



Civic Centre, Riverside, Stafford

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Dear Members

Planning Committee

A meeting of the Planning Committee will be held on **Wednesday, 19 February 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.

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

Head of Law and Governance

PLANNING COMMITTEE - 19 FEBRUARY 2025

Chairman - Councillor B McKeown

Vice-Chairman - Councillor A Nixon

AGENDA

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

Details of Delegated applications will be circulated separately to Members.

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7 Enforcement Matters	-

MEMBERSHIP

Chairman - Councillor B McKeown

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

PLANNING COMMITTEE - 19 FEBRUARY 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
24/39571/FUL	Stafford Probation Centre, Dorrington Drive Stafford	4 - 22
	The application was called in by Councillor A Godfrey	
	Officer Contact - Richard Wood, Development Lead Telephone 01785 619324	
24/38835/FUL	Land Adjacent To Nebraska, Moss Lane Moss Gate	23 - 53
	The application was deferred by the Planning Committee on 4 September 2024.	
	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:	24/39571/FUL
Case Officer:	Gillian Morrell
Date Registered:	17 October 2024
Target Decision Date:	12 December 2024
Extended To:	20 February 2025
Address:	Stafford Probation Centre, Dorrington Drive, Stafford, ST16 3BF
Ward:	Common
Parish:	-
Proposal:	Change of use of first floor of existing building from commercial to residential use to form two apartments, construction of a two-storey extension to south of existing building to accommodate a dedicated access stairs to serve the proposed apartments, alterations to existing building and new vehicular entrance from the Marston Road and the provision of two off-street parking spaces and all associated site works
Applicant:	Venure Point Properties Ltd
Recommendation:	Approve subject to conditions

Reason for Referral to Planning Committee:

This application has been referred to Planning Committee by Councillor Godfrey (Ward Member for Common) for the following reasons:

“Neighbours concerned about the extra traffic movements on a very busy road. Parking in the area is a big problem, the development will bring more cars to the area.”

CONTEXT

1.0 Site and surroundings

- 1.1 The application site comprises a two-storey flat roofed industrial building of red brick construction and situated at the junction of Common Road/Marston Road with Dorrington Drive, Stafford. Commercial buildings adjoin the site to the west and residential properties are located to the south along Common/Marston Road.
- 1.2 The building is in use as the ‘Roofing Yard’, a roofing supplies business with access taken from Dorrington Drive and parking and turning provided within the forecourt of the premises.
- 1.3 The site is within 8km of the Cannock Chase Special Area of Conservation (SAC).

2.0 Background

2.1 Planning permission was sought in August 2022 (reference 22/36377/FUL) for the change of use of the first floor of the building to create two residential apartments. The proposal included the construction of a two-storey extension to facilitate a staircase along with alterations to the external façade of the building.

2.2 Planning permission was refused on 19 December 2023 for the following reasons:

“The development would result in harm to the integrity of the Cannock Chase Special Area of Conservation through additional recreational pressure arising from the scheme. In the absence of bespoke mitigation or a signed Unilateral agreement to secure necessary financial mitigation towards the Cannock Chase Special Area of Conservation the harm is unacceptable, and the development fails to conform with Policy N6 of The Plan for Stafford Borough.

It has not been demonstrated that there is adequate on-site provision for the parking of vehicles within the site to serve the proposed residential units and the existing commercial business. In the absence of such provision there is an increased likelihood of vehicles parking outside the site on the public highway, to the detriment of highway safety and users of the highway; contrary to Policy T2 of The Plan for Stafford Borough.

In the absence of a noise report from a suitably qualified person, it has not been demonstrated that the residential amenity of future occupants would not be detrimentally affected by unacceptable levels of noise and disturbance; contrary to supplementary planning guidance contained in Stafford Borough Council's Design Guide 2018, Policy N1(e) of The Plan for Stafford Borough and paragraph 130(f) of The National Planning Policy Framework, 2023.”

3.0 The proposal

3.1 Planning permission is sought to convert the upper floor of an existing commercial building into two residential apartments. The proposal includes a two-storey extension to the south of the building to create an internal staircase to serve the residential units. Cladding is proposed externally to reduce the extent of glazing to the façade of the existing building at first floor level, fibre cement cladding panel will serve to reduce the width of existing window opening. Amended plans have been received during the application, omitting French doors proposed on the western elevation.

3.2 A new vehicular access is proposed from Marston Road to serve the development along with parking and turning facilities. The existing pedestrian access is to be retained.

4.0 Development plan framework

4.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan unless material considerations indicate otherwise.

- 4.2 The development plan comprises of The Plan for Stafford Borough 2011-2031, The Plan for Stafford Borough Part 2 2011-2031.

OFFICER ASSESSMENT – KEY CONSIDERATIONS:

5.0 Principle of Development

- 5.1 The National Planning Policy Framework (Framework), December 2024, sets out the Government's planning policies for England and how they should be applied. It advises that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means the planning system has three overarching objectives; an economic objective, a social objective, and an environmental objective, which are interdependent and should be pursued in mutually supportive ways.
- 5.2 The 5 year housing land supply for Stafford Borough shows that in March 2024 the Borough Council could demonstrate an 8 year supply of housing land against the Local Housing Needs as calculated within the adopted Local Plan Strategy, and as a result the Local Plan Strategy policies are considered up to date.
- 5.3 Given that the Council can demonstrate a 5 year housing land supply, it falls for this scheme to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.4 Spatial Principle SP3 of The Plan for Stafford Borough sets out the settlement hierarchy for the borough and directs the majority of future development towards the towns of Stafford and Stone and the defined key services villages.
- 5.5 The application site is within the settlement boundary of Stafford and involves the re-use of part of an existing building. The principle of converting the first floor of the commercial building to create two residential units is therefore acceptable, subject to the consideration of all other material factors, which are assessed in the sections below.

Polices and Guidance:-

National Planning Policy Framework

Paragraph 11

The Plan for Stafford Borough (TPSB) 2011-2031

SP1 (Presumption in Favour of Sustainable Development)

SP2 (Stafford Borough Housing and Employment Requirements)

SP3 (Sustainable Settlement Hierarchy)

SP4 (Stafford Borough Housing Growth Distribution)

SP7 (Supporting the Location of New Development)

Stafford 1 (Stafford Town)

6.0 Visual Impact

The effect of the proposal on the character and appearance of the area.

- 6.1 Policy N1 of The Plan for Stafford Borough sets out design criteria including the requirement for design and layout to take account of residential amenity and local context and have high design standards.
- 6.2 The Framework advises, in paragraph 131, the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 6.3 The proposal seeks to convert the first floor of the building to create two residential apartments. A two-storey extension is proposed to the side elevation to facilitate a staircase to serve the dwellings, this will be constructed using black profiled metal cladding, set down from the height of the existing building. The scale and size of the extension will appear visually subservient to the host building and the proposed use of materials reflect the commercial appearance of the existing building.
- 6.4 It is also intended to reduce the extent of glazing to the eastern and western elevations using grey fibre cement cladding, such alterations are considered acceptable. However, the scheme initially sought the provision of French doors on the western elevation which were considered visually incongruous. The building is primarily a commercial premises, and this is reflected in the external appearance, the introduction of domestic features on this part of the building at first floor level would create a visually discordant addition. The applicant was requested to omit this feature. Amended plans were subsequently received replacing the French doors with windows.
- 6.5 As revised the proposal is considered visually appropriate and will safeguard the character and appearance of the area and therefore accords with Policy N1 of The Plan for Stafford Borough.

Policies and Guidance:-

National Planning Policy Framework– Section 12.

The Plan for Stafford Borough (TPSB) 2011-2031

Policy N1 (Design).

Supplementary Planning Document (SPD) – Design

7.0 Residential Amenity

The effect of the proposal on the level of amenity afforded to future occupants and the effect of the proposal on neighbouring property.

