southern end of the 'village'. The wheel is aligned north south and has a diameter of 31 metres, with the maximum height of the installation reaching about 33 metres. It operates between the hours of 10am and 9pm, seven days a week and the wheel is illuminated with non-flashing lights after dark, but lights switched off at 9pm. The lighting is aligned along the multiple spokes of the wheel and parts of the cabins are trimmed with small low-voltage LED lights. From the evidence, the observation wheel was installed in October 2024, and the subsequently submitted retrospective application sought planning permission for a temporary 18-month period until 12 April 2026.

### *Heritage issues*

#### Special interest and significance of the heritage assets

12. The appeal site is located within the RPG and the TCA, whose boundaries largely coincide, although the TCA boundary is a little larger and includes the Trentham Retail Village. The appeal site is also within the influence of a number of listed buildings that are historically associated with Trentham Hall and Gardens, as part of the Trentham Estate, and whose special interest and significance are thus entwined.
13. **Trentham Hall and Gardens RPG** were established in the 16<sup>th</sup> century on the site of a 12<sup>th</sup> Century Augustinian priory south of Stoke-on-Trent, by a local wool merchant James Leveson and remained in the family's ownership (later known as the Leveson-Gower family and the Dukes of Sutherland) until 1979. The RPG contains the remains of a large country house and a landscaped park designed for the owners. The house and grounds have undergone a number of redesigns and remodelling during their lifetime. The main remaining elements of the RPG are from the mid-18<sup>th</sup> century by Lancelot 'Capability' Brown and the mid-19<sup>th</sup> century Italianate pleasure grounds by influential Victorian architect and gardener Sir Charles Barry, who played a significant role in popularising the Italianate style. Later, comments from the influential horticulturist J C Loudon and the work of the head gardener George Flemming, appointed in 1841, brought Trentham to the public's attention and the gardens became well known for being a showcase for innovative and experimental planting and also gained a reputation as a teaching garden.
14. By the early 1900s pollution of the River Trent, which ran through the site, had made the house uninhabitable and it was largely demolished in about 1912, but remains of the grand west entrance and conservatory; the orangery, sculpture gallery and clock tower; and stable block and service quarters still survive, although I saw that some are in a poor state of repair and fenced off for safety reasons. In the 1920s the entrance lodges were relocated to Stone Road, where they stand today, to mark the entrance to Trentham Gardens in their use as public pleasure grounds, marketed as 'The Versailles of the Midlands' and known as the 'Playground of the Potteries'. Since the sale of the estate in 1979 and since 1996 it has operated as a commercially owned leisure attraction. In the early 21<sup>st</sup> century the site of the former kitchen garden was developed as a commercial retail park

(Trentham Retail Village). Some of Barry's upper garden terraces have been restored and the lower terrace reimagined.

15. Central to the RPG is the long lake. The remains of the Trentham Hall (which are now a series of listed ruins) and formal gardens sit at its northern end, and the Sutherland Monument on high ground to the south overlooking the Estate. Either side is landscaped parkland, broadly bounded by the M6 motorway to the west and the A34 to the east. The RPG has a relative peace and tranquillity, where one can walk and be immersed in attractive gardens and parkland, yet its proximity to the urban fringes of Stoke-on-Trent and the adjacent Retail Village make it popular with visitors.
16. Insofar as the appeal is concerned, the significance of the RPG is largely historic, derived from the surviving layout and designed landscaped parkland and gardens associated with a country house owned by the same family for several centuries, with associative interest in terms of the notable architects and garden designers who have been involved in its design and layout, reflecting the changes in garden design over time.
17. The RPG includes the appeal site and surrounding car parking for the Retail Village (but excludes the Retail Village itself) and extends up to the A34 Stone Road. Originally the appeal site was part of the RPG and contributed to the setting of the listed buildings. Over time its contribution has been eroded by significant subsequent development, such as the modern Retail Village and the extensive hard surfaced car parks. I saw that the appeal site is located on part of the Retail Village car park in the vicinity of the retail units, with a belt of mature trees behind which forms the boundary of the main body of the RPG that one has to pay to visit. Hence there is currently a visual and physical disconnect between the appeal site and the main body of the RPG such that it makes a neutral contribution to its significance.
18. The character and appearance of **the TCA** and thus its special interest and significance, which is inexorably linked with the RPG, are in part derived from the same historic landscaped parkland created around a large country house, with associations with influential architects and garden designers over time who had a hand in building and remodelling the house and gardens, and the large number of listed buildings, most of which are historically and architecturally associated with Trentham Hall and the surrounding parkland. As with the RPG, the Retail Village and car parks have already degraded the heritage asset, such that the appeal site currently makes a limited contribution to its significance.
19. The RPG provides the main setting to the listed buildings, most of which form the remains of **Trentham Hall**, namely the Grade II\* listed "Remains of Trentham Hall: the grand entrance and conservatory"; the Grade II listed "Remains of Trentham Hall: former stable block and service quarters" and the Grade II listed "Remains of Trentham Hall: orangery, sculpture gallery and clock tower", which are located close to each other as they form part of the former country house. Their significance is largely derived from their remaining architectural and historic interests as a significant example of a large, country house specifically designed, built and remodelled by its owners over time, and set within a designed landscape with which they have a functional relationship. Their age, traditional construction and materials, surviving historic fabric, ornate detailing and association with influential architects make important contributions in these regards. Whilst they

have become somewhat disconnected from each other over time following demolition of the main Hall and more modern interventions and re-arrangement of the Estate, including the relocation of the entrance to Stone Road, they still retain a unity as a result of their shared and consistent Italian Renaissance architectural style and grandeur as part of the surviving Hall and formal grounds and wider parkland which make important contributions to their setting and thus significance.

