



Civic Centre, Riverside, Stafford

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Dear Members

### **Planning Committee**

A meeting of the Planning Committee will be held on **Wednesday, 19 July 2023** 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 - 19 JULY 2023

**Chairman - Councillor B McKeown**

**Vice-Chairman - Councillor A Nixon**

### AGENDA

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

Details of Delegated applications will be circulated separately to Members.

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### MEMBERSHIP

**Chairman - Councillor B McKeown**

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

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 PLANNING COMMITTEE – 19 JULY 2023
 

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**Ward Interest - Nil**

### Planning Applications

*Report of Head of Development*

#### Purpose of Report

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

		<b>Page Nos</b>
<b>23/37093/OUT</b>	Labour in Vain Inn, Yarnfield Lane, Yarnfield, Stone, ST15 0NJ  The application was called in by Councillor R James  <i>Officer Contact - (Lead Officer, Richard Wood)            Telephone 01785 619324</i>	5 - 16
<b>21/35138/REM</b>	Former Eagle Inn Car Park, Newport Road, Eccleshall, Stafford  The application was called in by Councillor P Jones  <i>Officer Contact - (Lead Officer, Richard Wood)            Telephone 01785 619324</i>	17- 27
<b>22/36889/HOU</b>	14 Byron Close, Stafford, ST16 3NY  The application was called in by Councillor L Nixon and Councillor A Reid  <i>Officer Contact - (Lead Officer, Sian Wright)            Telephone 01785 619528</i>	28 - 33

## **Previous Consideration**

Nil

## **Background Papers**

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

**Application:** 23/37093/OUT

**Case Officer:** Jessica Allsopp

**Date Registered:** 3 March 2023

**Target Decision Date:** 28 April 2023  
**Extended To:** 21 July 2023

**Address:** Labour In Vain Inn, Yarnfield Lane, Yarnfield, Stone,  
Staffordshire, ST15 0NJ

**Ward:** Swynnerton and Oulton

**Parish:** Yarnfield and Cold Meece

**Proposal:** Outline Application - Three dwellings (all matters reserved  
except for access)

**Applicant:** Ei Group Ltd

**Recommendation:** Approve subject to conditions.

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## REASON FOR REFERRAL TO COMMITTEE

This Planning application has been called in by Councillor R James (ward member for Swynnerton and Oulton) for the following reasons:-

I wish the Planning Committee to consider the impact on the surrounding area, visual amenity, development density and parking issues.

### Context

1.

The application site:

The application site forms a small parcel of land within the existing car park serving the Labour in Vain Public House in Yarnfield. The site is bounded by a number of protected trees and is access off Yarnfield Lane through an existing site access.

The site is located within the settlement of Yarnfield and within Flood Zone 1 but adjacent to Flood Zone 2 and 3.

The proposal:

The proposal seeks to gain outline planning consent for 3 dwellings within access included. Matters of scale, layout, appearance and landscaping would be assessed under a subsequent reserved matters application.

## **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 comprises of The Plan for Stafford Borough 2011-2031, The Plan for Stafford Borough Part 2 2011-2031.

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

Spatial Principle 3 of the plan for Stafford Borough requires the majority of development to be provided through the sustainable settlement hierarchy. The application site lies within Yarnfield which is defined as a Key Service Village within this policy. As such it is considered that the application site lies within a sustainable location for development.

As such the principle of this development is considered to be acceptable subject to other material considerations being satisfied.

Polices and Guidance:-

National Planning Policy Framework (NPPF) – Paragraphs 8 and 11

The Plan for Stafford Borough (TPSB) 2011-2031 – Policies SP3 Sustainable Settlement Hierarchy, SP7 Supporting the Location of New Development, SB1 Settlement Boundaries.

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

Policy N1 of TPSB requires new development to demonstrate a high standard of design which is considerate of local context, density and landscape. Consideration has therefore been given to the proposal's visual impact upon the site and its setting.

The application is for outline consent with only access included for approval, as such there are no precise details of the layout, appearance, scale or landscaping provided under this application.

The application site is viewed within the context of Yarnfield Lane, which forms the primary route through the village of Yarnfield. Yarnfield Lane has no prevailing architectural style or housing type and has a number of commercial properties including the adjacent Labour in Vain Public House.

The site is located within the existing car park of the Labour in Vain Public House. An indicative layout has been submitted alongside the application which details that three dwellings, including a semi-detached pair and a detached dwelling could be provided within the application site. Given that the site is set back 33m from Yarnfield Lane, behind Yarnfield Cottage and there is no prevailing character or style, it is not considered that the proposed development would harm the Yarnfield Lane streetscene.

No details of the external appearance of the dwellings or the scale of the dwellings has been provided under this application. It appears from the indicative drawings that the dwellings are intended to be two storey which is considered to be appropriate for this location.

No details of landscaping have been provided however the indicative layout details a garden area to the rear of each of the houses with a shared parking area to the front of the dwellings. This layout is common in Yarnfield with evidence of this on the opposite side of Yarnfield Lane with the dwellings off Meece Road.

The remainder of the site would remain as a car park to serve the Labour in Vain.

Policies and Guidance:-

National Design Guidance (NDG)

National Planning Policy Framework (NPPF) – Section 12. Achieving well-designed places

The Plan for Stafford Borough (TPSB) 2011-2031 – Policies N1 Design, N8 Landscape Character

Supplementary Planning Document (SPD) – Design

### **3. Amenity**

Policy N1 of TPSB requires the design and layout of development to take account of noise and light implications and amenity of adjacent residential areas.

This application seeks outline planning permission with all matters reserved except access. As such all drawings submitted in relation to the layout of the application site are indicative.

The site is bounded by a number of dwellings, particularly those to the north-west along Meadow View and Yarnfield Cottage to the south-east of the site.

Guideline 6 of the Councils Supplementary Planning Document for Design requires a separation distance of 21m between facing principal windows. It has been demonstrated that a separation distance of at least 21m can be achieved to Grasmere, The Bungalow and Field View which are likely to have facing principal windows to the proposed development.

Guideline 6 also details that a separation distance of 12m should be achieved between a principal window and a blank two storey elevation. Although no elevations have been provided to supplement the application it does appear that adequate separation distances could be achieved so long as no principle windows are located on the side elevations of any of the proposed dwellings.

Yarnfield Cottage lies 18m to the south east of the application site. As there are no principal windows on the north eastern elevation of the dwelling and as such a separation distance of 12m would be required and as such can be satisfied.

It has therefore been adequately demonstrated that the proposed development could comply with Guideline 6 of the Councils Supplementary Planning Document for Design.

Guideline 3 of The Councils Design Supplementary Planning Document requires 65 square metres of private amenity space to be provided for a three bedroomed dwelling. The indicative layout provides a minimum of 65sqm and as such it has been demonstrated that the development could comply with the standards set out within this document.

In the absence of comments from the Pollution Control Officer it is considered necessary by the LPA that a condition shall be added to the consent in respect of the submission of a land contamination survey due to the location of the proposed development on a car park.

The Environmental Health Officer raises no objections to the proposal.

Policies and Guidance:-

National Design Guidance (NDG)

National Planning Policy Framework (NPPF) – Paragraph 130

The Plan for Stafford Borough (TPSB) 2011-2031 – Policy N1 Design

Supplementary Planning Document (SPD) - Design

#### **4. Parking**

Policy T2 of The Plan for Stafford Borough states that all new development must have a safe and adequate means of access and internal circulation; not have unacceptable highway safety impacts and provide sufficient parking provision.

The application site is accessed from an existing site access off Yarnfield Lane. There would be no alterations to the access.

Appendix B of TPSB sets different parking standards, with a 3-bedroom dwelling requiring 2 onsite parking spaces. It has been demonstrated that 6 car parking spaces could be provided for on the indicative layout as such satisfying the requirements for three new dwellings of up to 3 bedrooms each.

The application site would be located on the existing car park for the Labour in Vain Public House. The existing car park has 46 car parking spaces to serve the pub which can operate at a maximum of 60 covers within the restaurant. The indicative layout details that 20 spaces would be retained to serve the commercial premises.

Appendix B of the Car Parking Standards requires 15 spaces for this development plus 1 space per 2 staff. As the pub is currently closed there are no definitive staff numbers however as the development would retain 20 onsite parking spaces for the pub the remaining 5 spaces would cover 10 members of staff as per the requirements of the local car parking standards. It is also noted that as a village pub many of the patrons would live within walking distance of the facility.

The Highways Officer raises no objection to the development in relation to highway safety subject to conditions relating to providing parking and turning areas. This shall be added to any consent granted.

Policies and Guidance:-

National Design Guidance (NDG)

National Planning Policy Framework (NPPF) – Section 9. Promoting sustainable transport

The Plan for Stafford Borough (TPSB) 2011-2031 – Policies T1 Transport, T2 Parking and Manoeuvring Facilities, Appendix B – Car Parking Standards

## 5. Trees

The application site is bounded by a number of trees, some protected by TPO 124. The Tree Officer notes that an Arboricultural Impact Assessment will be required to be submitted at reserved matters stage once a layout plan has been formalised. The applicant will be required to demonstrate that the development will not cause harm to trees. It is noted that the replacement of the existing car park with garden areas would benefit the trees located within the north eastern corner of the application site.

The Tree Officer raises no objection to the scheme subject to a condition requiring an AIA and a tree protection plan to be submitted alongside any subsequent reserved matters application.

Policies and Guidance:-

National Planning Policy Framework – Section 15 Conserving and enhancing the natural environment.

The Plan for Stafford Borough – Policy N4 The Natural Environment

## 6. Asset of Community Value

In June 2023 The Labour In Vain Public House (and its adjoining car park) was registered as an Asset of Community Value as per the Localism Act 2011. The Asset of Community Value provisions allow communities a right to identify a building or other land that they believe to be of importance to their communities well-being. On the basis of the information submitted to the council it has been demonstrated that in recent years the Public House has benefitted the well-being of the residents of Yarnfield Village.

It is noted that the protected community facilities designation (Policy SB2) is an entirely separate planning policy designation. It is not related to the Asset of Community Value provision in any way. Communities may seek to list a facility which is identified as a protected community facility as an Asset of Community Value. This will not affect its status as a protected community facility in planning policy. Policy SB2 of The Plan for Stafford Borough Part 2 however does seek to ensure that social and community uses, such as the Labour In Vain Public House, shall be protected.

The application seeks to remove 26 car parking spaces from the existing car park serving the Labour In Vain in favour of an outline planning consent for 3 dwellings. The application would retain 20 onsite parking spaces for the Public House and no change of use of the Public House has been applied for. Given that the retained car parking spaces comply with local car parking standards it is not considered that this application would have any bearing on the future use of this Public House as an asset for the community of Yarnfield. It should be noted that this is addressed within the report listing the Labour In Vain as an asset of Community Value dated 23.06.2023.

Policies and Guidance:-

The Plan for Stafford Borough Part 2 - Policy SB2 Protected Social and Community Facilities

## 7. Conclusion

The proposed development is situated within a Key Service Village within the Sustainable Settlement Hierarchy, as such the application site is considered to be in a sustainable location for residential development and accords with Spatial Principal 3 of The Plan for Stafford Borough.

It has been demonstrated that the development would not result in harm to the character of the Yarnfield Lane Streetscene or the residential amenity of any adjacent neighbouring dwellings.

It has been demonstrated that the development could retain sufficient parking for the adjacent Labour In Vain Public House alongside providing adequate parking provision for the proposed new dwellings ensuring the protection of an asset of community value for the Village of Yarnfield.

As such it is recommended that outline planning permission is granted for three dwellings at this application site with access approved, subject to relevant conditions and a subsequent reserved matters application.

## Consultations

Highway Authority - 18/04/2022

This application should be refused for the following reasons: -

The proposed development reduces the parking to an existing development resulting in an increase in the likelihood of highway danger due to the likelihood of vehicles being parked on the public highway.

Highway Authority – 29/06/2023

The developer has now submitted amended and additional drawing for this development. The amended drawing demonstrates that the parking for the existing pub/restaurant has been increased to the maximum available within the site curtilage a total now of 26 spaces.

I no longer have any objection to this application subject to the following condition.

1. The development hereby permitted shall not be brought into use until the parking, servicing, and turning areas have been provided in accordance with the approved plans.

Pollution Control Officer:

No response received.

Cadent:

No objections subject to informative.

Informative Note into the Decision Notice:

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure

that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions)

Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

#### Staffordshire Fire and Rescue:

The applicants attention is drawn to the comments of the Fire and Rescue Service as submitted in response to consultations on this application. All comments can be viewed online through the planning public access pages of the Council's website at ([www.staffordbc.gov.uk](http://www.staffordbc.gov.uk))

#### Parish Council:

1. Claims that the Labour in Vain public house is no longer viable are unsubstantiated. The applicant claims a deterioration in the business makes the asset unviable. This is disputed by the Parish Council. A well-managed and marketed hospitality business is a viable use of this building and the reduction in size of the car park will cause substantial harm to the viability of the public house.
2. The public benefit of creating three new dwelling houses will be outweighed by the loss of amenity from the proposed development and that the historic use as a public house is the "optimum viable use" for the site and the community.
3. Policy E1 Local Economy - (d) - The application will have a detrimental effect on the viability of the Labour in Vain which in turn will diminish the viability and economy of Yarnfield and the surrounding rural economy.
4. Policy E2 Sustainable Rural Development (g) -The loss of part of the car park for the Labour in Vain will affect the operation of the pub and this will have a detrimental effect on the amenity of the area.
5. Policy E6 Tourism - Supporting tourism opportunities in rural areas to sustain the local economy, the concern is that the reduction in the car park will have a detrimental effect on the viability of the Labour in Vain.
6. Policy E8 Town, Local and Other Centres - The application is at odds with this policy as it fails to maintain and enhance the functions, vitality and viability of the parish and may lead to the loss of an existing facility.
7. Policy T2 Parking and Manoeuvring Facilities - Safe and adequate provision has not been made for parking on the development. The residential parking is accessed off the retained area of the Labour in Vain carpark. There is no reason to think the pub will not be operating in the future. The pub carpark, the capacity of which will be reduced if the proposal is approved, will be used by customers of the pub leading to occupiers of the proposed housing having to drive through the potentially busy carpark to access their property which may lead to conflict.
8. Policy N1 Design - The design fails to take account of noise and light implications, together with the amenity of adjacent residential areas or operations of existing activities. The location of three dwellings in close proximity to an existing public house will lead to conflict between the residents and the operation of the pub.

Noise from both the pub and customers using the car park will have a detrimental effect on people living in the three houses.