- 7.1 Policy N1 of The Plan for Stafford Borough requires the design and layout of the development to take account of noise and light implications and amenity of adjacent residential properties. The Design SPD provides guidance on amenity standards and separation distances.
- 7.2 Supplementary Planning Document, Design, in Section E(i): Amenity and Space Standards, advises,
- “New development should enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space, and the avoidance or mitigation of potential disturbances including visual intrusion, noise, smell and pollution.”*
- 7.3 The proposal seeks the construction of a two-storey extension to facilitate the provision of a staircase to serve the development. This structure will be positioned adjacent to the garage serving the neighbouring property, given its size, scale and location it is not considered that it would detrimentally affect the amenity of this dwelling through creating an overbearing or enclosing impact.
- 7.4 A ground floor window in the side elevation will be blocked up and two first floor windows in the southern elevation are to be replaced with obscure glass with restricted opening. Such arrangement will ensure there is no direct overlooking onto the neighbour to the south and can be conditioned accordingly.
- 7.5 The apartments have been designed to accord with National Space Standards and adequate light has been afforded to the proposed habitable rooms.
- 7.6 The occupant of a neighbouring property has raised concern at security through the creation of an access to Marston Road. There is an existing pedestrian gate located at the southeastern corner of the existing building; the applicant has advised this will be fitted with access control to prevent unauthorised access to the rear. In addition, it is intended to construct a new 1.8metre high fence along the boundary with the neighbouring house.
- 7.7 The proposed residential units are located above existing commercial premises with the forecourt to the front elevation serving for the parking and manoeuvring of vehicles associated with the business and a road junction just beyond the site entrance.
- 7.8 As part of the application, a noise assessment has been carried out by Arno Acoustics. This concludes that road traffic is the dominant source of noise at the application site and that the existing levels fall within the ‘low’ to ‘medium’ noise risk category. The potential impact of noise associated with commercial activity at the site, including existing activity at the Roofing Yard has also been assessed.

- 7.9 The report concludes that the existing separating floor construction between ground floor commercial premises and the proposed residential units can provide adequate sound insulation to control noise transfer levels. The report considers this provides a positive assessment that significant adverse impacts as a result of noise associated with the ground floor retail activity can be avoided.
- 7.10 The report identifies minimum requirements for the specification of façade elements to habitable rooms to achieve the internal noise limits described in BS 8233: 2014 *Guidance on sound insulation and noise reduction for buildings*, in accordance with Stafford Borough Council requirements. The assessment concludes that the proposal can avoid significant adverse impact on health and quality of life by design through meeting the BS 8233 noise limits in habitable rooms.
- 7.11 The Environmental Health Officer concurs with the recommendations of the Arno Acoustics report and recommends the glazing, ventilation and building elements of the proposed development must meet the criteria and internal noise levels specified in Section 13 and 14 of the report. Appropriately worded conditions are recommended in this regard.
- 7.12 The proposal will not adversely affect the level of amenity currently afforded to neighbouring property and subject to suitably worded conditions will provide an acceptable residential environment for future occupants, in accordance with Policy N1 of The Plan for Stafford Borough.

Policies and Guidance:-

National Planning Policy Framework (NPPF)

Paragraph 135

The Plan for Stafford Borough (TPSB) 2011-2031

Policy N1 (Design)

Supplementary Planning Document (SPD) - Design

8.0 Access and Parking

The effect of the proposal on highway safety.

- 8.1 Policy T2 of The Plan for Stafford Borough advises that all new development must have a safe and adequate means of access and internal circulation, not have unacceptable highway safety impacts, and provide sufficient parking provision.
- 8.2 As submitted the application proposed the creation of a new vehicular access onto Marston Road and three on-site parking spaces to serve the development.

- 8.3 The highway authority advised based on Stafford Borough Council's parking standards the proposed development requires two on-site parking spaces to be provided. The submitted plan shows the provision of three spaces; however, the highway authority advised the parking spaces shown on the site plan are not of sufficient size and do not meet the required specification. In addition, the width of the vehicle access is shown as 3.2metres, the highway authority requires a minimum of 4.2metres for a private shared access, therefore this arrangement is not acceptable. The use of block paving within the highway is also not acceptable. It is further advised the scheme has not provided any visibility splays from the proposed new access. Given Marston Road is a heavily trafficked highway visibility splays of 43metres in each direction are required, moreover, the highway authority do not consider the visibility splay in the southerly direction can be achieved. The highway authority recommended the applicant carry out a speed survey to ascertain the 85%ile speed of traffic which could reduce the splay requirement if the speeds are below 30mph.
- 8.4 Based on the submitted drawings the highway authority recommended refusal of the proposal. The highway authority also refers to the planning permission granted under application 22/35617/FUL to change the use of the probation office to a builder's merchants. As part of that permission nine parking spaces were to be provided, during their site visit the highway officer observed that some of these bays were obstructed by roofing material contrary to the terms of the permission. In response, the applicant's agent has advised that the applicant acknowledges the requirements of the consent and will ensure the spaces are kept clear of obstruction. It must, however, be emphasised that any breach of conditions in respect of application 22/35617/FUL are a separate matter to be pursued by the enforcement department if required and cannot be considered as part of this current proposal.
- 8.5 In response to the concerns raised by the highway authority, the applicant conducted a speed survey, amended the location of the access (within the red edge application site) to accord with the recommended visibility splays and revised the on-site parking arrangement.
- 8.6 Considering these amended details, the highway authority advised, according to the speed data submitted as part of the speed survey, the southbound visibility splay requires 2.4metres x 39metres and the northbound visibility splay required 2.4metres x 37metres. These visibility splays are shown on the revised block plan.
- 8.7 However, the highway authority advised that this has been achieved by moving the vehicle access further north closer to the junction of Common Road with Astonfields Road. The highway authority therefore raised concern that the vehicle access is even closer to the busy road junction and given the access will create additional movements on and around the junction consider this will impact highway safety. The revised site plan increases the size of the parking spaces, which the highway authority confirms accord with the required standards, however, they are concerned that there is insufficient manoeuvring space to allow the vehicles to turn safely within the site and exit in a forward gear. The highway authority recommends the application is refused.

- 8.8 A further revised site plan has been submitted increasing the size of the parking area and demonstrating that sufficient space exists to allow vehicles to turn within the site and leave in a forward gear.
- 8.9 The highway authority remains concerned at the proposal; they consider the access is located too close to a heavily trafficked road junction that will impact on highway safety. It is further advised vehicles turning right into the proposed access are likely to block vehicles turning south from Common Road which could cause a danger to highway users. Vehicles would also block the proposed access at the give way to enter Common Road/ Astonfields Road and could potentially affect vehicles entering from the slip road off Astonfields Road. The highway authority therefore recommend refusal.
- 8.10 Although the concerns of the highway authority are acknowledged, the scheme provides an access which satisfies the required visibility splays, on-site parking facilities which meet the necessary standard along with the provision for the safe manoeuvring of vehicles onto the highway. It is recognised that the access is located close to a busy highway junction, but this situation is not unique, occupants of the proposed residential units will be entering and exiting the access in a forward gear with good visibility onto the highway. Moreover, the proposal seeks the provision of two 2-bedroomed apartments, this is a small-scale development that will not generate significant levels of additional traffic onto the highway.
- 8.11 Given that the proposal creates a vehicular access which accords with the highway specification in respect of visibility splays and satisfies the required level of on-site parking and turning facilities in accordance with appendix B of Policy T2 of The Plan for Stafford Officers consider that a refusal of the proposal on highway grounds could not be substantiated at appeal.

Policies and Guidance:-

National Planning Policy Framework

Section 9

The Plan for Stafford Borough (TPSB) 2011-2031

Policy T1 (Transport)

Policy T2 (Parking and Manoeuvring Facilities) Appendix B – Car Parking Standards

9.0 Cannock Chase Special Area of Conservation (SAC)

- 9.1 Policy N6 of The Plan for Stafford Borough states that development which has a direct or indirect adverse impact upon the integrity of the Cannock Chase SAC, and the effects cannot be mitigated, will not be supported.

- 9.2 Policy N6 also sets out that any development leading to a net increase in dwellings within a 15km radius of the Cannock Chase SAC will be deemed to have an adverse impact on the SAC unless or until satisfactory 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 development within the 0-15km zone.
- 9.3 The proposal lies within the 15km buffer of the Cannock Chase SAC and seeks the provision of two residential units, as such a financial contribution is required.
- 9.4 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 Regulations, the local planning authority has undertaken an Appropriate Assessment. Should the application be approved, a unilateral undertaking or Section 111 Agreement would be required to secure the financial contribution. Natural England has concurred with the conclusions of the local planning authority's AA and therefore they have offered no objections to the proposal. Natural England advises that if all mitigation measures are appropriately secured, they are satisfied that there will be no adverse impact on the sites from recreational pressure.
- 9.5 The applicant has signed an agreement under Section 111 of the Local Government Act 1972 and Town and Country Planning Act 1990 (as amended) and made the required financial contribution towards the cost of measures to mitigate the impact of the development on the Cannock Chase Special Area of Conservation in accordance with the requirements of Policy N6 of The Plan for Stafford Borough.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs 188,193

The Plan for Stafford Borough (TPSB) 2011-20

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

10.0 Biodiversity

Biodiversity Net Gain (BNG)

- 10.1 Policy N4 of the Plan for Stafford Borough states that the natural environment will be protected and that new development where damage to the natural environment is unavoidable must provide appropriate mitigation. Policy N1 requires development to retain significant biodiversity and landscaping features and create new biodiversity areas. To comply with guidance contained within the Framework and the Council's biodiversity duty, new development must demonstrate biodiversity net gain.

