



Civic Centre, Riverside, Stafford

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Dear Members

Planning Committee

A meeting of the Planning Committee will be held on **Wednesday, 20 March 2024** at **6.30pm** in the **Oak Room, County Buildings, Stafford** to deal with the business as set out on the agenda.

Please note that this meeting will be recorded.

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

A handwritten signature in black ink, appearing to read "I. Curran".

Head of Law and Governance

PLANNING COMMITTEE - 20 MARCH 2024

Chairman - Councillor B McKeown

Vice-Chairman - Councillor A Nixon

AGENDA

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

Details of Delegated applications will be circulated separately to Members.

	Page Nos
5 Planning Applications	3 - 22
6 Planning Appeals	23 - 40
7 Enforcement Matters	-

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	

PLANNING COMMITTEE - 20 MARCH 2024

Ward Interest - Nil

Planning Applications

Report of Head of Economic Development and Planning

Purpose of Report

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

		Page Nos
23/38196/HOU	28 Widecombe Avenue, Stafford	4 - 14
	The application was called in by Councillor A P Edgeller	
	Officer Contact - Leon Carroll, Development Lead Telephone 01785 619184	
23/38355/FUL	Land Between 3 And 5, Park House Drive, Stone	15 - 22
	Officer Contact - Sian Wright, Development Lead Telephone 01785 619528	

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:	23/38196/HOU
Case Officer:	Jake Powell
Date Registered:	8 November 2023
Target Decision Date: Extended To:	3 January 2024
Address:	28 Widecombe Avenue, Stafford, Staffordshire, ST17 0HX
Ward:	Baswich
Parish:	Stafford M B
Proposal:	Rear garden extension including new boundary treatment, new pavement crossover with dropped kerb and driveway.
Applicant:	C Boston
Recommendation:	Approve, subject to conditions

REASON FOR REFERRAL TO COMMITTEE

This planning application has been called in by Councillor A P Edgeller (Ward Member for Baswich) for the following reasons:-

- Fencing out of keeping with the street scene.

1.0 Context

The Application Site

The application site comprises of a semi-detached bungalow, located on a corner plot on the junction of Bodmin Avenue and Widecombe Avenue, within a residential estate within the settlement of Stafford.

The site comprises of a front garden area to the south-west and southeast, enclosed within a low boundary wall. The main dwellinghouse is located centre on the north-western boundary of the site. In the north-western corner of the site is a private rear amenity space, enclosed within a close boarded timber fence. To the north-eastern corner of the plot is an area of gravel suitable for providing approximately 2 off-street parking spaces, which is accessed via an existing dropped kerb.

The surrounding area is residential in character, although contains a variety of single storey bungalows and two-storey dwellinghouses of both semi-detached and detached styles. Most front boundary treatments consist of low-level walls/shrubbery, although there are examples in places of high-level landscaping/shrubbery in conjunction with timber fencing.

Proposed Development

The application seeks permission for the extension of the private rear amenity space, through the installation of timber fencing and landscaping works to the northeastern section of the site. The fencing would be set back from the boundary of the property by approximately 0.5 metres and comprises of a fence to match the height of the existing fence, with a hedge planted outside of the fence line.

The application also seeks permission for the installation of a new access point and dropped kerb, allowing for the provision of two off-street parking spaces. This area would be laid with hardstanding.

The application has been amended since the initial submission to remove the proposed single storey rear extension, in addition to alterations to the proposed fencing/landscaping and footprint of the proposed rear amenity space.

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
- Car parking provision

Polices and Guidance: -

National Planning Policy Framework 2023 (NPPF)

Paragraphs 8 and 11

The Plan for Stafford Borough 2011-2031 (TPSB)

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

Part 2 – SB1 (Settlement Boundaries)

3.0 Character and Appearance

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

The application partly seeks permission for the extension of the private rear amenity space through the erection of timber fencing in association with hedging to the northeastern area of the application site. This would extend up to the highway.

It is acknowledged that in the immediate vicinity of the application site, front boundary treatments typically consist of low-level boundary walls or hedging. Whilst it is not ideal that the proposed extended garden area would extend up to the front boundary of the property, it is acknowledged that a large area of the front garden area would be retained behind a low-level brick wall and is therefore considered in-keeping to some extent.

Furthermore, given the siting of the proposed new boundary fencing, the proposed new garden area would be primarily in view from Bodmin Avenue, down Widecombe Avenue. Whilst it is noted that this may partially disrupt the openness shared between the application site and the immediate neighbouring property at No. 26a Widecombe Avenue, given that the later property at No. 26 Widecombe Avenue also benefits from high boundary fencing obscured from view by tall landscaping, the proposed development would not be considered an uncharacteristic addition to the street scene and surrounding area.

The proposal was amended since the initial submission, to propose hedging on the boundary of the majority of the extended garden area, which is considered an appropriate design choice which would mitigate the harsh impact of a boundary fence up to the boundary, whilst softening the overall appearance.

Given that the acceptability of the proposed boundary treatment is reliant on the installation of hedging/soft landscaping, it is considered appropriate to attach a condition to the permission in the event of an approval to ensure that this hedging/soft landscaping is installed and maintained thereafter for the duration of the development.

With regards to the proposed new access point, most properties within the vicinity benefit from a similar arrangement, and as such this element of the proposal would not have an adverse impact on the character and appearance of the site or street scene.

Overall, it is therefore considered that the proposed development would have an acceptable impact on the character and appearance of the site and surrounding area.

Policies and Guidance: -

National Planning Policy Framework 2023 (NPPF)

Section 12 - Achieving well-designed places

The Plan for Stafford Borough 2011-2031 (TPSB)

N1 (Design)

Supplementary Planning Document - Design (SPD)

4.0 Residential Amenity

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

Given the siting of the proposed development, the principal property to consider in relation to amenity would be No. 26a Widecombe Avenue.

Whilst the proposed boundary treatment would extend along the boundary of this neighbouring property, given the height and siting of the proposal in relation to this neighbouring property and its windows, officers are satisfied that the proposal would not result in any technical breaches of the Local Planning Authority (LPA)'s amenity guidelines and therefore the proposal is considered acceptable in terms of amenity.

Policies and Guidance: -

National Planning Policy Framework 2023 (NPPF)

Paragraph 135

The Plan for Stafford Borough 2011-2031 (TPSB)

N1 (Design)

Supplementary Planning Document – Design (SPD)

5.0 Highways and Parking

The proposed new access was reviewed by the Council's Highways Officer, who initially raised concerns to the proposed development, on the basis of poor visibility due to the relationship between the proposed access and the proposed new boundary treatment. The applicant has since amended the proposal to include a 1.5m x 1.5m visibility wedge, which would retain a satisfactory level of visibility. With regards to visibility the proposed development is therefore acceptable.

Furthermore, concern was also raised regarding the retention of the existing access point and its impact on visibility of neighbouring properties and other highways users. However, on a secondary consultation with the Highways Officer, as the applicant wished to retain this access to allow access to the rear garden area, it was considered that the retention of this existing dropped kerb would be satisfactory and would not be significantly detrimental to highway safety,

However, gates to this rear garden area have since been removed from the proposal. Officers would therefore consider it appropriate for this existing dropped kerb to be infilled, which can be secured via a condition. The applicant is however advised that they must apply for a Section 184 from the Traffic and Network Team for the infilling of the old access and for the new access.

It was also noted that the proposed new access was an acceptable distance away from the junction to ensure safety to highway users.

The proposed development would provide two parking spaces for the application site. Whilst it is unclear from the plans provided how many bedrooms this site facilitates, given the size of the dwellinghouse, officers are satisfied that this level of parking provision would be acceptable.

The proposed development would therefore have an acceptable impact on highway safety and parking.

Policies and Guidance: -

National Planning Policy Framework 2023 (NPPF)

Paragraphs 115 and 116

The Plan for Stafford Borough 2011-2031 (TPSB)

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

6.0 Trees

Policy N4 (The Natural Environment and Green Infrastructure) of the TPSB states that the Borough's natural environment will be protected, enhanced and improved, partly through the protecting, conserving and enhancing the natural and historic environment and irreplaceable semi-natural habitats, such as ancient woodlands, and ancient or veteran trees.

There is one tree located in the highway verge adjacent to the existing dropped kerb. This is a prominent feature in the landscape, the applicant has not shown this on any plans and has not made reference to this tree.