20. **The Grade II\* Church of St Mary and All Saints** lies to the west of the remains of Trentham Hall, but within the RPG and TCA. It was built in the mid-1800s by the eminent Victorian architect Sir Charles Barry in the Perpendicular style and incorporates surviving late Norman arcades with 12<sup>th</sup>-century capitals and mediaeval shafts, probably from the previous priory church. The Church is not a ruin and is still in use. Its special interest and significance are largely derived from its architectural and historic interest and association with Trentham Hall as part of a designed landscape and the Estate as a whole.
21. Relevant to the appeal, special interest and significance are also derived, in part, from the Church's setting. Having early origins, the setting of the site of the Church has changed over time. It now comprises its immediate surrounds of an enclosed and clearly demarcated churchyard on its northern side, with the remains of Trentham Hall to the east and its wider setting to the south from the gardens from which it is now experienced and appreciated as an ecclesiastical structure within the landscaped grounds of the RPG, although its visibility is greater now that parts of the Hall have been removed over time.
22. **The Grade II\* listed Sutherland Monument**, was added to the Estate in 1836 as a memorial to the 1<sup>st</sup> Duke of Sutherland, is sited beyond the southern end of the lake on high ground on Tittensor Hill. With the figure standing on a five-metre tall tapering column of limestone it has been purposefully located to look north over the Trentham Estate. It can also be seen from the RPG, and I saw it was also visible at times from the M6 motorway to the west, such is its location, size and imposing presence. It was made by leading sculptor Sir Francis Leggatt Chantrey, to the same design for one he was preparing for the Duke's estate in Sutherland, Scotland. The Duke was a nationally important figure, who at the time was the greatest landowner in the country with considerable influence in the world of art, politics and industry. The epitaph on the monument provides an insight into how his family wished him to be remembered, which is in contrast to his infamous involvement in the Highland Clearances. The special interest and significance of the Monument are largely architectural and historic as an example of a deliberate act of memorial associated with a powerful man of a longstanding family in the area and their extensive estate, with associative interest with a leading sculptor of the times. The Monument on top of the hill offers views up the lake to the gardens on its northern shore and to the church and remains of the Hall, as well as the surrounding countryside (with the conurbation of Stoke-on-Trent beyond), that contribute to an understanding and appreciation of the Estate and the RPG as a whole. It also has group value with a number of listed buildings on the Trentham Estate.
23. The RPG allows the Church, remains of the Hall and the Sutherland Monument to be appreciated within the settings most were designed to be a part of. They therefore also have group value as part of the numerous buildings erected within the Trentham Estate. Trentham Hall was a house of high status with long views from it and the presence of extensive and designed surrounds for personal

recreation. At the same time, the listed buildings provide a context from which to appreciate and understand the RPG. The combined effect of the remains of Trentham Hall and other listed buildings and its surrounding parkland means the nature, magnitude and scale of the Estate is still readily apparent and makes a meaningful and positive contribution to their special interest and significance.

24. However, the appeal site cannot be seen from the various listed buildings due to the intervening landscaping and mature trees. The appeal site is already located within a degraded, much changed and more peripheral part of the RPG and TCA. From the evidence and my observations the appeal site makes a neutral contribution to the setting and thus significance of these listed buildings.

#### Effect of the appeal proposal

25. The observation wheel is taller than the adjacent mature trees of the RPG and rises a considerable distance above the tree tops. The wheel can be seen from various parts of the RPG. Indeed I saw that from some parts of the RPG almost the entire circular wheel is visible though the trees and from the other side of the lake, which I accept would be lessened to some degree in the months when the trees are in leaf. The wheel introduces a 'fun fair' element to the overall surroundings, an incongruous modern feature in an historic landscaped and parkland setting, and at odds with the general sense of quiet recreation that can be enjoyed from the RPG and walking around some of the listed ruins and gardens. Views of the wheel in this historic landscaped setting take away from the experience of the RPG and weakens the authenticity of how the RPG and the TCA are appreciated and experienced. This in turn harms their significance.
26. Trentham Gardens are open all year round, but generally close at dusk. However, during the Winter the gardens open after dusk for special events, such as the Winter Light Trail. The illuminated wheel would therefore be visible from the RPG during hours of darkness in the Winter, contributing further to its incongruity.
27. The setting of the listed buildings is largely associated with the RPG which provides a planned and formal landscape area within which they are appreciated and have a functional connection. The fact the wheel can be seen or glimpsed above the tree line, at whatever distance from the listed buildings, erodes the essence of that landscaped setting, introducing a modern utilitarian structure at odds with its surroundings. I appreciate that there may be only glimpsed or discrete views from some of the listed buildings towards the wheel, however in my view it is still sufficient to harm the significance of those listed buildings.
28. From the Sutherland Monument, despite the separation distance, scale of the landscape, and the extensive views including beyond towards the golf course and Stoke-on-Trent, I saw that about half of the wheel was clearly visible in the same view as the lake, even on a grey rainy day. It stood above the belt of mature trees and appeared as an isolated vertical structure, as the Retail Village and car parks were not visible from the Monument. It was an incongruous feature in a large, landscaped setting, reducing the authenticity of how the Monument is experienced. Illumination of the wheel during hours of darkness, would accentuate the incongruity with an alien shape lit up above the tree line, even if the Monument is not very visited at night. The observation wheel would harm the setting and hence significance of the listed monument.