9. Policy N1 Design - The design fails to clearly distinguish between public and private space, and provide space for storage, including for recycling materials.
10. Policy N1 Design - The design fails to ensure that there is space for water within the development layout to facilitate the implementation of Sustainable Drainage Systems.
11. Policy N2 Climate Change - The application refers to surface water being disposed of using a sustainable drainage system. Contrary to the claim in the application "that the proposal is not within 20 metres of a watercourse (e.g. river, stream or beck)" the eastern boundary of the site lies on Yarnfield Brook. There are in the vicinity of the proposal several natural springs and the water table in the surrounding area is known to be close to the surface, the effect of which will compromise the installation of an effective sustainable drainage system.

The application is silent on how foul sewage will be disposed of. There is a known problem in the locality of the development with the capacity of the existing sewer system. Further work will be required to demonstrate that the proposal would not further compromise and already over stretched system.

#### Environmental Health:

No objection. Whilst the proposed development near an established public house use, the area is a predominantly mixed use. There are several residential properties in closer proximity to the pub. I am satisfied that the proposed house would not be adversely affected by the pub.

#### Tree Officer:

##### Arboricultural Recommendation

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

#### BS5837:2012 – pre commencement

Prior to commencement an Arboricultural Impact Assessment and Tree Protection Plan showing all trees and tree groups which are classified as retained and which is compliant with BS5837:2012 "Trees in relation to design, demolition and construction - Recommendations" shall be submitted and agreed in writing with the local planning authority. The information submitted shall demonstrate measures to protect all retained trees from direct and indirect damage from such activities including any groundworks, construction activity or materials storage.

#### Neighbours (15 consulted):

53 responses received: Material planning considerations summarised below:

- 1 in support subject to privacy mitigations.
- 1 in support
- Objections in relation to privacy and overlooking
- Lack of facilities in Yarnfield for new housing.
- Concerns raised over access
- Cramped appearance.
- Loss of parking to the existing pub

- Concerns raised over TPO trees

Site Notice:

Expiry date: 13.04.2023

### Relevant Planning History

- 00/38647/FUL - Double Garage and Bin Store Together With The Enclosure Of 3 No External Flues - Permit - 15.03.2000
- 00/38980/ADV - Signage - Permit - 20.06.2000
- 14/21570/FUL - Demolition of existing outbuilding and part existing storage building, removal of existing tank store to flat roof area, new extract ventilation units to kitchen area pitched roof, new bin store area with fencing and new picket fencing, new external smoking area and alterations to existing external drinking area, new disabled access ramp to front with new main entrance door - Permit - 09.03.2015
- 15/21576/ADV - Illuminated and non-illuminated signs to the exterior of the building – Permit - 02.03.2015

### Recommendation

Approve, subject to the following conditions:

1. Approval of the details of the design and external appearance of the building(s) including their scale, the layout of the site and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
4. 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 permission, in which case the condition shall take precedence:-  
Drawing Numbers - (10)001 F8, 3007\_PHD\_A\_A (10)002
5. An electric vehicle charging point shall be provided within the application site.
6. No more than three dwellings shall be constructed.
7. No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures

to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 56 days of the report being completed and approved in writing by the local planning authority.

8. The development hereby permitted shall not be brought into use until the parking, servicing, and turning areas have been provided in accordance with the approved plans.

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

1. The application has been made for outline permission only
2. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
3. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
4. To define the permission.
5. To provide methods for sustainable transport at the application site (Policy N2 of The Plan for Stafford Borough)
6. To define the permission.
7. To prevent pollution. (Paragraph 178 of the National Planning Policy Framework).
8. To ensure the provision of adequate off-street facilities in the interests of the convenience and safety of users of the highway. (Policy T2d 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 2021, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.
- 2 Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the

land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions)

Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

- 3 The applicants attention is drawn to the comments of the Fire and Rescue Service as submitted in response to consultations on this application. All comments can be viewed online through the planning public access pages of the Council's website at ([www.staffordbc.gov.uk](http://www.staffordbc.gov.uk))

**23/37093/OUT**  
**Labour In Vain Inn**  
**Yarnfield Lane**



<b>Application:</b>	21/35138/REM
<b>Case Officer:</b>	Alison Young
<b>Date Registered:</b>	15 December 2021
<b>Target Decision Date:</b>	9 February 2022
<b>Extended To:</b>	(none)
<b>Address:</b>	Former Eagle Inn Car Park, Newport Road, Eccleshall, Stafford
<b>Ward:</b>	Eccleshall
<b>Parish:</b>	Eccleshall
<b>Proposal:</b>	Residential development for up to 2 dwellings appearance, landscaping, layout, scale
<b>Applicant:</b>	Mr K P Jones
<b>Recommendation:</b>	Approve

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## REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor Jones (Ward Member for Eccleshall) for the following reason:-

" Scale and massing of the proposed dwellings with respect to the adjacent properties. There is insufficient specific information provided which is required as part of the conditions of the outline planning approval".

### Context

The Application Site is a roughly rectangular shaped parcel of open land located to the east of Newport Road and which was formerly the car park to the Eagle Inn located 30m to the north. The site measures approximately 700m<sup>2</sup> in area. The site adjoins Newport Road to its southern boundary and the relatively recent Spring Hollow development of houses is located to the east.

The houses which front onto Spring Hollow, located to the north and east of the site consist of modern, red brick, two and two and a half storey houses with the dwellings directly adjoining the north and north western parts of the site having rooms in the roof lit by dormer windows and accommodation over three floors. The neighbouring dwellings to the south of the site are two storey but are raised up slightly in comparison to the application site and are set back from Newport Road behind a wide grassed verge. The dwellings to the opposite side of Newport Road from the application site are a mix of

detached and semi-detached 20<sup>th</sup> century dwellings with more traditional and smaller scale properties fronting Gaol Butts to the north/ east of the site.

The Site lies within the settlement boundary of Eccleshall. The boundary of the Eccleshall Conservation Area is to the northern side of Gaol Butts and Horse Fair incorporating the Eagle Inn building itself.

## **Background**

The site is located within the settlement boundary of Eccleshall and the principle of development has previously been established in the granting of the extant outline permission (20/32127/OUT). The access to the site from Newport Road was approved at outline stage.

Condition 2 of the outline permission required an application for the approval of reserved matters to be made before the expiration of three years from the date of the permission - 21.07.2020. This reserved matters application was registered as valid on 15.12.2021, within the three year period.

## **Proposal**

The current application seeks approval of reserved matters for the appearance, landscaping, layout, and scale of the development. The reserved matters application is sought for two dwellings. The proposed dwellings would be large executive type homes comprising 4 bedrooms and 2.5 storeys in height to accommodate bedrooms within the roof. The dwellings would have a large footprint

Each of the dwellings would have a driveway, two parking spaces and a turning area. The scale of the proposed properties and footprint of the dwellings would result in a small private garden to the side of Plot 1 and a narrow linear strip of garden to the rear of Plot 2. The plans specify that the boundaries would be marked by brick walls.

## **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 comprises of The Plan for Stafford Borough 2011-2031, The Plan for Stafford Borough Part 2 2011-2031 and the Eccleshall Neighbourhood Plan

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

The site is located within the settlement boundary of Eccleshall and the principle of development has previously been established in the granting of the extant outline permission, leaving only details of appearance, landscaping, layout, and scale to be considered under this application for the approval of reserved matters.

Condition 2 of the outline permission requires an application for the approval of reserved matters to be made before the expiration of three years from the date of the permission –

July 2020. These reserved matters application was registered as valid on 15.12.2021, well within the three-year period.

Policies and Guidance:

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

Supporting the location of new development, The Plan for Stafford Borough: Part 2

Policies: SB1 Settlement boundaries

Eccleshall NDP Policy 1

## 2. Impact on the Conservation Area

The site itself is outside the Conservation Area, the boundary of which is to the other side of Newport Road and to the north of Gaol Butts and Horse Fair. The Conservation Officer objected to the outline application on grounds of the loss of parking for the pub which would lead to on road parking and further congestion on Gaol Butts and Small Lane which are both historic streets and covered by an article 4 direction, resulting in an unwelcoming atmosphere and substantial harm to the character and appearance of the Conservation Area.

Notwithstanding the conservation objection to the proposed development, outline planning permission was granted under permission reference 20/32127/OUT for the erection of two dwellings on the site with all matters except access reserved. The current application seeks approval of reserved matters for appearance, landscaping, layout, and scale of the development.

The Conservation Officer has objected to the reserved matters scheme on the basis that the development would result in less than substantial harm to the Conservation Area. They comment that *'the scale of the dwellings results in them appearing cramped on the narrow plot and having very little in the way of private amenity space. Their height and scale are disproportionate to the other dwellings on this side of Newport Road which are primarily smaller terraced houses. The proposed development is grossly disproportionate to the size of the plots - both the floor area of the dwellings and the height should be reduced.'* Concern was also raised about the lack of information regarding proposed materials however amended drawings have been received in addition to some material specifications for the external finishes, windows, and doors. The materials are now considered acceptable.

The amended plans referred to above reduce the height of the proposed dwellings by 0.25m and the length by 0.45m, the dwellings remain as large scale properties when compared with the size of the plot and the Conservation Officer still raises objection to the development. Whilst the Conservation Officer concludes that the development proposals in their current form would result in less than substantial harm to the degree of moderate harm to the character and appearance of the setting of the Eccleshall Conservation Area, the proposals will not be higher to the ridge than the existing Spring Hollow dwellings and will be viewed against the backdrop of these properties and in the context of this relatively recent development of two and a half storey houses when approaching along Newport Road. The site is not within the Conservation Area itself. There is an existing outline consent for two dwellings and the provision of housing in a sustainable location is of public benefit.

When viewed from the Conservation Area itself the development would be set against the backdrop of the elevated two and a half storey dwellings which front Spring Hollow and although the proposed dwellings are large scale properties on a narrow site it is considered that on balance the impact of the development on the character and appearance of the setting of the Conservation Area is acceptable.

The proposed development therefore complies with the provisions of policies N1, N8 and N9 of the Plan for Stafford Borough.

Policies and Guidance:-  
National Planning Policy Framework Section 16

The Plan for Stafford Borough  
Policies: N1 Design; N8 Landscape character  
Supplementary Planning Document (SPD) – Design

Eccleshall NDP Policy 5

### **3. Character and Appearance**

#### **Layout**

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 design, layout and materials.

The site is a relatively narrow strip of land fronting onto Newport Road with existing dwellings to the sides and rear of the site. There is one existing access into the site and another access was approved at outline stage. Each dwelling would have two parking spaces to the side and a turning area and the dwellings would be set back in the site to allow for the visibility splays across the frontage of the site.

The proposed dwellings have large footprints and each dwelling would only benefit from a relatively small area of private amenity space (approx. 100 sqm) when compared with the scale of the dwellings themselves. However, the gardens would be surrounded by brick walls to ensure privacy and there would be sufficient space provided for a sitting out area for future residents. The plans indicate that the garden areas would be lawned. Given the scale of the proposed dwellings in relation to the size of the site permitted development rights for extensions and outbuildings can be removed to prevent additional development of the site in the future.

#### **Scale and appearance**

The proposed dwellings are large scale, detached, two and half storey house types of brick and tile finish. The nearest existing residential development to the site is a recent housing development directly to the north and east which are two and a half storey brick built, semi-detached dwellings. The materials proposed for the dwellings have been

submitted and are generally acceptable although submission of additional details can be controlled by condition.

As stated above the proposals will not be higher to the ridge than the existing Spring Hollow dwellings and will be viewed against the backdrop of these properties and in the context of this relatively recent development of two and a half storey houses when approaching along Newport Road. A condition requiring details of existing and finished floor levels of the proposed dwellings can be required by condition to ensure the ridge lines of the houses are in line with neighbouring properties.

### **Amenity**

Policy N1 of TPSB requires the design and layout of development to take account of noise and light implications and amenity of adjacent residential areas. The Design SPD provides detailed guidance including regarding garden sizes and separation distances between dwellings.

The front elevations of the dwellings would face onto Newport Road, the dwellings opposite are at a distance of over 21m, thereby satisfying guideline 2 of the Council's Design SPD (Supplementary Planning Document).

The rear elevation of plot 1 would be 18m from the rear of 16 Spring Hollow; whilst this is shorter than the 21m recommended in guideline 2 of the SPD, there would be no instances of directly facing windows. This is because the proposed two dwellings only have first floor, rear elevation windows that are bathrooms and secondary rather than main habitable rooms and could be conditioned to have obscure glazing. This would protect the level of privacy of the neighbours to the rear of the site. Following the amendment which moved the dwelling on plot 1 further forward, the residential amenity of 15 and 16 Spring Hollow is retained including within their gardens which are positioned to the east of the site.

The side-facing windows of No14 and No18 Spring Hollow would face onto the site, however as they are not habitable windows and are not directly facing the proposed dwellings, it is considered that this would result in an acceptable level of residential amenity being retained for the two dwellings.

The Environmental Health Officer provided comments on the outline application. 20/32127/OUT is subject to conditions relating to hours of works, noise, and dust; such conditions do not need to be repeated should this application be approved.

As stated above the dwellings would have a relatively small area of private, outdoor amenity space but there would be sufficient space for sitting out and drying and the boundary walls proposed would ensure privacy of this space.

On balance, the level of amenity for both existing and future occupiers is considered to be acceptable with regard to policy N1 of The Plan for Stafford Borough and the Design SPD.

Policies and Guidance:-

National Planning Policy Framework  
Paragraphs: 124, 127, 128 and 130

The Plan for Stafford Borough  
 Policies: N1 Design; N8 Landscape character  
 Supplementary Planning Document (SPD) – Design

#### **4. Conclusion**

The principle of residential development on this site has been established in granting outline consent - 20/32127/OUT - which included the access arrangement. All significant issues relating to design, scale, appearance and landscaping are considered to have been adequately addressed in this application.

There is an existing outline consent for two dwellings and the provision of housing in a sustainable location is of public benefit. The site is not located within the Conservation Area and when viewed from the Conservation Area the development would be set against the backdrop of the elevated two and a half storey dwellings which front Spring Hollow. Although the proposed dwellings are large scale properties on a narrow site it is considered that on balance the impact of the development on the character and appearance of the setting of the Conservation Area is acceptable.

#### **Consultations (summarised)**

##### **Eccleshall Parish Council 16.02.23**

Continues to object to the application due to the excessive scale and mass of the proposed dwellings with respect to the adjacent properties.

(Original response 11.01.22)

Objects to the application due to the excessive scale and mass of the proposed dwellings with respect to the adjacent properties. In addition, there is insufficient specific information provided which is required as part of the conditions of the outline planning approval

##### **Conservation Officer 07.03.23**

The amendments to the plans are very minor, with the overall height of the dwellings being reduced by just 25cm which makes no discernible difference to their scale and massing. They still remain 2.5 storey executive type detached dwellings that constitute as over development of the modest site area. It appears as though the material specifications remain unchanged with windows and doors are still proposed to be in uPVC rather than painted timber or powder-coated aluminium, and the roof is still specified to be a grey plain clay tile rather than Staffordshire Blue plain clay tile.