The application seeks permission to add a new dropped kerb area, and from submitted highway surgery comments there is no requirement to fill in this dropped kerb area. If this was to occur this could have benefited the Birch tree. It would appear as though by retaining the existing dropped kerb area the garden area retains vehicular access. The potential benefit to the tree by the removal of vehicular parking within the potential Root Protection Area may be short-lived should any reinstatement of the access be created.

The proposed boundary treatment does not seem to have much detail and there is some potential to result in root damage. More detail would be needed and also the identification of any Arboricultural impacts. As the applicant has not clearly made any Arboricultural representation it is considered important to require provision of Arboricultural protection methods during any implementation of the proposals.

This can be secured via a suitably worded condition, to be submitted to the Local Planning Authority for approval. Subject to this condition, officers are satisfied that the proposed development would have an acceptable impact on trees.

Policies and Guidance: -

National Planning Policy Framework 2023 (NPPF)

The Plan for Stafford Borough 2011-2031 (TPSB)

Policy N4 (The Natural Environment and Green Infrastructure)

Conclusion and Planning Balance

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

Consultations

Highway Authority:

(Surgery) – 22/11/2023

New proposed access would result in poor visibility for pedestrians, request 1.5x1.5 next to the proposed driveway to allow for visibility.

Fencing up to neighbouring property would not result in poor visibility to this property, unless the vehicle access is to be retained, but this would be required to be removed. Remove gates (or need a pedestrian gates). Query this with the applicant.

Dropped kerb and transitional kerbs would need to be replaced with full height kerbs, and then the tarmac removed out of this area and replaced with grass verge.

They would also have to apply for a section 184 from the Traffic and Network team for the infill of the old access and for the new access.

New access is a sufficient distance away from the junction.

(Surgery) – 29/11/2023

Query regarding two access points. No issue with the two access points – disregard previous comments requiring applicant to infill existing access point.

Gate must be 5 metres away from the highway and open inwards. Recommend a metre of hardstanding.

Tree Officer:

Proposals:

Rear garden extension including new boundary treatment, new pavement crossover with dropped kerb and driveway.

Tree details

There is one tree located in the highway verge adjacent to the existing dropped kerb.

This is a prominent feature in the landscape, the applicant has not shown this on any plans and has not made reference to this tree.

Developments impacts

The application is to add a new dropped kerb area, and from submitted highway surgery comments there is no requirement to fill in this dropped kerb area. If this was to occur this could have benefited the Birch tree, but it is recognised that this is no longer required. It would appear as though by retaining the existing dropped kerb area the garden area retains vehicular access. The potential benefit to the tree by the removal of vehicular parking within the potential Root Protection Area may be short-lived should any reinstatement of the access be created.

The proposed boundary treatment does not seem to have much detail and there is some potential to result in root damage. More detail would be needed and also the identification of any Arboricultural impacts. As the applicant has not clearly made any Arboricultural representation it is considered important to require provision of Arboricultural protection methods during any implementation of the proposals.

Besides these concerns there are no other Arboricultural issues noted with this application.

Arboricultural Recommendation

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

Arboricultural Method Statement – pre commencement

Development shall not be commenced, including ground works, construction activities and deliveries to the site of any materials or equipment, unless and until an Arboricultural Method Statement covering all aspects of the proposal that are within the root protection area of the retained tree in the highway verge, or that have the potential to result in damage to that retained tree, has been submitted to and approved in writing by the Local Planning Authority.

The measures within the approved Arboricultural Method Statement shall be implemented and maintained until the completion of all construction related activity unless alternative details are otherwise first submitted to and approved in writing by the Local Planning Authority.

Neighbours:

(9 consulted): 4 representations received raising the following material considerations:-

- The plans are lacking detail on the fencing.
- Impact on open plan nature of estate.
- Highways impact of new access.
- One representation supported the application.
- Previous appeal decision relevant to the application.
- Varying land levels

Officer's Response: The proposed plans do not include much detail. However, they are correctly scaled and as such an accurate assessment can be made. Furthermore, where detail is lacking, this further information can be provided at a later date through suitably worded conditions, for the applicant to submit further details to Local Planning Authority for approval.

The impact of the proposed development on the openness of the area, in addition to the potential impact on highways are material planning considerations which have been discussed within this recommendation.

In response to the submission of a previous appeal decision at the neighbouring property No. 26 Widecombe Avenue, this decision related to the installation of fencing on the boundary of the neighbouring property up to the highway. The decision of the Local Planning Authority was to refuse the proposed development on the basis:

1. The proposed fence in such a prominent corner location would detract from the open plan nature of the estate. The fence would be visually obtrusive by reason of its height and close proximity to the highway. As such this would be contrary to Policy E and D2 (iii) of The Stafford Local Plan 2001.

2. The proposed 2-metre-high fence would severely restrict the visibility of vehicles entering and leaving the garage driveway and be a source of danger to pedestrians of Widecombe Avenue.

Firstly, the proposal included within application ref. 00/38858/FUL and the subsequent appeal decision, better reflected the initially proposed development as part of this application, both of which included timber fencing up to the boundary. The proposed development as part of this application has been amended since the initial submission to incorporate landscaping to soften and obscure the appearance of the proposed fencing. Furthermore, 26 Widecombe Avenue now benefits from a row of conifers cut into the shape of a hedge on the outside of a close boarded fence – which is not significantly different from what is proposed within this application. In addition, this appeal decision was made over 20 years ago. As such, this previous appeal decision does not give significant weight to an argument for refusal.

Relevant Planning History

None.

Recommendation

Approve, subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. This permission relates to the originally submitted details and specification and to the following drawings, except where indicated otherwise or by a condition attached to this consent, in which case the condition shall take precedence:-
 - 2282-0505-01 Proposed Location Plan
 - 2282-0506-01 Proposed Boundary Treatment
3. The development to which this permission relates shall be carried out in accordance with the materials specified on the approved plans and on the application form.
4. No new fencing shall be erected unless and until a landscaping plan, including the species of hedging, rate of growth, and planting details shall be submitted to and approved by the Local Planning Authority. The landscaping included within this plan shall be carried out in accordance with the approved details and in accordance with any timing / phasing arrangements approved or within the first planting season following the construction of the development hereby permitted, whichever is the sooner. Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.
5. Before the development hereby approved is brought into use, the existing access off Widecombe Avenue must be made redundant and permanently closed and the land behind the carriageway reinstated to highway grass verge.

6. No development shall commence, including ground works, construction activities and deliveries to the site of any materials or equipment, unless and until an Arboricultural Method Statement covering all aspects of the proposal that are within the root protection area of the retained tree in the highway verge, or that have the potential to result in damage to that retained tree, must be submitted to and approved in writing by the Local Planning Authority. The measures within the approved Arboricultural Method Statement shall be implemented and maintained until the completion of all construction related activity unless alternative details are otherwise first submitted to and approved in writing by the Local Planning Authority.

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

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission.
3. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
4. To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development (Policies N1 g and h of The Plan for Stafford Borough).
5. In the interest of highway safety and to ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
6. To protect, conserve and enhance ancient and veteran trees within the Borough (in accordance with Policy N4 of The Plan for Stafford Borough).
 - Pre-commencement reason
 - Insufficient information has been submitted for the impact of the proposed development on a street tree to be accurately assessed.

