

Dear Members

Planning Committee

A meeting of the Planning Committee will be held on **Wednesday, 4 June 2025** 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.



Head of Law and Governance

PLANNING COMMITTEE - 4 JUNE 2025

Chairman - Councillor A Nixon

Vice-Chairman - Councillor S N Spencer

AGENDA

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

Details of Delegated applications will be circulated separately to Members.

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7	Enforcement Matters - CONFIDENTIAL	63 - 83

The public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 7, Part 1, Schedule 12A of the Local Government Act 1972 (as amended).

Not for Publication Report of the Head of Economic Development and Planning (Items 7.1 - 7.3).

The Report is confidential due to the inclusion of information:

- *Relating to any individual.*
- *Which is likely to reveal the identity of an individual.*
- *Relating to any action taken or to be taken in connection with the prevention, investigation, or prosecution of crime.*

MEMBERSHIP

Chairman - Councillor A Nixon

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

ITEM NO 5

ITEM NO 5

PLANNING COMMITTEE - 4 JUNE 2025

Ward Interest - Nil

Planning Applications

Report of Head of Economic Development and Planning

Purpose of Report

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

		Page Nos
24/39864/PAR	Barn at New Buildings Farm, Woollaston Lane, Church Eaton, Stafford, Staffordshire	4 - 26
The application was called in by Councillor J T Rose		
Officer Contact -Richard Wood, Development Lead Telephone 01785 619324		

Previous Consideration

Nil

Background Papers

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

Application: 24/39864/PAR

Case Officer: Richard Wilshaw

Date Registered: 31 October 2024

Target Decision Date: 26 December 2024

Extended To: 11 June 2025

Address: Barn At New Buildings Farm, Woollaston Lane, Church Eaton, Stafford, Staffordshire

Ward: Seighford and Church Eaton

Parish: Bradley

Proposal: Prior Approval - Change of Use from Agricultural Barn to Dwelling

Applicant: Mr and Mrs Mason

Recommendation: Approve, subject to conditions

REASON FOR REFERRAL TO COMMITTEE

This application has been referred to Planning Committee by Councillor J T Rose (Ward Member for Seighford and Church Eaton) for the following reasons:

1. Access and Road Conditions
2. Private Road Conditions
3. Public Rights of Way
4. Visual Survey and Structural Concerns
5. Conversion or New Build
6. Noise and Environmental Impact
7. Loss of Privacy
8. Concerns Regarding Final Use of the Barn

1. Principle of Development

- 1.1 The application site comprises a building in plain architectural style in a pitched, galvanized steel portal frame construction of approximately 5.9m in width and an overall length of 14.2m. The building is constructed in block work and steel cladding. It is enclosed on all sides with barn doors on the front elevation. The building has a solid concrete floor throughout.
- 1.2 The building is approached via a semi bound drive off Woollaston Lane to the southeast of Church Eaton. The site forms part of a former dairy farm comprising a mixture of arable and pastureland.
- 1.3 Approximately 100m to the north of the agricultural barn to be converted is the dwellinghouse known as New Buildings Farm, which is also owned by the Applicant and is currently undergoing redevelopment via grant of planning permission reference 23/37139/FUL. Attached to this dwelling is another dwelling, Grange Farm. Further to the north-west is another detached dwelling known as Grange Farm Barn, a barn conversion completed in circa 2003 via grant of permission reference 02/43270/FUL.
- 1.4 To the south and west of the application site are several unused, vacant agricultural buildings. Historically the application site, the surrounding unused agricultural buildings and the 3 dwellings noted above were all used as New Buildings Farm and Grange Farm when they were fully operational.
- 1.5 The surrounding area is predominately agricultural in nature, with associated farmhouses and farmsteads interspersed across the landscape.
- 1.6 The designations of the development include the following:
 - Amber risk zone for Great Crested Newts;
 - Flood Zone 1; and
 - In the open countryside.
- 1.7 The application site itself does not lie within a Conservation Area, nor is it subject to any other formal designations. The building is not a heritage asset.
- 1.8 A Public Right of Way (footpath Bradley 17) follows the private access track to the proposed development before veering off into an adjacent field opposite the application building.

2. Background

- 2.1 Planning permission for the building itself was granted consent on 22 January 2014 via permission reference 13/19595/FUL.

3. Proposal

- 3.1 The application proposes the conversion of the agricultural building to one Class C3 residential unit with an associated single storey rear extension. The extension is proposed to the rear of the unit on an area of existing hardstanding.
- 3.2 The agricultural building has a Gross External Area of 127m² and it is proposed to convert all this floorspace to residential. The extension proposed would add an additional 23m², creating a unit of 150m².
- 3.3 The proposed unit is single storey and will provide an open-plan kitchen and living area, alongside 3 bedrooms and a bathroom. The proposed curtilage will not exceed more than the land area occupied by and associated with the building to be converted.
- 3.4 Vehicular parking in the form of 2 spaces will be accommodated to the west of the agricultural building upon an existing area of hardstanding. Access will be taken from the existing access point onto Woollaston Lane. The use and maintenance of the access track will be shared with the neighbouring dwellings.
- 3.5 Where required, the walls will be clad in metal cladding. The insertion of windows and doors is also proposed, to allow the building to function as a dwelling. All habitable rooms will have a minimum of one 1 window to allow for adequate natural light.
- 3.6 The prior notification application is submitted under the terms of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2024, as amended. The legislation was been amended from 20 May 2024 therefore this application will be assessed against this current legislation.

4. Principle of Development

- 4.1 Class Q development is a type of permitted development which allows for the conversion of agricultural buildings into dwellings without the need for full planning permission, but with prior approval from the local authority. This enables landowners to create new homes by reusing existing buildings. This report will now assess the proposed development against the criteria set out within Class Q.
- 4.2 Having regard to Class Q of the Order, a proposal will be considered as permitted where the development consists of:

a) *“a change of use of—*

- (i) *a building that is part of an established agricultural unit and any land within that building’s curtilage, or*
- (ii) *a former agricultural building that was (but is no longer) part of an established agricultural unit and any land within that building’s curtilage,*

to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,

- b) *development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a), or*
- c) *development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building referred to in sub-paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule or to extend that building”.*

4.3 Under section Q1 of the legislation, development is not permitted by Class Q if any of the following relevant criteria are not complied with. For ease each criterion of section Q1 is provided in bold with the Officers assessment provided following:

- (a) *in the case of a site that is part of an established agricultural unit, the site was not part of the established agricultural unit—*
 - (i) *on 24th July 2023, or*
 - (ii) *where the site became part of the established agricultural unit after 24 July 2023, for a period of at least 10 years before the date development under Class Q begins.*

4.4 The proposal forms Class Q(a) development as the structure at the application site is long standing and well established. Furthermore, the site, pursuant to the proposed development outlined above, was used solely for agricultural purposes prior to, on and after the 24 July 2023. Accordingly, the proposed development complies with criterion (a) of Q1

- (a) *in the case of a site that was (but is no longer) part of an established agricultural unit—*
 - (i) *the site was part of an established agricultural unit on 24 July 2023,*
 - (ii) *where the site ceased to be part of an established agricultural unit after 24 July 2023, the site has not been part of the established agricultural unit for a period of at least 10 years before the date development under Class Q begins, or*
 - (iii) *since ceasing to be part of an established agricultural unit, the site has been used for*

4.5 The proposed development is judged to comply with criterion (a) and therefore criterion (b) of Q1 is not relevant.

- (a) *The floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeds 150 square metres*

4.6 The proposed development will total 150m². The existing building it currently 127m² and all its existing floorspace will be converted to residential use. A rear extension proposes an additional 23m². Accordingly the proposed development complies with criterion (c) of Q1.

(a) *the development under Class Q, together with any previous development under Class Q, within the original limits of an established agricultural unit (see paragraph Q.3(2) of this Part) would result in—*

- (i) *the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 10, or*
- (ii) *the cumulative floor space of dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 1,000 square metres.*

4.7 There have been no previous dwellinghouses constructed within the limits of the established agricultural unit under Class Q. Accordingly the proposed development complies with criterion (d) of Q1.

(a) *the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained,*

4.8 The site is not occupied under an agricultural tenancy agreement. Accordingly the proposed development complies with criterion (e) of Q1.

(a) *less than 1 year before the date development begins—*

- (i) *an agricultural tenancy over the site has been terminated, and*
- (ii) *the termination was for the purpose of carrying out development under Class Q,*

unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use,

4.9 No agricultural tenancy has been terminated within 1 year of the proposed development beginning. Accordingly the proposed development complies with criterion (f) of Q1.

(a) *development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit during the period which is 10 years before the date development under Class Q begins,*

4.10 No development under Class A(a) (works for the erection, extension or alteration of a building) or Class B (a) (the extension or alteration of an agricultural building) of Part 6 of the Order has been carried out on the established agricultural unit in the 10 years prior to this application. Accordingly the proposed development complies with criterion (g) of Q1.

(a) *the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point, other than—*

- (i) *extension of the building allowed by paragraph Q.1(i);*

- (ii) *protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph Q.1(j)(i)*
- (b) *the development under Class Q(b) would result in an extension that—*
 - (i) *has more than one storey,*
 - (ii) *is sited anywhere other than to the rear of the existing building,*
 - (iii) *extends beyond the rear wall of the existing building by more than 4 metres,*
 - (iv) *has eaves the height of which exceed the height of the eaves of the existing building,*
 - (v) *is higher than whichever is the lower of—*
 - (aa) *the highest part of the roof of the existing building, or*
 - (bb) *a height of 4 metres above the ground*
 - (vi) *extends beyond a wall that forms a side or principal elevation of the existing building, or*
 - (vii) *would be sited on land that, before the development under Class Q(b), is not covered by a hard surface that was provided on the land by virtue of any development, and—*
 - (aa) *the hard surface was not provided on the land on or before 24 July 2023, or*
 - (bb) *where the hard surface was provided on the land after 24 July 2023, the hard surface has not been situated on the land for a period of at least 10 years before the date development under Class Q(b) begins,*

4.11 The submitted drawings for the proposed development show that the proposed extension:

- Will not be more than 1 storey;
- Will not be sited anywhere other than the rear of existing building;
- Will not extend beyond the rear wall of existing building by more than 4 metres;
- Will not extend beyond side or principal elevations of the existing building;
- Will not create eaves higher than the height of the current building's eaves;
- Will not be higher than the highest part of the roof of the existing building, or exceed 4 metres in height.

- Will not be sited on land that is not covered by hard surface that was provided before 24 July 2023 – this has been corroborated with historic aerial imagery.

4.12 Accordingly the proposed development complies with criteria (h) and (i) of Q1.

(j) *the development under Class Q(c) would consist of building operations other than—*

(i) *the installation or replacement of—*

(aa) *windows, doors, roofs, or exterior walls, or*

(bb) *water, drainage, electricity, gas or other services,*

to the extent reasonably necessary for the building to function as a dwellinghouse, and

(ii) *partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(j)(i),*

4.13 The proposed development will involve the installation of windows and doors within the walls of the agricultural building to an extent reasonably necessary for the building to function as a dwellinghouse, and replacement roof and wall cladding is required for insulation purposes. Details pursuant to water, drainage, electricity, gas or other services can be secured by an appropriately worded condition. Accordingly the proposed development complies with criterion (j) of Q1.

(k) *the site is on article 2(3) land*

4.14 Article 2(3) land comprises:

- an area designated as a conservation area under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (designation of conservation areas);
- an area of outstanding natural beauty;
- an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981 (enhancement and protection of the natural beauty and amenity of the countryside);
- the Broads;
- National Park; and
- World Heritage Site.