- 10.2 The Framework advises, at paragraph 193, when determining planning applications, if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Biodiversity Net Gain (BNG) is required under a statutory framework introduced under Schedule 7A of the Town and Country Planning Act 1990. It is stated on the submitted application form the development is subject to the de minimis exemption, and therefore is not required to provide a BNG plan, the reason for this is stated as: *development does not impact a priority habitat and impacts less than 25 square metres (5m by 5m) of on-site habitat or 5 metre of on-site linear habitats such as hedgerow.*
- 10.3 Planning Practice Guidance (PPG) provides advice on how the de minimis exemption should be assessed, this states that when providing reasons for the de minimis exemption, an applicant should provide sufficient evidence to support their justification.
- 10.4 As no information was provided as part of the application the applicant was asked to submit evidence to justify the de minimis exemption. In response the applicant has provided photographic evidence of the site and states the only area where any vegetation is present on site is an area of gravel to the south that has become overgrown with weeds, with the rest of the site comprised of impermeable material (tarmac and concrete). The submitted photographs support the applicants' statement.
- 10.5 It is therefore concluded that the proposal satisfies the statutory de minimis exemption of Schedule 7A of the Town and Country Planning Act 1990.

Policies and Guidance:

National Planning Policy Framework

Paragraph 193

The Plan for Stafford Borough (TPSB) 2011-2031

Policy N1 (Design)

Policy N2 (Climate Change)

Policy N4 (The Natural Environment and Green Infrastructure)

11.0 Planning balance and Conclusion

- 11.1 The site is situated within the settlement boundary for Stafford and proposes the use of the first floor of an existing building, which weigh in favour of the proposal. There would be some economic benefit brought about by the construction phase and social benefits through the provision of two residential units. These factors carry moderate weight in favour of the proposal.

- 11.2 A safe vehicular access has been provided to the site with adequate on-site parking and turning facilities. The proposal will not adversely affect existing levels of amenity and subject to conditions, a satisfactory residential environment will be provided for future occupants. Moreover, the proposal will deliver sufficient mitigation and avoidance measures to prevent an adverse combination effect on the Cannock Chase Special Area of Conservation. These factors collectively weigh in favour of the proposal.
- 11.3 There are no material considerations that indicate the decision should be made other than in accordance with the development plan.

CONSULTATIONS

Highway Authority:

24 October 2024:

Recommend refusal:

- The proposed new parking spaces are geometrically substandard in that they do not provide sufficient space to park a vehicle within the curtilage of the dwelling.
- The submitted application has not provided visibility splays from the proposed access onto Marston Road and therefore cannot demonstrate a safe and suitable access.
- The proposed development fails to make adequate provision for the loss of the existing outside storage area coupled with the current lack of onsite parking for staff and customers of the Roofing Yard increases the likelihood of highway danger due to the likelihood of displacing the customer parking area onto the public highway.

8 January 2025:

Recommend refusal:

- The proposed new parking/turning area is geometrically substandard in that they do not provide sufficient space to allow a vehicle to safely turn within the site to egress in a forward gear.
- The proposed access is too close to a heavily trafficked road junction therefore creating additional movements close to a junction which will impact upon highway safety therefore cannot demonstrate a safe and suitable access.
- The proposed development fails to make adequate provision for the loss of the existing outdoor storage area coupled with the current lack of onsite parking for staff and customers of the Roofing Yard increases the likelihood of highway danger due to the likelihood of displacing the customer parking area onto the public highway.

16 January 2025:

Recommend refusal:

- The proposed access is too close to a heavily trafficked road junction therefore creating additional movements close to a junction which will impact upon highway safety therefore cannot demonstrate a safe and suitable access.
- The proposed development fails to make adequate provision for the loss of the existing outdoor storage area coupled with the current lack of onsite parking for staff and customers of the Roofing Yard increases the likelihood of highway danger due to the likelihood of displacing the customer parking area onto the public highway.

Natural England:

Advise the advice provided in response to application 22/36377/FUL applies equally to this application.

Natural England response to application 22/36377/FUL advised no objection subject to appropriate mitigation being secured.

Environmental Health:

Recommend the glazing, ventilation and building elements for the proposed development must meet the criteria and internal noise levels specified in Section 13 and 14 of the Noise Assessment Report.

Conditions are also recommended in respect of lighting, refused and recycling bin storage facilities, and working hours for construction and delivery.

Cadent:

Recommends an informative.

Neighbours

14 consulted: One letter of representation has been received; the main planning issues referred to are:

- Security: opening the frontage of the property will open access to the side of the neighbouring property. There will be no restriction to access as it will be open to form the vehicle access and parking.
- The traffic junction between Astonfields Road, Marston Road, and Common Road is very busy, and the proposed access seems to be very close to this junction which there are safety concerns about.
- Concern that adequate parking provision is provided as there is no capacity for any additional vehicles to safely park on the highway.

PUBLICITY

Site Notice: expires 5 December 2024.

RELEVANT PLANNING HISTORY

22/35617/FUL: Retrospective permission for change of use of probation office to Builders Merchant's (Sui Generis) and palisade fencing and gates in conjunction with 22/35878/ADV: Pending decision.

22/35878/ADV: Retrospective permission for new free-standing signage and new sign on existing building in conjunction with 22/35617/ADV. Approved 6 December 2023.

22/36377/FUL: The change of use of first floor of existing two-storey building from commercial use to residential use to include two residential apartments. The proposed development including the construction of a two-storey extension to include a new stair case to south of existing building together with alteration to the existing building and all associated site works. Refused 19 December 2023.

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 the 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 takes precedence:

Site Location Plan: 21016/02/2000/00

Proposed Block Plan: 21016/02/2051/03

Proposed Ground Floor Plan: 21016/02/2100/03

Proposed First Floor Plan: 21016/02/2101/01

Proposed Elevations 1 of 2: 21016/02/2550/01

Proposed Elevations 2 of 2: 21016/02/2551/01

Proposed Section AA: 21016/02/2700/00

Proposed Section BB: 21016/02/2701/00

Noise Assessment Report: Arno Acoustics 1163-A1 (rev1) 10 July 2024

3. A sample panel of the colour of the cladding to be used externally on the building shall be submitted for the written approval of the Local Planning Authority prior to the occupation of the development. The development shall thereafter be implemented in accordance with the approved details and retained as such for the life of the development.

4. The parking and turning areas shown on the approved plans shall be provided and available for use prior to the occupation of any residential unit. The parking and turning areas shall be retained and maintained in perpetuity.
5. The visibility splays shown on the approved plans shall be provided prior to the occupation of any residential unit. The visibility splays shall thereafter be kept clear of all obstructions to visibility over a height of 600mm above the adjacent carriageway level.
6. The windows at first floor level in the southern elevation of the development hereby permitted shall be obscure glazed to Pilkington level 3 or equivalent prior to first occupation and maintained as such thereafter.
7. Prior to the occupation of the development, details of the mechanism by which the first-floor windows in the southern elevation will be restricted not to open more than 100mm shall be submitted for the written approval of the Local Planning Authority. Thereafter, the windows shall be installed in strict accordance with the approved details and maintained as such thereafter.
8. The glazing, ventilation and building elements for the proposed development shall meet the criteria and internal noise levels specified in Sections 13 and 14 of The Noise Assessment Report from Arno Acoustics ref 1163-A1. The required internal noise levels that shall be achieved are:
 - a) The 16hr LAeq shall not exceed 35dB between 0700 and 2300 hours when readings are taken inside any habitable room in the development.
 - b) The 8hr LAeq shall not exceed 30dB between 2300 and 0700 hours when readings are taken inside any habitable room in the development.
 - c) The LAMax shall not exceed 45dB between 2300 and 0700 in relation to external noise sources when readings are taken inside any habitable room in the development.
9. All works during development, including any demolition, site works, and construction shall only take place between the hours of 8.00 am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays.
10. To safeguard the occupants of nearby property from unacceptable levels of noise and disturbance during construction works (policy N1 of The Plan for Stafford Borough).
11. To safeguard the occupants of nearby property from unacceptable levels of noise and disturbance during construction works (policy N1 of The Plan for Stafford Borough).