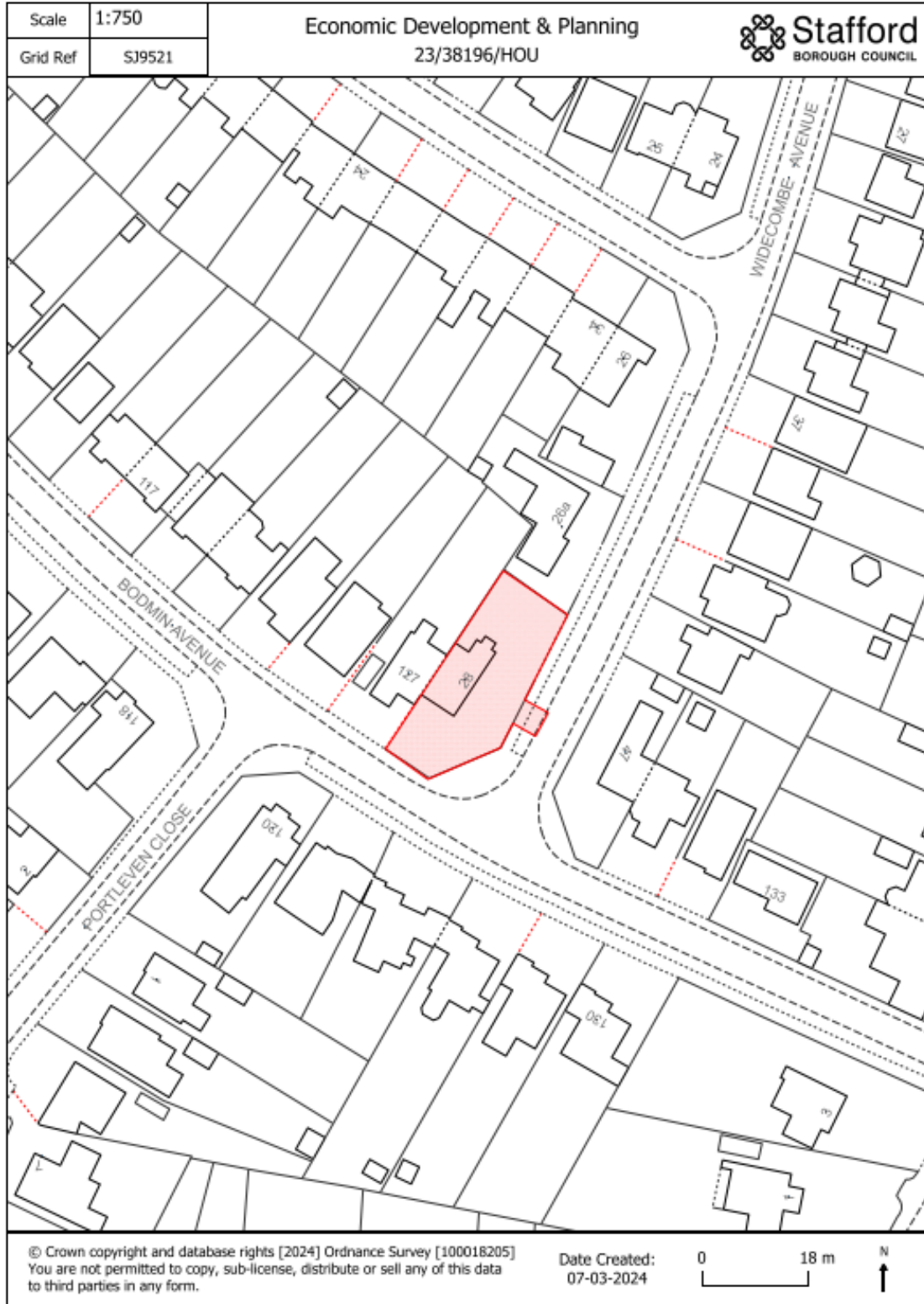
Informatives

1. The applicant will require a vehicle access crossing which will require a permit from our Traffic and Network Management Unit. Please note that you require Section 184 Notice of Approval from Staffordshire County Council. Please complete and send to the address indicated on the application form, which is Staffordshire County Council at Traffic and Network Management Unit, Staffordshire Place 1, Tipping Street, Stafford, Staffordshire, ST16 2DH. (or email to trafficandnetwork@staffordshire.gov.uk)
2. In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015, as amended, and the National Planning Policy Framework 2023, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.

23/38196/HOU

28 Widecombe Avenue

Stafford



Application:	23/38355/FUL
Case Officer:	Mark Danforth
Date Registered:	10 November 2023
Target Decision Date:	5 January 2024
Extended To:	16 February 2024
Address:	Land Between 3 and 5, Park House Drive, Stone, Staffordshire, ST15 8QR
Ward:	St Michaels and Stonefield
Parish:	Stone Town
Proposal:	Proposed change of use of land to residential to be included with the curtilage of 4 Westover Drive, together with new boundary fence and pedestrian access gate.
Applicant:	Mr J Adams
Recommendation:	Approve, subject to conditions

REASON FOR REFERRAL TO COMMITTEE

This application has been Called In by Councillor P A Leason and Councillor I D Fordham (Ward Members for St Michaels and Stonefield) for the following reason:-

"Loss of turning point for emergency vehicles refuse vehicles out of character over development".

"Highway safety issues"

Context

The application site is situated within the settlement boundary of Stone and the site is covered by a blanket TPO.

The application site lies between Nos. 3 and 5 Park House Drive (PHD). The site is essentially the northern end of a T shaped turning head for PHD. This roadway was originally left to provide a vehicular access for the 20 houses subsequently built post 2004 known as Westover Drive. This access point was not utilised due to it being deemed substandard from a visibility point of view for the additional traffic that would be generated.

The housing site 03/01604/FUL was subsequently approved with its own access off Lichfield Road. This left the turning area as surplus to requirements and has been used by residents of PHD for parking, turning and children's play area etc.

The applicant has purchased the land beyond the roadway to the north together with the road and paths off it. The applicant seeks consent to change the use of the land into garden area adding this to the domestic curtilage of his property 4 Westover Drive that adjoins the land in question. This area is fenced off to three sides to the boundaries of 3 and 5 PHD and the application site itself.

Following the initial comments from the Highway Authority, the change of use will now only include the soft areas of the site not the paths or the road itself. The gateway that was originally proposed for vehicles has now been removed from the scheme with only a pedestrian gate being proposed.

Planning policy framework

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

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

Officer Assessment - Key Considerations

1. Principle of development

The Plan for Stafford Borough does not include any specific policy which refers to the extension of residential curtilages. The land is not agricultural being situated within the urban area of the town bounding two residential developments. The proposal does not include any structures to be erected within the site the only change being the installation of a 1.8m timber fence with an access gate. Permitted development rights could be removed to prevent any further alterations and to protect the trees on the site.

In respect of the land now edged blue on the amended plan the Highway Authority have the final say in what happens to the tarmacked area and the footways that are maintained at public expense despite the ownership claimed by the applicant.

The land is described by local residents as being Public Open Space, (POS). This is not the case, the land subject to the proposal has always been owned by an individual for many years and has changed hands on a number of occasions. The applicant therefore has the right to fence this land off from the public as it is private land subject to acquiring the permission of the Local Planning Authority (LPA).

Whilst the residents of PHD have maintained the land and used it as a play area, this does not mean that the applicant cannot change the use of said land. There are no Local Authority records that state this is POS and must remain as such.

There is or has been a Legal Agreement with the then owner dating back to 1983 with Staffordshire County Council that the highway shall remain open for the use of the public. There would seem to be a misconception that the land beyond the roadway has to be retained for use by the residents of PHD this does not appear to have any legal standing and any expenses spent on this land over three decades is not recoverable by the residents. The land cannot be protected by the LPA or Staffordshire County Council albeit the roadway and paths shall be retained for their intended purposes.

The principle of changing the use of the land to garden is considered acceptable by officers subject to consideration in respect of general amenity, harm to protected trees and impact on the streetscene.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 7, 8, 10, 11,

The Plan for Stafford Borough

Policies: SP1 Presumption in favour of sustainable development; SP7 Supporting the location of new development:

The Plan for Stafford Borough: Part 2

Stone Neighbourhood Plan – no relevant policies

2. Character and appearance impact on trees.

The proposal as amended results in the current boundary fence being moved to the edge of the existing footway. Whilst this has been commented on by local residents this is not unusual. There are 2m close boarded fences to either side along the boundaries of No 3 and 5 PHD. A 1m fence could be erected to edge of the road frontage without planning permission in any case. The effect on the character of the area would therefore be minimal given the site is enclosed and not visible from the wider area.

There is no indication that the applicant intends to fell, lop or prune the trees as part of the change of use. The Pine Tree is protected by a TPO in any case requiring formal consent from the LPA to undertake any works to it.

The Tree Officer has been consulted on this application responding as follows;

'There are remaining mature shrubs / small trees within the site. It should be noted that there are mature trees located adjacent to the site.'

'A Tree Preservation Order covers this site and adjacent gardens that has the designation P26 within TPO 1 NSU of 1952. The applicant has shown the larger trees on the proposed layout plan these will be protected by the Tree Preservation Order. The shrubs / small trees are not of an age to make them protected.'