29. Historic England's advice 'Temporary Structures in Historic Places', does not preclude them from the historic environment. However, it highlights a number of factors that can be important factors in assessing impact, such as the length of time the structure is erected – in this instance it is not a couple of weeks or months, for example during the summer, but a year and a half - and this covers several seasons, including winters when trees are not in leaf, thus affecting visibility.
30. Overall, I find the development harms the significance of the RPG, the TCA and fails to preserve the setting of the listed buildings. The proposal would thus fail to satisfy the requirements of the Act and the provisions of the Framework.

#### Public benefits and heritage balance

31. The Framework states that heritage assets are an irreplaceable resource. Paragraphs 212 and 213 of the Framework state that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
32. In finding harm to the significance of a designated heritage asset, Framework paragraphs 214 and 215 require the magnitude of that harm to be assessed. Given the nature and extent of the proposed development against the advice in the Framework and the Planning Practice Guidance (the PPG) I find the harm to both the significance of the RPG, TCA and the various listed buildings, would be towards the middle of 'less than substantial'. Even so, a finding of 'less than substantial' harm still carries considerable importance and weight. Paragraph 215 of the Framework requires the harm to be weighed against the public benefits of the proposal.
33. There are some economic benefits from the creation of 2-4 jobs. The development offers the Trentham Estate and local area an additional short-term visitor attraction, which can help increase visitor footfall and help maintain the status of Trentham Retail Village and Trentham Gardens as an acknowledged and established tourist destination.
34. However, any jobs created are part time with short-term opportunities. It is unclear whether the jobs have been taken by local people or are existing employees of the appellant's amusement business. In any event, with the small numbers involved any employment benefits would be very limited. There is no substantive evidence to indicate what additional footfall the observation wheel brings to the Trentham Estate and Retail Village, and what additional revenue the wheel has brought to the RPG, the Retail Village and to the wider local economy. There is an admission charge to visit Trentham Gardens RPG and a separate charge to go on the wheel - indeed visitors can pay to go on the wheel without visiting the Retail Village or RPG because the car parks are free.
35. There is no case put forward to suggest that the development is enabling development and that any revenue is directed towards the restoration/repair of the listed buildings at Trentham Estate, some of which I understand are at risk, or to the up keep of the RPG, or to the continued viability of the Retail Village. The heritage assets and Trentham Retail Village are not within the appellant's control and there is no mechanism or legal agreement proposed or in place, as far as I am

aware, that would secure or ring-fence any monies or works for the repair/restoration/up keep of the heritage assets or the viability of the Retail Village.

36. I acknowledge that the observation wheel would provide passengers with unique views across the Trentham Estate and RPG and has the potential to offer them a greater appreciation of the various heritage assets or indeed encourage them to visit the gardens. However, as the installation is only for 18-months this indicates to me that any such claim is incidental and not the reason for installing the wheel.
37. In the absence of evidence to the contrary, any benefits to the heritage assets are likely to be incidental, limited and short-term and not sufficient to outweigh the considerable importance and weight I attach to the harm caused to the significance of the RPG and TCA and the listed buildings. I find that clear and convincing justification for the harm to the assets' significance has not been provided. Accordingly the development fails to preserve the setting of the listed buildings and harms the significance of the RPG and the TCA. The development thus fails to satisfy the requirements of the Act and the provisions of the Framework.
38. The development is also contrary to Policies N1(h), N8a and N9 of The Plan for Stafford Borough 2011-2031 (the Borough Plan). Collectively these seek, amongst other things, to ensure development conserves and protects the significance of heritage assets and has regard to local context, including historic views and to elements of landscape that contribute to local distinctiveness, including heritage assets.

#### *Green Belt issues*

39. Framework paragraph 142 states that the Government attaches great importance to Green Belts and that the fundamental aim of national Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework goes on to state that 'inappropriate development' is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
40. Borough Plan Policy SP7 deals with the location of new development. In Green Belt locations development should be consistent with national policies for the control of development and Borough Plan Policy E5. I am advised that Policy E5 relates to major developed sites in the Green Belt and as the development is not one of these Policy E5 is not relevant. In the circumstances, the relevant parts of Policy E7 are broadly consistent with national policy.
41. The application was submitted before the Framework was revised in December 2024. It introduced the concept of 'grey belt' and new types of development that are not regarded as inappropriate provided they meet all of the criteria in paragraph 155. The definition of grey belt<sup>7</sup> expressly excludes land where the application of the policies relates to area or assets in Framework footnote 7 would provide a strong reason for refusing or restricting development. This includes designated heritage assets. Given my conclusions in the heritage balance above, this is the case in this instance and the appeal site is not grey belt.
42. Development in the Green Belt is inappropriate unless it falls within one of the exceptions listed in paragraph 154 and where it accords with all the criteria in paragraph 155. The appeal scheme does not fall within any of the listed exceptions

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<sup>7</sup> Annex 2: Glossary of the Framework

in paragraph 154. Furthermore, as the site is not 'grey belt' paragraph 155 is not engaged. Consequently, the appeal scheme represents inappropriate development in the Green Belt in terms of the Framework.