The primary conservation concerns with the proposed development are still yet to be resolved, as such the development proposals in their current form would still result in less than substantial harm to the degree of moderate harm to the character and appearance of the setting of the Eccleshall Conservation Area through overdevelopment of the site, excessive scale, massing, and use of inappropriate materials.

The proposed development is therefore contrary to policies N1, N8 and N9 of the Plan for Stafford Borough and paragraphs 200 and 202 of the National Planning Policy Framework 2021. In addition, it does not satisfy S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which places emphasis on preserving and/or enhancing the character and appearance of conservation areas.

(Previous response 08.04.22)

Following the conservation comments dated 15 February 2022, amended drawings have been received in addition to some material specifications for the external finishes, windows, and doors.

The scale and form of the proposed dwellings has not been reduced or amended as previously requested, they still remain large executive type homes comprising 4 bedrooms and 2.5 storeys in height. They are disproportionately large for the size of the plot they would occupy and out of keeping with the form of other dwellings in the near vicinity which are either semi-detached or terraced. As previously advised, the developer should consider substituting the two large executive homes for a pair of semi-detached dwellings and reducing the height to no more than two storeys - this would grant more private amenity space and be more proportionate to the plot sizes and be less dominating in the Newport Road street scene.

I have previously advised, as the site is within the setting of the Eccleshall Conservation Area, materials should be sympathetic to the character of the area. The majority of the above materials are acceptable from a conservation perspective however, the roof tiles should be specified as Staffordshire Blue plain clay only (not grey plain clay). The windows, as previously stated in my comments dated 15 February 2022, should be painted timber or powder-coated aluminium, not uPVC as specified.

Many of the primary conservation concerns with the proposed development are still yet to be resolved, as such the development proposals in their current form would still result in less than substantial harm to the degree of moderate harm to the character and appearance of the setting of the Eccleshall Conservation Area.

The proposed development is therefore contrary to policies N1, N8 and N9 of the Plan for Stafford Borough and paragraphs 200 and 202 of the National Planning Policy Framework 2021. In addition, it does not satisfy S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which places emphasis on preserving and/or enhancing the character and appearance of conservation areas.

(Original response 15.02.22)

The Inn itself does not have any car parking within its curtilage but does benefit from a reasonably sized car park adjacent to the south-east approximately 30 metres away outside of the conservation area on Newport Road.

The proposed dwellings would be large executive type homes comprising 4 bedrooms and 2.5 storeys in height. The scale of the dwellings results in them appearing cramped on the narrow plot and having very little in the way of private amenity space. Their height and scale are disproportionate to the other dwellings on this side of Newport Road which are primarily smaller terraced houses. The proposed development is grossly disproportionate to the size of the plots - both the floor area of the dwellings and the height should be reduced. The developer should consider substituting the two large executive homes for a pair of semi-detached dwellings - this would grant more private amenity space and be more proportionate to the dwellings on Spring Hollow just north-east of the site.

No information has been submitted to specify the external facing materials of the proposed dwellings. As one of the reserved matters is appearance, the external materials need to be submitted. As the site is within the setting of the Eccleshall Conservation Area, materials should be sympathetic to the character of the area. For the roof Staffordshire Blue plain clay roof tiles should be used, red brick would be acceptable for the walls. Render would be considered but not on the scale of dwellings currently proposed as this would make them more visually prominent in the street scene. Windows and doors should be painted timber or powder-coated aluminium, not uPVC.

The development proposals in their current form would result in less than substantial harm to the degree of moderate harm to the character and appearance of the setting of the Eccleshall Conservation Area.

The proposed development is therefore contrary to policies N1, N8 and N9 of the Plan for Stafford Borough and paragraphs 200 and 202 of the National Planning Policy Framework 2021. In addition, it does not satisfy S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which places emphasis on preserving and/or enhancing the character and appearance of conservation areas.

Furthermore, insufficient information has been provided with regards to the external materials and finishes of the proposed new dwellings.

### **Neighbours**

5 responses from 5 addresses to original consultation, and 5 responses from 3 of the original addresses to the latest amended plans:

- Scale of development - siting of dwellings to rear of plot, scale of dwellings in relation to plot size
- Amendments proposed are token changes only - do not address concerns regarding scale of proposed dwellings
- Accuracy of plans with respect to height of existing and proposed dwellings
- Impact on boundary fence
- Potential for construction of garages in the future impact on neighbouring amenity
- Impact of rising levels across the site and height of dwellings
- Increased noise disturbance on existing residents
- General disturbance to existing residents
- Loss of light to neighbouring gardens and within habitable rooms
- Increased traffic and congestion in busy area
- Negative impact upon neighbours and village
- Noise disturbance from road on proposed residents
- Siting/placing of proposed houses
- Size and mass of development impacting on the surrounding area
- Loss of Privacy
- Blocking of neighbouring driveway resulting in parking on Newport Road

Site Notice expiry date: 07.09.2022

### **Relevant Planning History**

20/32127/OUT-Residential development for up to 2 dwellings. Approved 21.07.2020.

## **Recommendation**

Approve subject to the following conditions:

1. This approval of reserved matters in respect of appearance, landscaping, layout, and scale is granted pursuant to outline planning permission 20/32127/OUT and the approved development shall comply in all respects with the terms of that outline permission and the conditions imposed on it.
2. This permission relates to the originally submitted details and specification and to the following drawings, except where indicated otherwise by a condition attached to this consent (or 20/32127/OUT), in which case the condition shall take precedence:-
  - 1185 00 - Location plan
  - 1185 01C - Existing and proposed site plan
  - 1185 - Proposed plans and elevations
  - 1186 - Proposed streetscape elevations
3. Notwithstanding any description/details of external materials in the application documents, the development shall not proceed beyond slab level until precise details or samples of the materials to be used in the construction of the external wall(s) and roof(s) of the building(s) have been submitted to and approved in writing by the Local Planning Authority.
4. Notwithstanding any description/details in the application documents, before the development is first occupied the (rear) east-facing, first-floor windows on the dwellings serving bathrooms and dressing rooms as illustrated on Drawing 1185 02E shall be obscure glazed and non-opening up to 1.7m in height above floor level and shall thereafter be retained as such.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any other subsequent equivalent Orders, no development within Classes A (alterations, improvement, enlargement or other alteration), B (additions or alterations to the roof that enlarge the house), C (other additions/alterations to the roof) and E (buildings, pools or enclosures within the curtilage of the dwelling) of Part 1 and Class A (gates, fences, walls etc) of Part 2 to Schedule 2 shall be carried out without the prior written consent of the Local Planning Authority.
6. Notwithstanding the submitted information no development shall take place before details of the proposed finished floor levels; ridge and eaves heights of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a

fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding property and shall demonstrate that the ridge heights of the proposed dwellings shall not exceed those of 14/15 Spring Hollow.

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

1. To define the development.
2. To define the development.
3. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
4. To prevent any overlooking and ensure sufficient residential amenity for neighbouring occupiers (Policy N1 of The Plan for Stafford Borough)
5. To allow the Local Planning Authority to retain control over the development in the interests of visual and residential amenity (Policy N1 of The Plan for Stafford Borough).
6. To ensure a satisfactory relationship the site and adjoining land. To ensure that construction is carried out at a suitable level having regard to the amenities of neighbouring properties (Policy N1 of The Plan for Stafford Borough)

## **INFORMATIVE(S)**

- 1 In dealing with this application, Stafford Borough Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the period for determining the application, having regard to the policies of the development plan, paragraph 38 of the National Planning Policy Framework 2021 and other material planning considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development.

**21/35138/REM**  
**Former Eagle Inn Car Park**  
**Newport Road**



<b>Application:</b>	22/36889/HOU
<b>Case Officer:</b>	James Hughes
<b>Date Registered:</b>	6 February 2023
<b>Target Decision Date:</b>	3 April 2023
<b>Extended To:</b>	(none)
<b>Address:</b>	14 Byron Close, Stafford, ST16 3NY
<b>Ward:</b>	Coton
<b>Parish:</b>	(none)
<b>Proposal:</b>	Retention of a detached outbuilding within the front curtilage adjacent to Byron Close
<b>Applicant:</b>	Mr Dascalescu
<b>Recommendation:</b>	Refuse

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## REASON FOR REFERRAL TO COMMITTEE

The application was originally called in to be decided at planning committee by Councillor W J Kemp of Coton Ward on 21/02/23. Councillor Kemp, however, ceased to be a Member prior to the application being presented at planning committee.

Councillor L Nixon and Councillor A Reid of Coton Ward have both confirmed that they wish to take over the call-in request. The reasons for the call-in are as follows:

- Over-intensification of the front garden
- Change of street scene

### 1.0 CONTEXT

#### The Application Site

14 Byron Close is a two-storey, semi-detached dwellinghouse on the west side of Byron Close, within the settlement of Stafford. The dwelling has cream render applied to all elevations and a tiled, hipped roof, which is shared with adjoining 13 Byron Close. Windows are white UPVC.

The dwelling is orientated east towards the highway. 13 Bryon Close is adjoined to the dwelling to the south, whilst 36 Douglas Road West is adjacent to the northwest and orientated 90 degrees away from the dwelling, to face northwards towards Douglas Road West. The application property has a large front garden area fronting Byron Close, with off-street parking and an existing detached outbuilding (the retention of which is the

subject of this application). The surrounding area is suburban residential in character, with Bryon Close made up of similar semi-detached or link semi-detached dwellings.

### **Proposed Development**

The application seeks permission for the retention of an unauthorised detached outbuilding, sited within the front curtilage of the application property approximately 0.5 metres from the highway edge of Byron Close. The outbuilding is square and measures 5m x 5m, with a 0.7m canopy over the front (east) elevation. The outbuilding is timber framed and is made up of orange interlocking timber panels to external walls, with a shallow gable roof with red/pink roof tiles. Fenestration consists of white painted timber doors to the front elevation and a white painted timber window, also to front elevation.

The submitted information did not confirm the use of the outbuilding. However, subsequent contact with the applicant was made and the applicant has clarified the outbuilding is currently empty, with potential future uses as 'storage' or a 'summerhouse' for the private enjoyment of the applicant and their family.

### **Planning policy framework**

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

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

## **OFFICER ASSESSMENT - KEY CONSIDERATIONS**

### **2.0 PRINCIPLE OF DEVELOPMENT**

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

The principle of development is therefore considered to be acceptable given that the property is located within a sustainable location in the Stafford settlement boundary, but subject to other material considerations being satisfied, including:-

- Impact upon the character and appearance of the host dwelling and the surrounding area;
- Residential amenity;

### **Policies and Guidance:-**

National Planning Policy Framework 2021 (NPPF)  
Paragraphs 8 and 11  
The Plan for Stafford Borough 2011-2031 (TPSB)

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

Part 2 - SB1 (Settlement Boundaries)

### **3.0 CHARACTER AND APPEARANCE**

Policy N1 of the TPSB sets out design criteria including the requirement for design and layout to take account of local context and to have high design standards which preserve and enhance the character of the area. Section 8 of the Supplementary Planning Document on Design (SPD) then provides further detailed guidance on extensions and alterations to dwellings. Paragraph 130 of the NPPF also stipulates that planning decisions should ensure that developments are well designed and function well, with due consideration to be made to impacts proposals may have on local character and place.

The outbuilding is a highly prominent form of development, given that it is sited in the front garden area of the application property, proximate to the intersection of Byron Close and Douglas Road West. The outbuilding is an unduly prominent and discordant feature that has a negative impact on the character of the street scene and local area. The impact the outbuilding has on the character of the street scene is further compounded through the use of unsightly orange timber interlocking panels and red/pink roof tiles, which do not correspond with materials used in construction of surrounding dwellings. The white timber casements installed into the front elevation of the outbuilding also visually jar with the orange timber walls.

The proposal is unacceptable through undue impact to the character and appearance of the surrounding area and thus cannot be supported due to failure to be consistent with Policy N1 of TPSB and Paragraphs 130(a), (b) and (c) of the NPPF. Paragraph 134 of the NPPF states that development that is not well designed should be refused, particularly where it fails to reflect local design policies.

#### **Policies and Guidance:-**

National Planning Policy Framework 2021 (NPPF)  
Section 12 - Achieving well-designed places  
The Plan for Stafford Borough 2011-2031 (TPSB)  
N1 (Design)  
Supplementary Planning Document – Design (SPD)

### **4.0 RESIDENTIAL AMENITY**

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

Although Section 3 of this report establishes that the development is unacceptable in terms of character and appearance, the scale and siting of the outbuilding would not be expected to result in any undue impact on the living conditions of nearby occupiers. As such, the proposal is consistent with relevant local and national policy considerations as set out below insofar as residential amenity is concerned.

**Policies and Guidance:-**

National Planning Policy Framework 2021 (NPPF)  
 Paragraph 130  
 The Plan for Stafford Borough 2011-2031 (TPSB)  
 N1 (Design)  
 Supplementary Planning Document - Design (SPD)

**CONCLUSION AND PLANNING BALANCE**

Due to its prominent siting forward of the front elevation of the application property, as well as unacceptable appearance through application of incongruous and jarring external materials, the outbuilding as constructed is an unacceptable form of development that has unacceptable impact on the character of the street scene and surrounding area. As such, the proposal fails to be consistent with Policy N1 of The Plan for Stafford Borough and Paragraphs 130(a), (b) and (c) of The National Planning Policy Framework.

**CONSULTATIONS****Neighbours:**

(10 consulted): 1 representation received raising no objection to the development.

**Relevant Planning History**

None.

**Recommendation**

Refuse due to the following reasons:

1. Due to its prominent siting forward of the front elevation of the application property, as well as unacceptable appearance through application of incongruous and jarring external materials, the outbuilding as constructed is an unacceptable form of development that has an unacceptable impact on the character of the street scene and surrounding area. As such, the proposal fails to be consistent with Policy N1 of The Plan for Stafford Borough and Paragraphs 130(a), (b) and (c) of The National Planning Policy Framework.

**INFORMATIVE(S)**

- 1 In dealing with this application, Stafford Borough Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the period for determining the application, having regard to the policies of the development plan, paragraph 38 of the National Planning Policy Framework 2021 and other material planning considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development.