'It is clear that there is a long history associated with this site and the residents within Park House Drive. There is mention of vehicular access being proposed in numerous consultation responses. This refers to the original site layout and this would immediately be in conflict with the mature protected trees and would be considered inappropriate. There should not be any vehicular access created as originally suggested and with the amended plan is it believed that this is no longer being applied for.'

'There is concern that the change of use from low usage incidental open space to residential garden land introduces additional pressures to the adjacent trees and could result in conflict. However, it is not considered that the additional conflict from use as garden land would be much greater than that experienced currently'.

'The location of the proposed fencing is outside any root protection area as shown on the submitted plan so it is not considered likely that any harm will come from the installation of the fence'.

'It is important to state that at no point shall there be a vehicular access created across this piece of land. Such actions will result in significant harm to the large protected trees and so cannot be consented to in the future'.

It is clear that from the above response that subject to conditioning the use and that no vehicular access should be created there would be no real harm from the proposed change of use. The trees are already protected and permitted development rights can be removed to prevent any structures being erected in this area to protect the trees from any harm.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 135,

The Plan for Stafford Borough

Policies: N1 Design; N4 The Natural Environment and Green Infrastructure

Stone Neighbourhood Plan – no relevant policies

3. Residential amenity

Environmental Health raise no objections to the proposal.

The proposal would not result in any adverse effects on the current amenity levels enjoyed by the neighbouring properties of the site given the nature of the proposal and the fact that it is enclosed by 1.8m fencing.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 135

The Plan for Stafford Borough

Policies: N1 Design

Supplementary Planning Document (SPD) – Design

Stone Neighbourhood Plan – no relevant policies

4. Access and parking

The Highway Authority initially commented as follows to the proposal:

'The existing turning area which forms part of the Highway was created as part of the development of Park House Drive within the section 38 agreement to form a turning head to support the movement of refuse vehicles, public couriers, and emergency vehicles to enable them to safely manoeuvre within the turning head. Highways would be reluctant to terminate the highway rights over the turning head as its intended use as this proposal would have a detrimental effect on highway safety. The loss of the turning head would prevent large vehicles from safely manoeuvring within Park House Drive to enable them to egress in a forward gear. Highways would not wish to see any large vehicles due to the loss of a turning head reversing onto Lichfield Road (B5027) which is a heavily trafficked road.'

Given the above Highway safety concerns I recommend the application should be refused.'

The red edge of the site has been amended to include land off the roadway and paths only.

Highways have amended their response following receipt of these amended plans and no longer raise any objections subject to a condition requiring that the land remains ancillary to no. 4 Westover Drive.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 108 and 109

The Plan for Stafford Borough

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

Stone Neighbourhood Plan – no relevant policies

5. Conclusion

The proposal would not have any significant impact on the character of the area or the wider landscape. There would be no highway safety, or any significant residential amenity impacts from this low-key development. The removal of PD rights will ensure the trees are protected from any potential excavations for example that may disturb roots.

Consultations

Cannock Chase National Landscape Partnership: No objection

Environmental Health: No objections

Highway Authority: No objection raised following the removal of the highway element from the proposal. subject to conditions in respect of the access and the use.

Parish Council: The Town Council objects strongly to this planning application which appears to involve a land grab of green space for the purpose of development for profit.

Tree officer: From an Arboricultural point of view, I recommend that this application is Approved without condition.

Site notice expiry date: 04.02.2024

Neighbours - 17 consulted – 14 letters received objecting on the following grounds (summarised):

- Noise
- Highway safety
- Loss of green space,
- Loss of parking facilities on Westover drive for visitors.
- Loss of safe play area for children.
- Residents on Park House Drive have maintained this Public Open Space planting trees and shrubs which have now been removed.
- Parents collecting their children from school will have nowhere to wait or turn around. Will push cars on to Lichfield Road.
- Council vehicles need this turning area to access and egress Park House Drive.
- The provision of a fence at the site would be visually intrusive.

Relevant Planning History

07/07779/OUT - Outline for dwelling with indicative details of siting and appearance; on highway and other land between 3 and 5 Park House Drive and detached double garage on land opposite – Refused 28.08.2008 Appeal Dismissed 26.05.2009.

Recommendation

Approve subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. This permission relates to the originally submitted details and specification and to the following drawings, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence:

- Location plan Rev D
 - Site plan block plan as amended 11 January 2024
 - Proposed site plan JPK/23/5057/1 Rev D as amended 11 January 2024
3. The development hereby permitted shall be completed in accordance with Drawing No. JPK/23/5057/1 Revision D (Proposed Site Plan) and shall not be let, leased, or sold and remain ancillary to 4 Westover Drive, Stone to be incorporated as part of the garden for the lifetime of the development.
 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any other subsequent equivalent order, no development within the following classes of development shall be carried out without the prior approval of the Local Planning Authority:
 - Schedule 2, Part 1, Class E - buildings etc incidental to the enjoyment of a dwellinghouse
 - Schedule 2, Part 2, Class B - means of access to a highway

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

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission.
3. In the interests of the amenity of the area and retain the existing turning area of the adjacent highway for service vehicles.
4. To protect the protected trees within and along the boundary of the proposal site from disturbance from structures or excavations that may impact the roots of trees resulting in their lifespan being reduced, and general amenity of the area.