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 safeguard the character and appearance of the area in the interests of visual amenity (Policy N1(g) and (h) of The Plan for Stafford Borough).
4. To ensure adequate parking and turning facilities are provided to serve the development in the interests of the safety and convenience of users of the highway (Policies T1 and T2 of The Plan for Stafford Borough).
5. To ensure a safe vehicular access is provided to serve the development in the interests of the safety and convenience of users of the highway (Policy T2 of The Plan for Stafford Borough).
6. To safeguard the neighbouring property from overlooking in the interests of residential amenity (Policy N1 of The Plan for Stafford Borough).
7. To safeguard the neighbouring property from overlooking in the interests of residential amenity (Policy N1 of The Plan for Stafford Borough).
8. To reduce noise and disturbance and create an acceptable residential environment for future occupants (Policy N1 of The Plan for Stafford Borough).
9. To safeguard the occupants of nearby property from unacceptable levels of noise and disturbance during construction works (policy N1 of The Plan for Stafford Borough).
10. To safeguard the occupants of nearby property from unacceptable levels of noise and disturbance during construction works (policy N1 of The Plan for Stafford Borough).
11. To safeguard the occupants of nearby property from unacceptable levels of noise and disturbance during construction works (policy N1 of The Plan for Stafford Borough).

Informatives

- 1 Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

- 2 Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and

- (b) the planning authority has approved the plan. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Stafford Borough Council

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or
 - (ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

- 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
- 4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).
- 4.5 Self and Custom Build Development, meaning development which:
- i) consists of no more than 9 dwellings;
 - ii) is carried out on a site which has an area no larger than 0.5 hectares; and
 - iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).
- 4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat. The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

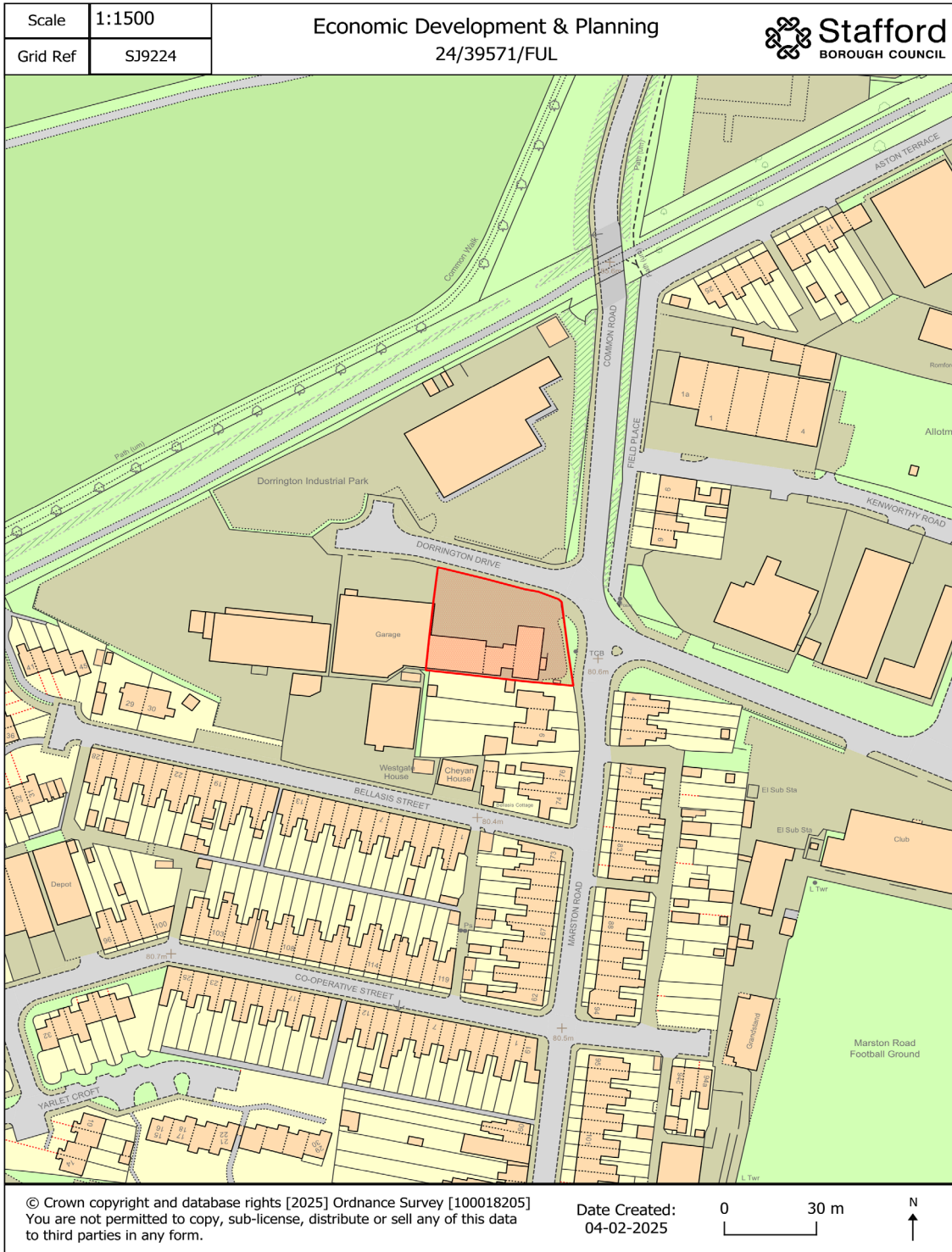
The effect of section 73D of the Town and Country Planning Act 1990 If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity

Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted.

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

24/39571/FUL
Stafford Probation Centre
Dorrington Drive
Stafford



Application:	24/38835/FUL
Case Officer:	Ed Handley
Date Registered:	1 April 2024
Target Decision Date:	26 April 2024
Extended To:	21 February 2025
Address:	Land adjacent to Nebraska, Moss Lane, Moss Gate, Stone, ST15 8RQ
Ward:	Milwich
Parish:	Hilderstone
Proposal:	Change of use from Garden Centre (Class E) to Residential (Class C3) including replacement of buildings to provide a single storey self-build dwellinghouse and garage (including the temporary siting of a residential caravan for the duration of the build)
Applicant:	Ms J Heather
Recommendation:	Approve, subject to conditions

UPDATE SINCE COMMITTEE DEFERRAL

1.0 Introduction

- 1.1 The application was deferred by the Planning Committee on 4 September 2024 to allow the applicant to address the four recommended reasons for refusal and in particular policy C5A.
- 1.2 Following the publication of an updated version of the National Planning Policy Framework (hereafter referred to as the 'Framework') in December 2024, the applicant has provided a rebuttal note which addresses each reason for refusal previously recommended to the Planning Committee.
- 1.3 This addendum report reassesses the previously recommended reasons for refusal against the changes in the updated Framework. All other issues in the original officer report remain as previously set out.

2.0 Development plan framework

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

- 2.2 The Development Plan for the purposes of this application comprises The Plan for Stafford Borough 2011-2031 Parts 1 and 2 (TPSB).
- 2.3 In relation to the updated Framework and revised housing targets, it is considered that TPSB remains up to date when taking into consideration the Inspector's rationale in dismissing appeal reference APP/Y3425/W/24/3353463 for residential development at Land between Ashflats Lane and Moss Pit, Stafford in January 2025.
- 2.4 In dismissing the appeal the Inspector states in concluding paragraphs 37 and 38 that the proposal would "*conflict with the development plan taken as whole*", and that there are no considerations which "*indicate a decision other than in accordance with the development plan*".