4.15 The application site is not located within any of the above Article 2(3) land designations. Accordingly the proposed development complies with criterion (k) of Q1.

(l) *the site is, or forms part of—*

- (i) *a site of special scientific interest;*
- (ii) *a safety hazard area;*
- (iii) *a military explosives storage area,*

4.16 The application site is not, or forms part of, any of the above land designations. Accordingly the proposed development complies with criterion (l) of Q1.

- (m) *the site is, or contains, a scheduled monument,*
- (n) *the building is a listed building,*

4.17 The application site is not, nor contains, a scheduled monument and it is not a listed building. Accordingly the proposed development complies with criteria (m) and (n) of Q1.

- (o) *the existing building, excluding any proposed extension under Class Q(b) but including any proposed building operations under Class Q(c), would not be capable of complying with the nationally described space standard issued by the Department for Communities and Local Government on 27 March 2015 as read with the notes dated 19 May 2016 which apply to it.*

4.18 The adopted National Space Standards for a 3-bedroom, 6-person, single storey dwelling is 95m² with at least 2.5m² of built-in storage. The proposed development would provide 150m² with ample storage space in the form of a utility, store and dressing room. Accordingly the proposed development complies with criterion (o) of Q1.

- (p) *the building does not have suitable existing access to a public highway.*

4.19 The Applicant has submitted evidence to demonstrate that the existing vehicular access to the site from the public highway can suitably accommodate the proposed development.

4.20 With this type of application there is no scope to undertake associated improvement works to make the access safe, the proposal can only comply with criterion (p) if it is demonstrated that the existing access is suitable. In this context it is worth noting that the existing access is evidently suitable for the existing 3 dwellings that use it, alongside the previous agricultural uses that would have previously used it for decades, and could re-use it again for such use without the need for planning permission.

4.21 To try and demonstrate that the existing access is suitable, speed surveys have been undertaken on Woollaston Lane to demonstrate the average speed of vehicles travelling eastbound and westbound along the highway to show that appropriate visibility splays are provided at the junction of the existing access and the public highway.

- 4.22 A topographical survey has been submitted that demonstrates that appropriate visibility can be achieved, subject to a minor amount of hedgerow trimming within land that is owned by the Applicant. The works are very minor and effectively amount to hedgerow trimming which the Applicant would be otherwise doing as part of their regular maintenance works. The works required to achieve the appropriate visibility do not constitute development and regardless, even if they were, they could not be controlled through this proposal. Regardless, given that only a minor amount of work is required to achieve the appropriate visibility splays from the junction of the access and the highway it is considered in this instance that an informative is sufficient to ensure the Applicant does undertake the works to achieve the visibility splays. In ess
- 4.23 The Highways Authority have also stated that the following works should also be undertaken:
- The vehicle access to be resurfaced in tarmac to an agricultural standard from the edge of carriageway on Woollaston Lane for its full width of the entrance of the track for a minimum depth of 5m into the site.
 - Creation of two tarmac passing bays (a minimum of 3m in width and 6m in length) along the private access track.
 - Installation of x3 caution pedestrian right of way signs located one near the entrance, one north of Grange Farm and one to the east of the proposed site adjacent to the PROW route to reinforce and alert vehicles to the fact that pedestrians have right of way.
- 4.24 It is agreed with the Highways Authority that the proposed elements above would be beneficial to the proposed development for vehicle users and pedestrians using the Public Right of Way that follows the access track. However, with this type of application there is no mechanism for their inclusion in any approval. The decision maker can only assess whether the existing vehicular access can suitably accommodate the proposed development or not. In this instance it is judged that whilst the inclusion of the above elements would be beneficial, they are not required to make the existing access suitable. They are not essential to ensure that the vehicular access is safe; they would be upgrades to what is already a safe and suitable access.
- 4.25 Paragraph 116 of the Framework states that *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”* In this instance it is judged that the existing vehicular access can suitably accommodate an additional 3-bedroom dwelling. The Highways Authority have requested 2 x passing places, that the first 5m of the junction of the track and Woolaston Lane be resurfaced and the installation of 3 x caution pedestrian signs. As previously discussed, whilst these may be beneficial they cannot be enforced with the grant of an application for Prior Approval via Class Q. Critically, it is judged that if these elements were omitted then the proposal would not result in a severe impact on the highway network and nor would it have an unacceptable impact on highway safety.

- 4.26 Given the abundance of surrounding land the Applicant does own they could, quite easily, undertake the above works and it is not judged that they would form development and could therefore be undertaken without the need for planning permission. Accordingly it is recommended that an informative is added to any decision notice (if approved) which strongly suggests that the Applicant does include these measures for the betterment of the dwellings end user, the neighbouring occupiers and users of the Public Right of Way.
- 4.27 Given that this was a working farm previously it is not considered that there will be such a significant intensification of the use for a three-bed dwelling. In reality the use will be less frequent therefore highway safety would not be significantly worse.
- 4.28 The Highways Authority have also concluded that the proposed development should be refused for the following reason:

The proposed development would exacerbate the risk of conflict between vehicles, pedestrians and cyclists due no segregated facilities and no street lighting therefore unsuitable to cater for this proposed development leading to an increase in the likelihood of danger to highway users.

- 4.29 The substantial majority of all applications for Prior Approval via Class Q will be located in rural locations which are fundamentally unsustainable. By their very nature they involve the conversion of agricultural buildings, the majority of which are sited in locations where there are no segregated facilities between vehicles and pedestrians / cyclists and there is a lack of streetlighting. Insistence on refusing applications for Prior Approval via Class Q on this basis would effectively render the application route redundant.
- 4.30 The Planning Practice Guidance explains that Local Planning Authorities should apply a reasonable ordinary dictionary meaning in making any judgement as to whether the siting or location of a building is impractical or undesirable – as set out below.
- 4.31 Impractical reflects that the location and siting would not be ‘sensible or realistic’ – for example where an agricultural building is on the top of a hill with no road access, power source or other services. Undesirable reflects that the location and siting would be ‘harmful or objectionable’ – for example where the new dwelling would be sited adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals.
- 4.32 In summary, it is judged that the existing access can suitably accommodate the proposed development without the need for any additional intervention to the private access track. The visibility splays can easily be improved without the need for any development that would require planning permission and assurances have been made by the Applicant that these will be provided. The other elements suggested by the Highways Authority are judged to be beneficial, but are not essential to make the development safe.

- 4.33 It is agreed that the site is not in a sustainable location and there are no segregated facilities separating vehicles from pedestrians / cyclists nor are there street lights, but this is the reality for the vast majority of barn conversions and/or those developments approved via this Prior Approval Class Q route. Accordingly the proposed development complies with criterion (o) of Q1.
- 4.34 Section Q2 of the legalisation provides a list of conditions which a proposed development via Class Q must meet in order to be acceptable. Each condition is provided in bold with the Officers assessment set out following.
- (1) *Where the development proposed is development under Class Q(a) together with development under Class Q(c), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—*
- (a) *transport and highways impacts of the development,*
- 4.35 The application site benefits from an existing, distinct access point off the public highway, with clear and established visibility splays along Woollaston Lane. These splays will be retained as part of the proposed development and the Applicant has provided assurances that they will be improved.
- 4.36 Whilst in operation as a working farm the access has accommodated most kinds of vehicles, including agricultural vehicles, horse boxes and private cars. The existing area of hardstanding to the north of the agricultural barn will provide sufficient space for vehicular parking, to meet the Council's adopted parking standards.
- 4.37 Accordingly the proposed development complies with condition (a) of Q2.
- (b) *noise impacts of the development,*
- 4.38 The development will not suffer adverse impacts as a consequence of noise generated from surrounding development, nor will it give rise to unacceptable noise impacts. The development will result in a residential use in proximity to existing properties, which will serve to improve the amenity levels of neighbouring residential properties when compared to the agricultural building's current and previous use.
- 4.39 Accordingly the proposed development complies with condition (b) of Q2.
- (c) *contamination risks on the site,*
- 4.40 The previous use of the building presents a low likelihood of contamination on site. There is a solid concrete floor, which also serves to reduce risk. The application is accompanied by a Stage I Contaminated Land Report, which confirms that conversion of the agricultural barn to residential use would not pose any risk to human health. A condition would be attached to any approval that requires the recommendations of said report will be adhered to.
- 4.41 Accordingly the proposed development complies with condition (c) of Q2.

(d) *flooding risks on the site*

4.42 According to the Environment Agency's Flood Map, the site is located within Flood Zone 1, meaning the site is at the lowest risk of flooding.

4.43 Accordingly the proposed development complies with condition (d) of Q2.

(e) *whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order*

4.44 When assessing proposals against this condition it is common practice to assess the structural suitability of the building for conversion and its location. As to the acceptability of the structure, NPPG guidance has been provided, where the question of "what works are permitted under the Class Q permitted development right for change of use from an agricultural building to residential use?" is answered. The commentary is set out below for information:

"The right allows either the change of use (a), or the change of use together with reasonably necessary building operations (b). Building works are allowed under the right permitting agricultural buildings to change to residential use: Class Q of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015. However, the right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right. For a discussion of the difference between conversions and rebuilding, see for instance the case of *Hibbitt and another v Secretary of State for Communities and Local Government* (1) and *Rushcliffe Borough Council* (2) [2016] EWHC 2853 (Admin). Internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q".

(NPPG Paragraph: 105 Reference ID: 13-105-20180615)

- 4.45 The application is accompanied by a Structural Inspection Report which confirms that the retained structure is of sufficient strength to provide for the residential conversion and whilst there are replaced elements (such as some wall cladding) and internal works, these are not prohibited by Class Q. The existing structure will be retained, and the exterior will largely retain the character of that which already exists, due to the use of metal cladding. The development proposed is not a rebuild (as was successfully ascertained in the Hibbitt case), but rather, a conversion.
- 4.46 The initial visual inspection that was submitted was further enhanced with the submission of a revised structural report that satisfactorily demonstrates that the building is structurally capable of being converted without any structural intervention. This included further investigation of the existing foundations, and the report concludes that the existing foundations will satisfactorily take the load of the conversion without any alterations to the footings or structure.
- 4.47 It is considered that the building subject of this application is of significant structural capacity and that the retained elements far outweigh the new elements which will be introduced. The proposed works will improve upon the aesthetic of the building and make it weather tight and insulated for residential purposes.
- 4.48 With regards to the location of the proposed development National Planning Policy Guidance provides clarity to support the principle of development pursuant to the consideration of the sustainability of the location by stating that:
- “The permitted development right does not apply a test in relation to sustainability of location. This is deliberate as the right recognises that many agricultural buildings will not be in village settlements and may not be able to rely on public transport for their daily needs. Instead, the local planning authority can consider whether the location and siting of the building would make it impractical or undesirable to change the use to residential”.
- (NPPG, Reference ID: 13-108-20150305)
- 4.49 With respect to consideration of the practicality and desirability of a dwelling in this location, the building to be converted is situated in proximity to three existing residential properties. The village of Church Eaton, which includes a primary school, church, cricket club and pub, is located circa 2 miles drive from the application site. Larger settlements such as Gnosall and Penkridge are also within a reasonable driving distance (under 5 miles).
- 4.50 The agricultural building is therefore considered to be located in a practical and desirable location, which will not give rise to unacceptable impacts on the amenity of existing or future occupiers.
- 4.51 Accordingly the proposed development complies with condition (e) of Q2.
- (f) *the design or external appearance of the building*

4.52 The proposed conversion of the building will not harm the character of the area and overall appearance of the surrounding countryside, as the inherent character and form of the building will be retained through the minimal external works proposed. The inclusion of additional doors and windows is considered to be an acceptable amount without detracting from the buildings agricultural appearance.