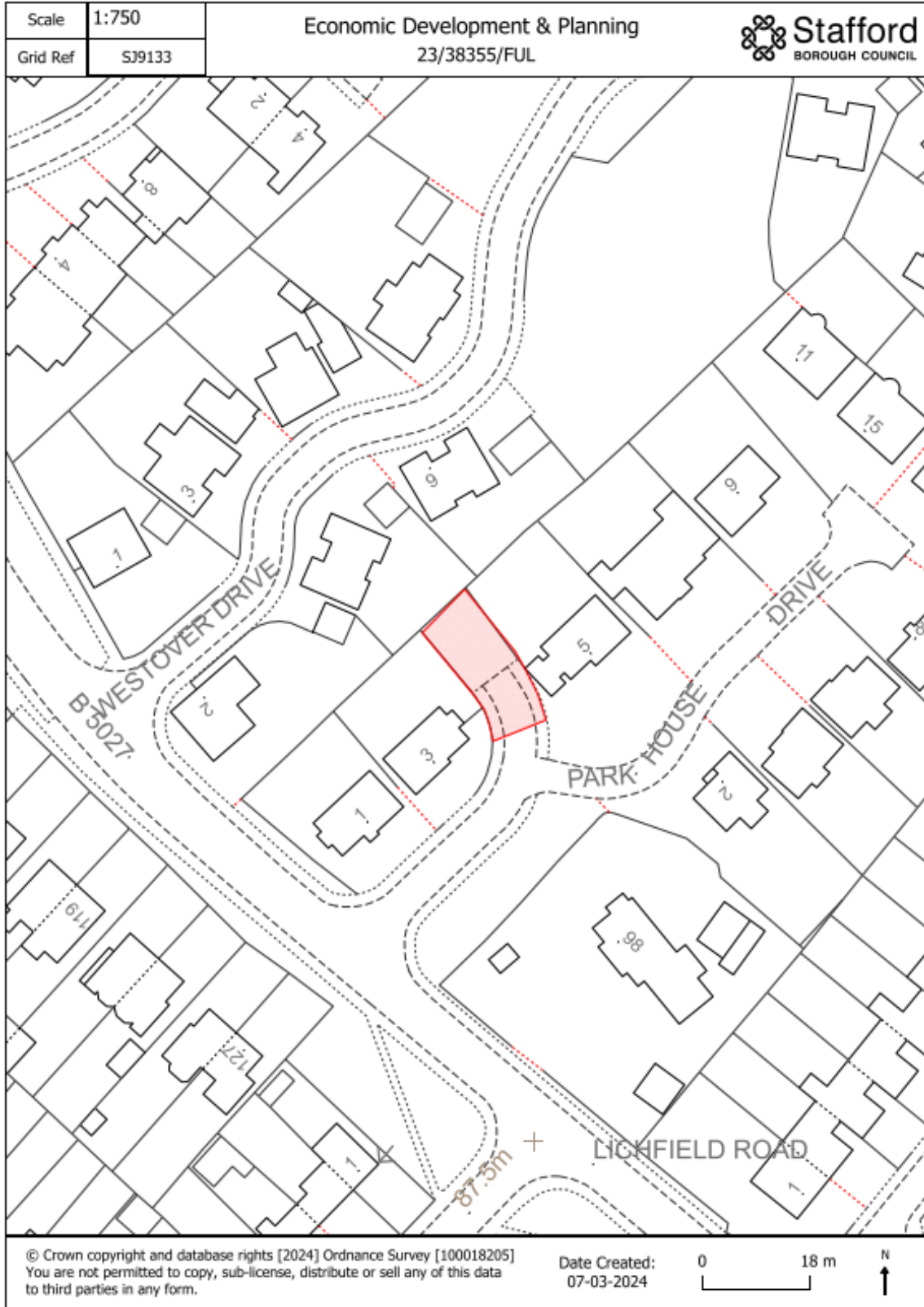
Informatives

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

23/38355/FUL

Land Between 3 And 5 Park House Drive

Stone



 PLANNING COMMITTEE - 20 MARCH 2024

Ward Interest - Nil

Planning Appeals

Report of Head of Economic Development and Planning

Purpose of Report

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

Notified Appeals

Application Reference	Location	Proposal
23/36954/FUL Delegated Refusal	Hawkwood Barn, Broad Hill, Beffcote	Retrospective application for the change of use of land to residential curtilage (class C3) and retention of boundary wall and detached garage
21/34598/FUL Delegated Refusal	Land At Puddle Lane, Hixon	Retrospective application for change of use of agricultural land into residential. Proposed erection of steel framed building onto existing concrete base.
22/36569/COU Delegated Refusal	Bank Farm Bungalow, Outwoods Bank, Outwoods	Change of use from agricultural land to garden

Decided Appeals

Application Reference	Location	Proposal
22/35480/FUL Delegated Refusal Appeal Dismissed	Land To The West Of The Italian Gardens Tea Rooms, Stone Road	The retention of five dining pods, a catering service unit and associated access and landscaping.
22/36909/FUL Non determination Appeal Allowed	Stables, Brancote Farm, Tixall Road	Variation of Condition 2 (Plans) of permission 20/32528/FUL: Conversion of redundant cowshed to provide a single dwelling with minimal landscaping, external works and fencing to delineate plot boundaries
22/36582/PTEL Delegated Refusal Appeal Allowed	Telecommunication Mast, Eccleshall Road, Stafford	Installation of a new 20-metre-high monopole supporting 6 no. antennas with a wraparound equipment cabinet at the base of the column, the installation of 3 no. new equipment cabinets and ancillary development thereto.

Previous Consideration

Nil

Background Papers

File available in the Development Management Section

Officer Contact

John Holmes, Development Manager, 01785 619302



Appeal Decision

Site visit made on 8 January 2024

by A Edgington BSc MA (Hons) CMLI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2024

Appeal Ref: APP/Y3425/W/23/3319659

Trentham Estate, Stone Road, Trentham, Stoke On Trent ST4 8JG

- 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 Trentham Leisure Ltd against the decision of Stafford Borough Council.
 - The application Ref 22/35480/FUL, dated 22 December 2021, was refused by notice dated 19 October 2022.
 - The development proposed is Full planning permission for the retention of five dining pods, a catering service unit and associated access and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although not mentioned in the reasons for refusal, the site lies within the Trentham Conservation Area and there are many listed buildings within the Trentham Estate. In accordance with my statutory duty, I have considered the effects of the development on these assets in my reasoning. As the heritage statement and correspondence between the appellant and the Council specifically refers to these effects, I see no reason why this should be prejudicial to either party.

Main Issues

3. The main issues are:
 - Whether the development would preserve the historic features or special architectural interest, including settings, of the Grade II* Registered Park and Garden known as Trentham Gardens, the Grade II* listed Perseus with the Head of Medusa, and the Grade II listed Garden Pavilion; Arbour Trellis; Retaining wall, balustrade, steps and boathouse, and Retaining wall, balustrade and steps between the flower and parterre gardens, and whether the development would preserve or enhance the character or appearance of the Trentham Conservation Area;
 - Whether the development would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies; and,
 - If so, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Heritage assets

Registered Park and Garden

4. The listing for Trentham Gardens (the gardens) sets out that they were developed on the site of a 12th century Augustinian monastery by the Leveson-Gower family, who remained in ownership of the estate until its sale in 1979. During the family's ownership the estate underwent a series of extensive redesigns, each reflecting the fashion of the period, and in addition to the main house and ancillary buildings, designs included woodland rides, twin canals, tree lined avenues, stables, a lake and extensive formal gardens.
5. There are two very prominent designers associated with the estate. In the mid-18th century, Lancelot 'Capability' Brown was engaged to remodel and enlarge the parkland, thereby increasing the size of the lake, and adding earth mounds and using specimen trees to enhance the natural topography. At that time the previously formal gardens close to the house were replaced by a haha and a wide lawn.
6. However, by the mid-19th century, the family had amassed significant wealth and had extravagant taste. Sir Charles Barry (Barry) was commissioned to design a grand, formal and Italianate setting for the newly extended Trentham Hall (Hall) whose additions included a grand entrance, a belvedere tower, orangery, sculpture gallery and clock tower. The long lawn between the Hall and lake was replaced by two grand and spacious rectangular terraces, each with a formal parterre.
7. The planting schemes of the head gardener were noted for innovation in their use of bedding and colour effects, and the gardens' magnificence in its opulent heyday was such that it warranted inclusion in a novel written by Benjamin Disraeli. However, towards the end of the 19th century, expenditure on the gardens was reduced and by the beginning of the 20th century, the Hall and the gardens had fallen into a state of disrepair, largely as a consequence of the pollution in the River Trent which runs alongside the park and which feeds the lake.
8. The estate has been a commercial leisure attraction since 1996. The parterres have been restored and present an extensive formal and highly geometric garden layout between the lake and the remains of the Hall. They are a clear focal point on entering the estate from the visitor centre, framed on one side of the north-south axis by the listed Arbour Trellis and on the other by mature and established evergreen trees which mark the transition between the parterres and the more informal picnic and play areas beyond. Even from a short visit it is clear that the estate is sympathetically managed to a very high standard and provides a quality leisure experience, whilst ably reflecting the grandeur and diversity of the original composition which is enhanced by the quality of more recent landscape design and art installations. These make their own contemporary statements as well as sitting comfortably within this unique historic context.
9. As such, the gardens have historic and associative value linked to their long and illustrious association with a series of prominent families and designers,

and aesthetic and evidential value as a consequence of the retention and restoration of so much of the historic designed landscape and its features.

10. The gardens' significance therefore arises from their underlying historic layout and integral relationship with the natural and remodelled topography, the sense of grandeur which is derived from openness and scale, the spatial arrangement of the various features, and the presentation of historic features in a sympathetic setting. These include the many listed buildings and monuments to which the gardens are inextricably linked in spatial, aesthetic and historic terms, and for which the gardens provide the immediate setting.

Listed buildings

11. There is an abundance of listed buildings within the estate. These punctuate the gardens and provide an impressive reminder of the estate's former wealth and illustrious history.
12. The courts¹ have found that for a development to affect the setting of a heritage asset, there has to be a distinct visual relationship, although economic, social and historic considerations may also play a part. I have therefore included five listed buildings in my reasoning. These are arranged around the lower terrace.
13. The triple arched *Garden Pavilion*, constructed from limestone ashlar, and designed by Barry, is the last remaining classically inspired pavilion. It is situated to the west of the terraces, and is attached to the limestone *Retaining wall, balustrades and steps between the flower and parterre gardens, flower garden walls* which are an integral part of the remodelling which created the upper and lower terrace in the mid-19th century.
14. The cast and wrought iron *Arbour Trellis* runs down the eastern side of the upper and lower terraces, and remains as a prominent and fairly dominant feature when viewed from within the parterres.
15. Forming a boundary between the lower terrace and the lake, the *Retaining wall, balustrades, steps and boathouse* are punctuated by the Grade II* listed *Perseus with the Head of Medusa*, an important example of a bronze cast by the Italian sculptor Benvenuto Cellini.
16. The significance of the listed buildings collectively is derived from their intact historic fabric, their association with the Leveson-Gower family and its designers, and the aesthetic values of highly ornamented buildings and features which reflected the family's wealth and social status over the estate's long and varied development.
17. It is impossible to disentangle the settings of each individual listed building from the others, as they each individually and collectively contribute to the composition of the formal gardens whose underlying layout and ornamentation has survived to an impressive degree. As such, the listed buildings are both integral parts of the gardens as a whole, the formal gardens, and also provide reciprocal and overlapping settings for each other.