OFFICER ASSESSMENT – KEY CONSIDERATIONS

3.0 Reason 1: Inappropriate development in the green belt

- 3.1 The site is located in the North Staffordshire green belt and constitutes previously developed land.
- 3.2 The previously recommended first reason for refusal relates to the proposal constituting inappropriate development with resulting in a visual change to the area and an unacceptable reduction in green belt openness due to the significant increase in volume of the proposed building.
- 3.3 Significant changes have been made to the updated Framework with regard to development within the green belt and of most relevance to this application are paragraphs 154 and 155.
- 3.4 Paragraph 154 (g) is of particular relevance in this case as this provides for the partial or complete redevelopment of previously developed land and which now includes a material change of use to residential and which would not cause substantial harm to the openness of the green belt.
- 3.5 The new reference to 'substantial harm' to greenbelt openness now provides a higher threshold in assessing the scale of harm from that previously considered where the test was for development not have a '*greater impact*' on openness than the existing development.
- 3.6 The updated Framework also amends the definition of previously developed land which now includes land comprising large areas of fixed surface infrastructure '*such as large areas of hardstanding which have been lawfully developed*'.
- 3.7 Furthermore, the updated Framework also introduces '*grey belt*' which is defined as land in the in the green belt comprising previously developed land and/or not strongly contributing to checking the unrestricted sprawl of large built-up areas; preventing neighbouring towns merging into one another, and preserving the setting and special character of historic towns. On this basis the site is considered to constitute grey belt land.

- 3.8 The pertinent change in paragraph 154 is considered to be that redevelopment of a previously developed site must not cause ‘*substantial harm*’ to the openness of the green belt. Whilst it remains that there is harm to the openness of the green belt as set out below, Officers do not consider that this harm amounts to ‘substantial harm’.
- 3.9 Established case law (Turner v SSCLG and East Dorest Council [2016] EWCA Civ 466) finds that the openness of the green belt has a spatial aspect as well as a visual aspect and assessing openness is not to be limited to measuring the volume of the existing and proposed structures on site. Further, a lack of visibility does not, in itself, result in there being no loss of openness. Some forms of development in the green belt are inappropriate simply because it exists.
- 3.10 The site has been lawfully developed and is occupied by some permanent structures and hardstanding. It is considered that much of the site has been previously developed and the remains of permanent structures have blended into the landscape. However, it is evident that there are two existing buildings and, where structures such as glasshouses and polytunnels have fallen into a state of significant disrepair, it is clear that their hardstandings remain in situ.
- 3.11 It is noted that the applicant has instructed a further survey of the site to clarify the dimensions of the existing buildings. From the total figures, it is considered that the frames of the glasshouses and polytunnels (312sqm / 594 m³) should be disregarded as Officers do not consider these to comprise buildings of any permanence and in most cases they now comprise nothing but low walls.
- 3.12 The two remaining brick buildings (retail unit and potting shed) and shed have a cumulative footprint of 175.91sqm and volume of 459.36m³.
- 3.13 The proposed dwelling and garage would have a cumulative footprint of 209.78sqm and volume of 844m³. When only considering the brick buildings and shed, this constitutes an increase of 33.87sqm (19%) and 384.77m³ (84%) respectively.
- 3.14 With regard to areas of hardstanding, regardless of any parking area which has not clearly been defined, there would be a reduction in the area of hardstanding of approximately 17%. Therefore, should any existing car parking area be included this would further increase.
- 3.15 On this basis it is considered that the increase in floor area would not result in substantial harm. Whilst the increase in volume of the proposed buildings is significant and would have an impact on the openness of the green belt in both a spatial and visual aspects, it is considered that there are factors which weigh in favour of the proposed development and the proposal is not considered to result in substantial harm to the openness of the green belt. These considerations are set out below.

- a) The proposed dwelling and garage would have pitched roofs which whilst adding a significant volume to the buildings, is considered to be more in keeping with the local vernacular. The dwelling has also been changed since the refusal of the previous application (23/37764/COU) from two storeys to a single storey bungalow form. Whilst the Framework states that good design is a key aspect of sustainable development (paragraph 131), it is considered that good design (rather than exceptional design) is a pre-requisite rather than something which carries any significant weight in the planning balance in this case. This factor is given little to some weight in the planning balance.
- b) Regardless of any existing parking areas, the footprint of the existing buildings and hardstanding (including the glass houses and polytunnel bases) would be reduced by approximately 20sqm with the built form being focussed within the middle of the site. This compaction of the buildings and hardstanding would significantly reduce the visual harm to the openness of the green belt by virtue of it limiting the sprawl across the site. This factor is given moderate weight in the planning balance as it would reduce the proposal's impact in both spatial and visual aspects.
- c) The lawful fallback position, which is discussed in detail in section 5 of this addendum report, is that the site could be brought back into use as a retail garden centre. Such a situation would likely result in applications for the replacement of the permanent buildings and reinstatement of glass houses and polytunnels. Any such works beyond the use of the site would require planning permission with separate considerations and therefore this factor is given limited weight in the planning balance.

3.16 For the reasons set out above, it is not considered that the proposed development would result in substantial harm to the openness of the green belt. Consequently, the proposal is not considered to comprise inappropriate development as defined by paragraph 154 of the Framework and is therefore in accordance with Spatial Principle (SP) 7 of The Plan for Stafford Borough which states that development in the green belt will only be supported where it is consistent with national policy.

4.0 Reason 2: Residential proposals outside the sustainable settlement hierarchy

4.1 It is accepted that development outside of the sustainable settlement hierarchy would not accord with the development strategy of the local plan.

4.2 SP7 refers to development in the countryside only being supported where it accords with four criteria (i to iv). Criteria (i) and (ii) being of most relevance in this case.

4.3 Criteria (i) of SP7 requires development if located within the green belt to be consistent with national policies for the control of development and policy E5. The proposal is now considered to be in accordance national green belt policy in the updated Framework, and in particular paragraph 154 (g) which refers to the change of use of previously developed land to residential use. Policy E5 is not relevant in this case however as it deals with major developed sites in the green belt.

- 4.4 Provision (ii) in SP7 further requires development in the countryside to be consistent with the objectives of SP6 together with policies E2 and C5 in supporting rural sustainability. In this case policy E2 is not relevant as it only deals with proposals outside of the green belt.
- 4.5 The proposal would however be contrary to provisions 1 and 2 of policy C5A. Provision 1 requiring residential proposals to demonstrate that provision cannot be accommodated within the Settlement Hierarchy and that a defined need exists following Parish based Local Housing Needs Assessment under provision 2.
- 4.6 Therefore, whilst the proposal would be consistent with national green belt policy it would nevertheless be contrary to policy C5A. The weight to be apportioned to this matter in determining whether the proposal is acceptable, when applying the planning balance, is considered in section 8 of this addendum report.
- 4.7 Whilst it is noted that the application seeks permission for a self-build development it is not considered necessary to secure this via a planning condition on the basis that in this instance the principle of development is acceptable without such a condition. A condition should only be imposed where it is required to make the development acceptable. Furthermore, as the application was made prior to the introduction of the mandatory BNG condition, the self-build nature of the proposed development is not relied upon in order to be exempt from this requirement.

5.0 Reason 3: Unsustainable (transport) location

- 5.1 The third recommended reason related to the site being in an unsustainable location by virtue of occupants being dependent on trips by private car and having no sustainable modal choice.
- 5.2 The applicant's rebuttal relating to the third reason for refusal refers to the fallback position of bringing the site back into use as a retail garden centre. In this case, two of the three elements of the test set out in *R v Secretary of State for the Environment and Havering BC (1998)* are considered to be relevant with regard to the consideration of any fallback position.
- 5.3 The first element is met as the applicant holds a certificate of lawful development relating to the lawful use of the application site as a retail garden centre (20/32268/LDC).
- 5.4 The second element is also considered to be met; based on the information provided in support of application 20/32268/LDC it is evident that the applicant has purchased the site from other members of their family following a lengthy disagreement over how to continue the garden centre operations at the site and that there has been no abandonment of the lawful use. It is acknowledged that in *Mansell v Tonbridge and Malling Borough Council (2017)* it was confirmed that the legal considerations in determining the materiality of a fallback position as a planning judgement were:
- The basic principle is that for a prospect to be a 'real prospect' it does not have to be probably or likely – a possibility will suffice; and