43. Having found the appeal scheme is 'inappropriate development', I now need to consider the effect of the development on the openness of the Green Belt, which is one of its essential characteristics. Caselaw has established that it requires consideration of both spatial and visual aspects.
44. The development occupies an area of open and spacious overspill carpark that is free of built development. There are mature trees as a backdrop and screen, which form part of the adjacent RPG. The observation wheel itself stands on a base, together with the entrance/exit, driver's stands and mast foundation, measuring about 19m x 17m. This occupies space on the ground. The observation wheel itself is a 3-dimensional structure that has height, mass, bulk and volume, even if it is not a fully solid structure. It extends a considerable distance vertically, projecting some 33 metres above the ground to rise above the tops of the nearby mature trees. Whilst the development is required for 18 months and would be removed from site after this time, for the duration of the 18 months the wheel and ground-based installations would be present every day, effectively permanently for the duration. In hours of darkness, which would last for longer in the winter, the wheel would be illuminated, which would highlight the spatial and visual presence.
45. The development clearly reduces the spatial and visual openness of the Green Belt, regardless of its temporary nature and lightweight structure. That said, due to the location of the site and nature of the development I am satisfied that it does not compromise the five purposes of the remaining Green Belt as a whole.
46. The nearby retail units and Retail Village have been built in the Green Belt some years ago and mean that the observation wheel does not sit in open isolation. However, the retail units form part of a cluster of timber chalet-type structures that have been designed as a whole to create a shopping street. Being single storey buildings they sit low, unlike the observation wheel which is a tall vertical fret-work structure over 30m high. Furthermore, the appeal site is not part of the shopping 'street' or cluster of buildings – it stands on open car park land. I am led to understand there are extant planning permissions for a winery and another retail unit near to the appeal site, but I saw that neither has been built. This indicates to me that some development has been deemed acceptable in the vicinity of the Retail Village, but I have not been provided with plans or details of these proposals or been advised if there were any very special circumstances. Hence, I am unable to make any meaningful comparisons. In any event I must determine the appeal on its individual merits.
47. To conclude on this main issue, the development does not fall within the exceptions set out in paragraphs 154 or 155 of the Framework and Borough Plan Policy SP7 and is therefore inappropriate development which, by definition, is harmful to the Green Belt. There would also be a reduction in the spatial and visual openness of the Green Belt.
48. Harmful inappropriate development in the Green Belt should not be approved except in very special circumstances. I shall consider whether these exist later in the decision.

## Other Matters

49. A taller 53m high wheel was allowed<sup>8</sup> in 2009 for a 12 month period. That permission has expired and was over 15 years ago when I understand Trentham Estate had not long opened. That application would also have been assessed under a different policy regime and against the then relatively fledgling Trentham Retail Village as a tourist destination. Hence, any harm caused to the Green Belt and nearby heritage assets would have been balanced against the then benefits that were evaluated at the time. It is of little relevance now and sets no precedent.

## Other Considerations and Green Belt Balance

50. The development represents inappropriate development in the Green Belt and there would also be harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and Framework paragraph 153 requires that substantial weight is given to *any* harm [my emphasis]. Inappropriate development should not be approved except in very special circumstances, which will not exist unless the harm to the Green Belt, by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

51. In addition to harm to the Green Belt, there would be harm to the significance of a number of designated heritage assets, some of which are of the highest significance, which I have found is not outweighed by public benefits. I must give great weight to the conservation of the heritage assets.

52. The appellant advances a number of 'other considerations' in favour of the development, some of which I have already considered as part of the heritage balance, such as jobs, the economy and helping maintain Trentham Estate as an established tourist destination. Whilst the harm is reversible in that the land would be restored to its previous use once the wheel is taken down and removed, while the development is in situ it is causing daily harm to the Green Belt and heritage assets.

53. The considerations advanced in support of the appeal, whether taken individually or cumulatively, have limited weight in favour of the proposal. They do not clearly outweigh the totality of the harm I have identified, and the substantial weight to be given to Green Belt harm. Consequently, the very special circumstances necessary to justify the development do not exist. Accordingly, the proposed development conflicts with Borough Plan Policy SP7 whose aims have been outlined above, and the Framework.

## Conclusion

54. The proposal would conflict with the development plan when taken as a whole and this conflict is not outweighed by other material considerations as identified above. Therefore, for the reasons above the appeal should be dismissed.

*K Stephens*  
INSPECTOR

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<sup>8</sup> Local Planning Authority ref: 08/11382/FUL allowed 30 January 2009



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## Appeal Decision

Site visit made on 27 January 2026

by **B Astley-Serougi BA(Hons) LLM MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 February 2026.

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**Appeal Ref: 6001103**

**Land South East of Chase Lane, Tittensor ST12 9HH**

- 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 P Smith against the decision of Stafford Borough Council.
  - The application Ref is 25/40170/FUL.
  - The development proposed is described as: agricultural track to access agricultural building – for everyday use with light weight vehicles (not agricultural machinery/implements).
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The site is located in the North Staffordshire Green Belt, and the appellant and Council agree that the proposed development would not be inappropriate development within the Green Belt and would not harm the openness or permanence of the Green Belt. I see no reason to disagree with their conclusions in this regard. The main issues are:
  - the effect of the proposed development on highway safety; and
  - whether the proposed development would meet the statutory requirements for the provision of biodiversity net gain.

### Reasons

#### *Highway Safety*

3. The appeal site currently comprises agricultural land and falls within the North Staffordshire Green Belt. The appeal scheme would introduce an agricultural track to access an existing agricultural building. The proposed track would be accessed from Chase Lane and would be constructed of a permeable hardcore with a grass centre.
4. Based on the evidence before me, including the location plan, in my planning judgement the access point off Chase Lane is within the red line boundary and therefore forms part of the appeal before me. It is surrounded by mature trees and there is a relatively steep gradient from Chase Lane.
5. The appellant has provided a highways and traffic assessment by SCP Transport Planning dated October 2025. The procedural guide for planning appeal advises that the appeal process should not be used to evolve a scheme as it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the local planning authority and by interested parties at the

application stage. The Highways Authority are a statutory consultee and it has not been adequately demonstrated in the evidence before me that they have seen the assessment. I therefore cannot assume its accuracy.