¹ Steer v Secretary of State for Communities and Local Government, Catesby Estates Limited, Amber Valley Borough Council [2018] EWCA Civ 1697

18. The appellant argues that as there is limited inter-visibility between the appeal site and nearby listed buildings, consideration of the settings of these buildings can be discounted. However, the appeal site is an integral part of the framing of the lower parterre, as are the listed buildings outlined above. Moreover, I concluded that these listed buildings are part of the same visual envelope as the appeal site and are an integral part of appreciating the lower terrace.

Conservation Area

19. The Trentham Conservation Area (CA) includes an area slightly larger than the registered park and gardens. The CA Appraisal analyses the park's component parts and the way in which they combine to define the character, appearance and overall significance of the CA, which is derived from the historic Italianate gardens, the lake and parkland, the large number of listed buildings and monuments, the remaining lodges and estates, and the woodland and diverse habitats. The CA Appraisal notes that the identity and character of the CA is intrinsic to and inseparable from the historic park. I see no reason to disagree with this description of the CA, and the assessment of significance as set out in the Heritage statement² which reflects that of the CA Appraisal.

Proposals and effects – Registered Park and Gardens

20. The five pods are located on rising ground to the west of the lower terrace, close to a group of mature evergreen trees. Their bulbous shape, random positioning and highly reflective polycarbonate skin with black ribs is both incongruous and intrusive in the context of traditional materials and formal geometry. They fail to relate to the underlying geometry of the terraces and detract from the imposing scale of the nearby trees which form a neutral backdrop to the formal gardens.
21. One of the arguments advanced for the retention of the pods is that they allow a different view of the parterres. However, the views from the pods closest to the parterres are the same as from the nearby path. In any case, this argument is inconsistent with the premise that that additional screening would minimise their impact, which has been undertaken to allay the concerns of the Staffordshire Gardens and Parks Trust. Moreover, as far as I could ascertain sitting in the pods gives views mainly of the other pods or the nearby vegetation.
22. In any case, the additional planting reinforces the intrusion into what would otherwise be an informal transition zone between the parterres with glimpsed views to the less formal spaces beyond. Even if the pods were screened from the parterres, it would not alter my reasoning that they are incongruous and detract from the aesthetic and historic appreciation of the gardens.
23. I appreciate that the tea rooms has a highly contemporary and sleek design but this is set further back from the parterres, is on higher ground which also accentuates its separation, and even though internal lights were on at my visit, the tea rooms recede into the vegetated backdrop. They are also reflective of the high standards of design evident throughout the park which is not the case for the pods now before me.
24. I conclude that the pods and the service unit are prominent and incongruous additions which detract from their immediate surroundings and fail to relate to

² Heritage Statement, June 2022, Turley

their context. As such, they diminish the significance of the gardens as a whole.

Proposals and effects – Listed Buildings

25. The pods and the service unit would appear to be an incongruous intrusion into the area immediately adjacent to the terraces, and would also detract from the settings of the other listed buildings which collectively contribute to the appreciation of the gardens, thus reducing their significance.

Proposals and effects – Conservation Area

26. The pods and service unit would be intrusive and incongruous and would fail to preserve or enhance the character or appearance of the CA. This would amount to less than substantial harm and would diminish the significance of the CA.

Heritage balance

27. The harm identified above in relation to the gardens, the listed buildings and the CA would amount to less than substantial harm. Paragraph 205 of the Framework states that great weight should be given to a heritage asset's conservation, irrespective of the degree of potential harm.
28. Paragraph 208 of the Framework notes that where development will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal, including securing where appropriate, its optimum viable use.
29. The argument is advanced that the pods provide local employment. There is inconsistency within the evidence as to the precise numbers of full and part-time jobs created, and no financial information has been provided. As the pods have been in operation for a few years, and are an adjunct to the tearooms operations, it is unclear why more detail around the business model and past-occupation and activity could not have been provided. Nor is there any financial information to support the assertion that the pods are a legitimate need for the business and create significant revenue.
30. Nonetheless, I acknowledge that there is likely to be some additional revenue and some benefit in terms of job opportunities. Additional revenue could contribute to maintenance and the long term future of the listed buildings and the gardens. However, the information before me in this regard is generalised and unsubstantiated. In the absence of supporting documentation, I am unable to conclude that this would amount to public benefits sufficient to outweigh the harm to the heritage assets. Consequently, I am unable to give this more than minor weight.
31. The argument is also advanced that the pods provide an opportunity to access nature, but it is unclear how sitting in a polycarbonate pod within a formal garden increases access to nature and no further details are given.
32. The argument is raised that there are no other suitable locations for the pods. However, as there is no evidence before me that the pods are essential to the estate's operations or to the long term future of the heritage assets, I see no reason to pursue this argument further.
33. As such, I conclude that the development would fail to preserve the significance of the gardens, would fail to preserve the settings of the

aforementioned listed buildings, and would fail to preserve or enhance the character or appearance of the CA. The development conflicts with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). It also conflicts with Policy N1 h) of the Local Plan (LP) which requires development to have regard to local context, including heritage assets and to preserve and enhance the character of the area, LP Policy N8 a) which requires development to protect conserve and enhance the elements of the landscape that contribute to local distinctiveness, and LP Policy N9 which is concerned with safeguarding the historic environment. It also conflicts with guidance given in Section 16 of the National Planning Policy Framework (the Framework).

34. The development is also contrary to Action 9 of the CA appraisal which notes that new development should ensure that new buildings are appropriate to the existing historic character and aesthetic qualities of the CA's landscape. It would also conflict with the 2001 management plan which recommended that there are filtered views through the Italian gardens to the western pleasure grounds and beyond.
35. The appellant argues that there is no formal objection from Historic England (HE) but that is not borne out by the evidence which shows that HE considers that the development amounts to less than substantial harm.

Green Belt

36. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
37. Paragraph 154 of the Framework states that new buildings are inappropriate in the Green Belt, but lists exceptions. One exception is the provision of appropriate facilities for outdoor sport, outdoor recreation, cemeteries, burial grounds and allotments, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
38. The officer's report states that because the definition of main town centre uses in the glossary to the Framework distinguishes between sport and recreation, and tourism, the development would not fall within Paragraph 154 b). However, it is unclear why a reference to main town centre uses should be relevant here. I see no reason why refreshment facilities should not be included as part of the leisure and recreational offering at Trentham Gardens. Nonetheless, I am required to consider openness.
39. The pods have a bulk and mass that intrudes into the transition zone between the parterre and the grassed picnic area. They are also highly visible when entering the gardens from the main visitor centre as they are on raised ground relative to the parterre.
40. The courts have determined that openness has a visual and spatial quality. In this case the pods have a bulk that intrudes into the space between mature trees that create an informal but visually semi-permeable frame for the formal gardens. They are also highly visible across the gardens when entering the estate from the main visitor centre. Although there appears to be an intention to plant a yew hedge between the formal gardens and the pods, when this is mature it will reinforce the obstruction of former glimpsed views.

41. The appeal statement refers to a court judgment³. However, this judgment notes that the tests for openness are not formulated as an assessment of the relative size of the existing situation and proposed development. Consequently, the floor area of the pods and the associated mobile service unit relative to the vastness of the estate carry no weight in my assessment of openness in the Green Belt.
42. I also acknowledge that the tea rooms are a significantly larger structure than what is proposed here. However, the existence of lawful development within the Green Belt does not necessarily justify further loss of openness through the building of further structures.
43. The appeal statement also refers me to an appeal for five wind turbines. However, this appears to be an appeal of some age, which predates the first edition of the Framework. It also predates the judgment referred to above. I have to determine this appeal in accordance with current guidance and the local development plan. I conclude that the aforementioned appeal is not comparable to the appeal before me. In any case, each appeal is determined on its merits.
44. Although additional refreshment facilities could be construed as being linked to the gardens' recreational offering, there would be an adverse effect on openness. The pods and the service unit would be inappropriate development, and would fail to safeguard the countryside from encroachment as set out in Paragraph 143 of the Framework. Paragraph 153 of the Framework notes that substantial weight should be given to harm to the Green Belt.