4.53 Accordingly the proposed development complies with condition (f) of Q2.

(g) the provision of adequate natural light in all habitable rooms of the dwellinghouses

4.54 All habitable rooms will have a minimum of one window to facilitate adequate natural light.

4.55 Accordingly the proposed development complies with condition (g) of Q2.

Conclusion of Class Q Assessment

4.56 The proposals have been assessed against Class Q of the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015 ("the Order"), and it is judged that the development proposed is compliant with legislation.

5. Cannock Chase SAC

5.1 Policies N1 and N6 of TPSB state that development which had a direct or indirect adverse impact upon the integrity of the Cannock Chase SAC, and the effects cannot be mitigated, will not be supported.

5.2 Policy N6 of TPSB sets out that any development leading to a net increase in dwellings within a 15km radius of the Cannock Chase Special Area of Conservation (SAC) will be deemed to have an adverse impact on the SAC unless or until satisfactorily avoidance and/or mitigation measures have been secured. The Council has adopted guidance acknowledging a 15km Zone of Influence and seeking financial contributions for the required mitigation from residential developments of 1 or more net units within the 0-15km zone. The proposal lies within the 8-15km zone of the Cannock Chase SAC and proposes 1 net dwelling, as such a financial contribution is required.

5.3 Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration, beyond the above planning policy matters, to the impact of this development, in this case, due to the relative proximity, on the Cannock Chase SAC. Therefore, in accordance with Regulation 63 of the aforementioned Regulations, the Local Planning Authority has undertaken an Appropriate Assessment. The Council's Appropriate Assessment (AA) concludes that the mitigation measures identified within the Council's Development Plan for windfall housing sites, will address any harm arising from this development to the SAC. A S111 has been signed to secure the financial contribution.

- 5.4 As such on this basis, it is concluded that the LPA have met its requirements as the competent authority, as required by the Regulations and therefore the proposal will comply with the requirements of the Development Plan and the NPPF in this regard.

Policies and Guidance:-

National Planning Policy Framework 2024 (NPPF)

Paragraphs 187-189

The Plan for Stafford Borough (TPSB) 2011-2031 Policies

N6 (Cannock Chase Special Area of Conservation (SAC))

6. Conclusion and Planning Balance

- 6.1 It is considered that the proposed development complies with the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 6.2 With regard to Q.2, and for the reasons set out within section 2 of this report, it is considered that prior approval should be granted.

7. Other Matters

- 7.1 Several neighbour objections have been received which raise issues that cannot be considered as part of an application for Prior Approval via Class Q. Those issues that have been raised that are relevant (e.g. vehicular access, impact on amenity, noise, overlooking, etc) have been adequately addressing through the assessment of the proposals against the requirements and conditions of Class Q.
- 7.2 The Biodiversity Officer has suggested that bird boxes be incorporated into the proposed development but this is not enforceable through this form of planning application and whilst they may be beneficial, they are not essential.

Consultations

Biodiversity Officer

No objection

The barn's construction and appearance indicate a negligible potential for roosting bats and therefore, surveys are not required.

As a Prior Approval application, it is exempt from BNG.

All wild birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981. This means that roofing and renovation works should not be undertaken in the nesting season (March to August), unless it can be demonstrated by the developer that breeding birds will not be affected. This can be done by requesting a method statement for protection / avoidance of nesting birds as a condition – this may include timing of work, pre-work checks, avoiding nesting areas etc.

2x Schwegler 1B bird boxes should be installed in suitable locations around the site.

2x integrated swift nesting boxes should be installed under the eaves of the new building.

Highways Authority

Recommend refusal

This track has a status of a public rights of way Footpath (Bradley 17). Landowners are responsible for keeping the paths free from obstruction. The county council also ensures that all routes are legally protected on the definitive map. The definitive map and statement is a legal document and records the line and legal status of all recorded public rights of way. Public rights of way are highways over which members of the public have the legal right of passage across someone else's land.

The Highway Authority recommends the application should be refused for the following reason:

- The proposed development would exacerbate the risk of conflict between vehicles, pedestrians and cyclists due no segregated facilities and no street lighting therefore unsuitable to cater for this proposed development leading to an increase in the likelihood of danger to highway users.

Reasons

- Contrary to the objectives and policies contained within the NPPF paragraph 115 & 117.
- Contrary to the interests of highway safety.

If the application were to be approved, I would request the development hereby permitted shall not be brought into use until the visibility splays as shown on Drawing No. 32 (Topographical Access Visibility Plan) have been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 900 mm above the adjacent carriageway level.

If this application were to be approved, I would request for vehicle the access to be resurfaced in tarmac to an agricultural standard from the edge of carriageway on Woollaston Lane for its full width of the entrance of the track for a minimum depth of 5m into the site.

If this application were to be approved, I would request the development shall not be brought into use until two tarmac passing bays (a minimum of 3m in width and 6m in length) have been provided along the private access track and shall thereafter be retained for the lifetime of the development.

If this application were to be approved, x3 caution pedestrian right of way signs are to be located, one near the entrance, one north of Grange Farm and one to the east of the proposed site adjacent to the PROW route to reinforce and alert vehicles to the fact that pedestrians have right of way. Signs need to be located within land under the applicant's control. The owner of the premises is required to take responsibility for the fixtures and fittings associated with the signs and be liable for future maintenance and any claims made relating to the signs.

If the application were to be approved the access works would require a Permit to Dig and a Highway Works Agreement to surface the access to an agricultural standard. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to highway.agreements@staffordshire.gov.uk

www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx

Newt Officer

No objection, subject to conditions

The development site lies within the amber Impact Risk Zone for great crested newts and has numerous ponds close by, two of which have historic great crested newt survey records. However, due to the scale and location of the development further surveys are considered disproportionate.

it is recommended that a precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licensed Method Statement (NLMS) strategy documents completed by a suitably qualified ecologist is produced, to show that the works will be carried out following best practice procedures.

It is also recommended to supply the informative included below:

"The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence."

The applicant can apply to the District Licensing Scheme at any time should they wish to avoid any risks or should newts be encountered on the site.

Staffordshire County Council Definitive Map and Spatial Information Officer

No objection

The Definitive Map of Public Rights of Way for Staffordshire shows a public right of way running along the access route. From the information submitted it does not appear it will be directly impacted by the proposed development.

The following should be brought to the attention of the applicant and noted in the planning consent if granted:

Public Footpath No. 17 Bradley Parish runs along the access track to the application site (occupying the full width of the track between boundaries), and east of the proposed site.

The granting of planning permission does not constitute authority for any interference with the public right of way and associated items - or its obstruction (temporary or permanent). This is the case both during the building stage or once the development is completed should the permission be granted. The term obstruction, in this context, applies to items such as gates or stiles which are regarded as licenced obstructions which must be sanctioned by the highways authority, and also to any vehicles parking on the right of way, including those associated with construction.

NPPF 104. states that: Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

Users of the path must be able to exercise their public rights safely and at all times and the path be reinstated if any damage to the surface occurs as a result of the proposed development.

Where private rights exist that allow the use of vehicles along a footpath, drivers of vehicles must give way to pedestrians. In the absence of private rights, driving a vehicle on a public right of way is a criminal offence.

Any works to the surface of the footpath require discussions with the County Council Rights of Way Team.

Staffordshire County Council has not received any application to add to or modify the Definitive Map of Public Rights of Way in that vicinity. The possibility of the existence of a currently unrecognised public right of way, makes it advisable that the applicant pursue further enquiries and seek legal advice regarding any visible route affecting the land, or the apparent exercise of a right of way by members of the public.

Natural England

No objection subject to securing appropriate mitigation

Environmental Health

No objection

I refer to the above-mentioned planning application and can confirm that I have no objections from a noise perspective.

Parish Council

No comments received

Neighbours (3 consulted):

3 objections received raising the following concerns:

- Both the private access track and Woolaston Lane are in major disrepair with no segregated footway. Worried about the impact of more intense use of the road and track if the area is further developed.
- The access track lies on a bend in Wollaston Lane, and increased traffic in and out would cause more issues on what a very busy single-track road is already.
- The proposed conversion is directly adjacent to a public footpath, which would pass right in front of the picture windows in the living areas of the development.
- The driveway from the gate up past the property forms the public footpath and is of very poor quality. The further use of this would worsen the situation and the impact of increased construction traffic would affect the enjoyment of walkers in the area.
- Serious concerns about the adequacy of the visual survey submitted as part of the planning application.
- Question whether the proposal is a true conversion or would it constitute a full rebuild.
- Inert waste is evident inside and outside all the buildings on the site.
- Potential for the proposed development to be used as an Airbnb.
- No garden area is shown for the dwelling.
- Concern that the surrounding area will be developed for several properties meaning more traffic polluting the atmosphere as amenities are not accessible without transport and there isn't a bus service that operates in the lane.
- The garden of Grange Farm would be directly overlooked by the front elevation of this development, with additional traffic driving right past their main window

Site Notice expiry date: 4 December 2024

Relevant Planning History

13/19595/FUL - Erection of a new steel portal framed agricultural building to accommodate a milking parlour and dairy – Permit - 22 January 2014

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 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:-
 - Proposed Class Q Barn Conversion - Plans, Elevations and Site Plan Drawing No: 25D
 - Proposed Class Q Barn Conversion - Plans, Elevations and Site Plan Drawing No: 26D
3. The development must be carried out in strict accordance with the Precautionary Working Methods (Chapter 4) of the submitted Precautionary Working Method Statement for GCN Job Number T10908 Version V4.0 Date 13 December 2024
4. The development must be carried out in strict accordance with the Conclusions and Recommendations (Chapter 5.0) of the submitted PHASE 1 NON-INTRUSIVE SITE INVESTIGATION Job No: P-142 Date: April 2024
5. Before the development is first brought into use the access, parking, servicing, and turning areas shall be provided in accordance with the approved drawing(s) and shall thereafter be retained as such.
6. Notwithstanding any description/details within the application documents, details of hard and soft landscaping, including all means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented within 8 months of the first occupation of the development and thereafter retained.
7. 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 to the dwelling hereby approved without the prior approval of the Local Planning Authority:
 - Schedule 2, Part 2, Class A - gates, fences, walls etc
 - Schedule 2, Part 2, Class B - means of access to a highway
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any other subsequent equivalent order, no windows, doors, roof lights, or other opening shall be created in the dwelling in addition to, as alterations to, or as enlargements of, those hereby permitted without the prior approval of the Local Planning Authority.

9. Notwithstanding any description/details within the application documents, the extent of the defined residential curtilage is that shown edged in purple on the approved drawing(s).

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 adequate protection of Great Crested Newts.
4. In order to ensure that adequate provision is made to safeguard human health. (Paragraph 198 of the National Planning Policy Framework and policy N1e of The Plan for Stafford Borough)
5. 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).
6. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
7. Unrestricted alterations to converted buildings would be detrimental to the character and appearance of the existing building and its surroundings and would be contrary to Policy E2 (d) & (h) of The Plan for Stafford Borough.
8. Unrestricted alterations to converted buildings would be detrimental to the character and appearance of the existing building and its surroundings and would be contrary to Policy E2 (d) & (h) of The Plan for Stafford Borough.
9. For the avoidance of doubt and to define the permission.

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 2024, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.
- 2 The Applicant is strongly encouraged to provide the visibility splays as shown on Drawing No. 32 (Topographical Access Visibility Plan). The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 900 mm above the adjacent carriageway level.