6. Consequently, in the absence of adequate visibility splays, there is limited substantive evidence before me to adequately demonstrate that the visibility of the access would not result in an unacceptable harmful effect upon highway safety. This is especially pertinent given the mature trees and telegraph pole/streetlight near to the proposed access.
7. Within the evidence before me the history of the appeal site including a map from around 1901, a sales catalogue from approximately 1985 as well as a timeline of images and photographs of the gateway from Chase Lane onto the appeal site has been outlined. Nevertheless, whilst it may have been used during these times, it remains that there is limited substantive evidence to adequately demonstrate that the access point is safe for use.
8. I acknowledge that a temporary access which had been allowed over a section of an adjoining field has been removed and the fence line reinstated. Additionally, I recognise that the appeal site is also used by other individuals to access fields, maintain infrastructure, manage livestock and trees amongst other things, as well as the relatively light and routine character of vehicle use as evidenced in a vehicle log for September 2025. Nevertheless, considering all of the above as well as seasonal variations and a possible decrease in use over winter months, it remains in my planning judgement, that there is limited substantive evidence to adequately demonstrated that the proposed access would not result in harm to highway safety.
9. Given all of the above, the appeal scheme would therefore conflict with Policy T2 of The Plan for Stafford Borough 2011-2031 insofar as it seeks to ensure that new development must have safe and adequate means of access as well as not materially impair highway safety or traffic movement.

#### *Biodiversity Net Gain*

10. The appellant provided an updated Biodiversity Net Gain report dated 19 August 2025 during the appeal process. The procedural guide for planning appeal advises that the appeal process should not be used to evolve a scheme as it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the local planning authority and by interested parties at the application stage.
11. The Biodiversity Net Gain report dated 5 December 2024 and the submitted biodiversity metric calculation spreadsheet concludes that the mandatory 10% uplift in biodiversity net gain would not be achieved.
12. Consequently, based on the evidence before me, the appellant has not adequately demonstrated that the proposed development would result in a 10% net gain in biodiversity.
13. Nevertheless, I am mindful that Planning Practice Guidance (PPG)<sup>1</sup> outlines that it would be generally inappropriate for decision makers, when determining a

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<sup>1</sup> Paragraph: 019 Reference ID: 74-019-20240214

planning application for a development subject to biodiversity net gain, to refuse an application on the grounds that the biodiversity gain objective would not be met.

14. PPG further provides that decision makers may need to consider more broadly whether the biodiversity gain condition is capable of being successfully discharged. Consequently, in this case whilst the mandatory 10% uplift in biodiversity net gain has not been adequately demonstrated, this does not mean that the biodiversity gain condition could not be successfully discharged in other ways, such as by way of off-site gains or through biodiversity credits.
15. Accordingly, I conclude that the proposed development could meet the statutory requirements for the provision of BNG through the requirements of the Biodiversity Gain Plan required to discharge a deemed biodiversity gain condition as outlined in Schedule 7A of the Town and Country Planning Act 1990 as inserted by Schedule 14 of the Environment Act 2021.

### **Other Matters**

16. The appeal scheme would enable the appellant to conduct daily welfare checks, move livestock safely as well as provide reliable access for veterinary and emergency purposes. Consequently, it would support the efficient and sustainable operation of the farm and support rural enterprise. I therefore attach moderate weight to this benefit.
17. I am aware that the site is close to a Scheduled Monument known as 'Saxon's Lowe, Tittensor Common'<sup>2</sup>. The monument includes an artificial mound situated on a natural hill approximately 1km to the west of the River Trent. I have had regard to its national importance. I am satisfied that no harm to its significance would arise from the appeal scheme. However, a lack of harm in this respect does not alter my overall conclusions.
18. A lack of harm to the Green Belt and to the surrounding character and appearance of the appeal site are neutral factors in my determination of this case.
19. The Council has not raised the need for the proposed development as a putative reason for refusal. Based on the evidence before me, I find no reason to disagree with its conclusion on this matter.

### **Conclusion**

20. I am satisfied that the proposal could provide the mandatory 10% uplift in biodiversity net gain. Nevertheless, for the reasons given above, the proposal conflicts with the development plan considered as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

*B Astley-Serougi*

INSPECTOR

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<sup>2</sup> List Entry Number:1006103



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## Appeal Decision

Site visit made on 8 January 2026

by **C Billings BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 February 2026

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### Appeal Ref: 6001115

#### Former Garage Site, Land off Read Avenue, Coton Fields, Stafford ST16 3NP

- 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 Mike Coupe of RSJ Builders Ltd against the decision of Stafford Borough Council.
  - The application Ref is 25/40694/FUL.
  - The development proposed is residential development of 5no. two storey dwellings.
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### Decision

1. The appeal is allowed and planning permission is granted for residential development of 5no. two storey dwellings at Former Garage Site, Land off Read Avenue, Stafford ST16 3NP in accordance with the terms of the application, Ref 25/40694/FUL, subject to the conditions in the attached schedule.

### Preliminary Matters

2. The description of development has been taken from the application form with matters which do not relate to acts of development removed.
3. An additional site section and street scene plan has been submitted with the appeal (Dwg No 2505/PL/05). Even though the Council did not have this plan when it determined the planning application, the layout and scale of the proposed development remain unchanged and, the Council had opportunity to comment on this as part of the appeal process. Also, having regard to the representations received in relation to the proposal, I consider there would be no procedural unfairness caused to any party by considering the additional plan in my determination of the appeal.
4. The appeal site is within the 15km zone of influence of the Cannock Chase Special Area of Conservation (SAC). Therefore, in accordance with the requirements of the Conservation of Species and Habitats Regulations 2017 (as amended) (the Habitats Regulations) it is necessary for me, as the competent authority, to consider whether the proposal would have a likely significant effect on the integrity of the SAC.

### Main Issues

5. The main issues are the effect of the proposed development on:
  - living conditions of 8 Shelly Close, in particular regard to loss of outlook and overbearing impact caused by plot 5;
  - character and appearance of the surrounding area; and,
  - Cannock Chase SAC.