Planning Balance and Conclusion

45. This appeal concerns substantial harm to the Green Belt and less than substantial harm to designated heritage assets. I have set out above that there is insufficient evidence to demonstrate that the public benefits arising from the retention of the pods and the service unit would outweigh the identified harm to heritage assets. Moreover, even if I concluded that the provision of refreshments within the gardens would outweigh the harm to the Green Belt, it would not outweigh the harm to the heritage assets. I conclude that the other considerations that might amount to very special circumstances sufficient to outweigh the harm to the Green Belt, as well as harm to heritage assets, do not exist.
46. In the light of the above I conclude that the development conflicts with the provisions of the Act, clear guidance in the Framework, and policies in the local plan. There are no material considerations of such weight to lead me to conclude otherwise. The appeal is dismissed.

A Edgington

INSPECTOR

³ Turner v SSCLG & East Dorset Council [2016] EWCA Civ 466



Appeal Decision

Site visit made on 9 January 2024

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th February 2024

Appeal Ref: APP/Y3425/W/23/3320502

Brancote Farm, Tixall Road, Tixall, Stafford, Staffordshire, ST18 0XX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Steve Witton against Stafford Borough Council.
 - The application Ref 22/36909/FUL is dated 15 December 2022.
 - The application sought planning permission for the conversion of redundant cowshed to provide a single dwelling with minimal landscaping, external works and fencing to delineate plot boundaries without complying with a condition attached to planning permission Ref 20/32528/FUL, dated 11 September 2020.
 - The condition in dispute is No 2 which states that:
This permission relates to the originally submitted details and specification and to the following drawings, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence:-
 - 19057_000 C
 - 19057_001 A
 - 19057_002 B.
 - The reason given for the condition is: *To define the permission.*
-

Decision

1. The appeal is allowed and planning permission is granted for the conversion of redundant cowshed to provide a single dwelling with minimal landscaping, external works and fencing to delineate plot boundaries at Brancote Farm, Tixall Road, Tixall, Stafford, Staffordshire ST18 0XX without complying with Condition 2 of permission 20/32528/FUL granted on 11 September 2020 by Stafford Borough Council, but otherwise subject to the conditions set out in the attached schedule.

Preliminary Matters

2. Condition 2 lists the approved plans and an application to substitute them for alternative plans was submitted to the Council. The application was not determined by the Council within the statutory period and hence an appeal has been submitted.
3. The most notable differences between the approved plans and those subject to this appeal relate to fenestration details and the addition of a post and rail fence along the converted building's front boundary. Work has already taken place which mostly accords with the proposed plans. However, the Council has set out two reasons why it finds the proposed substitution plans unacceptable. The first finds that UPVC windows and doors are inappropriate to the traditional

construction of the building. The second relates to fencing and the sub-division of the former farmyard which the Council consider would result in an over domestication of the farmstead. I have considered this appeal on this basis.

4. The Appellant states that Drawing No 19057_002 Rev C is incorrectly marked as Revision C when it should be Revision D. However, the plan presented to me is marked as Revision C and I have not seen a Revision D. Therefore, I have based my decision on the plans submitted and referenced and so shall refer to them as such.
5. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023 and is a material consideration to this appeal. Having considered the revisions to the Framework, as well as the principles of natural justice, together with the nature of the determining issues in this appeal it is clear to me that there are no material changes in the revised Framework relevant to the substance of this appeal. I have consulted with the parties and their views are consistent with mine.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the host building and its surroundings.

Reasons

7. The appeal site comprises a single storey residential property, land around it and a long access from Tixall Road. The building has been converted from a former cowshed to a residential property with UPVC windows and doors. A timber post and rail fence has been erected which delineates the dwelling's frontage.
8. The appeal building is set within a well-spaced grouping of farm buildings including brick buildings as well as modern metal clad ones, a farmhouse and a large farmyard. I note that work was underway on other buildings and the appellant's uncontested evidence is that a combination of UPVC and aluminium has or is being used on them. No evidence has been submitted regarding the details of these other conversions so I do not know whether the use of UPVC has been approved on them. Nevertheless, it is apparent that the farm complex comprises a number of buildings which have or are being converted to residential use while it appears that the farm still functions as a working farm.
9. The windows are dark UPVC and have been installed in place of the hardwood timber windows and doors shown on the approved plans. There are also changes to the configuration of some fenestration details and there are minor differences between those installed and the details shown on the submitted plans. Nonetheless I have determined the appeal on the basis of the proposed drawings as outlined at paragraph 4 above.
10. I consider that the use of timber would be a traditional material that would suit the character and style of the building, and I am aware that it is often accepted that timber is a preferred option for the conversion of agricultural buildings. However, I do not find the use of UPVC to be especially harmful given the scale and height of the building up to eaves level and its large expanse of decorative roof tiling. Furthermore, within the context of the farm grouping, the windows on this single storey building do not detract from the character of the farm complex overall. It is of a very different scale and character and appearance to

the farmhouse and is set apart from most of the other farm buildings given the large area of farmyard. Therefore, I do not consider that the character or appearance of the host dwelling or its surroundings would be harmed.

11. Turning to the fencing, the plans describe it as a temporary post and rail fence and I note that it is a simple timber ranch style fence around the front of the dwelling. It assists in defining the property's boundary, the area it encloses is modest and the style of fencing does not over domesticate the agrarian character of the wider farmyard. It is low key and unintrusive and I see no harm in it to either the building itself or its wider setting of the farm complex.
12. I consider that the proposed changes to the approved plans would not have a harmful effect on the character or appearance of the host building or its surroundings. They would not conflict with the design standards required by Policy N1 (g) & (h) of The Plan for Stafford Borough 2011 - 2031, adopted 19 June 2014. It would also not conflict with the Framework, including paragraph 140 which seeks to ensure that the quality of approved development is not materially diminished between permission and completion as a result of changes being made to the permitted scheme (such as materials).

Conditions

13. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under Section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. This appeal is under Section 73(A) as at least some of the work has already been carried out in breach of the disputed condition. However, whilst I have no information before me about the status of the other conditions imposed on the original planning permission, I shall impose those that I consider remain relevant. The reasons for those conditions remains as set out in the original permission.
14. The Council has supplied a list of conditions which the appellant has not disputed. I shall, therefore also consider those in terms of the tests set out in the Framework and the Planning Policy Guidance. Furthermore, although the property appears to be occupied, I am not certain whether this is the case and no reference is made to occupation by either party. Accordingly, I have imposed those conditions that require action prior to occupation as set out in the suggested conditions.
15. I have amended some of the wording in the interests of precision or conciseness. This includes omitting the reference to Schwegler 1B bird boxes as no information has been submitted as to why this particular style/brand needs to be specified.
16. I have also omitted a condition specifying that the permission is for renovation and refurbishment of the property as the works have, at least in large part, already been carried out and the condition is unnecessary. The Council has also suggested a condition requiring details and retention of air source heat pumps, but this condition was not on the original permission and other than stating the reason for the condition being to ensure a satisfactory appearance, the Council has not explained why it would be necessary now. I have, therefore, omitted it from the schedule of conditions.

Conclusion

17. I have found that no harm has arisen, nor would arise, from the installation of the UPVC windows and doors or to the erection of a timber post and rail fence to the character and appearance of the host building and its surroundings and no conflict with Policy N1 (g) & (h) has occurred. I therefore delete Condition 2 and substitute it with a revised condition which substitutes the approved plans. I consider this is necessary in order to define the permission and for the avoidance of doubt. For the reasons set out above, I have also included a full schedule of conditions. On this basis the appeal is allowed.

J D Clark

INSPECTOR

Schedule of Conditions

1. The development hereby approved relates to the following approved plans:
 - Drawing Nos:
 - 19057_000 Rev A
 - 19057_001
 - 19057_002 Rev C
 - 19057_200
 - 19057_201
 - 19057_900 Rev A
2. Details of hard and soft landscaping, including boundary treatments (and privacy screening to the eastern boundary) shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall thereafter be provided within 8 months of first occupation of the dwelling.
3. The parking provision shown on Drawing 19057_002 Rev C shall be provided before the development is first occupied and shall thereafter be retained as such.
4. Before the development is first occupied either two bat tubes or two bat bricks shall be installed in appropriate locations on the dwellinghouse and they shall thereafter be retained. All external lighting shall be designed to avoid light spill on the bat tubes/bricks and commuting areas.
5. Before the development is first occupied two bird boxes shall be installed within the site and retained thereafter.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any other subsequent equivalent order, no development within the following classes of development shall be carried out without the prior written approval of the Local Planning Authority:
 - Schedule 2, Part 1, Classes A, B, C, D, E, F, G or H; and
 - Schedule 2 Part 2, Classes A and B.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any other subsequent equivalent order, no windows, doors, roof lights, or other openings shall be created in the dwelling in addition to, alterations to, or enlargements of, those hereby permitted without the prior written approval of the Local Planning Authority.
8. Within one month of the date of this permission precise details of the roof lights, to include design, material, colour and recess within the openings, shall be submitted to and approved in writing by the Local Planning Authority. The approved roof lights shall be installed and retained thereafter.