2 For the avoidance of doubt, the decision is based on the following submitted plans:

- Site Location Plan ('Location plan 14 Byron Close)
- Site Plan ('Site plan 14 Byron Close)
- Floor Plans ('Floor plan')
- North Elevation ('North elevation')
- East Elevation ('East elevation')
- South Elevation ('South elevation')
- West Elevation ('West elevation')

**22/36889/HOU**  
**14 Byron Close**  
**Stafford**



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 PLANNING COMMITTEE - 19 JULY 2023
 

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**Ward Interest - Nil**

### Planning Appeals

*Report of Head of Development*

#### Purpose of Report

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

#### Notified Appeals

Application Reference	Location	Proposal
<b>22/35873/HOU + Cost Claim Delegated refusal</b>	19 Winton Vale Stafford	Retrospective planning permission for the erection of a 2m high fence
<b>22/36288/OUT Non determination</b>	Land At Burston Lane Burston	Outline application with all matters reserved - development of two self build dwellings
<b>22/35600/HOU Non Determination</b>	Wolseley House Orchard Lane Wolseley Bridge	Form two storey and single storey extensions and elevations alterations to existing dwelling
<b>21/34104/HOU Delegated refusal</b>	32 The Parkway Trentham	Structure with glass elevations and roof on garden patio
<b>22/36212/ADV Delegated Refusal</b>	Land Adjacent To 5 Wolverhampton Road Stafford	Replacement of existing externally illuminated poster advertisement display with internally illuminated D-poster

#### Decided Appeals

Application Reference	Location	Proposal
<b>22/35765/FUL Appeal Allowed Committee Refusal</b>	Former University Halls Of Residence Stafford Education And Enterprise Park Weston Road	Change of use from student accommodation to asylum seeker accommodation
<b>21/34623/FUL Appeal Allowed</b>	Darlaston Inn Darlaston Roundabout At	Demolition of existing Public House and Children's Indoor

<b>Delegated Refusal Call in WD</b>	Junction With A51 North	Play warehouse with redevelopment of the site to provide 24hr petrol filling station accessed from A34 comprising new forecourt with canopy (3 starter gate for car), underground tanks, 4 no car jetwash bays, 1 no car wash, 1 no vac/air bay, parking (15 customer car spaces & 4 cycle), 8no covered EVC bays (with solar PV to roof), landscaping / picnic area and sales building (total 465 GEA sqm / 421 sqm GIA) including store, office, wc and convenience store with ancillary food counter together with ATM.
<b>21/33668/COU Appeal Allowed Delegated Refusal Call in Withdrawn</b>	Land Adjacent Bower Lane Etchinghill Rugeley	Change of use from agricultural land to a dog exercise area, with associated access track and parking area
<b>21/34512/FUL Appeal Dismissed Delegated Refusal</b>	Land At 53 Adamthwaite Drive Blythe Bridge	The construction of a 3 bedroom single storey dwelling. Complete with driveway.
<b>22/35853/HOU Appeal Allowed Delegated Refusal</b>	The Byre Meretown Lane Forton	Erection of a single storey side extension
<b>21/35143/HOU Appeal Dismissed Delegated Refusal</b>	8 Grindley Lane Meir Heath Stoke On Trent	Raising of existing roof to create larger first floor and extension/reconfiguration to existing ground floor.

**Previous Consideration**

Nil

**Background Papers**

File available in the Development Management Section

**Officer Contact**

John Holmes, Development Manager Tel 01785 619302



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## Appeal Decision

Inquiry Held on 16, 17, 18 and 23 May 2023

Site visit made on 18 May 2023

**by G D Jones BSc(Hons) DipTP DMS MRTPI**

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

**Decision date: 26<sup>th</sup> June 2023**

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**Appeal Ref: APP/Y3425/W/23/3315258**

**Stafford Education and Enterprise Park, Weston Road, Stafford**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Serco Ltd against the decision of Stafford Borough Council.
  - The application Ref 22/35765/FUL, dated 28 March 2022, was refused by notice dated 27 July 2022.
  - The development proposed is change of use from student accommodation to asylum seeker accommodation.
- 

### Decision

1. The appeal is allowed and planning permission is granted for change of use from student accommodation to asylum seeker accommodation at Stafford Education and Enterprise Park, Weston Road, Stafford in accordance with the terms of the application, Ref 22/35765/FUL, dated 28 March 2022, subject to the conditions contained within the Schedule at the end of this decision.

### Preliminary Matters

2. The appellant seeks planning permission for a temporary period only, until the end of July 2029. I have considered and determined the appeal on this basis.

### Main Issues

3. Although they are the same as those I identified at the start of the Inquiry, I have re-ordered the main issues to better reflect how the main parties' cases were presented. Accordingly, the main issues are the effect that the proposed development would have on fear of crime, on social inclusivity and on local public health resources.

### Reasons

#### *Fear of Crime*

4. It is common ground between the main parties that fear of crime is capable of being a material consideration, however, they differ over whether it should be in this case. I have treated fear of crime as a material consideration for the purposes of making my decision. I have not found it necessary to set out the reasons for this, as it does not alter the outcome of the appeal due to the result of the planning balance, which can be found towards the end of my decision below.

5. Nonetheless, in this case, the fear of crime and actual crime attract no more than limited weight. This is principally because there is limited evidence to support the Council's case in this respect and that of interested parties who have made representations, including those who spoke at the Inquiry. It is clear though that very many local people hold genuine, strong concerns regarding how the proposed development might affect crime and over how residents of the site might behave.
6. It is an unfortunate reality that crime and fear of it form part of our society. While regrettable, it is unsurprising, therefore, that criminal cases and anti-social behaviour involving asylum seekers does occur, as cited in many of the submissions before me, including as raised by those who spoke during the Inquiry.
7. There is no compelling evidence, however, that criminal activity is more prevalent or extreme amongst asylum seekers than amongst the wider population. For instance, as one of the Council's witnesses accepted, the Freedom of Information response from Staffordshire Police referred to during the Inquiry does not establish any kind of relation between asylum seekers and criminal activity.
8. Nor has it been demonstrated that, were the proposed development to proceed, those living at the appeal site would pose a significantly greater threat compared to the current situation in terms of potential criminal activity, notwithstanding the circumstances of those asylum seekers, including their culture, wealth / income, mental health and that a high proportion of them may be single males. So, while I recognise that these fears are real, based on the information before me, they do not appear to be well-founded.
9. There is also no planning requirement, statutory or policy based, that new development shall guarantee an absence of criminal activity amongst its residents. Moreover, while I note the submissions regarding the asylum seekers already living in Stafford, there is no compelling evidence of criminal behaviour amongst them. In this regard the activities referred to either do not appear to have been criminal acts, such as congregating in public, or were not clearly criminal acts, such as the photograph of two men holding balloons. In any event it is also unclear whether the instances cited necessarily involved asylum seekers.
10. The appeal site is located close to family homes, schools and a nursery, as well as to recreational and other community facilities and infrastructure used by children. Parents, teachers and the wider community understandably and quite rightly want to ensure the wellbeing and safeguarding of children. Nonetheless, notwithstanding any cultural differences, there is no compelling evidence before me to indicate that when compared to the wider population asylum seekers, including single men, pose a greater risk to children or indeed any other group. No such concerns have been expressed by the management teams of local schools, the local education authority or the police.
11. The police have raised no wider objection to the appeal scheme either. Although they have made recommendations regarding the proposals, there is no good reason to believe that these imply that the development would have any significant effects, including on crime or fear of crime. Rather, they appear to be intended to mitigate risk through proportionate security measures tailored to the proposed scheme, as might be the case with other planned

- residential accommodation. They are also matters that could be secured and controlled via planning conditions.
12. Concerns have been expressed by interested parties regarding the size of the rooms that would be provided for residents of the appeal property, including that this may lead to asylum seekers congregating off-site. The Council, however, has not objected to the scheme on the basis of room size. I also note that the proposed accommodation would exceed what would be required were it to be subject to Housing in Multiple Occupation licencing. Although residents would be free to come and go from the premises, the courtyard area is substantial and would offer a pleasant, spacious environment for them to spend time outside without having to leave the site.
  13. The appellant has also indicated that it would facilitate activities for residents on-site and the asylum seekers would also be able to use existing facilities in the area. Residents' very modest income would be likely to significantly constrain their transport options and, therefore, the range of facilities that could be reached, as well as the services and facilities they could afford. There would, nonetheless, appear to be a reasonable range of facilities that residents could access off-site. This would include access to health services, including in respect to mental health.
  14. A planning condition, the wording of which is largely agreed between the Council and the appellant, has been put to me which would control details of a 'site operational management plan'. Such a condition, in combination with other conditions that might be imposed were planning permission to be granted, would help ensure that the appeal use would be well-managed, including via the establishment of a multi-agency forum and the provision of support to residents.
  15. My attention has been drawn to other appeal decisions, particularly in respect to the fear of crime as a material consideration. While I am not familiar with all of the circumstances of those other cases, they do appear to differ in notable respects to those of the appeal scheme. For instance, not all of them appear to have related to asylum seeker accommodation. Furthermore, where fear of crime was considered, in contrast to this case, there appears to have been clear evidence of existing crime and anti-social behaviour at another hostel. Moreover, each application for planning permission must be determined on its individual merits. Consequently, although I have taken them into account, none of these other cases have had a significant bearing on my decision.
  16. Notwithstanding their circumstances, including any cultural differences, language barriers, limits to their wealth / income and effects associated with the reasons why they are seeking asylum, it seems most likely that residents of the development would wish to be well-behaved and avoid criminal activity. To do otherwise would be likely to jeopardise their status as asylum seekers and could lead to deportation.
  17. Concerns have also been expressed regarding non-residents of the appeal premises, including any effects resulting from protests that might take place at the site and in respect to asylum seekers potentially being targeted by parties intent on exploiting them. However, there is also little evidence to indicate that such activity would necessarily occur or, if it were to, that it could not be reasonably managed and mitigated.

18. Consequently, any effect that the appeal use might have on the behaviour of local people as a result of fear of crime would either be likely to be limited or short-lived once the use had started and its real, rather than feared, effects had been experienced and understood. Accordingly, it would also be unlikely to have a significant effect on engagement with activities that promote healthy and sustainable lifestyles, such as walking and cycling.
19. For the forgoing reasons, therefore, the effect that the proposed development would have on fear of crime and on crime can attract no more than limited weight. Moreover, in these respects, there would be no conflict with paragraphs 92(a) & (c) and 130(f) of the National Planning Policy Framework (the Framework).

#### *Social Inclusivity*

20. As both main parties identify, there is some overlap between this main issue and that concerning fear of crime. I recognise that there are concerns locally and as expressed by the Council regarding the number of asylum seekers that would be housed at the site. It seems likely that the use would operate to its capacity of 481 residents given the apparent need for asylum seeker accommodation.
21. Nonetheless, there is also no good reason to believe that that number of asylum seekers would have a significant effect on social inclusivity bearing in mind the matters discussed in the foregoing sub-section, particularly once the existing community had experienced and understood the effects of the use in practice. Indeed, the development seems likely to offer the kind of opportunities for meetings between people who would not otherwise come into contact with each other as envisaged by Framework paragraph 92 (a).
22. I note the submissions that other approaches to housing asylum seekers might be preferable to what is proposed here, such as 'pepper-potting' or larger self-sufficient establishments. No such proposals are before me for determination, however. In any event, I must determine the appeal scheme as it is made, on its individual merits rather than by comparison to perceived alternatives or to an approach taken to accommodating asylum seekers elsewhere.
23. No directly funded support for the development to be secured via planning obligation has been proposed by the appellant. However, no public service providers or agencies have expressly stated that any such payments for services / facilities would be necessary in order to make the proposed development acceptable. The evidence indicates, nonetheless, that the Home Office would provide additional funding to the Council, as set out in the planning balance section below. This funding, direct from the Home Office, could be used to support social inclusivity.
24. Consequently, there is no good basis to conclude that the appeal development would have a significant effect on social inclusivity or conflict in that regard with Framework paragraphs 92 and 130.

#### *Local Public Health Resources*

25. The asylum seekers that would be housed at the appeal premises would be categorised as either Initial Accommodation (IA) or Dispersed Accommodation (DA) residents.

26. An on-site medical room is proposed to help screen and support IA residents. The main parties have suggested that its provision should be secured via condition in the event that planning permission were to be granted. Such on-site provision appears to be consistent with what the Independent Commissioning Body, including its predecessor the Clinical Commissioning Group, (the ICB) has requested. The evidence indicates that the Home Office would provide this facility.
27. While the on-site facility would provide for at least some of the medical needs of IA residents, off-site services would nonetheless be called upon, for instance in emergencies and following referral from GPs. The DA residents would rely exclusively on existing healthcare facilities off-site. Consequently, the introduction of the proposed use would place an additional demand on local health resources. I also note the numerous submissions from local people regarding their experiences attempting to access medical services.
28. Nonetheless, the evidence indicates that GP practices receive additional funding for any resident new to the area, including an asylum seeker in DA. Moreover, although it has provided consultation responses, which include reference to a shortage of floorspace and clinical rooms to serve the existing population, the ICB has not suggested that any further funding for public health services would be required as a result of the proposed development.
29. It seems extremely unlikely that the ICB would not have either expressly objected to the appeal proposal or expressly sought additional resourcing, such as funding to be secured via a legal agreement, had it had any concerns regarding the effect that the proposed development would have on public health services. The fact that it did not, particularly given that this matter is cited in the Council's reason for refusal and was identified as a main issue during the appeal process, very strongly suggests that the ICB does not have any significant concerns in this regard.
30. Accordingly, even if I were to adopt the Council's best position regarding the likelihood of the proposed use resulting in there being greater call on health services compared to when the premises were in use by students or indeed compared to the current scenario, there is no substantiated basis on which to conclude that the appeal development would have a significant effect in terms of local public health resources. Consequently, in this respect, there would be no conflict with Framework paragraphs 92 and 130.

### **Other Matters**

31. In addition to the matters outlined above, other concerns have been raised, mainly by local residents. These include whether the premises would be suitable for asylum seekers and meet their needs; the availability of facilities locally, including in terms of whether they would suit the needs of asylum seekers, such as places of worship; employment opportunities; whether the property should be put to another use, including returning to student accommodation, or redeveloped; the appellant's conduct, community engagement over the proposals and the quality of the material submitted to support them; the appellant's record elsewhere regarding its management of facilities and processes, including in respect to security, and treatment of asylum seekers; compliance with other aspects of the Framework; the site's proximity to defence establishments and police headquarters; and the cost to the state of housing asylum seekers.

32. Other issues raised include the development's potential effect on the local economy and businesses, on regeneration, on investment, on national security, on health, on the elderly, on house prices, on neighbours' living conditions, including in respect to light, noise and privacy, and on highway safety; in respect to public transport and parking; whether the area has already reached its limit or threshold for asylum seekers and whether there is sufficient asylum seeker accommodation elsewhere; occupation by asylum seekers would differ from student occupation; Stafford has a housing shortage; the capacity of wider public services, including educational and social services; fire safety; emergency evacuation; human rights and the Public Sector Equality Duty (PSED); the potential radicalisation of residents; proximity to a graveyard; Stafford's capacity to support such a large influx of people generally; and the adequacy of specialist support services and infrastructure locally, such as language facilities and training.
33. These matters are largely identified and considered within the Council officer's report on the appeal scheme and were before Councillors when they determined the planning application. They were also before the Council when it prepared its evidence and when it submitted its case at the Inquiry, and are largely addressed in its evidence and in the statement of common ground. Other than as set out above, the Council did not conclude that they would amount to reasons to justify withholding planning permission. I have been provided with no substantiated evidence which would prompt me to disagree with the Council's conclusions in these respects subject to the imposition of planning conditions as discussed in the following section.
34. Furthermore, given my conclusions on the main issues and wider matters raised as set out above, there is no basis to conclude that human rights would be interfered with or violated as a consequence of the proposed development being implemented. In performing my function on behalf of a public authority I have also exercised my duties under the PSED contained in the Equality Act 2010. This sets out the need to eliminate unlawful discrimination, harassment, victimisation and any other prohibited conduct, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Again, given my conclusions on the main issues and wider matters raised, the development proposed would be consistent with the aims of the PSED were it to proceed.
35. Representations have also been made in support of the appeal scheme. While I have taken them into account, they have not altered my overall decision on the appeal.