## Reasons

### *Living conditions*

6. Proposed plot 5 is a two-storey end terraced dwelling with a blank side gable. It would be sited fairly close to the side boundary and set back of the rear elevation of 8 Shelly Close (No 8), some 10 meters distance away at the nearest point dwelling to dwelling, with the single garage of No 8 between. Also, the ground level of the appeal site is higher than that of No 8, with the land levels within the site rising from north to south, comparable with the general topography of the surrounding area.
7. In view of the position and change in land levels, even though plot 5 would not be directly in front of any windows in the side and rear of No 8, it would be prominently visible from its rear windows and garden. However, No 8 has a fairly large and long rear garden, with hedges along its side boundary and the appeal site is principally to the west of it. Also, as demonstrated from the site section and street scene plan, despite the change in ground levels, the overall height of plot 5 would not be significantly higher than No 8. Therefore, in view of the extent of rear garden of No 8 and the proposed scale and juxtaposition of plot 5 in relation to No 8, the proposed development would not significantly reduce direct sunlight nor cause harmful overshadowing of the rear windows and garden of No 8.
8. Furthermore, due to the size and depth of the rear garden of No 8, its intervening garage and boundary vegetation, the new dwelling at plot 5 would not harmfully dominate the rear garden and views from the windows of No 8. Additionally, due to the distance separation and angle between the side gable of plot 5 and rear elevation of No 8, and that existing dwellings to the rear of No 8 are some distance away, the proposed development would not create a harmful boxed-in or oppressive feel to the rear garden and windows of No.8. Therefore, even though the blank side gable of plot 5 would be higher than and prominent from the rear of No 8, the proposed development would not have a harmful overbearing effect on outlook from this neighbouring property. Consequently, there would be no detrimental effect caused to the living conditions of its occupiers.
9. Having regard to the above, the proposed development would not have a harmful effect on the living conditions of 8 Shelly Close, in particular regard to loss of outlook and overbearing impact caused by plot 5. Therefore, no conflict would arise with Policy N1 of the Plan for Stafford Borough (June 2014) (PSB), which, amongst other matters, sets out that new development should be designed to take account of light implications, together with the amenity of adjacent residential areas.

### *Character and appearance*

10. The appeal site is within a residential area, surrounded by two-storey dwellings and their gardens. There are a mix of semi-detached and terraced pitched roof dwellings in the local area, some brick and some rendered, and the appeal site is a former garage site, although the garages are no longer present. Currently, there are areas of hardstanding, some overgrown vegetation and hedges within the site. Also, the land levels of the site and that of surrounding existing development rises from north to south.
11. The proposed development, comprising a row of two-storey, 3 No terraced properties and a pair of semi-detached dwellings would be comparable and in keeping with the scale and design of dwellings in the surrounding area. Also, even

though the rear gardens of the new dwellings would be shorter than the surrounding long rear gardens of some nearby dwellings, the plot density and garden length would not be that different to existing dwellings along Prospect Road at the rear of the site. Therefore, while the proposed development includes more dwellings and these would be two-storey as opposed to bungalows, compared to a previously approved scheme, it would not result in the overdevelopment of the site, harmful to the character and appearance of the local area.

12. The site levels rise up, and the proposed dwellings would be on a higher ground level than some immediately adjacent dwellings. However, as noted from my site observations, the ground levels of some existing nearby dwellings, principally along Read Avenue and Prospect Road, are at even higher ground levels than the appeal site. Furthermore, the levels details on the proposed site section and street scene plan demonstrate that the proposed dwellings would not have an overall ridge height significantly higher than the closest dwelling at No 8. Therefore, in view of the additional section details, surrounding local topography and context, the proposed dwellings would be of appropriate scale and in keeping with the character and appearance of properties in the surrounding area.
13. Having regard to the above, the proposed development would not have a harmful effect on the character and appearance of the surrounding area. Consequently, there would be no conflict with Policy N1 of the PSB, which requires development to have high design standards that take account of local character, context and density.

#### *Cannock Chase SAC*

14. The qualifying feature of the SAC is heathland habitat, particularly its extent of European Dry Heath habitat, which is regarded as one of the best areas in the UK. The dry heathland supports populations of several scarce invertebrates and is an important breeding site for the Annex I European nightjar. In addition to the primary reason for the SAC designation, it is designated for the further European Annex I habitat, North Atlantic Wet Heaths with *Erica tetralix*.
15. The site's conservation objectives are to maintain, in favourable condition, the dry and wet heaths. The risks to the habitat and its species are from an increase in recreation use of the SAC, as a result of any new residential development within a 15km radius of the SAC. Therefore, without mitigation, the proposed dwellings alone or in combination would have a likely significant effect on the integrity of the SAC.
16. The evidence base prepared by Footprint Ecology on behalf of the consortium of district authorities, identifies that Strategic Access Management and Monitoring Measures (SAMMMs) will deliver sufficient mitigation and avoidance measures to prevent any likely significant effects to the SAC from residential development within the zone of influence. This is required to be secured as a set financial contribution per additional dwelling unit granted within the zone towards the SAMMMs.
17. Natural England has confirmed that the Appropriate Assessment (AA) carried out by the Council for the appeal scheme, demonstrates that there would be no adverse effects on the integrity of any sites in question, subject to all mitigation measures being appropriately secured. In view of such and that my AA has come to the same conclusions, subject to the appropriate payment towards the

SAMMMs, as secured by the S111 submitted by the appellant and confirmed to have been paid to the Council.