- 3 The Applicant is strongly encouraged to upgrade the private vehicular access to the site from Woollaston Lane in the form of tarmac to an agricultural standard from the edge of carriageway on Woollaston Lane for its full width of the entrance of the track for a minimum depth of 5m into the site. The access works would require a Permit to Dig and a Highway Works Agreement to surface the access to an agricultural standard. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement.
- 4 The Applicant is strongly encouraged to provide two tarmac passing bays (a minimum of 3m in width and 6m in length) along the private access track and shall thereafter be retained for the lifetime of the development.
- 5 The Applicant is strongly encouraged to provide x3 caution pedestrian right of way signs, one near the entrance, one north of Grange Farm and one to the east of the proposed site adjacent to the PROW route to reinforce and alert vehicles to the fact that pedestrians have right of way.
- 6 The Applicant is strongly encouraged to provide 2x Schwegler 1B bird boxes and 2x integrated swift nesting boxes.
- 7 The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.
- 8 The Applicants attention is drawn to the comments of the Staffordshire County Council Definitive Map and Spatial Information Officer.

24/39864/PAR
Barn At New Buildings Farm
Woollaston Lane
Church Eaton



 PLANNING COMMITTEE - 4 JUNE 2025

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
25/40179/NHPD Delegated Refusal	5 John Street Littleworth Stafford	Rear extension- total length beyond rear wall of the original dwelling 5.0m, maximum height 3.0m and eaves height 3.0m
24/39786/HOU Delegated Refusal	2 Hargreaves Lane Stafford	Alteration to front porch, ground floor rear extension, small first floor extension and general refurbishment
24/39125/FUL Delegated Refusal	Land Off A34 Opposite George And Dragon PH Stone Road Meaford	Creation of an Electric Vehicle Charging Hub comprising 31 charging bays equipped with solar panels and a substation (Sui Generis), picnic areas and a drive-through restaurant (Use Class E), with associated access, car and cycle parking, and landscaping.

Decided Appeals

Application Reference	Location	Proposal
23/38420/FUL Appeal Dismissed	Ingestre Golf Club Ingestre Park Road Ingestre	Proposed maintenance building and yard for the golf course. Proposal overflow car park, including an entrance gate and wing walls to the existing driveway. Proposed photovoltaic solar array.
24/38658/LDC Appeal Allowed	Butterbank House Butterbank Lane Derrington	Lawful Development Certificate Existing - Confirmation that parcel of land has been in use of residential garden for a period in excess of 10 years
24/39261/FUL Appeal Dismissed	13 Blythe Road Moss Pit Stafford	Extending front garden and creating a dropped kerb. Extending rear garden with new fence
24/38622/LDCPP Appeal Allowed Costs Refused	New Inn Bank Farm New Inn Bank Bishops Offley	New garage/outbuilding for domestic use. Garage to measure 10m x 6m. Siting is shown on site and block plans. Soakaways will be used for the removal of surface water. Flat roof, no more than 2.5m from external ground floor level. Side extension off the original dwelling. Extension to measure 6m x 3.1m. Proposals do not extend beyond 50% of the width of the original property. Eaves and ridge to match existing. Eaves 2.5m and ridge 3m.
23/37756/LDCPP Appeal Dismissed	Darlaston Wood Farm Jervis Lane Meaford	The change of use of the agricultural building in question (the Barn) to a single dwelling house and for the establishment works that are necessary for the conversion of the existing barn into a dwelling

Application Reference	Location	Proposal
24/39577/FUL Appeal Dismissed	Land Adjacent Moreton House Farm Bishton Lane Wolseley Bridge	Change of use of land to dog walking field and associated works

Previous Consideration

Nil

Background Papers

File available in the Development Management Section

Officer Contact

John Holmes, Development Manager, 01785 619302



Appeal Decision

Site visit made on 14 April 2025

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

an Inspector appointed by the Secretary of State

Decision date: 7 May 2025

Appeal Ref: APP/Y3425/W/25/3358289

Ingestre Golf Club, Ingestre Park Road, Ingestre, Stafford, Staffordshire ST18 0RE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Geoff Matthews of Kingston Hill Golf Club t/a Ingestre Golf Club against the decision of Stafford Borough Council.
 - The application Ref is 23/38420/FUL.
 - The development proposed is 'Proposed maintenance building and yard for the golf course. Proposal overflow car park, including and entrance gate and wing walls to the existing driveway. Proposed photovoltaic solar array.'
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst I have noted the description of development given on the Application Form, I consider the description on the Council's Decision Notice, and used above, describes the works more clearly and succinctly.
3. The appeal site is within Ingestre Conservation Area (the CA) wherein I have a statutory duty under Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the PLBCAA) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
4. The appellant has referred to the conduct of the Council in the determination of the planning application, including the nature and clarity of the advice given, the information required to be able to determine the application and the approach to its decision-making. These are primarily not matters for me to consider as part of this appeal. I have considered the individual merits of the appeal scheme in relation to the relevant policies and evidence before me.

Main Issues

5. The main issues in this appeal are:
 - whether the proposed development would preserve or enhance the character or appearance of the CA; and
 - whether sufficient information has been submitted to demonstrate that the proposed development would provide acceptable living conditions for the occupiers of neighbouring dwellings with regard to noise and artificial light.

Reasons

The CA

The significance of the CA

6. The significance of the CA derives from its notable architecture, well-preserved buildings, historic importance and landscape qualities. The CA is set within a historic parkland landscape featuring tree-lined avenues, woodlands and open green spaces. The rural setting of the CA, characterised by surrounding agricultural fields, areas of plantation and pockets of woodland, adds to its special character and appearance.
7. The planned estate village at Ingestre is a rare surviving example of a purpose-built estate settlement, laid out to serve the functional needs of the Ingestre Hall estate. The modest proportions of the cottages contrast with the grand scale of Ingestre Hall and vertical emphasis of St. Mary's church tower. The use of red brick and clay tiles as building materials predominates, as well as the frequent use of stone due to the close proximity of the estate quarries.
8. The appeal site is identified in the Ingestre Conservation Area Appraisal March 2015 (the ICAA) within an area of important green space. Such spaces form part of the visual and historic landscape character of the CA, contributing to the sense of openness and the dispersed nature of buildings in the CA. Furthermore, the ICAA identifies positive views of the CA from the junction of Ingestre Park Road and the access road to Ingestre Golf Club (the Club), looking towards the village across Donkey Paddock.

The effect of the proposed development on the significance of the CA

9. The appeal site comprises the vehicle entrance into the Club and a portion of land to the east of the access road which is lined by a mature hedgerow boundary on its eastern side. Directly opposite the site, to the west of the access road is Donkey Paddock, a wooded green space, beyond which lies the village, including small group of two storey cottages. To the east and north of the site is the golf course and to south is the existing Club house and car park.
10. The appeal site was formerly an undeveloped agricultural field but has been used as a contractor's compound for the recent expansion of the golf course. At the time of my site visit I observed the presence of metal security gates, temporary metal fencing, hardcore surfacing, spoil heaps and other construction materials.
11. I am advised by the Council that the contractors have left the site. However, it was clear from my site visit that the site has not been reinstated to its previous state. Schedule 2, Part 4, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) permits buildings and moveable structures required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land. This is subject to the conditions that any building, structure, works, plant or machinery permitted by Class A is removed, and the land is reinstated to its condition before that development was carried out.
12. The appellant contends that the site is brownfield land. Annex 2 of the National Planning Policy Framework (the Framework) defines brownfield or previously development land as land which has been lawfully developed and is or was

occupied by a permanent structure and any fixed surface infrastructure associated with it. On the evidence before me, there is cause to have reasonable doubt about its current lawfulness. The site is and has not been occupied by a permanent structure. Therefore, it does not comply with the Framework's definition of brownfield land or previously developed land.

13. The proposal is for a single storey rectangular shaped maintenance building that would be finished in black metal cladding with a dual pitched roof. There would be a maintenance yard surfaced largely in concrete and enclosed by chain link fencing. The yard would include two covered storage areas and two wash pads with a new hard surfaced path from the yard to the golf course. Near the vehicular entrance into the site, new entrance gates between two new pillars and boundary walls are proposed. In addition, the scheme includes a new car park for 73 cars for staff and as an overflow visitor car park.
14. While the current condition of the site has diminished its contribution to the CA, its undeveloped and open nature nonetheless maintains views out of and into the CA and contributes to its spacious character. The proposed scheme would erode the openness of the site by the introduction of expansive built form and extensive hard surfacing, thereby harming the existing and historic landscape character of the CA. The effect of the proposal on the CA would be exacerbated by the site's prominent location near Ingestre Park Road where the proposed maintenance building would visually dominate the site and the surrounding area by virtue of its significant height and bulk, harming the positive views of the CA identified in the ICAA.
15. The appellant has submitted a Heritage Statement¹ (the HS) which assesses the significance of designated and non-designated heritage assets which may be affected by the proposal. The HS concludes that the proposal would not be of such a scale and conspicuous nature, due to the mitigation offered by the proposed planting scheme², to detract from the significance of the CA.
16. I recognise that the visual impacts of the proposal could, to some extent, be mitigated through additional planting. However, this would hold the potential to further erode the openness and sense of space that the site contributes to the open rural character of the area given the scale of planting that would be required to screen the development from public views. Furthermore, the proposed planting will take time to mature while the building would be highly visible. Additionally, the planting cannot be relied upon to provide a permanent buffer to views. This is not least because screening provided by the proposed trees would be seasonal in nature.
17. The proposed maintenance building would be constructed using dark coloured contemporary materials where brick and stone dominate in the area. Therefore, the colour and external materials of the building would be visually intrusive and incongruous with the prevailing materials palette of the CA. The appellant contends that the design and colour of the proposed maintenance building references the historic and modern agricultural buildings common to the area. However, I do not have the full details of the examples provided so I cannot be certain that they represent a direct parallel to the appeal proposal. In any case, I have determined the appeal on its own merits.

¹ Ref. HS/ingestreparkclubhouse/AH966/22/3/24V2, March 2024.

² Ref. G982 MB 902 PLANTING PLAN Rev. A.

18. While the HS states that the proposed vehicular entrance gates, piers and walls have been designed to be in keeping with traditional gateways in the area, they would nevertheless, combined with the proposed chain link fencing around the maintenance yard, have an enclosing and visually intrusive effect on the open rural character of the site and the surrounding area, which would be exacerbated by the site's prominent location near Ingestre Park Road.
19. I acknowledge that the landscape surrounding the CA has changed since it was first designated, notably through the reconfiguration of the golf course due to High Speed Rail 2. The agricultural fields on the north east side of Ingestre Park Road and part of the land to the east of the access drive now form part of the golf course. However, these areas nevertheless retain their sense of openness and contribute to the parkland setting of the CA.
20. The appellant has pointed to the erection of a large barn to the east north east of the appeal site and a modern residential dwelling which is purported to have changed the setting of the CA. However, I do not have the locations of those schemes and I have not been provided with their details, so I do not know if they are indeed within the setting of the CA, and if they are, I cannot be certain that the circumstances that led to planning permission being granted are the same as the appeal proposal. In any case, the appeal site is within the CA itself and would therefore have a more direct effect on its significance.
21. The appellant argues that the proposed maintenance building has been sited as close as possible to the built-up area in order to minimise any harm to heritage assets and avoid visual impact on the open countryside. However, the proposal fails to respect the positive views and vistas in the CA and the site's location within an area of important green space identified in the ICAA.
22. Taking into consideration the above, I judge the harm to the CA would be less than substantial in the terms of the National Planning Policy Framework (the Framework). Paragraph 215 of the Framework establishes that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset (in this case the CA), this harm should be weighed against the public benefits of the proposal.
23. The appellant has referred to paragraph 214 of the Framework, but this only applies where proposed development would lead to substantial harm to a designated heritage asset.
24. The appellant has also referred to paragraph 219 of the Framework. However, this paragraph relates to proposals which would enhance or better reveal the significance of Conservation Areas, World Heritage Sites and heritage assets. To the contrary, the proposal would harm the significance of the CA.