### **Conditions**

36. The Council and the appellant have jointly submitted a schedule of conditions, which include the standard implementation condition. Eight of these are agreed between the main parties, whereas there is some disagreement between them about the wording of the remaining three. I have considered all of the suggested conditions, including the varying versions of condition Nos 6, 9 and 10, in the light of government guidance on the use of conditions in planning permissions and made amendments accordingly.
37. In order to provide certainty, a condition would be necessary to ensure that the development would proceed in compliance with the proposal drawings. Conditions to limit and control the duration of the appeal use and the number

- of on-site bedspaces would be necessary to ensure the development proceeds in accordance with the appellant's stated intentions bearing in mind that it is on this basis that I have assessed the proposals. A condition would also be necessary to control the hours of construction and deliveries to the site to protect the living conditions of neighbours during the construction phase.
38. A condition to control details of site security measures would be necessary in the interests of protecting the security of residents of the development. To support the health of IA residents, a condition to secure a suitably sized on-site medical room and its retention would be necessary. To help ensure satisfactory living conditions for all residents, a condition would be necessary to ensure minimum bedroom and lounge / kitchen / dining area sizes.
39. Although there is broad agreement between the main parties regarding the remaining three conditions, they have not agreed all aspects of their wording. A condition would be necessary to secure provision of and control over the detail of the outdoor amenity space within the courtyard area to support the well-being of residents. As it is difficult to fully anticipate the needs of residents throughout the life-time of the development, a condition that provides some flexibility to respond to those needs would be necessary.
40. A condition to secure the details of a site operational management plan would be necessary to help ensure an integrated approach to the management of the accommodation and the provision and operation of facilities and services to support occupants. In respect to this condition, I recognise that the appellant would not have control over off-site facilities. Nonetheless, given that such facilities do exist and that there is a good prospect of at least some of them being made available for use by residents, particularly those in public control, it is reasonable and necessary for the condition to be worded in the terms suggested by the Council.
41. A condition to secure and control the provision of indoor amenity space for residents would be necessary in the interests of their well-being and living conditions. Rather than requiring this to be provided in the form of a single room, in order to provide greater scope to meet the needs of residents, it would be appropriate to allow this space to be provided flexibly, potentially across more than one room.

### **Planning Balance and Conclusion**

42. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. In the Council's view the appeal scheme complies with the development plan as a whole. I have found no reason to disagree. Given my findings regarding the main issues and the wider objections to the scheme as outlined above, the matters that weigh against the appeal scheme collectively carry no more than limited weight.
43. Bearing in mind that it is the principal expression of government policy on planning matters, the Framework is a weighty material consideration. Its paragraph 11 states that decisions should apply a presumption in favour of sustainable development, which for decision-taking means, amongst other things, approving development proposals that accord with an up-to-date development plan without delay, as is the case here. I have found no conflict with the wider Framework. These matters weigh significantly in favour of

granting planning permission. They are sufficient alone to very comfortably outbalance the matters that collectively weigh against the proposed development.

44. There would also be benefits in terms of responding to a clear and pressing need to provide accommodation for asylum seekers. To assist locally the Home Office would provide additional funding to the Council at a rate of £3,500 per DA bedspace. This would represent an important benefit given the number of likely DA residents and that the resulting funds could be spent as the Council saw fit, rather than being ring-fenced. There would also be benefits through the creation of jobs during the construction phase and then during the lifetime of the use. The scheme would also bring a vacant building back into use, thus potentially avoiding development of a greenfield site elsewhere for the proposed use and / or likely carbon release were the site to be redeveloped for any purpose.
45. Overall, therefore, the planning balance is very firmly in favour of the appeal scheme. In the terms of the Framework, it would be sustainable development that should be granted planning permission without further delay. Accordingly, subject to the identified conditions, the appeal is allowed.

*G D Jones*

INSPECTOR



Katherine Dugmore	Local Resident
Joanna Mason	Local Resident
Timothy Cawley	Local Resident
Martin Wilson	Local Resident
Graham Wilson	Local Resident
Chris Dyke	Local Resident
Mark Harland	Local Resident
Andrew Roberts	Local Resident
Lorraine Conkey	Local Resident
Wayne Kennett	Local Resident
Darren Owen	Local Resident

SCHEDULE OF CONDITIONS FOR APPEAL REF APP/Y3425/W/23/3315258:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. The development hereby permitted shall be carried out only in accordance with the approved plans and specification, as listed below, except insofar as may be otherwise required by other conditions to which this permission is subject: NPS-00-00-DR-A-(00)-010 P4 (Site location plan); NPS-00-00-DR-A-(00)-021 P2 (Proposed site plan); and NPS-00-00-DR-A-(00)-023 P1 (Proposed site plan).
3. The use hereby approved shall cease on 31 July 2029.
4. Construction works and associated deliveries in relation to the development hereby approved shall only take place between the hours of 08:00 and 18:00 Monday to Friday, 08:00 to 14:00 Saturdays and not at all on Sundays or public holidays.
5. The number of bedspaces hereby permitted shall not exceed 481.
6. Prior to the occupation of the development hereby permitted a scheme for the management of the outdoor courtyard space shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of the initial layout of the outdoor courtyard space together with details as to its maintenance. The approved scheme shall be implemented prior to first occupation and complied with thereafter for the duration of the use hereby permitted.
7. A scheme for site security measures to include CCTV and details of site boundary treatments (if any) shall be submitted to and approved in writing by the local planning authority prior to first occupation. The approved details shall be fully implemented prior to first occupation and retained thereafter.
8. The residential occupation of the development hereby permitted shall not take place until an equipped medical facility of not less than 19.7m<sup>2</sup> has been provided. This Medical Room shall be operational prior to first residential occupation of the development and shall be retained as such for the duration of the use hereby permitted.
9. The development hereby permitted shall not be occupied until a site operational management plan (SOMP) has been submitted to and approved in writing by the local planning authority. The SOMP shall include:
  - The establishment of a multi-agency forum, including the voluntary sector, which shall be implemented in accordance with an operational management plan for the lifetime of the permission;
  - An induction briefing (including in the written language of service users) identifying health services that are available to service users upon occupancy. The induction briefing shall include advice regarding the processes for registration with a GP and making an appointment;
  - A list of services, based on what the use operator can facilitate, that shall be provided to occupants of the development that may support them to overcome potential barriers to accessing primary and secondary care services and a key contact (updated as necessary);

- Details of informal educational activities which shall be facilitated for children occupying Initial Accommodation;
- Arrangements for the provision of travel for occupants to access healthcare services and other services within Stafford town centre;
- A method for recording and reporting incidents of anti-social and/or criminal behaviour within and outside the development in connection with the use of the development; and
- A schedule of activities and facilities to be carried out within the outdoor and indoor recreation space and off-site.

The SOMP shall be reviewed and re-submitted for written approval 12 months after occupation. The SOMP including any approved amendments following review shall be complied with for the duration of the development hereby permitted.

10. The residential occupation of the development hereby permitted shall include indoor amenity space of not less than 90m<sup>2</sup> in total and shall be retained as such for the duration of the use hereby permitted.
11. The bedrooms and kitchen/lounge/dining areas within the development hereby permitted shall be constructed to accord with the following minimum floor sizes and shall be retained as such for the duration of the use hereby permitted:
  - Not less than 8.4m<sup>2</sup> per bedroom; and
  - Not less than 20m<sup>2</sup> per lounge/kitchen/dining area (in combination).



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# Appeal Decision

Site visit made on 15 May 2023

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

an Inspector appointed by the Secretary of State

**Decision date: 12 June 2023**

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**Appeal Ref: APP/Y3425/W/22/3310474**

**Darlaston Roundabout at the Junction with A51, North Darlaston ST15 0PX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Euro Garages Ltd and Greene King against the decision of Stafford Borough Council.
  - The application Ref 21/34623/FUL, dated 29 June 2021, was refused by notice dated 8 September 2022.
  - The development proposed is the demolition of existing Public House and Children's Indoor Play warehouse with redevelopment of the site to provide 24hr petrol filling station accessed from A34 comprising new forecourt with canopy (3 starter gate for car), underground tanks, 4 no car jet wash bays, 1 no car wash, 1 no vac/air bay, parking (15 customer car spaces and 4 cycle), 8no covered EVC bays (with solar PV to roof), landscaping / picnic area and sales building (total 465 GEA sqm / 421 sqm GIA) including store, office, w/c and convenience store with ancillary food counter together with ATM.
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## Decision

1. The appeal is allowed, and planning permission is granted for the demolition of existing Public House and Children's Indoor Play warehouse with redevelopment of the site to provide 24hr petrol filling station accessed from A34 comprising new forecourt with canopy (3 starter gate for car), underground tanks, 4 no car jet wash bays, 1 no car wash, 1 no vac/air bay, parking (15 customer car spaces and 4 cycle), 8no covered EVC bays (with solar PV to roof), landscaping / picnic area and sales building (total 465 GEA sqm / 421 sqm GIA) including store, office, WC and convenience store with ancillary food counter together with ATM at the Darlaston Roundabout at the junction with the A51, North Darlaston ST15 0PX in accordance with the terms of the application, Ref 21/34623/FUL dated 29 June 2021, and the plans submitted with it, subject to the attached schedule of conditions.

## Preliminary Matters

2. The site is within the Green Belt. Paragraph 137 of the National Planning Policy Framework (the Framework) identifies that the fundamental aim of the Green Belt is to prevent urban sprawl and keep land permanently open. Paragraph 149 establishes that new development would be inappropriate unless it meets a listed exception. Exception (g) allows for "...the complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development".
3. The existing large and multi-levelled building would be replaced with a single-storey shop unit, petrol pumps and associated canopy. Although located in a different part of the site, the proposed development would have a reduced floor

area and volume in comparison to the existing development. It would result in a reduced visual and spatial effect on the openness of the Green Belt. As this matter is undisputed between parties, and based on my own findings, I am satisfied that the proposal would not be inappropriate development in the Green Belt by virtue of paragraph 149(g).

4. An appeal was dismissed<sup>1</sup> in 2020 on the site for a petrol filling station, ancillary retail facilities and drive through restaurant. The decision acknowledged that pedestrians would be attracted to the site as the proposal would include a retail offer, albeit for convenience goods, and a restaurant. The proposed uncontrolled pedestrian crossing was found to be unsuitable. This was as it would be adjacent to an extensive dropped kerb area, serving the car showroom, and close to multiple road junctions on and off the gyratory. The Inspector found that motorists would be distracted by the proliferation of access points and vehicles changing lanes leading to an unsafe crossing point for pedestrians. This former proposal raised different trip generation issues, in comparison to the current appeal. The dismissed appeal is therefore only of moderate weight in my consideration of the matters associated with this appeal.
5. The site is currently occupied by a large public house/restaurant with connected indoor play facility. Declining trade resulted in the public house closing in 2018. This followed a marketing exercise that demonstrated that no alternative operator was interested in using the building for its current use. Nonetheless, upon external inspection during my visit, the building appeared to be intact and weatherproof. Consequently, there appears to be no compelling reason why the building and site could not be returned to active use with limited further investment in future years irrespective of the outcome of this appeal. Accordingly, the extant use of the site in providing a clear fallback position, is an important material consideration.
6. The description of development initially included reference to the provision of filling facilities for Heavy Goods Vehicles (HGVs). However, this component was removed from the proposal during the application consideration process. As this would reduce the overall traffic impact of the scheme, interested parties would not be prejudiced by my consideration of the revised description as I have done so.

### **Main Issue**

7. The main issue is the effect of the proposal on highway safety, with particular regard to the safety of pedestrians and cyclists accessing the site.

### **Reasons**

8. The appeal site is within a gyratory formed where the A34 splits around the site, creating a large island, and which is also partly bisected by the River Trent. The building on site consists of a two-storey public house and a connected metal clad warehouse. The proposed vehicular access into the site would use the existing access points via the northbound spur of the A34, just after its junction with the A51. A small cluster of residential properties are to the west of the site either side of the A51 and a footway follows the outside edge of most of the gyratory.

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<sup>1</sup> Planning Appeal Reference: APP/Y3425/W/19/3227057

9. The gyratory around the site has a 50mph speed restriction with northbound traffic, approaching the site, turning sharply to the left at the warning chevron signs close to the site. Within the gyratory, there are several access points which serve a car dealership, the junctions of both Jervis Lane and the A51, and the appeal site entrance and exit. Accordingly, the highway context around the site's access/egress consists of comparatively fast-moving traffic.
10. The Appellant's Transport Statement<sup>2</sup> (TS) demonstrates that during peak hours, the proposal would record around 60 arrivals and 60 departures of motor vehicles, with an average of one a minute. The proposed layout would accommodate sufficient internal space to prevent vehicles queuing onto the gyratory. The egress would provide clear visibility across the gyratory towards the car showroom for exiting vehicles and this would be further improved through the demolition of the existing building. Accordingly, vehicular movements would take place within a safe environment and would be unlikely to adversely affect the safety of existing road users on the highway network.
11. Manual for Streets<sup>3</sup> identifies that walking offers the greatest potential to replace short car trips, particularly those within 2kms. The site is within walking distance of Meaford village, parts of northwest Stone, a large residential estate via Mount Road and local commercial areas including Meaford Business Park. Nonetheless, most of these areas are closer to other retail offers such as the garage on Newcastle Road and beyond this to shops within the centre of Stone. These facilities would provide easier access to retail facilities via surfaced routes, reducing the likelihood of pedestrians seeking to access the site. Accordingly, whilst the retail element of the proposal may attract pedestrians from the local area, the demand would be likely to be limited.
12. The TS has compared the transport movements of the proposed and extant use. Using the Trip Rate Information Computer System (TRICS) database the use is predicted to attract a daily pedestrian count of around 40 arrivals and 40 departures. The TRICS data shows that the extant use is predicted to attract more cycle trips, than the proposed use, and has a daily pedestrian count of around 70 arrivals and 70 departures. The proposed use would therefore attract substantially fewer pedestrians and cyclists. Moreover, the impact of the proposal on cyclist's safety would be limited as they would be already within the carriageway and would not need to cross the gyratory in the same manner as pedestrians. Accordingly, the Council has demonstrated how the proposal would increase the likelihood of conflict between pedestrian and traffic in comparison to the extant use.
13. Therefore, whilst the data demonstrates that the proposal would attract cycle and pedestrian movement, this would be relatively low and this reflects the primary use of the site as a petrol station in catering primarily for motorists. Furthermore, whilst the TRICS data excludes London and only includes edge of town sites, it is likely that actual pedestrian/cyclist visits to the site would be fewer than predicted due to its rural location and the small local population. As such the use would be rather inaccessible to non-road users. However, its principal purpose would be to serve motorists, which largely informs where such a use should be located rather than be well linked to more sustainable forms of travel.