18. Therefore, appropriate mitigation would be in place to ensure the qualifying features of the SAC would not be harmed by the proposed development, in accordance with the requirements of the Habitats Regulations and paragraphs 192-195 of the National Planning Policy Framework.
19. Also, the proposal would comply with Policy N6 of the PSB, which sets out that development will not be permitted where it would have an adverse impact on the SAC and the effects cannot be mitigated. It also sets out that mitigation of any identified adverse effects on Cannock Chase SAC must be demonstrated to the Council as the Competent Authority and, secured by means of a suitable mechanism (e.g. Legal agreement) prior to approval of the development.

### **Other Matters**

20. There is a route across the appeal site that is used by local residents to provide more convenient pedestrian accessibility to facilities and services. Also, the appeal site provides vehicular access to the parking at No 8 and the rear of properties along Read Avenue. Although, as confirmed by the Council, this is not a public right of way and the appeal site is private land.
21. The proposed site layout plan shows that access across the site and to neighbouring parking space could be maintained as part of the proposal. The level of traffic movement associated with the proposed dwellings would unlikely be that different from the previous use of the site for garages. Therefore, based on the small scale of the development, the level of noise generated by the occupiers of the development would not be that significant. Also, the appellant has not suggested that access would be denied, nor do they object to a condition to relocate the visitor parking spaces, to ensure better ease of access to the rear of properties in Read Avenue. Additionally, the highway authority has raised no objection to the proposal, subject to conditions.
22. Therefore, subject to conditions, I am satisfied that appropriate access to neighbouring properties would be retained and no harm would be caused to the living conditions of local residents or highway safety by the proposed development.
23. While concerns have been raised about the impact of the proposal on biodiversity, including that bats use the site for foraging, no substantive evidence has been provided in respect of protected species within the appeal site. The applicants' evidence demonstrates that the proposal would secure appropriate biodiversity enhancement, exceeding the statutory 10% requirement. Therefore, I am satisfied that appropriate habitat replacement and enhancement can be secured by condition, including replacement hedgerow biodiversity units. Also, subject to a condition requiring details of external lighting to be agreed prior to occupation of the development, this would ensure foraging bats using the site would not be harmed by the proposal.
24. Even if there are current anti-social behaviour problems within the appeal site, the construction and occupation of the new dwellings, by virtue of increased activity and observation by its occupiers, would likely help reduce such. Additionally, subject to details of external lighting being agreed via condition, any potential light pollution to nearby residents would be appropriately managed. Similarly, a

condition requiring details and provision of waste and recycling facilities for the proposed dwellings to be agreed, would ensure suitable bin facilities and access thereto for the residents of the new dwellings. No side windows are proposed and there would be adequate distance separation between the windows of existing and the proposed dwellings to ensure no direct overlooking. Therefore, subject to conditions, the proposal would not be harmful to highway safety or the living conditions of existing nearby residents. Also, the future residents of the new development would have suitable living conditions.

25. With regard to landscaping, this would enhance the appearance of the site compared to the existing areas of hardstanding. Furthermore, in view of the separation distance between the proposed landscaping and existing buildings, it is unlikely that proposed new trees would cause harmful damage to neighbouring property, so as to justify refusal of the proposal.

### **Conditions**

26. Having regard to the advice contained within the Planning Practice Guidance and the National Planning Policy Framework, I have considered the conditions suggested by the Council. Also, the appellant has had opportunity to comment on conditions as part of the appeal process.
27. In addition to the standard implementation condition, it would be necessary in the interests of certainty to define the plans with which the scheme should accord, including the additional levels and site section details. As set out above, conditions in relation to access, highway matters, lighting, waste facilities and biodiversity enhancement are necessary to make the development acceptable. Also, it would be reasonable and appropriate to require details of the external materials to be agreed, to ensure the new dwellings would not harm the character and appearance of the surrounding area. Although, I have updated the wording of the conditions suggested by the Council to be more precise.
28. It has been demonstrated that in excess of 10% net gain would be provided, as required by statute. Therefore, suitable replacement planting would be provided for the hedgerow that would be lost within the site. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990, is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (“the biodiversity gain condition”) that development may not begin unless: (a) A Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Stafford Borough Council.
29. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 (the Act) and the Biodiversity Gain Requirements (Exemptions) Regulations 2024. Based on the information available the proposed development is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

30. However, the biodiversity net gain plan submitted with the proposal will need to be updated to accommodate changes to the visitor car park layout. Therefore, I have included a condition clarifying such. However, provisions are not needed for the long-term management and maintenance of the onsite biodiversity in view of the scale of the development. Furthermore, the appellant or any future developer implementing the permission would need to adhere to the relevant provisions of the Act in relation to a biodiversity net gain plan.
31. In view of the location of the appeal site, to the rear of existing dwellings and the position of the site access and accesses to neighbouring property, a condition is needed to agree a construction management plan, so no harm is caused to highway safety or the living conditions of nearby residents, from undue noise and disturbance during construction. However, a condition to prevent first floor side windows in Plot 5 is not needed, as there is already a restriction on side windows within the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. This would suitably control and prevent harmful overlooking of the occupiers of the adjacent dwelling from the future residents of Plot 5.

### **Conclusion**

32. For the reasons given above, the appeal would accord with the development plan read as a whole and there are no material considerations that indicate otherwise. Accordingly, the appeal is allowed.