Public benefits and conclusion on the first main issue

25. The proposal would provide enhanced maintenance facilities for the existing golf course which could in turn attract more members, participants and visitors, support local businesses and contribute to the local economy. In this respect the proposal is supported by paragraph 88 of the Framework insofar as it promotes sustainable growth and expansion of business in rural areas, and the development and diversification of agricultural and other land-based rural businesses.

26. A better maintained course as a result of the proposal could lead to increased usage, encourage more people to engage in regular outdoor exercise, benefiting long term physical and mental health. The proposal could also contribute to the Club's aims of increasing the number of junior members, women players, disabled players and players from ethnic minorities, supporting social inclusion and cohesion.
27. A well-equipped maintenance building with good staff facilities would support the maintenance and enhancement of the visual quality and ecological function of the golf course landscape. The maintenance building would be more centrally located within the course, thereby minimising travel times and reducing energy consumption. In addition, the building itself has been designed to be energy efficient and incorporates solar photovoltaic panels, contributing to combatting climate change.
28. Relocating the existing maintenance facility away from the lime tree avenue which provides an important setting to the listed Ingestre Hall could potentially enhance its setting. However, the existing maintenance facility is visually discreet due to its limited size and screening by mature vegetation.
29. The above are all positive public benefits of the scheme which, in combination, carry significant weight.
30. Compliance with the development plan in relation to archaeology, drainage, trees, ecology, highways, and criterion a, b, c, f, and h of Policy E2 of the Plan for Stafford Borough 2011-2031 (June 2014) (the PSB) are expectations for all development so weigh neither for nor against the proposal and is considered neutral.
31. The appellant argues that without a maintenance building, the golf course could not be maintained and would have to close, which would be disastrous to the local economy, community groups who use the facility and to the next generation of golfers in the area. I have no basis to question that an enhanced maintenance building is reasonably required due to the deficiencies of the existing one, such as the lack of staff changing facilities and storage areas for equipment. I also accept that it would be more ideal if the maintenance building were more centrally located in the golf course to reduce journey times for maintenance purposes. However, the evidence before me does not show that dismissing the appeal would necessarily result in the closure of the golf course given its current existence and operation. I therefore attach little weight to the argument that the golf course would inevitably have to close if the appeal were dismissed.
32. The appellant contends that the proposed scheme has been sited in the only possible land within the appellant's ownership, following a sequential review undertaken by International Design Group (IDG) of possible sites within the reconfigured land ownership boundary. While I do not have a copy of IDG's sequential review before me, the appellant's statement indicates that the only areas found to have the potential to accommodate the maintenance facility, yard and car park were: 1) the existing maintenance facility site, 2) the driving range and 3) the appeal site.
33. The existing maintenance facility site was discounted for a number of reasons including excessive impact upon the historic lime tree avenue and the presence of Great Crested Newts in the adjacent pond. While I do not doubt such constraints

exist, since I do not have IDG's full sequential review, there is little detailed or robust evidence before me to support the appellant's statement.

34. The driving range was discounted because the appellant indicates that it is essential to ensuring the Club operates as a 'community asset' and is needed for teaching and practice. The precise boundary and size of the existing driving range has not been clearly defined. While I accept that relocating the driving range to the appeal site could potentially have a more harmful effect on the CA than the proposal due to the need for 20 metre high safety netting around the range, it has not been sufficiently demonstrated that the maintenance building, yard and car park could not be accommodated together with a sufficiently sized driving range on land to the north west of the club house that currently includes the existing driving range.
35. I note that the Council also suggested the land to the north west of the Club house as an alternative option and considers that there is no clear or convincing justification that the appeal site is the only viable option. I find the analysis by the appellant not to be sufficiently comprehensive to eliminate alternative options. I therefore attach little weight to the argument that the appeal site is the only reasonably possible site.
36. I have identified that the proposal would cause less than substantial harm to the significance of the CA. Paragraph 212 of the Framework advises that great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The stated public benefits of the proposal carry significant weight. However, they would not be sufficient to outweigh the harm identified to the CA, which carries great weight.
37. For the reasons given, the proposal would fail to preserve or enhance the character or appearance of the CA, and so would cause less than substantial harm to its significance and thereby fail to satisfy the requirements of the PLBCAA. Accordingly, the proposal conflicts with Policies E2, N1, N8, N9 of the PSB insofar as they require development to respect and protect landscape character, the built vernacular character of the area and designated heritage assets.

Whether sufficient information regarding noise and light

38. The proposed maintenance building would face the rear of dwellings located in the village, although intervened by the access drive to the Club house and Donkey Paddock. The maintenance yard would be on the west side of the proposed maintenance building so the appellant's argument that the positioning of the building and yard would shield any arising noise and light pollution is not supported by the submitted plans. Furthermore, contrary to the appellant's assertion that there are no proposed windows on the west elevation of the maintenance building, the Proposed Elevations show that there would be windows, doors and large openings with roller shutters on the west elevation of the proposed building.
39. The Council's Environmental Health officer requested the submission of a noise impact assessment to include an assessment of all noise impacts arising from the proposed development and any proposed mitigation measures to control noise emanating from the site. Given the potential for the proposal to involve noisy activity such as vehicle movements, the start-up of machinery, the use of power tools and washers, the loading and unloading of bulk materials and staff activity,

particularly in the early hours of the morning relatively close to residential properties, I agree with the Council's Environmental Health officer that it is critical that the potential noise impacts of the proposed development are comprehensively and adequately assessed. On the evidence before me, no noise impact assessment has been submitted.

40. The Council's Environmental Health officer also requested the submission of a lighting plan detailing the proposed lighting scheme. However, no lighting plan has been provided. While the Design and Access Statement (DAS) suggests that the lighting would comprise 500 watt equivalent LED floodlights, the locations of these have not been shown. Similarly, although the appellant indicates that the yard would only be illuminated over the access doors to the building when there is darkness during the working hours of the Club, the submitted plans do not show any external lighting. While a condition could be imposed requiring a lighting plan, if the appeal were allowed, to secure an appropriate lighting plan, it would not overcome or alter my concerns regarding the potential noise impacts of the scheme and my finding on the other main issue.
41. The appellant advises that during the two-year period while the appeal site was used as a construction compound, the building contractors received no complaints regarding noise or light pollution. However, I am informed that the site was the subject of noise monitoring which would have helped to mitigate any potential noise effects.
42. In the absence of a noise impact assessment and lighting plan, insufficient information has been submitted to demonstrate that the proposed development would provide acceptable living conditions for the occupiers of neighbouring dwellings with regard to noise and artificial light. Consequently, the proposal conflicts with Policy N1 of the PSB insofar as it requires development to take account of the noise and light implications of development and the amenity of nearby residents.

Other Matters

43. The appeal site is situated in the wider setting of grade II* Ingestre Hall, grade I St. Mary's Church and other listed building within the golf course and within the surrounding area. While not related to a reason for refusal, I must, in light of my duties under section 66(1) of the Planning (Listed Buildings and Conservation areas) Act 1990 (as amended) have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
44. The listed buildings are mainly in a cluster to the north east of the appeal site. The Church of St. Mary is grade I listed and of exceptional heritage value, believed to be the only church designed by Sir Christopher Wren outside of London. Ingestre Hall is a grade II* listed 17th century Jacobean mansion and a key component in understanding the area's evolution. The Farm Buildings and Home Farm are grade II listed buildings of Flemish bond red brick, the house being designed in Regency form. The Old Stables and the Stables at Ingestre Hall are grade II listed buildings in brick with stone quoins and of high architectural and historic value. The Orangery is a grade II listed designed by Samuel and Joseph Wyatt using brick with limestone ashlar cladding. The Pavilion in Ingestre Park is a grade II listed of

mid 18th century in stone and rusticated masonry. The K6 Telephone Kiosk, in the village, was designed in 1935 by Sir Giles Gilbert Scott and is grade II listed.

45. Given the separation distance of the aforementioned listed buildings from the appeal site, the lack of intervisibility between them and the appeal site, and the presence of intervening woodland, the proposal would preserve the setting of the above listed buildings, the significance of which would not be harmed.
46. The site is also proximate to non-designated heritage assets, predominantly relating to multi-period sites ranging from Iron Age/ Romano-British pit alignments and enclosures to extensive field systems identified in Staffordshire's Historic Environment Record. Paragraph 209 of Framework indicates that the effect on the significance of a non-designated heritage asset should be taken into account. The HS indicates that the likelihood of buried archaeological remains of any substance of significance being present in the site to be negligible. The County archaeologist raised no objection to the proposal and the Council raised no concerns regarding the effect upon significance by virtue of development within the settings of any non-designated heritage assets. Based on the evidence and my own observations, I have no grounds to find otherwise.

Conclusion

47. The proposal conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with development plan. For the reasons given above the appeal should be dismissed.

U P Han

INSPECTOR



Appeal Decision

Site visit made on 31 March 2025

by **A Walker MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 April 2025

Appeal Ref: APP/Y3425/X/24/3354033

Butterbank House, Butterbank Lane, Derrington, Stafford, Staffordshire ST18 9LN

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr. R. Allen against the decision of Stafford Borough Council.
 - The application ref 24/38658/LDC, dated 22 January 2024, was refused by notice dated 7 June 2024.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 (as amended).
 - The use for which a certificate of lawful use or development is sought is the use of land as a residential garden.
-

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the existing use which is found to be lawful.

Procedural Matter

2. The parties' evidence refers to both 'residential garden' and 'residential curtilage'. However, the two terms mean distinctly different things. "Curtilage" is not a use of land, but an area delineated through its intimate association with a building. It would not therefore be appropriate to determine the appeal on this basis. Accordingly, I have determined the appeal on the basis of the description of the use on the application form and the Council's decision notice, ie that a certificate is sought for the use of the land as a residential garden, not residential curtilage.
3. The location plan submitted with the LDC application includes 'Building A' within the red edged area. However, the LDC application only sought a certificate for the use of the land, not the erection of Building A or any other operational development. The application was determined on this basis. For the avoidance of doubt, I have also only determined the appeal on the basis that a LDC is sought only for the use of the land as residential garden. My decision does not prejudice the Council's consideration of any future applications concerning operational development.

Main Issue

4. The main issue is whether the Council's decision to refuse to grant a Certificate of Lawful Use or Development (LDC) is well-founded.

Reasons

5. The onus is on the appellant to demonstrate that, on the balance of probabilities, the use was lawful at the time of the LDC application. A development is lawful

under the provisions of section 191(2)(a) and (b) of the Act if no enforcement action may be taken because it did not involve development requiring planning permission, or because the time for enforcement action against the use has expired; and, providing it does not constitute contravention of any requirement of any enforcement notice then in force. If the Council has no evidence of its own, or from others, to contradict or otherwise make the appellant's version of events less than probable, there is no good reason to dismiss the appeal, provided his evidence alone is sufficiently precise and unambiguous.