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<sup>2</sup> Transport Statement, by EG Group Ltd, dated April 2021

<sup>3</sup> Manual for Streets, Highways and Transportation, 2007 para 4.4

14. Nevertheless, the proposal would not give priority to pedestrian and cycle movements and therefore fails to be safe, secure and attractive to all users, contrary to paragraph 110 of the Framework. However, the Framework also recognises that sustainable travel solutions will vary between urban and rural areas. The proposal would minimise the scope of conflict between pedestrians, cyclists and vehicles through the removal of a use that attracts higher levels of pedestrian activity which would be in compliance with paragraph 112(c). The proposal would therefore assist in the free flow of traffic on the highway having a reduced impact on the transport network and easing congestion in accordance with paragraphs 104(a) and 105. Consequently, the proposal would comply with the objectives of the Framework when taken as a whole.
15. The Council stated that the proposal would fail to comply with policy T1(h) of The Plan for Stafford Borough [2014]. This seeks to prevent development that would generate significant levels of traffic, which cannot be accommodated in terms of capacity, road safety and load. However, the TS has demonstrated that traffic levels associated with the proposal would not be significant and could be accommodated on site without detriment to highway safety. As such, the proposal would not be contrary to this policy.

### **Other Matters**

16. The Council's submitted Road Safety Audit<sup>4</sup> is concerned with the scheme that was subject to the 2020 appeal. The identified problems/recommendations relate to the use of the access into the site and the use of the uncontrolled pedestrian crossing for a scheme including a drive through restaurant, neither of which are matters germane to this appeal. As such, the Audit related to a different form of development with different highway impacts which are of limited weight in my consideration of the merits of this appeal.
17. The proposal the subject of the previous appeal in 2020 would have generated a substantially greater level of pedestrian activity due to its inclusion of a drive through restaurant. Its exclusion has removed the related on/off site pedestrian activity and thus substantially lowered the number of pedestrians that would enter the site, lowering the potential for pedestrian/motorist conflicts within the gyratory.
18. The site is outside but within 10 metres of the boundary of the Meaford Conservation Area (MCA). The proposed development would place most of the development within the upper car park area. The existing buildings would be replaced with landscaped areas. The design of the overall development would be largely functional in character due to its intended use. Nonetheless, the retail unit would be clad in black charred timber, with an interesting, long glass frontage and would be contemporary in design. It would have a low profile and integrate well with its setting. Softened by landscaping it would complement the local area and be in keeping with its rural location and the MCA.
19. The proposal is within proximity to a number of residential properties and would be a 24-hour operation. The TS demonstrates that around 1000 vehicles enter the gyratory from the south at peak hours. The proposal would be unlikely to materially increase traffic using the highway as it would largely provide for users already within the road network. Consequently, the proposed

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<sup>4</sup> Road Safety Audit Stage 1, issue A, Amey consulting, November 2019

- development would be unlikely to materially contribute to air or noise pollution in the area.
20. The gyratory is illuminated by relatively tall streetlighting. Lighting is proposed within the site. This would be low-key and partially screened by landscaping from local resident's outlook. Therefore, the proposal would not have an adverse impact on the living conditions of existing residential occupiers through light-spill.
  21. The site is adjacent to the River Trent, the lower parts of the site are within flood zones 2 and 3, with the lowest part being 3b (the functional floodplain). Due to the site being proposed for general industry and retail use, the Appellant's Flood Risk Assessment<sup>5</sup> classifies the site as being 'less vulnerable' to flooding. Furthermore, the development has been designed to ensure it would be built within flood zone 1, at the highest part of the site and would not therefore be at risk of flooding.
  22. The Appellant's Drainage Strategy includes infiltration of drainage for surface water. Forecourt runoff will be contained within an interceptor connected to foul water drainage. The proposed foul and surface water drainage scheme has been found to be acceptable by the Lead Local Flood Authority (LLFA) and the Environment Agency. The proposal would contain on site rainwater runoff and not present a risk to flooding subject to a condition to require that drainage mitigation measures and associated maintenance be undertaken.
  23. The proposal would include two underground fuel tanks, holding a maximum of around 100,000 litres of fuel. These would be relatively close to the river representing a potential risk of fuel leaking and reaching controlled waters. Although unconfirmed, the Appellant suggests that the groundwater may fluctuate around the tank base depth or nearer to the surface, which could assist any leaks in rapidly reaching the river. The Appellant's Fuel Storage Feasibility Assessment<sup>6</sup> recognises this risk but deems it to be low if additional engineered control measures were employed. Accordingly, being within a sensitive area for both surface water and ground water the Assessment recommends that the tanks include tertiary containment, internal monitoring wells and interstitial leak detection to the fuel lines and tanks. This high level of engineered protection would reduce the risk to low.
  24. The Appellant's Preliminary Ecological Assessment<sup>7</sup> and Bat Emergence Surveys<sup>8</sup> identified that the existing building has a day roost for pipistrelle bats. Paragraph 180 of the Framework includes a number of principles that should be applied by decision-makers when planning applications/appeals are being determined with a view to conserving and enhancing biodiversity. One of these principles is that, "if significant harm from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused".
  25. Bats are a protected species by virtue of the Conservation of Habitats and Species Regulations [2017] (The Habitats Regulations). The species protection provisions of the Habitats Regulation requires regard to be given to the requirements of the Habitats Directive in the exercise of its functions. This

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<sup>5</sup> Flood Risk Assessment, euro garages, dated March 2022

<sup>6</sup> Fuel Storage Feasibility Assessment, by EPS, dated April 2022

<sup>7</sup> Preliminary Ecological Appraisal and Potential Bat Roost Survey, by bek, dated May 2021

<sup>8</sup> Bat Emergence Surveys, by Rachel Hacking Ecology, July-September 2021

contains three 'derogation tests' which must be applied by a competent authority when determining a planning application or appeal.

26. The Ecological Assessment has identified that demolition would need to be subject to an EA Licence and that compensation could be provided in the provision of suitable bat boxes within the site. The Council indicates that the offered compensation would be of similar value to biodiversity as that lost and that this could be secured by a condition. The proposal would result in the regeneration of the site attracting new employment and in providing an important service to the public. Furthermore, the building, if left unused, would over time fall into disrepair and the bat population would be lost. Accordingly, there is no satisfactory alternative to the proposed compensation, and this would not compromise the maintenance of the population of bats within its natural range. Moreover, there are overriding economic and social benefits of the scheme, that satisfy the tests of the Habitat Regulations.
27. Interested parties have objected to the loss of the public house. However, whilst of traditional design the building is of limited architectural interest and closed due to insufficient custom. Furthermore, an alternative facility exists in Meaford providing a similar service to the local community. As a result, the loss of the existing building as a community resource is of limited weight against the proposal.
28. I have paid regard to other concerns raised by interested parties, such as litter and the need or otherwise for a petrol station, but these matters do not affect my findings on the main issue.

### **Conditions**

29. I have considered the use of conditions in line with the guidance set out in the Government's Planning Practice Guidance (PPG). I shall take the Council's suggested conditions into consideration and impose most of these with some amendments and adjustments for clarity.
30. It is necessary for details relating to an arboricultural method statement, tree retention measures, tree pruning details, underground tank details, demolition statement and construction management plan, to be submitted prior to the commencement of development. I consider these pre-commencement conditions to be so fundamental to the development that it would have been otherwise necessary to refuse permission. These are required prior to construction commencing as these will affect the ground within the footprint of the building and relate to the initial setting out of the site. These measures would ensure the development would maintain the character and appearance of the area, suitably protect the nearby watercourse, and have a limited impact on the living conditions of adjacent residential occupiers [4, 6, 7, 12, 14 and 17].
31. I have imposed the standard conditions with respect to timeframe and approved plans as advised by the PPG for clarity and certainty [1 and 2].
32. Conditions are necessary to ensure that the development accords with the submitted Flood Risk Assessment and Contaminated land report to satisfy the Council's Environmental Health Officer and the Environment Agency, and to ensure the satisfactory completion of the development for future occupiers of the site [10 and 11]. Furthermore, a condition is required to ensure that the

- drainage scheme is provided in accordance with the details agreed by the LLFA and to ensure the provision of a sustainable drainage solution [9]. A condition is required to ensure that the compensation measures for the removal of the bat habitat is secured in accordance with the Habitat Regulations [13].
33. A condition to ensure works are carried outside of bird nesting season are necessary in recognition of the wildlife interests in the site [5]. Conditions are also necessary to ensure the submission of a landscape scheme and details of the canopy colour finish to maintain the character and appearance of the area [3 and 8]. Furthermore, a lighting scheme, and for the development to comply with construction hours, are necessary to ensure the scheme would not affect the living conditions of local residents [15 and 19].
34. It is also necessary for the access and on-site hardstanding provision to be laid out in the interests of the satisfactory completion of the development and highway safety [16]. Furthermore, improved road markings within the highway would be necessary to direct motorists to the petrol station and help navigation through the gyratory in the interests of highway safety [18].
35. Although the proposal would include no fuel filling facility for HGVs, these vehicles could attempt to enter the site, nonetheless. These would exit the site at a low speed, and this manoeuvre would be likely to hamper the free flow of traffic using the A34. To avoid this conflict, signage would be necessary to prevent HGVs from entering the site, other than for delivery purposes. The details of such signage could be specified through the imposition of a suitably worded condition [20].
36. The Council also suggested that a condition be imposed for improved lighting around the gyratory if required following a survey. However, insufficient evidence has been provided to demonstrate that such a condition would be necessary or reasonable. Therefore, this would fail the tests of paragraph 56 of the Framework with regard to the imposition of conditions.

### **Planning Balance and conclusion**

37. The proposed development would reuse previously developed land and would have a reduced effect on the openness of the Green Belt. This would result in a form of development that would enhance the character and appearance of the area. The proposal would also deliver an important roadside service and help motorists to break-up their journeys, encouraging safe driving practices. The site would also include electric charging points which would be a benefit of the proposal as sought by the Framework.
38. Whilst I have found some highway safety conflict it is limited and outweighed by other highway objectives of the Framework. For the above reasons, the appeal is allowed, and planning permission granted subject to the attached conditions.

*Ben Plenty*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1578-1 (site location plan), 1578-4k (layout plan), 1578-5d (PFS proposed Plans and elevations), 1578-7b (proposed elevations), 1578-8b (site sections), 1578-9a (Petrol canopy detail), 1578-13 (EV canopy plan and elevations), 1578-14a (Car wash and wash bay details), 3896-01 E (landscape layout plan) and D42847/LKM/B (lighting schedule).
- 3) Notwithstanding any description, details and specifications submitted details for the colour finish of the pump canopy shall be submitted to and approved in writing by the local planning authority prior to its installation.
- 4) Prior to the commencement of development, including demolition works, an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. This shall include all aspects of development within the root protection areas of retained trees. This shall be implemented and maintained until the completion of all construction related activities.
- 5) Works to hedgerows and trees shall not be undertaken in the bird nesting season (March to August) unless it can be demonstrated through a Method Statement that breeding birds will not be affected. Any Method Statement would need to be submitted and approved in writing by the Local Planning Authority prior to work being undertaken and works only undertaken in full accordance with the agreed Method Statement.
- 6) A Tree Retention and Protection Plan, showing all trees and tree groups which are classified as retained, shall be submitted and agreed in writing with the Local Planning Authority prior to the commencement of any ground works and construction activity. The proposal shall be implemented in accordance with the agreed Tree Protection Plan.
- 7) Prior to the commencement of development, including demolition, a schedule of works for tree pruning and removal shall be agreed in writing with the Local Planning Authority. Thereafter no tree removals or pruning of any kind shall be carried out except as prescribed in the approved schedule of works.
- 8) Notwithstanding the submitted landscape scheme, prior to the commencement of any above ground works, details of the soft and hard landscaping for the site to include all boundary treatments, hardstanding, bat boxes, hedge and tree species and densities shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details. Any hedges, plants or trees that are removed or die or become seriously damaged or diseased within a period of 5 years from the date of planting shall be replaced with others of similar size and species in the next planting season.
- 9) The development hereby permitted shall be brought into use in accordance with the drainage design and detail shown in the 'Revision A of the Drainage Strategy report (P15614)', as appended by Revision B of Drainage Layout Plan P15614-500 (March 22). Thereafter the drainage

scheme shall be retained and maintained in accordance with the Drainage Maintenance Strategy of May 22nd.

- 10) The development shall be carried out in accordance with the submitted Flood Risk Assessment by Nicola Sugg, Issue V1.0, ref. NS\_0124\_48, dated March 2022 and the following mitigation measures it details:
  - Finished floor levels shall be set no lower than 89.0m above Ordnance Datum (AOD).
  - No ground level raising or built development in the floodplain as shown in Drawing No. 4k, Job ID 1578, dated 11 March 2022 (Appendix 3).These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
- 11) The development hereby approved shall be undertaken in accordance with the recommendations of section 8.2 of the Phase II Environmental Assessment (contamination land report).
- 12) Prior to the commencement of development, details of a scheme to install the underground tanks as specified in the letter - Proposed Petrol Filling Station – Darlaston Inn, Stone ST15 0PX' by EPS, dated 24th May 2022 has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall comprise of the full structural details of the installation, including the excavation; the tanks; tank surround; associated pipework; and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the agreed details.
- 13) Emergence surveys revealed a day roost of Pipistrelle bats. The bat mitigation strategy should be carried out as stated in the report and will include:
  - A suitably qualified ecologist should supervise removal of roof-tiles during demolition,
  - 3x Schwegler 2F bat boxes to be installed in appropriate locations on mature trees prior to demolition works, and
  - 1x Greenwoods Eco Habitat cavity bat box to be installed on the new building in an appropriate location.
- 14) Prior to the commencement of development, a demolition method statement shall be submitted. This shall include: measures to manage any asbestos, site lighting, dust control and noise/vibration control along with proposed working hours; details site lighting (operational and advertising); details of the disposal of waste materials; facilities for damping down of material to prevent excessive dust; for high intensity site lighting to be directed away from nearby residences and for any equipment, which must be left running outside the allowed working hours, to be inaudible at the boundary of adjacent occupied residential dwellings. The demolition method statement shall be adhered to for the duration of the construction phase.