- There is no rule or law on which the 'real prospect' will depend; it is a matter for the decision maker's planning judgement in the particular circumstances of the case in hand.
- 5.5 The current value of the site lies in its lawful use. Therefore, given the applicant's efforts to obtain a certificate of lawful development and the financial cost in acquiring the site it is considered that there is a possibility of the site being brought back into use as a retail garden centre which constitutes a 'real prospect'. It is, however, acknowledged that a number of buildings and structures would likely need to be rebuilt requiring planning permission in their own right.
- 5.6 The fallback position is not put forward as a reason that the proposed development being acceptable in principle. Moreover, it is put forward as a consideration with regard to highways concerns. Consequently, the third element of the test set out in the Havering case, a comparison of the fallback position and the proposed development, is not relevant in this instance.
- 5.7 The applicant states that should the fallback position (in bringing the site back into use as a retail garden centre) be implemented it would generate a relatively high number of vehicle movements to and from the site, including staff, customers, and deliveries. Furthermore, the personal circumstances of the applicant are put forward in that they regularly walk the local lanes and that they choose to use alternative methods of transport where feasible.
- 5.8 The Highway Authority continue to recommend refusal on the basis that the proposal does not constitute sustainable development in that it would be entirely reliant upon the private car and would not enable future occupiers to reasonably choose sustainable modes of transport. The Highway Authority note that the application site is not within a safe walking distance of local services and facilities. The neighboring roads are also unlit and have no footway provision, and bus stops are approximately 1.2km from the site. Consequently, that walking and cycling would be an unsafe and irrational choice of transport. The Highway Authority consider the proposed development to be contrary to paragraphs 116 and 117 of the Framework which require that development does not result in unacceptable impacts on highway safety and create places that are safe and which minimise the scope for conflict between pedestrians, cyclists, and vehicles.
- 5.9 It is noted that paragraph 110 of the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas (and that this should be taken into account in decision marking). Also, that a significant proportion of previously developed land in the green belt (and grey belt) is likely to be in 'unsustainable' locations where the occupiers of a dwelling would be reliant upon private car travel given the rural nature of the green belt and rural transport networks.
- 5.10 Therefore, whilst the site is not considered to be in a sustainable location in transport terms the fall back position would result in the re-establishment of the retail garden centre with an inevitable increase in traffic generation compared to the site accommodating a house. On this basis the unsustainable location of the site, in transport terms, is not considered to justify the refusal of this application.

- 5.11 Reference is made in the applicant's rebuttal note to a further potential fallback position relating to the conversion of buildings on the site to a dwelling under Schedule 2, Part 3, Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015. Such a fallback fails the first element of the test in that it is unclear whether or not any such scheme would be lawful as there is no evidence that it would comply with the provisions of that class.

6.0 Reason 4: Highway safety

- 6.1 The fourth recommended reason for refusal expands upon the choice of transport modes, concluding that the proposed development would exacerbate the risk of conflict between vehicles, pedestrians, and cyclists by reason of the lack of segregated pedestrian facilities and street lighting on comparatively narrow roads with restricted forward visibility and which are subject to the national speed limit. Consequently, the proposed development does not minimise the scope for conflicts between pedestrians, cyclists and vehicles.
- 6.2 The applicant states that the proposed development would result in a significantly lower number of vehicle movements in relation to the site being brought back into use as a retail garden centre, thereby providing a betterment in terms of the risk of conflict. It is further stated that there has been one reported accident on this part of Moss Lane in the past 20 years which was a vehicle on vehicle collision involving no pedestrians or cyclists. Furthermore, the applicant states that the improvements to the site access would enable a vehicle to pull in off the highway and improve visibility, resulting in improved highway safety. Finally, the applicant states that the potential 'reasonable scenario' of bringing the site back into use as a retail garden centre should be taken into account with regard to paragraph 116 of the Framework as that use would have a greater potential to result in adverse impacts on highway safety.
- 6.3 The Highway Authority continue to recommend refusal on the basis that the proposed development would exacerbate the risk of conflict between vehicles, pedestrians, and cyclists by reason of the lack of segregated pedestrian facilities and absence of street lighting on a C classified road subject to the national speed limit and which is unsuitable to cater for additional development. The Highway Authority contend that a residential development would not function in the same manner as a garden centre as visitors to a garden centre would drive to the site rather than walking or cycling given its location and the nature of the business. Due to the aforementioned characteristics of the road network in the immediate vicinity, pedestrians would have to walk in the road.
- 6.4 A development can be made acceptable via a planning condition or obligation such as one to secure the provision of off-site highway works. For example, by the provision of improved pedestrian facilities adjacent to the site. However, in rural locations and small hamlets in particular it should be noted that there will be few, if any, local facilities and services, as well as limited pedestrian facilities. Consequently, a condition to secure highway improvements to access local facilities and services is not likely to be proportionate to the development of a single dwelling. Any such condition would, therefore, not meet the tests set out in the Framework (paragraph 57). It is considered that there is not a realistic opportunity for improvements to accessibility by foot, cycle, or public transport in this case

(paragraph 109 of the Framework). The concern raised here, is therefore considered to relate to the inadequacy of the local highway network itself.

- 6.5 In this context, it should be noted that the Highway Authority confirm that there have been no personal injury collisions on Moss Lane within 215m in either direction from the site in the past five years. Consequently, in light of the support given to the principle of redevelopment of this previously developed site, the Government's drive for new homes, and the historic stance of Stafford Borough Council in granting planning permission for the conversion of traditional agricultural buildings to dwellings it is considered that the lack of segregated facilities in the highway should be given little weight (in this instance) in the planning balance and this matter does not, alone, warrant the refusal of the application for a single dwelling on this site.

7.0 Other matters

- 7.1 It is noted that the earlier report to Committee made reference to comments from the Council's Biodiversity Officer made with regard to an earlier application on this site - 23/37764/COU. The current application was submitted prior to the BNG condition becoming mandatory and it is considered that the recommendations made by the Biodiversity Officer with regard to the earlier application should inform the conditions attached to any approval of this application.
- 7.2 Given the significant changes to national policy and the consequent support for the principle of the proposed development, as well as the weight to be apportioned to the respective issues, it is considered that the reasons for refusal previously recommended to the Planning Committee have fallen away. In this regard, should the Committee resolve to approve the application it is considered that this should be subject to the conditions set out in the agenda.

8.0 Conclusion and planning balance

- 8.1 Following the updated Framework and the consequent revaluation of the weight to be apportioned to the various issues in the previous reasons for refusal the planning balance has shifted and therefore so has the conclusion.
- 8.2 In consideration of the updated Framework the first reason for refusal is overcome with regard to development in the green belt and the proposals compliance with provision 1 of SP7.
- 8.3 Similarly, in conjunction with the changes to national green belt policy reasons 3 and 4 relating to the unsustainable location (in transport terms) and the impacts upon highway safety are not now considered to justify the refusal of this application. Whilst those concerns remain, the weight apportioned to these issues in the planning balance are not now considered to outweigh the support for the proposal.

- 8.4 Concerning the second reason for refusal the benefits of the scheme in terms of its compliance with national green belt policy and combined with the individual merits of the case in terms of the fallback position and the betterment the proposal brings in removing the existing unsightly buildings and reducing traffic generation are cumulatively considered to outweigh the conflict with provision 2 of SP7 and criteria 1 and 2 of policy C5A.

CONSULTATIONS

Highway authority:

Objection.

- The proposed development would exacerbate the risk of conflict between vehicles and pedestrians and cyclists by reason of the lack of segregated pedestrian facilities and there being no street lighting on a C class road which is subject to the national speed limit and is unsuitable to cater for additional development leading to an increase in the likelihood of danger to highway users, particularly those considered to be vulnerable.
- A residential development would not function in the same manner as a garden centre - visitors to a garden centre would drive and it is unlikely that there would be any pedestrian visitors given its location and the nature of the business. A dwelling would result in trips for work, education, access to services, shopping, deliveries, etc. The site is not within a safe walking distance and therefore all trips to such facilities are likely to be made via a private vehicle.
- The neighbouring roads are unlit and have no footway provision as previously stated and would require any resident to walk within the road should they wish to walk within the immediate neighbourhood. The closest bus stops are on Fulford Road, immediately outside of the village hall, approximately 1.2km from the application site. Children would need to be transported by private car to attend school given no safe option to walk or cycle.
- It is noted that there would be a reduction in trips, however the concern is that pedestrian and cycle movements would not be a safe choice for residents given the locality of the site.
- The proposed development would, therefore, be contrary to paragraphs 116 and 117 of the NPPF.
- The application should be refused on the basis that the proposed development does not constitute sustainable development and that it would exacerbate the risk of conflict between vehicles and pedestrians.
- If the application was approved, conditions should be attached to secure the following:
 - o Drainage channels and soakaways to be 5m rear of the highway boundary.
 - o Access gates to be located a minimum of 5m rear of the carriageway edge and open inwards away from the highway.