6. The appeal site forms a relatively large parcel of land comprising a central lawned area. The southeastern section contains a building used as kennels, and an enclosed, fenced grassed area that has the appearance of being used as a dog run. The northwest section of the site contains a large, metal clad building with an extensive asphalt apron to its front. At the time of my site visit, this building contained two covered-up cars, a table-tennis table; a pool table; a camper van; and a collection of tools and equipment that could reasonably be used for residential purposes.
7. The building also contained a mini digger; a small 4x4 forklift truck; and, a small room had been constructed out of timber sheets in the southern corner of the building, which appeared to be an office. However, there is no evidence before me that these were contained within the building at the time the LDC application was made, which is the requisite date on which I must determine the appeal.
8. The northern boundary of the appeal site comprises a post and rail fence, which is clearly of some age. The historical aerial photographs clearly depict a fence in this position dating back to at least 2003. Although a section of this fence is not readily visible on the July 2015 aerial photograph, it is clearly there on the April 2015 and April 2016 aerial photograph. It is therefore reasonable to conclude that its apparent absence in the July 2015 photograph is due to the lighting and quality of the photograph.
9. There is no physical boundary between the appeal site and the dwelling and its remaining surrounding residential garden. They are all contiguous with each other.
10. The sworn declaration from the previous owners states the land was used as the private residential curtilage of the property since they bought it in 1985. I have taken their use of the term "curtilage" to simply mean garden. They used the land for growing fruit trees and vegetables. The photograph showing four people standing in front of what appears to be a large vegetable patch and another photograph showing an apple tree in fruit supports this statement. Although the photographs are not dated, the position of the vegetable patch appears to correlate with a fenced off rectangular area within the appeal site as depicted in the 2003, 2009, 2015 and 2016 aerial photographs.
11. Throughout the historical aerial photographs, the grass on the appeal site is of a different shade of green to the field to the east and west, supporting the appellant's argument it has been maintained as a garden area throughout this time, rather than a field.
12. Notwithstanding the above, there is some dispute over the large building in the northwest section of the site. The building is particularly large for one that is to be used for residential purposes. Its design is also not of a typical design one would

expect to see for such a use. Its utilitarian design, large roller shutter door and wide asphalt apron are more akin to a commercial or agricultural use.

Nevertheless, the appellant confirms in their statutory declaration that the building is used for residential purposes associated with the dwelling. The building is used to store their collection of classic cars, albeit only two cars were stored in the building at the time of my visit. It is also used for the storage of domestic paraphernalia and garden machinery.

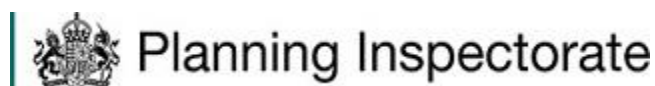
13. Although the Council argue the building may have been in an alternative use, such as agriculture, this argument is made only on the basis of the design of the building. There is no evidence before me that the building has been used for such a use or to contradict the appellant's contention that it has been in residential use. Based on the evidence before me, on the balance of probabilities, the building had only ever been in residential use from when it was constructed up until the date of the LDC application.
14. The appellant's statutory declaration also confirms the appeal site has been used by their children to play on and has had bouncy castles and a trampoline in place on it since they moved into the property in 2016. Such activities are typical for a residential garden.
15. I find therefore, by reason of the appeal site being contiguous with the other residential garden area surrounding the dwelling, with no physical boundary between them; the land having been well-maintained; the land having been used for residential activities associated with the dwelling; and, the absence of any evidence to contradict this, the evidence is sufficiently precise and unambiguous to demonstrate, on the balance of probabilities, the appeal land has been in continuous use as residential garden for a period of ten or more years prior to the date of the LDC application.

Conclusion

16. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful development is not well-founded and that the appeal should succeed. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

A Walker

INSPECTOR



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 22 January 2024 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The evidence is sufficiently precise and unambiguous to demonstrate, on the balance of probabilities, the use of the appeal land has been in continuous use as residential garden for a period of ten or more years prior to the date of the LDC application.

Signed

A Walker

Inspector

Date: 14 April 2025

Reference: APP/Y3425/X/24/3354033

First Schedule

Use of land as a residential garden

Second Schedule

Land at Butterbank House, Butterbank Lane, Derrington, Stafford, Staffordshire ST18 9LN

IMPORTANT NOTES – SEE OVER

NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule was /were lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

Plan

This is the plan referred to in the Lawful Development Certificate dated: 14 April 2025

by A Walker

Land at: Butterbank House, Butterbank Lane, Derrington, Stafford, Staffordshire ST18 9LN

Reference: APP/Y3425/X/24/3354033

Scale: Not to Scale





Appeal Decision

Site visit made on 2 May 2025

By S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 06 May 2025

Appeal Ref: APP/Y3425/D/25/3362929

13 Blythe Road, Moss Pit, Stafford, Staffordshire, ST17 9SX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mariana Angelica Stan against the decision of Stafford Borough Council.
 - The application Ref is 24/39261/FUL
 - The development proposed is described as *'the change of use of land adjacent to residential use including installation of fence around revised curtilage and addition of dropped kerb'*.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is made in full for the purposes described in the banner heading above. However, the local planning authority (LPA) has completed its questionnaire on the basis that the appeal relates to a householder development. The difference is potentially important in the way in which biodiversity net gain (BNG) is to be considered.
3. On my site visit, I was able to note that the appeal land to the side of No.13 Blythe Road, while it is said to be in the ownership of the appellant, is a grassed, unenclosed area abutting the side gable to the property and with a footpath to its opposite border. The appeal land contrasts with the enclosed land which more obviously forms the curtilage to the dwelling.
4. Having taken note of the appellant's description of the proposed development and the references to the change of use of the land and to the revised curtilage to the property, I have determined the appeal on the basis that it relates to a full and not to a householder application.
5. The LPA states in its officer report, that had it been able to support the proposal, the issue of BNG could have been determined by way of a condition. I consider that this matter is one of fundamental importance in legal terms, and therefore I have dealt with it as a main issue.

Main issues

6. In view of the above the main issues are the impact of the proposed development upon (i) public safety and (ii) BNG.

Reasons

Public safety

7. There is currently a footpath used by the public along the side of the currently unfenced and open appeal land leading from Blythe Road to Trent Close. The proposed fencing of the appeal land would not prevent the use of the footpath, though it would create a greater tunnelling effect.
8. The Police Designing Out Crime Officer has expressed concerns that this might create an area for antisocial behaviour and where the public using the footpath might be in greater danger than now or might feel so. These matters are potentially exacerbated as the footpath is not lit, with the nearest streetlamp some distance away, with intervening hedging and vegetation.
9. On my site visit, I was able to note that the footpath is straight between the two roads, allowing views along it, even though there is the slight possibility of hidden areas. I consider that this does reduce the likelihood of crime and the fear of crime.
10. In addition, I have no information before me of such criminal or anti-social activity in this residential area. I was able to note on my site visit that there are other such unlit passageways close by. Given the relatively straight and short distance of the path adjacent to the proposed development, I do not find that the proposal would place the public at a significantly enhanced risk. I find that a reasonable degree of surveillance would still be possible in this case. Moreover, I have noted that the Police Designing Out Crime Officer has expressed concerns rather than an outright recommendation for the refusal of the appeal proposal.
11. Therefore, for the above reasons, I conclude that the proposed development would not be contrary to policy N1 of the Plan for Stafford 2011-2031 (2014) which requires that designs for new development shall provide safe, secure and crime resistant layouts, or with paragraph 135(f) of the National Planning Policy Framework 2024 (the Framework) which also requires designs to create safe, inclusive and accessible spaces.

Biodiversity

12. In England, biodiversity net gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and where, subject to certain exceptions, development must result in at least a 10% improved natural habitat than was there before the proposed development.
13. The LPA, in its officer report, considers that the proposed development is not exempt from this legal requirement. However, I have no evidence before me as to the current base-level BNG value of the site or how a 10% enhancement might be achieved. In the absence of such information, and as the 10% minimum level of enhancement is a legal requirement, I am unable to deal with the matter by way of a condition.

Other Matters

14. The LPA and the Highway Authority raise no objections to the proposed off-road parking or to the proposed dropped crossing. I have no reason to disagree, but these matters do not alter or outweigh my conclusion regarding BNG.

Conclusion

15. While I have concluded that the proposed development would not have a significantly adverse impact upon public safety, and also that there would be no adverse impacts to the proposed off-street parking and the proposed dropped crossing, there is a lack of evidence to indicate that at least a 10% improvement to BNG can be achieved relative to the existing BNG baseline position. Therefore, I am unable to conclude that the proposal would be acceptable in respect of the statutory BNG. This is a matter of overriding concern and therefore the appeal should be dismissed.

S. Hartley

INSPECTOR



Appeal Decision

Site visit made on 31 March 2025

by A Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2025

Appeal Ref: APP/Y3425/X/24/3347957

New Inn Bank Farm, New Inn Bank, Bishops Offley, Stafford, Staffordshire ST21 6HD

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Dan Bolton against Stafford Borough Council.
 - The application ref 24/38622/LDCPP is dated 10 January 2024.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 (as amended).
 - The development for which a certificate of lawful use or development is sought is described as 'New garage/outbuilding for domestic use. Garage to measure 10m x 6m. Siting is shown on site and block plans. Soakaways will be used for the removal of surface water. Flat roof, no more than 2.5m from external ground floor level. Side extension off the original dwelling. Extension to measure 6m x 3.1m. Proposals do not extend beyond 50% of the width of the original property. Eaves and ridge to match existing. Eaves 2.5m and ridge 3m.'
-

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the existing use which is found to be lawful.

Main Issue

2. The appeal is made against the Council's failure to give notice within the prescribed period of a decision on the application for an LDC. The Council confirm that had they retained jurisdiction to determine the LDC application, they would have refused to grant a certificate. The main issue is therefore whether the Council's decision to refuse to grant an LDC would have been well-founded had they determined the application.

Applications for costs

3. An application for costs is made by Mr Dan Bolton against Stafford Borough Council in relation to the appeal. This application is the subject of a separate Decision.

Reasons

4. The onus is on the appellant to demonstrate, on the balance of probabilities, that the proposal would be lawful.
5. Under Class A, Part 1 of Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 (the GPDO), the enlargement, improvement or other alteration of a dwellinghouse is permitted development. There is no dispute that the proposed extension meets the conditions and

limitations of Class A. The Council raise no objection to the extension and based on the evidence before me, including the observations I made on site, I find no reason to conclude otherwise.

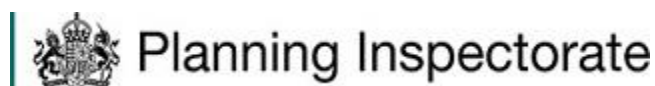
6. There is also no dispute between the parties that the proposed garage would meet the conditions and limitations set out in paragraph E.1, Class E, Part 1 of Schedule 2 of the GPDO. However, the Council objects to the garage on the basis it would be located outside the curtilage of the dwelling and therefore would not be permitted development.
7. The test of whether land is curtilage is for one corporeal hereditament to fall within the curtilage of another, the former must be so intimately associated with the latter as to lead to the conclusion that the former in truth forms part and parcel of the latter. It need not form a single enclosure.
8. The land on which the garage would be sited is modest in size. Situated on the land is a detached, single garage accessed via a vehicular access off the adjacent highway; an LPG tank; and, a septic tank. Although there is no door from the dwelling that opens directly on to the land, there is pedestrian access via the eastern most open shelter that links the subject land with the dwelling and other associated land to the south. This would likely be the access route into the dwelling when cars are parked in the garage or on the driveway; the alternative route being to leave the site via the vehicular access and re-enter via the pedestrian access further to the south, which would be longer and less safe, with one having to walk along the road.
9. The Council rely on historical plotting maps from 1924 and 1965. On these maps there is a clear line dividing the subject land from the dwelling and other associated land to the south. Notwithstanding there is little evidence on the maps to indicate what this line depicts or what the land was used for, residential curtilage can evolve over time.
10. The Council also note that on the drawings attached to planning permission 29591, granted in 1993, there is a stone wall between the subject land and the dwelling. However, the stone wall on the drawing does not extend the full width of the site. It stops short of the eastern boundary, providing what appears to be a gap, likely allowing access between this land and the land to the south.
11. The aerial photograph dated 2009 appears to depict the single garage and LPG tank in situ. Therefore, it has likely it has been in residential garden use associated with the dwelling for some time.
12. Based on the fact that the land is used to contain services associated with the dwelling, ie the LPG tank and septic tank; is used for the parking of vehicles, including a detached garage; and, is physically attached to the dwelling, it is clearly so intimately associated with the dwelling that it forms part and parcel of it. Accordingly, the land is part of the residential curtilage of the dwelling. As the proposed development would be within the curtilage of the dwellinghouse and would satisfy the requirements of Classes A and E of the GPDO, it would therefore be permitted development.