- 15) All construction works including demolition and related deliveries shall only take place between the hours of 8:00 and 18:00 Monday to Friday; 8:00 to 14:00 Saturdays and not at all on Sundays or bank holidays.
- 16) No part of the development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plans. Thereafter, the areas shall be retained.
- 17) Prior to the commencement of development, including demolition, a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The construction management plan shall include the routeing and operational characteristics of construction vehicles to and from the site; Parking facilities for vehicles of site personnel, operatives and visitors; Arrangements for the loading and unloading of plant and materials; Areas of storage for plant and materials used during the construction of the proposed development; and Measures to prevent the deposition of deleterious material on the public highway, including wheel wash, during the construction of the proposed development. The construction management plan shall be adhered to for the duration of the construction phase.
- 18) The development hereby permitted shall not be brought into use until details of the enhanced lane markings, road markings and road signs on the roundabout have been submitted to and approved in writing by the local planning authority. Thereafter, the approved signs and line work shall be carried out before the development is brought into use.
- 19) Notwithstanding the submitted lighting schedule, the development hereby permitted shall not be brought into use until a detailed lighting plan has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first operation of the approved use.
- 20) The use shall not commence until details of Heavy Goods Vehicle (HGV) signage has been submitted to and approved by the Local Planning Authority. Such signage would inform drivers of HGVs that they are unable to enter the site, other than for delivery purposes. Once agreed the signage shall be displayed prior to the use commencing and be maintained in perpetuity.

**End of conditions**



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# Appeal Decision

Site visit made on 28 March 2023

**by Elaine Moulton BA (Hons) BPI MRTPI**

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

**Decision date: 11 May 2023**

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**Appeal Ref: APP/Y3425/W/22/3313040**

**Land to north of Bower Lane, Rugeley, Staffordshire WS15 2RD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Peter Pratt against the decision of Stafford Borough Council.
  - The application Ref 21/33668/COU, dated 8 January 2021, was refused by notice dated 9 November 2022.
  - The development proposed is change of use of land for a dog exercise area, with associated access track and parking area.
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## Decision

1. The appeal is allowed and planning permission is granted for change of use of land for a dog exercise area, with associated access track and parking area at land to north of Bower Lane, Rugeley, Staffordshire WS15 2RD in accordance with the terms of the application, Ref 21/33668/COU, dated 8 January 2021, subject to the conditions identified in the attached Schedule.

## Main Issues

2. The main issues are:
  - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and
  - The effect of the development on the character and appearance of the area, including the Cannock Chase Area of Outstanding Natural Beauty (AONB) and trees.

## Reasons

### *Inappropriate development*

3. The appeal site is located within the Green Belt. Paragraph 147 of the Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework provides guidance as to the types of development which constitute inappropriate development and any exceptions.
4. As the appeal does not relate to the construction of new buildings the exceptions listed in paragraph 149 of the Framework are not relevant. However, paragraph 150 states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include b) engineering operations and e) material changes in the use of land (such as

- changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).
5. I acknowledge that use as a dog exercise area is not specifically highlighted within paragraph 150 e) of the Framework, however it is reasonable to consider that it relates to outdoor recreation. Even if I were to conclude that it was not an outdoor recreational activity, for example due to the commercial nature of the use, the words 'such as' indicates the cited list at paragraph 150 e) is not inclusive. Therefore, other changes of use may be treated as not being inappropriate if they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
  6. The Framework, at paragraph 137, sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness has both spatial and visual aspects as identified in the cases referred to by the Council<sup>1</sup>.
  7. The proposed dog exercise paddock would remain open, enclosed by a perimeter fence of a design that allows views through it and which would be sited next to an existing and proposed hedge. Although no details have been provided it is reasonable to anticipate that bins and exercise equipment associated with the use would be small scale and, in respect of the equipment, would not always be on the site. Although the site is not adjoining an existing farm compound it is located in close proximity to Bower Farm house and associated buildings and to dwellings on Bower Lane and would not, therefore, appear isolated.
  8. The proposed access track would follow the route of an existing one, along the field boundary adjoining the highway, to a small parking area. Due to their position close to the road and enclosed by a hedge the track and parking area would not be conspicuous from Bower Lane or from the footpath that crosses the track. Furthermore, vehicles would only be on site during operating hours and, therefore, they would not be a permanent feature.
  9. The proposed use and the limited extent of the parking area would generate minimal vehicle movements. Such movements would not be dissimilar to that which arise from the existing use of the field and the use of the nearby public footpath.
  10. Overall, the proposal would result in a limited change in the appearance of the site which would retain its open and rural character. For these reasons I am satisfied that the scheme would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.
  11. With the above in mind, the appeal scheme would fall within the exceptions set out in paragraph 150 of the Framework and would not, therefore, be inappropriate development in the Green Belt. As such it would not conflict with Policies SP1, SP7 and SB1 of The Plan for Stafford Borough (The Plan).

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<sup>1</sup> *R (oao Amanda Boot) v Elmbridge Borough Council [2017] WEHC 12 (Admin)* and *R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire CC (Appellant) (2020) UKSC*

*Character and appearance*

12. The appeal site lies on the edge of a built-up area. It forms part of a gently undulating open field and is partially enclosed by a hedge.
13. The access track in part lies within the defined boundary of the AONB with the proposed dog exercise and parking areas sited close to its boundary. The AONB Landscape Character Framework (LCF) identifies that the site is located within the Sandstones Hills and Heaths landscape typology. The LCF indicates that this character area, overall, is a well wooded landscape and today is a landscape of large estate farms, set within a planned enclosure pattern of medium sized and larger hedged fields.
14. The LCF sets out a vision statement to conserve and enhance the visual integrity of this well wooded estate landscape. The identified landscape guidelines include conserving, strengthening and managing roadside hedgerows and verges as valuable buffers alongside busy roads and to maximise landscape and wildlife benefits.
15. As outlined above, the limited physical changes to the appeal site would ensure that it retains its open and rural character, which would not be significantly impeded by the presence of additional fencing and hedges. The related paraphernalia and vehicle parking on the appeal site would be temporary in nature and minimal in scale. Furthermore, the widening of the access point and formalisation of the existing track, including the proposed surfacing, widening and the formation of passing places, would have a limited visual impact as it would mostly be enclosed by a hedge on both sides. It would not, therefore, introduce urbanising elements that would be detrimental to the natural beauty of the area.
16. The site is visible from short distance views from the road and from the public footpath that crosses the proposed access track, and which follows a route upwards from the road. However, as indicated above, the use would not be conspicuous in such views. The use would not be prominent in medium to longer distance views from that footpath, as I observed on my visit, due to the undulating nature of the topography. Furthermore, it would not be visible from the panoramic viewpoint at the top of Etching Hill due to its wooded slopes blocking such views.
17. Concern has been expressed about the provision of the proposed visibility splays and the potential impact this would have on trees that have a significant amenity value along Bower Lane. I note that the position of the trees is not identified on the visibility splay plans. However, from my observations on site of the distance of the trees from the access point and their position relative to the road, it is apparent that the trees would not lie within the splays. I have no reason, therefore, to consider that any trees would need to be removed to achieve the required visibility splays.
18. I note the recommendations of the Cannock Chase AONB Partnership that a no-dig solution and ground protection is required for the proposed surfacing of the track within the root protection area of the trees. No detailed information has been provided in this regard. Nonetheless, there is nothing before me that suggests any long-term adverse impact on the health of existing mature trees would arise if appropriate construction and protection methods were utilised. Such methods could be secured by condition.

19. Overall, the use would not significantly alter the character and appearance of the appeal site when compared to its existing agricultural use, would not adversely affect any wooded areas and would retain roadside hedgerows. Furthermore, the landscape of the wider area including the scenic beauty of the AONB would be unharmed.
20. I conclude, therefore, that the proposal would not harm the character and appearance of the area including the AONB. It would therefore accord with Policies N1, N4, N7 and N8 of The Plan which seek to promote design and landscape quality, protect and enhance the natural environment, and ensure the conservation and enhancement of the landscape and scenic beauty of the AONB. It also accords with paragraphs 174, 176, 179 and 180 of the Framework for the same reasons.

### **Other Matters**

21. There is no technical or other substantive evidence to demonstrate that noise arising from the use, in an area where it is reasonable to consider that dog walking is a regular activity and by a busy road, would be unacceptable. Accordingly, the impact of the proposed use on living conditions of nearby residents does not provide reason to withhold planning permission.
22. I note the concern that has been expressed regarding the implications of the proposal on highway safety. However, no objections have been received from the Local Highways Authority. In the absence of any firm evidence to the contrary I have no reason to conclude that the proposal would cause harm to highway safety.
23. A representation has been received suggesting that an alternative site exists that would better suit the appeal proposal. However, the role of the Inspector does not require that consideration is given to whether the proposed development would be more appropriately located at an alternative site. It is to consider the planning merits of the appeal proposal which, for the reasons set out above, I find to be acceptable. As such the existence, or otherwise, of a suitable alternative site does not weigh against the proposal.

### **Conditions**

24. The Council has suggested a number of conditions which I have considered against the Framework and Planning Practice Guidance. As a result, I have made some amendments to the wording for clarity and consistency.
25. In addition to the standard condition which limits the lifespan of the planning permission I have specified the approved plans for the avoidance of doubt and in the interests of proper planning.
26. To ensure the satisfactory appearance of the development and to protect the valued landscape character of the AONB, I have included conditions requiring the provision of the perimeter fence, dog waste receptacles, external lighting, and hedgerow planting.
27. As indicated above, to minimise the impact of the development upon roadside trees I have imposed a condition which requires the approval and implementation of a no-dig method of construction of the access track where it falls within the root protection area of such trees. I consider that this should be

- a pre-commencement condition to provide protection before construction commences and over the full course of construction.
28. The removal of permitted development rights should only be used in exceptional circumstances. In this instance the justification to prevent further subdivision of the field, and therefore protect the scenic beauty of the AONB, comprises an exceptional circumstance which supports the removal of permitted development rights regarding fences, gates or walls.
29. In the interests of protecting living conditions of nearby residents it is necessary to include a condition which imposes restrictions on the operation of the use.
30. I have also included conditions relating to the provision of the access, passing bays, parking area and access visibility splays to ensure that the development does not adversely impact on highway safety.
31. The Council has set out, within the list of recommended conditions, an informative from the Staffordshire County Council's Rights of Way Officer. Such an informative would have no legal effect, and I have not therefore included it in the decision. However, the appellant has had sight of the conditions recommended by the Council and should, therefore, be aware of the contents of the informative.

### **Conclusion**

32. For the reasons given above I conclude that the appeal should be allowed.

*Elaine Moulton*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following plans: 100\_01 Rev D; 100\_02 Rev F; and 200\_03.
- 3) No development shall take place until full details of 'no-dig' construction methods within the root protection area of any trees adjoining the access track and passing places have been submitted to and agreed in writing by the local planning authority. The access track and passing places shall be constructed in accordance with the approved 'no-dig' methods.
- 4) Before the development hereby permitted is brought into use, the perimeter fencing shall be provided in accordance with the approved plans and shall thereafter be retained for the life of the development.
- 5) Before the development hereby permitted is brought into use, receptacles for the disposal of dog waste shall be provided within the exercise paddock and the car parking area in accordance with details that shall have been submitted to and agreed by the local planning authority in writing beforehand and which shall thereafter be provided and retained for the life of the development.
- 6) No external lighting shall be installed at the site without the prior written approval of the local planning authority.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the site.
- 8) The site shall only be used for the approved purpose of supervised dog exercising on Monday to Friday between 8am and 8pm during the months of March to August and 8am to 4pm during the months of September to February; and all year between the hours of 8am to 5pm on Saturdays and 10am to 4pm on Sundays. At all times, use of the facility shall be by appointment only and limited to a maximum of 3 canines accompanied by no more than 6 people in 3 private vehicles.
- 9) The development hereby permitted shall not be brought into use unless and until the landscaping planting along the boundary fence, which should consist of native hedgerow species, has been carried out in accordance with approved drawing 2200\_02 Rev F. If within a period of 5 years from the commencement of use any of the trees, plants or shrubs that are to be retained or planted in accordance with the approved scheme die, are removed or become seriously damaged or diseased they shall be replaced in the next planting season with others of similar size and species at the same location.
- 10) The development hereby permitted shall not be brought into use until the visibility splays shown on plan 200\_03 have been provided. The visibility splays

shall thereafter be kept free of all obstructions to visibility over a height of 600mm above the adjacent carriageway level.

- 11) The development hereby permitted shall not be brought into use until the access, which shall be surfaced in a bound and porous material for a minimum distance of 5m back from the site boundary and shall be ungated; passing bays; and parking area have been provided in accordance with the approved plans and which shall thereafter be retained for the life of the development.



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# Appeal Decision

Site visit made on 4 April 2023

**by Elaine Moulton BA (Hons) BPI MRTPI**

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

**Decision date: 11 May 2023**

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**Appeal Ref: APP/Y3425/W/22/3308589**

**53 Adamthwaite Drive, Blythe Bridge, Stoke on Trent ST11 9HL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Jon Bentley against the decision of Stafford Borough Council.
  - The application Ref 21/34512/FUL, dated 7 June 2021, was refused by notice dated 13 April 2022.
  - The development proposed is the construction of a 3 bedroom single storey dwelling. Complete with driveway.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effect of the proposed new dwelling and driveway on:
  - the character and appearance of the area, including its effect on trees;
  - the living conditions of the occupants of the adjoining Alder Grange care home with particular regard to privacy; and
  - highway safety with particular regard to the adequacy of visibility from the access and parking provision.