Recommendation

Approve subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. This permission relates to the following drawings, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence:-
 - RLM1053/1 C (Existing site plan)
 - RLM1053/3 I (Floor plan and elevations)
 - RLM1053/4 G (Roof plan and elevations)
 - RLM1053/5 F (Proposed garage)
 - RLM1053/6 J (Proposed site plan)
 - RLM1053/7 C (Location plan)
3. The development shall be carried out in accordance with the recommendations of the Preliminary Ecological Appraisal (by Charnia Ecology, dated March 2022), to include the following:
 - Reasonable avoidance measures for amphibians, reptiles, and mammals.
 - Provision of 8 bird boxes for various Passerine species.
 - Provision of 2 1SP Schwegler Sparrow Terrace boxes.
 - Provision of 2 Schwegler 'maintenance free' 2FR bat tubes.
 - Provision of 4 Schwegler 2F bat boxes.
4. Notwithstanding any description/details of external materials in the application documents, no construction works above ground shall be commenced until precise details or samples of the materials to be used in the construction of the external wall(s) and roof(s) of the building(s) have been submitted to and approved in writing by the Local Planning Authority.
5. The development hereby approved shall not be occupied unless and until a sewage treatment plant has been installed in complete accordance with details to first be submitted to and approved in writing by the Local Planning Authority.
6. The dwelling shall not be occupied unless and until the access, parking, and turning areas have been provided in accordance with drawing RLM1053/6 J, and they shall thereafter be retained as such for the lifetime of the development.

7. The dwelling shall not be occupied unless and until visibility splays have been provided in accordance with drawing RLM1053/6 J. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600mm above the adjacent carriageway level.
8. The dwelling shall not be occupied unless and until the buildings and structures shown to be demolished on drawing RLM1053/1 C have been demolished.
9. Within one month of the dwelling first being occupied the temporary caravan shown on drawing RLM1053/6 J shall be removed from the site.
10. Within 12 months of the dwelling first being occupied the site shall be landscaped in accordance with details which shall first have been submitted to, and approved in writing by, the local planning authority.
11. The details submitted in pursuance of condition 10 of this permission shall be informed by the recommendations of the Preliminary Ecological Appraisal (by Charnia Ecology, dated March 2022) and shall include:
 - The retention of trees and hedges in accordance with drawing RLM1053/6 J.
 - Details of all means of enclosure.
 - Details of hard and soft landscaping.
12. Any plants or trees which are retained or planted as part of the landscaping scheme submitted in pursuance of condition 10 of this permission and which are removed, die, or become seriously damaged or diseased within a period of 5 years from the date of first occupation shall be replaced with others of similar size and species in the next planting season, unless the local planning authority gives written consent to any variation.
13. Notwithstanding any description or details within the application documents no drainage channels or soakaways shall be located within 5m of the highway boundary.
14. Notwithstanding any description or details within the application documents any access gates shall be located a minimum of 5m rear of the carriageway edge and open inwards towards the site.

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

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission.
3. In order to ensure that the development does not result in damage or harm to legally protected species or their habitat/roost. (Paragraph 187 of the National Planning Policy Framework).

4. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
5. To ensure that appropriate arrangements are made for the disposal of foul sewage to prevent a risk of pollution (Policy N2 of The Plan for Stafford Borough).
6. 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).
7. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
8. In order to avoid substantial harm to the openness of the North Staffordshire Green Belt (Paragraph 154(g) of the National Planning Policy Framework).
9. To safeguard the amenities of the area (Policy N1e of The Plan for Stafford Borough).
10. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
11. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
12. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
13. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
14. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).

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's attention is drawn to the comments of Staffordshire Fire and Rescue Service. All comments can be viewed online through the planning public access pages of the Council's website (www.staffordbc.gov.uk).
- 3 The applicant's attention is drawn to the protected status of nesting birds and the requirement that they are not disrupted during the nesting season (March to August).

OFFICER'S REPORT TO COMMITTEE (4 SEPTEMBER 2024)

REASON FOR REFERRAL TO COMMITTEE

The application has also been called-in by Councillor F Beatty (Ward Member for Milwich) for the following reason(s):

- *It is a previously developed site as a retail garden centre, with existing rights to continue as a commercial business, but no longer in operation. So it appears a derelict site and needs a new use.*
- *There are numerous buildings, footings and existing hard standings for reuse.*
- *The proposed single storey home and garage would have less impact on the Green Belt (including its openness) than the existing buildings and current authorised use of the site, plus a beneficial effect on the character and appearance of the local area generally.*
- *Reduction in vehicle movement compared with any ongoing or future commercial use, which is already permitted.*
- *As a self-build proposition, it will contribute to the requirement for LPAs to give suitable permissions to meet identified need. SBC has made little progress in this regard, despite holding a self-build register. The applicant is from a lifelong Hilderstone family.*
- *This is not an isolated site. There is a dwelling next door, other nearby homes, the hamlet of Mossgate within the vicinity, and a nearby STW pumping station.*
- *When bearing in mind all considerations related to this unique proposal to this area, it is a sustainable development that should be supported in this location outside any settlement boundaries, and deemed to be appropriate development in the Green Belt.*

Context

1.0 Site and surroundings

- 1.1 The application site is approximately 3596 m² in size and is located to the west side of Moss Lane, approximately 2.5km north of the village of Hilderstone and 1.2 km south of the village of Fulford.
- 1.2 The site is located within the North Staffordshire Green Belt and is within Flood Zone 1.
- 1.3 An adjoining piece of land which is also in the applicant's ownership is to be set aside for Ecology enhancement, however this does not form part of assessment of this site. The site is bordered by trees and hedges on the boundaries of the site. The site lies adjacent to other dwellings to the south-east and to the north on the opposite side of Moss Lane. There are other dwellings scattered along Moss Lane with small groups of properties around the junction with Balaam's Lane, approximately 500 metres to the north.

- 1.4 The site is only accessible by car and there are no footpaths to either side of the narrow road or street lighting.

2.0 Background

- 2.1 The lawful use of the site as a retail garden centre (A1) has been previously established in the granting of a Lawful Development Certificate under 20/32268/LDC in March 2021, although the applicant's supporting Planning Statement acknowledges that the nursery closed in 2007.
- 2.2 This is the second application for a dwelling on this site with the first proposal under 23/37764/COU for a two-storey house and detached double garage being refused on the following grounds:

- "1. The development constitutes inappropriate development which, by definition, is harmful to the North Staffordshire Green Belt and for which no very special circumstances have been demonstrated to outweigh such harm. The proposal involves the construction of one new dwelling, a double garage, driveway walling with large access gates. This results in a visual change to the area and cumulatively an unacceptable reduction in the openness of the North Staffordshire Green Belt. The development is therefore contrary to Paragraphs 147, 148 and 149 of the National Planning Policy Framework.*
- 2. The proposal would result in an increase of 1x net additional dwelling with large double garage, driveway walling with high solid gates and would be situated outside of a designated settlement within the Sustainable Settlement Hierarchy as defined by Spatial Principle SP3. The proposal has failed to demonstrate that a single dwelling cannot be accommodated within the settlement hierarchy or that the house is required to meet a specific need identified through a Parish based needs assessment, contrary to Policy C5 (A). Furthermore, the overall development would have a larger footprint, volume and massing when compared to the existing permanent structures. The proposal is therefore contrary to Spatial Principles SP3 and SP7 and Policy C5 of The Plan for Stafford Borough.*
- 3. The proposed development does not constitute sustainable development in that it is entirely reliant on the private car and does not enable future residents to reasonably choose sustainable modes of transport to access the site as required by national and local planning policies. The proposal is therefore contrary to policies, SP1 and SP7 of The Plan for Stafford Borough and Paragraphs' 104, 110, 111 and 112 of the NPPF.*
- 4. The proposed development would exacerbate the risk of conflict between vehicles, pedestrians, and cyclists by reason of the lack of segregated pedestrian facilities and street lighting on comparatively narrow roads with restricted forward visibility and subject to the national speed limit and does not "minimise the scope for conflicts between pedestrians, cyclists and vehicles. The proposal is therefore contrary to policy, T2 of The Plan for Stafford Borough and paragraph 111 of the NPPF."*

3.0 The proposal

- 3.1 The proposal seeks permission for the demolition of a former garden centre (use class A1) and the construction of one single dwelling (use class C3). Other than a brick outbuilding to the north-western boundary all structures have been removed other than the low walls from the former greenhouses.
- 3.2 The Planning Statement reports; 'The proposed dwelling would be served by the existing access (modified to Highways standards). The proposal would require the siting of a temporary residential caravan for the duration of the works.'