Conclusion

13. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful development is not well-founded and that the appeal should succeed. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

A Walker

INSPECTOR



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 10 January 2024 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The proposed development would be permitted development pursuant to Article 3 of, and Classes A and E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 as amended.

Signed

A Walker

Inspector

Date: 14 April 2025

Reference: APP/Y3425/X/24/3347957

First Schedule

New garage/outbuilding for domestic use. Garage to measure 10m x 6m. Siting is shown on site and block plans. Soakaways will be used for the removal of surface water. Flat roof, no more than 2.5m from external ground floor level. Side extension off the original dwelling. Extension to measure 6m x 3.1m. Proposals do not extend beyond 50% of the width of the original property. Eaves and ridge to match existing. Eaves 2.5m and ridge 3m.

Second Schedule

New Inn Bank Farm, New Inn Bank, Bishops Offley, Stafford, Staffordshire ST21 6HD

IMPORTANT NOTES – SEE OVER

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.

Plan

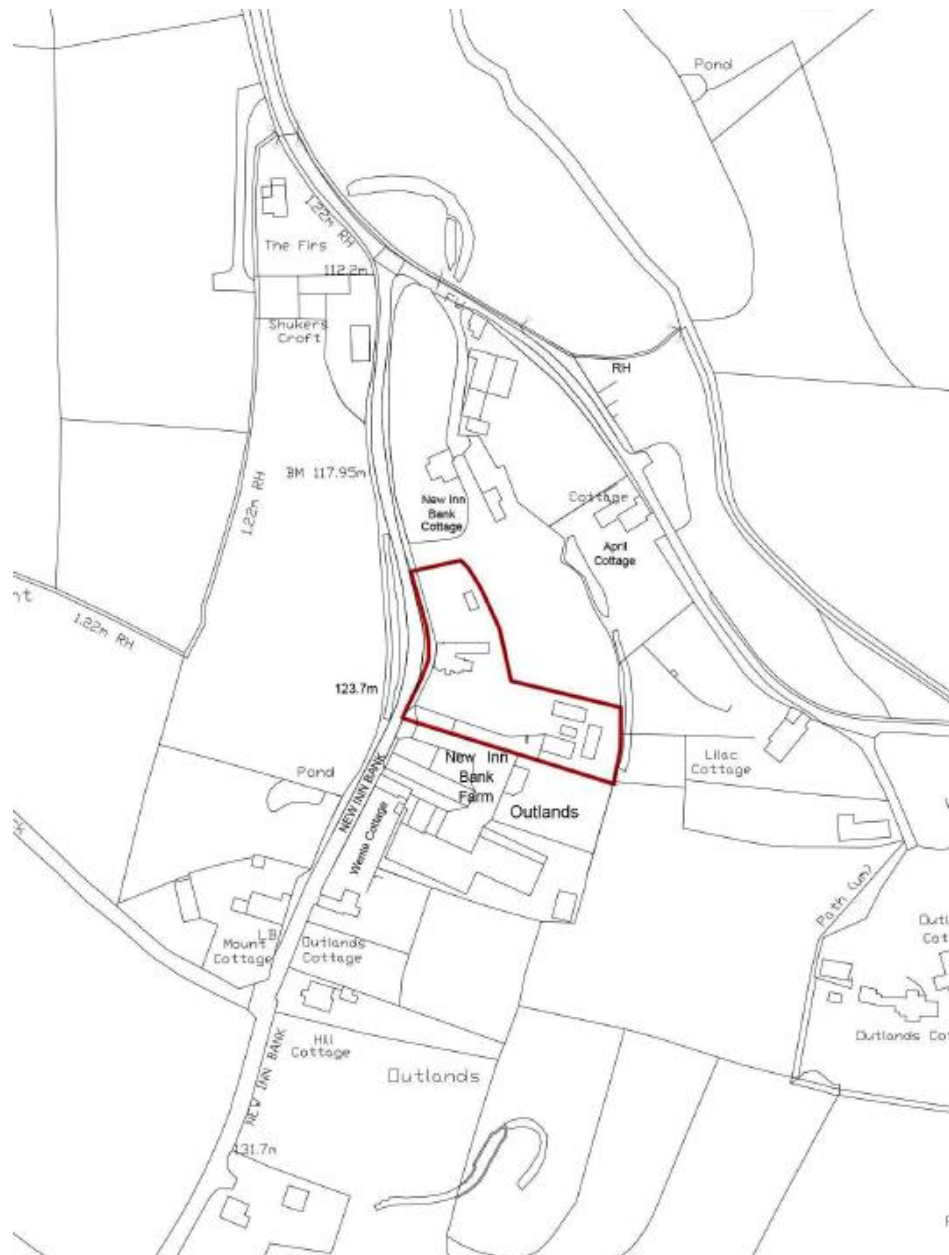
This is the plan referred to in this decision dated: 14 April 2025

by A Walker

Land at: New Inn Bank Farm, New Inn Bank, Bishops Offley, Stafford, Staffordshire ST21 6HD

Reference: APP/Y3425/X/24/3347957

Scale: Not to Scale





Costs Decision

Site visit made on 31 March 2025

by **A Walker MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 April 2025

Costs application in relation to Appeal Ref: APP/Y3425/X/24/3347957

New Inn Bank Farm, New Inn Bank, Bishops Offley, Stafford, Staffordshire ST21 6HD

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
- The application is made by Mr Dan Bolton for a full award of costs against Stafford Borough Council.
- The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for a certificate of lawful use or development for 'New garage/outbuilding for domestic use. Garage to measure 10m x 6m. Siting is shown on site and block plans. Soakaways will be used for the removal of surface water. Flat roof, no more than 2.5m from external ground floor level. Side extension off the original dwelling. Extension to measure 6m x 3.1m. Proposals do not extend beyond 50% of the width of the original property. Eaves and ridge to match existing. Eaves 2.5m and ridge 3m.'

Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The Council failed to give notice within the prescribed period of a decision on the application for a certificate of lawful use or development (LDC). Despite additional information being presented to the Council, the appellant felt that they were left with no option other than to lodge the appeal.
4. The Council's reasons for why they would have refused the LDC application, had they retained the jurisdiction to do so, are complete, precise, specific and relevant to the application. It provides reasoning as to why they consider the appellant's evidence to be insufficient. Whilst I appreciate the applicant does not agree with the Council's consideration of the development, the Council were not unreasonable in coming to that decision and there is no evidence to suggest that they have caused unnecessary or wasted expense in the appeal.
5. Whilst I have not concurred with the Council's view, I do not consider that they failed to adequately consider the evidence.
6. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, an award for costs is therefore not justified.

A Walker INSPECTOR



Appeal Decision

Site visit made on 31 March 2025

by A Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 April 2025

Appeal Ref: APP/Y3425/X/24/3345354

Darlaston Wood Farm, Jervis Lane, Meaford, Stone ST15 0PZ

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Raj Chatha against the decision of Stafford Borough Council.
 - The application ref 23/37756/LDCPP, dated 29 June 2023, was refused by notice dated 4 January 2024.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 (as amended).
 - The use for which a certificate of lawful use or development is sought is the change of use of the agricultural building in question (the Barn) to a single dwelling house and for the establishment works that are necessary for the conversion of the existing barn into a dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Section 192 of the Town and Country Planning Act 1990 (the Act), states '(2) If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.'
3. The Town and Country Planning (General Permitted Development Order) 2015 (the GPDO) has been amended following the date the LDC application was submitted to the Council. In accordance with S192 of the Act, I have determined the appeal against the version of the GPDO in force on 29 June 2023.

Main Issue

4. The main issue is whether the Council's decision to refuse to grant an LDC is well-founded.

Reasons

5. An application under S192(1)(a) of the Town and Country Planning Act 1990 (the Act) seeks to establish whether any proposed use of buildings or other land would be lawful. In an application for an LDC, the onus is firmly on the applicant to demonstrate on the balance of probabilities that the proposed development would be lawful.
6. The appellant submitted an application to the Council to determine if prior approval is required for a proposed change of use of agricultural buildings to a

dwellinghouse (Use Class C3) and for building operations reasonably necessary for the conversion on 16 September 2022 (the prior approval application)¹. The Council failed to determine the application within 56 days.

7. By virtue of the provisions of paragraphs W and X of Schedule 2, Part 3 of the GPDO, the failure of the Council to notify the appellant as to whether prior approval is given or refused within 56 days, prior approval is deemed to have been granted. The crux of the matter is whether or not the development deemed to have been granted prior approval would be lawful.
8. Schedule 2, Part 3, Class Q of the GPDO states 'Development consisting of— (a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, or (b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.'
9. Paragraph Q.1 (i)(i) states development under Class Q(b) is not permitted if it would consist of building operations other than the installation of windows, doors, roofs or exterior walls or water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwellinghouse.
10. Planning Practice Guidance (PPG) recognises that for a building to function as a dwelling some building operations which would affect the external appearance of the building should be permitted. It goes on to state that internal works are not generally development and for the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q. However, the works that are undertaken must not exceed works necessary to convert the building, as opposed to it being a fresh build.
11. The structural report carried out by Paul Waite Associates, dated 29 April 2021, concludes the building is structurally capable of being converted without substantial structural alteration or demolition. The Council's Officer Report refers to the existing building having timber rain-screen cladding to all elevations and corrugated roof sheets. At the time of my site visit, the cladding and roof sheeting were removed; all that remained was the steel frame with a bare earth ground floor and a metal mezzanine floor installed.
12. There is little evidence before me regarding what works are required to convert the building. The structural report and the appellant's statement makes no reference to anything of the existing building being retained other than the steel frame. This correlates with the observations I made on site. Therefore, based on the evidence before me, the proposed works would utilise very little of the existing building, i.e. only the steel frame. The proposal would require a significant amount of works, most notably the installation of new walls on all elevations, a new roof and a new floor.
13. Individually, such works could be said to fall under the scope of paragraph Q.1(i). However, Class Q(b) concerns the conversion of the building and paragraph Q1.(i)

¹ Council reference 22/36587/PAR

the works reasonably necessary to achieve this. As set out in the PPG, the assumption is that the building in question is capable of functioning as a dwelling.