## Reasons

### *Character and appearance*

3. The appeal site lies within a residential area comprising detached properties of varied design and appearance predominantly within large plots, with a consistency of scale being of two storey height. Mature trees and landscaped gardens are notable features giving the area a verdant, spacious and pleasant quality. The site forms part of a side and rear garden area and positively contributes to this spacious character by providing a gap between 53 Adamthwaite Drive and the adjoining Alder Grange.
4. The single storey design of the proposed bungalow would differ from the prevailing two storey character of the area. The front elevation would be narrow and set back from the front boundary by a significant distance and so would not be prominent in the street scene. Nonetheless, the front elevation lacks in interest due to the extent of solid brickwork which would not be alleviated by the proposed door. This would be in marked contrast with the appearance of the surrounding houses, as would the flat roofed section abutting the shared boundary with Alder Grange. Therefore, the proposal would

- appear incongruous in the street scene and would detract from the character and appearance of the area.
5. Compared to its surroundings the plot size would be small with an extremely narrow front boundary. In addition, the proposed dwelling would extend to the side boundaries of the site and would cover a significant proportion of the plot. Such aspects of the proposed bungalow, together with its wedge-shaped footprint, would result in it appearing unusually cramped relative to its plot and to the size of the surrounding plots and thereby contrary to the prevailing character of the area.
  6. Notwithstanding that buildings in the locality exhibit great variation in respect of their design, the development would, for the reasons above, have a jarring and unacceptable relationship with the street scene and would be harmful to the character and appearance of the area.
  7. In forming this view, I have had regard to no. 55a and note that whilst it directly abuts the front boundary of the site, its plot width is comparable to other properties in the street scene unlike the appeal site. Alder Grange has been extended, nonetheless the plot retains a spacious appearance. My attention has also been drawn to a bungalow within the grounds of a large, detached dwelling. However, this differs from the case before me as the bungalow is within a relatively spacious plot. The examples provided are materially different to the appeal proposal and do not, therefore, support the appeal proposal.
  8. A significant proportion of the canopy of 3 trees protected through a Tree Preservation Order, that lie within the grounds of Alder Grange, overhang the appeal site. Along with the other trees on Adamthwaite Drive they make a significant contribution to the character and appearance of the locality. The appellant's Tree Survey Report (the Report) indicates that these trees are in fair or good condition and have either moderate/low or moderate/high amenity value. Based on my observations on my visit, I agree. I have no evidence before me that would suggest that the trees would not survive for many years if current circumstances remain.
  9. The Report indicates that these off-site trees pose a significant constraint upon the development of the site since their root protection areas occupy almost all of the land intended for development. It goes on to say that to mitigate for potential harm to the trees, a combination of specialised pile and suspended beam foundation and no-dig method for hard surfacing will be required. Additional provisions would also be required for underground services and drainage.
  10. The Report does not confirm the methodology for construction but recommends, amongst other things, that a detailed site-specific Arboricultural Method Statement (AMS) is commissioned. The Report, at paragraph 5.1.2, says that assuming that technical solutions can be formulated, the overall impact of the development on the trees would be minimal. However, it also states that there would be contrary adverse impact from the trees upon the dwelling due to the overhanging crowns resulting in shading and nuisance by way of seasonal honeydew and general detritus. It is therefore likely that there will be future pressure to prune the trees or remove them in part or in full. Therefore, overall, in the absence of an AMS, the Report does not offer any

assurance that the development can be carried out whilst also ensuring the protection and long-term retention of the trees.

11. The evidence before me therefore indicates that undertaking the proposed development would be likely to risk the health of the protected trees. Moreover, it has not been demonstrated that the effect would be minor or could be avoided with protection measures and suitable Arboricultural practices. The development would be likely to lead to the loss or damage of this trees and thereby undermine the positive contribution that the trees make to the appearance of the area.
12. Therefore, the proposal would harm the character and appearance of the area, including its effect on trees. It would therefore be contrary to Policies N1 and N4 of The Plan for Stafford Borough (The Plan) which, amongst other things, requires high design standards which have regard to the local context and protect the natural environment.

#### *Living conditions*

13. The intervisibility between the proposed windows on the side elevation and the side facing bedroom window in Alder Grange would have a negative effect on the living conditions of the occupier in terms of privacy, due to the limited separation and direct views. This is particularly so given it is the only window to that bedroom and the living conditions are already compromised as the activity within the parking area at the side of Alder Grange affects privacy.
14. The appellant suggests that the windows to bedrooms 2 and 3 of the proposed dwelling could be fitted with obscure glazing or replaced by roof lights. However, such amendments would result in a poor, or no, outlook from such rooms and as such would be to the detriment of the living conditions of the future occupiers of the proposed dwelling. Therefore, whilst such amendments would mitigate the identified negative impact on the living conditions of the occupants of Alder Grange it would create unacceptable living conditions for the future occupants of the proposal.
15. Accordingly, I conclude that the living conditions of the occupants of the adjoining Alder Grange care home, with particular regard to privacy, would be harmed. Consequently, the proposal would conflict with Policy N1 of the Plan insofar as it requires that design and layout take account of the amenity of adjacent residential areas.

#### *Highway safety*

16. Adamthwaite Drive, between Uttoxeter Road and Ridgway Drive, is an unmade road without pavements. The access entrance into the appeal property would be directly onto the carriageway of Adamthwaite Drive. As the boundary treatment would closely flank the access on either side and extend up to the junction, which would be of single car width, visibility on exit from the driveway would be limited. Consequently, any driver exiting from the proposed access would have limited forewarning of any other vehicles or pedestrians travelling along Adamthwaite Drive. As such, the highway users would not be able to anticipate each other's movements and stop as appropriate.
17. My observations on the site visit suggests that Adamthwaite Drive is quiet in respect of the number of vehicles that pass the appeal site, and such vehicles are likely to be travelling at slow speeds. Nonetheless, the impediment to

visibility for vehicles exiting the site is likely to result in conflict with users of Adamthwaite Drive, including pedestrians, to the detriment of highway safety.

18. Turning to parking, I note that the adopted parking standards, set out in Appendix B of the Plan, require 2 off-street parking spaces for the proposed dwelling and 3 for the existing dwelling. The proposed plans do not show that number of vehicles within the respective driveways. Even so, from the information contained in the plans and based on my observations on site, I consider that the adopted standards would be achieved and could be secured by condition if the appeal were to be allowed.
19. Consequently, I conclude that, while adequate onsite parking could be provided, the development would have an unacceptable effect on highway safety due to the inadequacy of visibility at the access of the proposed dwelling. As such it would conflict with Policies T1 and T2 of The Plan, which amongst other matters, seek to ensure adequate parking is provided for all new development.

### **Other Matters**

20. The proposal is described as having green credentials with a sedum roof integrated into it. I also acknowledge the economic and social benefits resulting from the construction and occupation of the proposed development. However, given the scale of the development such benefits would be limited.
21. The appellant has raised concerns with the Council's handling of the planning application, however that is not relevant to my findings on the planning merits of the scheme.

### **Conclusion**

22. Whilst I have found that adequate provision is made for parking, this is a neutral factor that does not outweigh the harm to the character and appearance of the area, the living conditions of neighbouring occupants and due to inadequate access visibility. The proposed development, therefore, conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
23. I therefore conclude that the appeal should be dismissed.

*Elaine Moulton*

INSPECTOR



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## Appeal Decision

Site visit made on 17 March 2023

**By A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI**  
an Inspector appointed by the Secretary of State

**Decision date: 9<sup>th</sup> May 2023**

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**Appeal Ref: APP/Y3425/D/23/3315711**  
**The Byre, Meretown, NEWPORT TF10 8BX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Jonathan Stackhouse against the decision of Stafford Borough Council.
  - The application Ref: 22/35853/HOU dated 08 April 2022 was refused by notice dated 12 January 2023.
  - The development proposed is erection of single storey side extension.
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### Decision

1. The appeal is allowed and planning permission is granted for single storey side extension at The Byre, Meretown, NEWPORT TF10 8BX in accordance with the terms of the application Ref: 22/35853/HOU dated 08 April 2022 and the plans submitted with it, subject to the following conditions:
  - 1) The works authorised by this consent shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 51359/05; 51359/06; 51359/07; 51359/08.
  - 3) No development above ground shall take place unless and until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.

### Main Issue

2. The main issue is the effect of the proposal upon the character and appearance of the host dwelling and the Forton and Meretown Conservation Area.

### Reasons

3. The Byre is a single dwellinghouse of two storeys which forms part of a grouping of eighteenth-century buildings converted in the late 20<sup>th</sup> century to residential use, all are located within the Forton and Meretown Conservation Area (Conservation Area). The Byre is linear structure orientated west-east, set back from, and perpendicular to, the adjacent rural road within a loose courtyard setting of other buildings, also formerly in agricultural use. Subdivision to create appropriate residential curtilage for these dwellings has

resulted in a garden area to the Byre lying wholly to the west of the house and, at present only indirectly connected to the living areas. Windows and external doors to habitable rooms<sup>1</sup> face either<sup>2</sup> the courtyard area on the northern side or a narrow space on the south side.

4. The overall form and character of the Byre has been retained in terms of the external materials and uncluttered massing that is consistent with the surrounding building group. However, whilst brick detailing at eaves and in the east gable is likely original, the current pattern of fenestration, by the introduction of windows and garage doors that follow the change to residential use, appears to show a degree of change has taken place in elevational appearance. The Byre and other buildings in this converted group are read as a 'barn conversion' typology which accepts a degree of compromise to the retention of original form is necessary for their retention in a new use to be achievable<sup>3</sup>.
5. The proposed garden room would be an addition to the west gable wall providing direct access<sup>4</sup> to the main external amenity space of the dwelling along with afternoon sunlight and westerly views which are not currently available due to the Byre's orientation. This would be a benefit of the proposal in terms of addressing what might reasonably be considered a deficiency in residential amenity.
6. The Council refers to policies E2 (d) and (h) and C4 (b) of the Plan for Stafford Borough 2011-2031 (2014) (TPSB) apparently doing so in relation to the approach to be taken to the conversion of rural dwellings. However, the Byre is already a dwelling and some decades have passed since the grant of the permission for its conversion. This proposal is not for conversion, where a different argument might be made, but for a modest extension to a long-established rural dwelling which would increase the floor area by less than 7%.
7. The Council refer to the extension as introducing 'contemporary architectural features' to the traditional form and character of the original buildings, meaning the introduction of a glassy oak framed gable wall with bifold doors. Whilst these features are not consistent with the former agricultural use, it is also clear that there have been other changes that have 'domesticated' the original built form and in that regard I find little conflict with the guidance given in the Supplementary Planning Document on Design (SPD) for residential extensions.
8. On that basis I now consider the effect of the proposal on the character and appearance of The Byre and, in turn, the Conservation Area. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision-takers to pay special attention to the desirability of preserving or enhancing conservation areas.
9. Previous decisions have been brought to my attention. However, and notwithstanding the policy basis explained by the Council, the acceptability of changes such as that here proposed will vary from case to case according to the

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<sup>1</sup> Other than a first floor opening on west gable

<sup>2</sup> Or both

<sup>3</sup> Notwithstanding such change may require other consents

<sup>4</sup> Whilst it is noted that the proposed internal layout retains the existing garage on the submitted plan, the interior layout and division of space within the single residential unit is not a planning consideration.

design and contextual factors. In this case the proposed extension would only affect the west elevation of the Byre which is largely enclosed by existing built form, would not be prominent in the courtyard or visible from the highway. It could be built in materials that match in colour and texture<sup>5</sup> what is currently found, and the form and character of the existing building would be retained in all but private view. Overall, due to the discrete location of the extension I consider there would be negligible impact on the character and appearance of the Byre as a part of the building group.

10. For these reasons I am also able to conclude that the change which would result from the proposed extension would have negligible impact upon the character and appearance of the part of the Conservation Area in which the Byre is located. Consequently, due to the enclosed siting and design, the proposal would preserve the character and appearance of the Forton and Meretown Conservation Area as a whole.
11. Overall I find no conflict with policies E2, C4, N1 and N9 of the TPSB which seek to ensure development proposals respect and protect rural character and sustain the significance of heritage assets, nor, therefore, with the development plan as a whole. The appeal succeeds subject to the usual timing and plans conditions and, for the reasons given, a condition requiring approval of materials to be used.

*Andrew Boughton*

INSPECTOR

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<sup>5</sup> Meaning the roof and flank walls



## Appeal Decision

Site visit made on 12 June 2023

by **N McGurk BSc (Hons) MCD MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4<sup>th</sup> July 2023

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### **Appeal Ref: APP/Y3425/D/23/3318397**

### **8 Grindley Lane, Meir Heath, Stoke-on-Trent, ST3 7LW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Paul McGlynn against the decision of Stafford Borough Council.
  - The application Ref 21/35143/HOU, dated 20 October 2021, was refused by notice dated 9 February 2023.
  - The development proposed is raising of existing roof to create larger first floor and extension/reconfiguration to existing ground floor.
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### **Decision**

1. The appeal is dismissed.

### **Main Issue**

2. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

### **Reasons**

3. The appeal property is a detached dormer bungalow. It is located in a residential area, largely characterised by the presence of detached dormer bungalows and detached and semi-detached two storey dwellings.
  4. The appeal property, like other dwellings along Grindley Lane in this location, is set back from the road behind a grass verge and pavement. The dwelling is set back from the pavement behind a further grass verge, a brick boundary wall and a front garden/parking area. It has a parking area to one side and gardens to the other side and rear. Some development appears to be underway at the appeal property.
  5. There is a dormer bungalow to one side of the appeal property and a one and half storey dwelling to the other. Both are set well back from the road within comfortable garden plots.
  6. On the opposite side of Grindley Lane to the appeal property, two storey semi-detached dwellings are set back from the road behind a very wide grass verge and a pavement, hedgerows and/or fencing/planting and front gardens/parking areas. Gaps between pairs of dwellings provide for glimpses through to trees, garages and garden areas to the rear.
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7. The presence of the wide grass verges, gardens, gaps around dwellings/pairs of dwellings and trees, provides the area with a significant sense of spaciousness and greenery. Further, the generally low height and modest scale of the appeal property and its neighbours to either side, contributes to and appears in keeping with these qualities.
8. The proposed development would result in significant increases to the height, width and overall volume of the appeal property. The combined scale of the changes proposed would result in a form of development that would fail to appear subordinate to the host dwelling but would have the effect of overwhelming its original appearance.
9. The changes proposed would lead the appeal property to draw undue attention to itself as a large, bulky and prominent form of development that would to some considerable extent, appear "squeezed" onto its plot relative to neighbouring dwellings set in comfortable garden plots. This would be to the detriment of the spacious attributes of the area.
10. Further, the scale and bulk of the proposal would lead it to appear in stark contrast to and at odds with, the modest scale of neighbouring dwellings and I find that this would result in it drawing attention to itself as an incongruous form of development.
11. Taking all of the above into account, the proposal would harm the character and appearance of the area contrary to the National Planning Policy Framework and to Local Plan<sup>1</sup> Policies C5 and N1, which together amongst other things, seek to protect local character.

### **Other Matters**

12. In support of the proposal, the appellant refers to approvals for other forms of development in the vicinity. However, there is nothing before me to demonstrate that these comprise developments so similar to that the subject of this appeal as to provide for direct comparison. Notwithstanding this, I have found that the proposed development would result in significant harm and this is not something that is mitigated or outweighed by other developments elsewhere.
13. The appellant considers that the appeal site should not be regarded as being located in the open countryside. I note above that the site is located in a residential area. Further, the appeal site and its surroundings have urban qualities. However, the proposed development would result in harm to local character and hence the decision below.
14. The appellant draws my attention to the proposal's sustainable qualities, including energy efficiency measures. These represent positive aspects of the development proposed but they do not outweigh the harm identified.

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<sup>1</sup> Reference: The Plan for Stafford Borough (2014).

**Conclusion**

15. For the reasons given above, the appeal does not succeed.

*N McGurk*

INSPECTOR