Appeal Decision

Site visit made on 9 January 2024

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2024

Appeal Ref: APP/Y3425/W/23/3322215

Land at Corner of Woodlands, Tillington, Stafford, Staffordshire ST16 1JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by MBNL for and of behalf of Three UK Ltd against the decision of Stafford Borough Council.
 - The application Ref 22/36582/PTEL, dated 17 August 2022, was refused by notice dated 22 November 2022.
 - The development proposed is installation of a new 20-metre-high monopole supporting 6 no. antennas with a wraparound equipment cabinet at the base of the column, the installation of 3 no. new equipment cabinets and ancillary development thereto.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for the siting and appearance of the installation of a new 20-metre high monopole supporting 6 no. antennas with a wraparound equipment cabinet at the base of the column, the installation of 3 no. new equipment cabinets and ancillary development thereto at land at the corner of Woodlands, Tillington, Stafford, Staffordshire ST16 1JJ in accordance with the terms of the application Ref 22/36582/PTEL, dated 17 August 2022, and the plans submitted with it including Master Drawing No 1199429_STD061_28619_ST0397_M001 Issue A.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the Local Planning Authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. There is no requirement to have regard to the development plan as there would be for any development requiring planning permission. Nevertheless, Policies N1 and N8 of The Plan for Stafford Borough 2011 -2031, Adopted 19 June 2014 are material considerations insofar as they relate to issues of siting and appearance.
4. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023 and is also a material consideration to this appeal, including its section on supporting high quality communications. Having

considered the revisions to the Framework, as well as the principles of natural justice, together with the nature of the determining issues in this appeal it is clear to me that there are no material changes in the revised Framework relevant to the substance of this appeal. Therefore, I do not consider it necessary, in this instance, to invite any submissions from the parties on the revised Framework.

Main Issues

5. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the surrounding area and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any measures to minimise the impact of the development and any suitable alternatives.

Reasons

6. The proposed installation would be sited in an area of grass verge on the corner of Eccleshall Road and Woodlands Road and between Eccleshall Road and a service road that serves residential properties. Most of the buildings in the area are two-storey except for a three-storey apartment block on the corner of the service road and Woodlands Road. The grass verge contributes positively to the character and appearance of the area by providing the junction and its immediate surroundings with an open and verdant feel.
7. A slim 11.5 metres high existing telecommunications pole is in situ on the grass verge adjacent to the Eccleshall Road footway. In the context of lampposts, telegraph poles, road signage and street trees in the vicinity, plus the backdrop of the three-storey apartment block, it does not appear unduly intrusive in the street scene.
8. Conversely, the proposed replacement pole would be 20 metres high and sited adjacent to the service road. This would be significantly taller and wider than the existing pole, be set further back from the trees alongside Eccleshall Road and tower above the apartment block. It would also be noticeably higher than the surrounding trees and lampposts and as such appear as a large, visually intrusive and incongruous feature in this residential area. Its bulk and top heavy appearance created by the number of antennas would exacerbate its appearance. The installation would also create a profusion of equipment cabinets within the grass verge by not only adding the wrap around cabinet to the pole but three other new cabinets and the retention of two of the existing cabinets. These would not only reduce the open and verdant appearance of the grass verge but also create clutter at street level. The photomontage submitted with the appeal documents does not persuade me otherwise.
9. Notwithstanding this, I appreciate that the design of the existing pole was commensurate with the technologies of the time and smaller, slimmer and more lightweight antennas are not compatible with the newer 3G, 4G and 5G technologies. Furthermore, the appellant explains that the existing equipment provides 2G, 3G and 4G coverage for EE but only 3G coverage for H3G UK and can only accommodate 4G technology for one operator. The appellant also states that ICNIRP¹ guidance for the latest 4G and 5G technology could not be

¹ International Commission on Non-Ionizing Radiation Protection Public Exposure Guidelines.

followed at the existing pole's height. The replacement equipment would be able to provide 3G, 4G and 5G coverage for both operators.

10. Upgrading the existing telecommunications site would be consistent with paragraph 119 of the Framework in terms of keeping to a minimum the sites for such installations. Moreover, the Framework encourages the use of existing masts, buildings and other structures for new electronic communications capability. In this case, the proposal would be located within the vicinity of the existing telecommunications installation and utilise two of the equipment cabinets. The existing pole would be removed once the new one was in operation.
11. The Framework goes on to state that where new sites are required, such as for new 5G networks, equipment should be sympathetically designed and camouflaged where appropriate. The appellant states that the proposed pole is the slimmest design possible to enable the multi-technologies to be supported. The proposed antennas would be unshrouded for technical reasons, in particular the higher frequency 4G antenna are unable to operate effectively through the Glass Reinforced Plastic that a shroud is typically made up of. Timber cladding has also been considered as a camouflage option as it has been used elsewhere in the area but this also has implications for the effective functioning of antenna.
12. Alternative design solutions, suggested by the appellant, could be a lattice mast, headframe arrangements, or replica telegraph poles. Lattice masts are substantial structures set within dedicated and secure compounds. Such a structure has been discounted by the appellant due to the unsuitability of the site due to the space required at ground level together with the visual appearance of such a structure in this location. The appellant also explains the arrangement of antenna fixed to a mast in a variety of configurations. These headframe configurations can be fixed to a lattice structure or a monopole such as the structure proposed. This was discounted as it would introduce a bulky headframe at the top of the pole and the appellant considered that as this is not a feature in the locality.
13. The third alternative referred to by the appellant is a replica telegraph pole but whilst having the advantage of having a low profile, their size limits the number and type of antenna that can be installed. In particular, such structures are not capable of delivering next generation 5G coverage which would fail to meet the appellant's operational brief of enhancing 3G, 4G and accommodating future 5G coverage.
14. There is an existing streetworks installation approximately 150 metres to the south-east of the appeal site on Eccleshall Road. This includes a 20 metre high mast operated by Vodafone and provides 3G and 4G coverage. The appellant has considered whether this could be upgraded. However, such an upgrade was discounted on the grounds of lack of space at ground floor level for the 5 equipment cabinets and the existing mast was not capable of providing the appellants antenna at a height that would have constituted a viable upgrade.
15. From the evidence presented to me, the proposed height of the telecommunications pole and the antennas that it would support cannot be camouflaged if the new installation is to provide the intended coverage. The pole would be finished in a light grey colour and the cabinets green which I do

not take any particular issue with. The Council has not disputed the appellant's evidence regarding alternative designs.

16. The appellant has demonstrated that an installation is required in this area to provide network coverage, the search for alternative sites is constrained by the purpose of the proposal to replace existing infrastructure, and alternatives have nevertheless been considered insofar as the nearby installation has been reasonably discounted. Moreover, the Council has not disputed the location of the development or suggested that alternative locations may be more appropriate but is silent on this matter.
17. The proposal is required to facilitate the rollout of 5G technology and to improve 2G, 3G and 4G services in this area as part of the continued network improvement program by the operator and paragraph 122 of the Framework makes clear that need for electronic communications systems should not be questioned. Therefore, whilst I consider that the installation would have a harmful effect on the character and appearance of the area, the appellant has demonstrated why alternatives designs and/or camouflaging is not possible in this instance. Under the prior approval procedure, the principle of the development is established and therefore the installation must be sited somewhere in the target area. I am satisfied that alternative designs on this site are not possible. Furthermore, on the basis of the evidence submitted, I cannot but conclude that there is not an alternative that would have a less harmful impact than the proposal.
18. Consequently, the harmful effect of the proposal on the character and appearance of the surrounding area is outweighed by the need for the installation to be sited as proposed taking into account the measures to minimise the impact of the development and the lack of any suitable alternatives.

Conditions

19. The Order does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

20. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

J D Clark

INSPECTOR