14. The only parts of the building that would likely be retained would be the existing steel structure. Therefore, I consider that the works required to enable the building to function as a dwellinghouse go beyond a conversion and the statutory limits of what could be considered reasonably necessary to achieve this. The proposal would in all practical terms be starting afresh, with only a modest amount of help from the original agricultural building. Consequently, it would fail to comply with Class Q(b) as the extent of the works go beyond what would be reasonably necessary to convert the building.
15. At the time the LDC application was made, Schedule 2, Part 3, paragraph X of the GPDO defined "curtilage" for the purposes of Class Q, as '(a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or (b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser.'
16. The Council contend the curtilage of the agricultural building is larger than the area of the land occupied by the building. The appellant has provided no evidence to dispute this. On the evidence before me, I find no reason to conclude otherwise. Accordingly, the development would fail to accord with the requirements of Class Q(b).
17. Paragraph Q.2 sets out the conditions to Class Q, stating '(1) where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to...' and sets out various matters.
18. By reason that the extent of the works would go beyond what would be reasonably necessary to convert the building and the size of the curtilage would exceed the area occupied by the building, the proposed development would not be development falling under Class Q(b). Therefore, the conditions set out in paragraph Q.2 are irrelevant to the proposed development as it is not permitted development. Accordingly, paragraph W of Schedule 2, Part 3, Class Q of the GPDO is not relevant as this only applies to development where a developer is required to make an application to a local planning authority for a determination as to whether the prior approval of the authority will be required.
19. Given the above, even though prior approval was deemed to have been granted, the proposed development the subject of that application does not benefit from permitted development rights and therefore cannot be lawfully carried out without planning permission. To take the appellant's argument that prior approval is deemed to have been granted and therefore it is not open to me to consider whether it falls within the requirements and limitations of Class Q undermines the purposes of the GPDO. Such a position could enable an application to be made for almost anything under the description of being the conversion of an agricultural building to a dwelling, regardless of whether that is actually what is proposed and, providing the Council do not notify the appellant as to whether prior approval is

given or refused within 56 days, the development is considered to be permitted development. That is clearly not what the GPDO allows. If the development is not permitted development, express planning permission is required for it, even if prior approval has been deemed to have been granted.

20. I have had regard to the numerous case law referred to me by the appellant. However, these pertain to the matter of whether or not prior approval has been deemed to have been granted by virtue of the 56 day rule. However, the appeal before me concerns whether or not the proposed development would be permitted development, regardless of whether prior approval has been deemed to have been granted.
21. I find therefore, it has not been demonstrated that the proposed works would not go beyond building operations reasonably necessary to convert the building as set out in Class Q(b) and paragraph Q.1(i) nor that the curtilage would not be larger than the area occupied by the building. As such, it would not be development permitted under Schedule 2, Part 3, Class Q of the GPDO.

Conclusion

22. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful development is well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

A Walker

INSPECTOR



Appeal Decision

Site visit made on 14 April 2025

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

an Inspector appointed by the Secretary of State

Decision date: 20 May 2025

Appeal Ref: APP/Y3425/W/25/3359762

Land Adjacent Moreton House Farm, Bishton Lane, Wolseley Bridge, Staffordshire ST18 0XD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr. and Mrs. Tabernor against the decision of Stafford Borough Council.
 - The application Ref is 24/39577/FUL.
 - The development proposed is change of use of land to dog walking field and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was issued on 12 December 2024. While the paragraph numbers in the Framework referred to in the Council's Decision Notice have changed, the relevant paragraphs identified as directly affecting this case have not been fundamentally changed. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issues

3. The main issues in this appeal are:
 - whether the location of the site is suitable for the proposal having regard to the development plan and the Framework; and
 - whether the proposed development would provide safe and suitable access for all users.

Reasons

Location

4. The appeal relates to an agricultural field adjacent to Moreton House Farm and is surrounded by other agricultural fields in open countryside. The site is outside of the settlements identified in Policy SP3 of the Plan for Stafford Borough 2011-2031 (June 2014) (the PSB).
5. Policy SP7 the PSB indicates, amongst other matters, that development outside of the settlement boundaries will only be supported if it is consistent with Policies SP6, E2 and C5 of the PSB, does not conflict with the environmental protection and nature conservation policies in the PSB and provision is made for any

necessary mitigation or compensation measures to address any harmful effects of the proposed development. It is not disputed by the main parties that the proposal complies with Policy SP6, and I have no reason to find otherwise. Policy C5 relates to residential proposals outside of the settlement hierarchy so does not apply in this case.

6. Policy E2 relates to rural areas outside of the identified settlements and supports the achievement of rural sustainability by encouraging the listed types of proposals in i) to xi) of the policy. This includes v) diversification of the agricultural economy and vii) facilities for tourism and recreation uses appropriate to a rural location. The proposal for a dog walking field would therefore, in principle, be acceptable in this respect.
7. Policy E2 requires all development in rural areas outside of the settlement boundaries to meet the listed criteria in a) to h) of the policy, where appropriate and feasible. The appeal site is well related to an existing farmstead, satisfying criterion b). I have no basis question that the proposal would prejudice any viable agricultural operation on a farm or other existing viable uses, required by criterion c). Given the nature and scale of the proposal, it would comply with the remaining relevant criteria relating to the natural landscape, vernacular character, design and heritage. Consequently, I find that the proposal would comply with Policy E2 of the PSB.
8. The Council has referred to conflict with Policy SP1 of the PSB which says that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Framework. The Framework identifies three overarching objectives - economic, social and environmental, within its purpose of achieving sustainable development.
9. Chapter 9 of the Framework promotes sustainable transport which includes identifying and pursuing opportunities to promote walking, cycling and public transport use. It recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
10. The appeal site is approximately 2.5 kilometres from the village of Great Heywood, the nearest settlement to the site. Vehicular access to the site is from the A51 Lichfield Road onto Tolldish Lane, an unclassified single track road and Moreton Lane, the last section of which is unmade track. The proposed dog walking field is approximately 2.8 kilometres from the A51. As such, the site is in a remote location in terms of public transport and not within an easy walking distance from surrounding settlements. Therefore, it is highly likely that future users of the proposed dog walking facility would be reliant on car transport. On the evidence before me, it has not been demonstrated that opportunities to promote walking, cycling and public transport have been explored to make the location more sustainable.
11. The proposed facility would operate between 7:00am and 8:00pm in the spring and summer months and between 8:00am and 4:00pm in the autumn and winter months. The appellant's statement indicates that bookings will be required to use the facility with each booking slot lasting 45 minutes. Although no more than two cars would be allowed per booking, given the number of slots that would be available each day, this would produce a not inconsequential volume of vehicular

movements. This is especially as the site is poorly located with regard to sustainable transport choices and opportunities to promote walking, cycling and public transport use to the site have not been identified and pursued.

12. For the reasons given, the location of the site is not suitable for the proposal. The proposal would conflict with Policy SP1 of the PSB which reflects the Framework's goal of achieving sustainable development. It would also be contrary to paragraphs 89, 109 to 112 of the Framework which requires proposals to exploit any opportunities to make a location more sustainable and to identify and pursue opportunities to promote walking, cycling and public transport use.

Safe and suitable access

13. Vehicular access to the site is from the A51 Lichfield Road onto Tolldish Lane, which is a single track road with raised embankment and hedges on both sides for the majority of its length. There are limited passing places along Tolldish Lane. Therefore, in the event of a driver meeting another user (pedestrian, horse rider, cyclist, other driver) in the lane, there would be limited safe facilities to pass one another.
14. Tolldish Lane connects to a number of agricultural farms and dwellings including Moreton House Farm, Lower Swansmoor Farm and Moreton Barn Farm. Given the increase in vehicular movements that would arise from the proposal, there would be an increase in the potential for conflict between existing and future users of the lane. Despite a 15-minute gap between booking slots, future users of the site may arrive or leave later or earlier than the allocated time so there would also be potential for conflict between future users of the proposal.
15. Tolldish Lane changes to Moreton Lane and continues as a single track eastwards towards the appeal site. At the point where the lane meets the access to Lower Swanmore Farm House, it becomes a private lane with a Public Right of Way (PROW) Bridleway status (Colwich 23) which runs in a south-east direction towards the appeal site.
16. The proposal does not include any additional passing bays along the single track to the site including Colwich 23. The narrowness of the access lane and limited number of existing passing bays along the route to the site means that the proposal would not provide safe and suitable access for all users.
17. I am advised that by the Council's PROW Officer that where private rights exist that allow the use of vehicles along a bridleway, drivers of vehicles must give way to pedestrians, horse riders and cyclists. While there is a warning sign located in Moreton Lane advising of potential horse riders, there is no existing or proposed sign along the private access to alert drivers to the potential presence of horse riders.
18. Furthermore, where Colwich 23 meets the access to Moreton Barn Farm, the lane becomes uneven with raised ground in the centre and loose gravel. This would pose risks to users of the proposal, particularly during poor weather conditions when uneven surfaces can become waterlogged or frozen and increase danger, particularly to drivers of smaller vehicles which are more sensitive to surface irregularities. The lack of proper surfacing would result in poor traction, increased risk of vehicle damage and dangerous conditions for drivers. Therefore, the current

condition of the access is not considered fit for increased traffic and would significantly compromise safety.

19. The appellant contends that the lane is largely straight and affords very good forward visibility so that approaching traffic will be able to clearly observe any on coming users. Even though there are passing places at certain points along Moreton Lane, it remains that the whole length of the private access to the site does not have any passing places. As the length of the private access is not insignificant, delay and potential congestion would be caused.
20. I acknowledge there is likely little traffic currently using the private section of Moreton Lane. However, the proposal would increase vehicular movements in this section which would increase the potential for lane-user conflict given the lack of passing places. Furthermore, access to the site is required from Tolldish Lane, which as outlined earlier, is used by several farms and dwellings in the area, giving rise to potential for conflict between traffic generated by those properties and the appeal proposal.
21. The appellants indicate that they are agreeable to the imposition of a condition requiring the provision of signage along the track to make users of the public bridleway aware of potential vehicles, should the appeal be allowed. The appellants have also submitted a plan showing their land ownership adjacent to Moreton Lane to demonstrate that, if required, a planning condition could be imposed to secure the provision of additional passing spaces along the private access. I accept that with appropriate conditions, this could resolve the issue of insufficient passing bays and signage along the private access. However, it would not resolve my concerns regarding the limited number of passing places along Tolldish Lane and the unfit surface of the private access for intensified use.
22. For the reasons given, the proposal would not provide safe and suitable access for all users. It would conflict with paragraph 110, 115 and 117 of the Framework insofar as it requires development to provide safe and suitable access to the site for all users and minimise the scope for conflict between pedestrians, cyclists and vehicles.

Other Matters

23. The appellants have drawn my attention to two dog walking parks which have been granted consent¹ in the area. However, both dog walking parks are accessed via tarmacked roads. Therefore, these examples do not provide a direct comparison to the appeal scheme. In any event, I have considered the proposal based on its own merits.
24. A letter of support from Moreton Cottage contends that development schemes consented in Bishton have not been required to provide signage or passing places even though Bishton Lane has more traffic. However, I do not have the full details of these schemes so cannot be sure that they represent a direct parallel to the appeal proposal. In any case, I have determined the appeal on its own merits. Reference has been made to an alternative route which farm traffic can use, to the north of the site. While a photograph has been submitted, I do not have details of the precise location or other information regarding this alternative access for farm vehicles so I cannot be certain it would be suitable. In any event, as outlined

¹ Ref. 19/30553/COU and 22/36370/COU.

above, there would be potential for conflict between future users of the proposed dog walking facility along the access route.

25. A letter of support from an elected ward member for the area suggests that the proposal could also be accessed from Bishton Lane. However, the proposal before me does not provide for any access from Bishton Lane. The ward member points to Policy CLE1 of the Colwich Parish Council Neighbourhood Development Plan 2011-2031 (the NDP) which encourages proposals that create or facilitate employment of people living in the area. However, the NDP also expresses safety concerns about the number of cars using narrow, rural lanes, seeks to reduce the need to travel and encourages the use of sustainable or shared forms of transport through Policy CTR2.
26. I have carefully considered the reasons why the appellant has proposed the development which includes the Covid-19 pandemic, extreme wet weather causing failed crops and low yields, financial viability of Moreton House Farm and High Speed Rail 2. However, these factors do not alter or outweigh my concerns regarding the site's poor accessibility by sustainable transport modes and unsafe and unsuitable access.
27. Compliance with the development in relation to the environmental and nature conservation policies and light pollution are expectations for all development and would count neither for nor against the proposal.

Conclusion

28. The proposal conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

U P Han

INSPECTOR