*C Billings*

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 drawing titles and Nos, unless otherwise submitted and agreed pursuant to other conditions attached to this permission:
  - Topographical Survey including Location Plan, Dwg No 2505/PL/01
  - Proposed Site Layout, Dwg No 2505/PL03 Rev A
  - Layout as Proposed 3B5P Terraced, Dwg No 2505/PL/03 Rev B
  - Layout as Proposed 2B4P, Dwg No 2505/PL/04 Rev B
  - Proposed Site Section and Street Scene Dwg No 2505/PL/05
3. Notwithstanding the details shown on the approved plans, no development shall take place until a revised site layout and landscape plan showing the 3 No visitor parking spaces relocated further east, set away from the existing vehicular access to the rear of 18 and 20 Read Avenue, has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and the visitor parking spaces

provided prior to the first occupation of any of the dwellings and thereafter retained as such for the lifetime of the development.

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
  - the parking of vehicles of site operatives and visitors;
  - loading and unloading of plant and materials;
  - storage of plant and materials used in constructing the development;
  - the erection and maintenance of security hoarding, where appropriate;
  - wheel washing facilities;
  - measures to control the emission of dust and dirt during construction;
  - a scheme for recycling/disposing of waste resulting from demolition and construction works; delivery, demolition, and;
  - construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
5. The development shall not commence until an updated Biodiversity Gain Plan has been submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with such and in conjunction with the requirements of Schedule 7A to the Town and Country Planning Act 1990.
6. No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces, including samples of the facing materials of the dwellings hereby permitted, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.
7. Prior to the occupation of the dwellings, details of space within the site and facilities for refuse collection and management shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the refuse facilities provided prior to the first occupation of the respective dwelling/s it is to serve and retained thereafter for the lifetime of the development.
8. Prior to the installation of any external lighting, full details including height, design, location, intensity of the external lighting within the appeal site shall be submitted to and approved in writing by the local planning authority. The lighting installation shall then be carried out in accordance with the approved details and thereafter retained as such for the lifetime of the development

**End of Schedule**



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## Appeal Decision

Site visit made on 8 January 2026

by **C Billings BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 February 2026

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### Appeal Ref: 6001259

#### **Old Mill House, Barn Lane, Weston Jones, Newport, Staffordshire TF10 8ED**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
  - The appeal is made by Mr John Hill against the decision of Stafford Borough Council.
  - The application Ref 25/40322/HOU was approved on 20 August 2025 and planning permission was granted subject to conditions.
  - The development permitted is single storey rear extension.
  - The condition in dispute is No 4 which states that: A) Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication, (B) The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under (A) and, (C) The development shall not be occupied until the site investigation and post-excavation assessment has been completed in accordance with the written scheme of archaeological investigation approved under (A) and provision made for the analysis, publication and dissemination of the results and archive deposition has been secured.
  - The reason given for the condition is: In order to afford proper archaeological investigation recording and protection. (Policy N9 of the Plan for Stafford Borough).
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### Decision

1. The appeal is dismissed.

### Background and Main Issue

2. Planning permission was granted, subject to conditions, for a single storey extension to the rear of the existing dwelling. This includes condition 4, requiring a written scheme of archaeological investigation to be submitted prior to commencement of development, detailing a programme of archaeological works be carried out, that such agreed works be carried out and then, before occupation of the development, that the site investigation and post excavation assessment be completed with the results shared and archived. The Council considers the condition is necessary to protect archaeological interests that are likely to be present within the appeal site, as identified from the Historic Environment Record.
3. The appellant objects to the condition as they consider it is unnecessary, disproportionate, and not justified due to evidence previously provided. Therefore, they consider the condition does not meet the relevant tests for conditions as set out in the National Planning Policy Framework (the Framework) and Regulation 122 of the Community and Infrastructure Levy (CIL).
4. In view of the above, the main issue is whether the condition is reasonable or necessary in the interests of protecting heritage assets.

## Reasons

5. The appeal site is in an area where the Staffordshire Historic Environment Record (SHER) shows there is likely to be the remains of Weston Jones Mill watermill complex. Also, the Staffordshire County Council archaeologist sets out there are records dating back to a potential Domesday mill on the site, although the precise location of such is unknown. Therefore, there is potential for archaeological remains relating to the 18<sup>th</sup>-19<sup>th</sup> century Weston Jones mill complex and an earlier 11<sup>th</sup> century mill within the appeal site that could be affected by the proposal.
6. Paragraph 207 of the Framework sets out that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
7. While there have been previous archaeological assessments carried out within parts of the appeal site for other development elsewhere to extend the host property, this does not include all of the land where the proposed extension would be. Furthermore, more minor works carried out, including pipework and the laying of the patio area where the appeal extension is proposed, would not have likely extended significantly below ground. Therefore, such previous archaeological investigation and works do not mean, nor unequivocally demonstrate, that there are no archaeological remains present where the extension is proposed and that, such potential remains would be unharmed by the proposed development.
8. Even though there would be some financial and time burden associated with carrying out archaeological investigation and works, without substantive evidence to the contrary to demonstrate there are no archaeological remains where the extension is proposed, the requirements of the Framework would not be satisfied. In such circumstances and having regard to the staged requirements of condition 4, the condition is necessary and proportionate to protect potential heritage assets. Consequently, the condition is necessary to make the development acceptable in planning terms, relevant to planning and the proposed development, and is precise and reasonable in all other respects. Therefore, it satisfies the relevant CIL and Framework tests for conditions and needs to remain.
9. Having considered all matters raised, condition 4 is reasonable and necessary in the interests of protecting heritage assets. Without it, the proposed development would conflict with Policy N9 of the Plan for Stafford Borough (June 2014), which requires development to sustain and, where appropriate enhance the significance of heritage assets and that, where harm to significance is unavoidable, appropriate mitigation will be put in place, including archaeological investigation (including a written report) or recording.
10. In conclusion, the proposed development would be contrary to the development plan read as a whole and material considerations do not indicate the appeal should be decided other than in accordance with it. Accordingly, the appeal is dismissed.

*C Billings*

INSPECTOR