Officer Assessment - Key Considerations

4.0 Planning policy framework

- 4.1 Section 38(6) of the 2004 Planning and Compulsory Purchase Act and section 70 of the Town and Country Planning Act 1990, as amended, require decisions to be made in accordance with the development plan unless material considerations indicate otherwise.
- 4.2 The Development Plan for the purposes of this application comprises The Plan for Stafford Borough 2011-2031 Parts 1 and 2 (TPSB). This part of the Borough is not covered by an adopted Neighbourhood Plan.

5.0 Principle of development - housing need within Stafford Borough.

- 5.1 Spatial Principle (SP) 1 of the Plan for Stafford Borough (TPSB) reinforces the presumption in favour of sustainable development as set out in paragraphs 8, 10 and 11 of the National Planning Policy Framework (NPPF).
- 5.2 SP2 sets out a requirement for the delivery of 500 houses per year over the plan period which equates to 10,000 dwellings.
- 5.3 SP3 then sets out where the majority of future development will be delivered within the Borough in terms of a Sustainable Settlement Hierarchy which consists of Stafford, Stone and 11 Key Service Villages (KSV's).
- 5.4 The application site is located outside the Sustainable Settlement Hierarchy and in policy terms is located within open countryside or 'Rest of Borough Area' under SP4.
- 5.5 SP4 sets out the housing growth distribution within the Sustainable Settlement Hierarchy, with 8% being allocated to the Rest of Borough Area.
- 5.6 SP7 then gives support to the approach of the location of new development with stating that support will only be given where, amongst other things:

"ii) it is consistent with the policies of Spatial Principles SP6, Policies E2 and C5 in supporting rural sustainability;

iii) it does not conflict with the environmental protection and nature conservation policies of the Plan;

iv) provision is made for any necessary mitigation or compensatory measures to address any harmful implications.” ii) It is consistent with the objectives of Spatial Principles SP6, Policies E2 and C5 in supporting rural sustainability;

iii) It does not conflict with the environmental protection and nature conservation policies of the Plan;

iv) Provision is made for any necessary mitigating or compensatory measures to address any harmful implications.”

5.7 Concerning provision (ii) SP6 deals with achieving rural sustainability and at provision (iii) requires:

“iii) Appropriate rural housing schemes to achieve sustainable communities”

5.8 In turn, policy E2 at provision requires residential development to be in accordance with policy C5 in supporting sustainable rural development.

5.9 Policy C5 (A) then requires residential proposals outside of the Sustainable Settlement Hierarchy defined within SP3 to meet the criteria in SP7 (ii, iii and iv above) together with all of the following criteria:

“1. It is demonstrated that provision cannot be accommodated within the Settlement Hierarchy (SP3);

2. Parish based Local Housing Needs Assessment, and an appraisal of the scheme, shall accompany any planning application, providing that it will meet the defined needs;

3. The development is of a high-quality design that reflects the setting, form and character of the locality and surrounding landscape.”

5.10 Regarding criteria 1, the site is not located within the Sustainable Settlement Hierarchy as defined under SP3 and no evidence has been submitted to demonstrate that alternative sites within the settlement hierarchy have been considered as being unsuitable. The submission therefore fails to demonstrate why the proposal cannot be accommodated within the settlement Hierarchy.

5.11 Furthermore, a Parish based Local Housing Needs Assessment does not accompany the application contrary to criteria 2 and therefore the proposal fails to demonstrate that it will meet a defined housing need.

5.12 Whilst SP4 provides for 8% of the target of 10,000 dwellings to be provided within areas outside of the Sustainable Settlement Hierarchy ('Rest of Borough Area'), equating to 800 dwellings, and it being acknowledged that these figures are not a maximum, the Council's monitoring as of 31 March 2022 indicates that since the adoption of the local plan the current position is 929 Rest of Borough Area completions plus commitments and 12,734 for the entire borough.

- 5.13 On this basis it is likely that more than 10,000 units will be provided during the plan period. Furthermore, the Rest of Borough Area has already reached a figure of 755 before the end of the plan period and in terms of housing need Stafford Borough can currently demonstrate a five-year housing land supply including a 5% buffer.
- 5.14 Consequently, the proposal would contribute towards an unjustified and disproportionate amount of development taking place at a lower level of the Sustainable Settlement Hierarchy which would undermine Councils' Spatial Development Strategy for Housing set out in SP4 of the TPSB.
- 5.15 The siting of a temporary dwelling in the form of a caravan would be acceptable from a planning perspective if permission for the dwelling is granted. Its removal post construction would be conditioned.

6.0 Impact on the North Staffordshire Green Belt

Policy framework

- 6.1 SP7 supports development where if located within the Green Belt it is consistent with national policies for the control of development and Policy E5. Policy E5 is not relevant to this proposal, as it deals with major developed sites in the Green Belt.
- 6.2 Policy C5 applies to residential developments in the Green Belt, and within its sub-text it states 'In the Green Belt areas of Stafford Borough the National Planning Policy Framework's Green Belt policies will be applied when considering new developments'.
- 6.3 Paragraph 142 of the NPPF sets out the fundamental aim of green belt in preventing urban sprawl and keeping land permanently open for which the essential characteristics of Green Belts is their openness and permanence.
- 6.4 Paragraph 143 of the NPPF lists the five purposes of the Green Belt in achieving this aim which include (a) to check the unrestricted sprawl of large built-up areas and (c) to assist in safeguarding the countryside.
- 6.5 Paragraph 152 then states that:

"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."

Previously developed land

- 6.6 The Planning Statement reports 'Historically the site has been used as a garden centre (use class A1) but has stood vacant since 2006. There has been no intervening use since that time. The proposal is to redevelop the site, demolishing the existing buildings and constructing one single dwelling (use class C3) for the applicant's own family. On the basis that the site has been a nursery with a retail use and is a recognised brownfield site does not automatically result in the construction of a house for a family member being sufficient justification on its own.

6.7 The Local Plan identifies that development outside of the settlement, on previously land, is only acceptable in exceptional circumstances and in cases where the development is demonstrably necessary to meet the wider objectives of the Local Plan.

6.8 The Planning Statement goes onto state;

Paragraph 152 states that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. However paragraph 154 sets out a number of exceptions to when LPAs should regard the construction of new buildings as inappropriate in the Green Belt, which includes criterion (g) “limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (**excluding temporary buildings**), which would not have a greater impact on the openness of the Green Belt than the existing development”. The point about temporary buildings is an important factor in this proposal which is discussed further below in the floor area and volumetric calculations.

Brownfield land is defined in the Glossary of the NPPF as:

“Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.”

6.9 The wider objectives of the Local Plan are to direct housing towards defined settlements to cater for a medium level of dispersed growth. A single open market dwelling in this location is not necessary to meet these wider objectives. The site is not accessible other than by private vehicle. The site itself is not therefore sustainable and is not an appropriate site to re-develop despite its brownfield status.

Whilst the supporting information advises to remove the existing structures; on the officers site visit there was only one permanent structure retained on the site. All other structures glass houses and storage building were no longer present.

Impact on openness

6.10 Paragraph 001, Reference ID: 64-001-20190722 of the Planning Practice Guidance states that, when assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case should be applied. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remendability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and

- the degree of activity likely to be generated, such as traffic generation.
- 6.11 The proposed building will be constructed where there were no buildings in the past. This proposed dwelling would therefore impact on the openness of the green belt from a locational aspect. The Planning Statement advises: 'The proposal would provide a dwelling with a floor area of 172.2m² and volume of 726m³. The detached garage would have a floor area of 35.4m² and volume of 130.05m³. These figures are shown on drawing number RLM1053/3 Rev. 1'.
- 6.12 There is a significant reduction in size compared to the previously refused planning application (LPA ref. 23/37764/COU), which sought permission for a two storey 4-bedroom dwelling located at the centre of the site and double garage to be located adjacent to the front boundary of the site.
- 6.13 In assessing the proposal in volume terms, the overall impact on openness is questionable given that the floor area of 172m² and a dwelling with an overall volume of 726m³ is now to be condensed into one block on the site. This is exacerbated by the additional single garage. The proposal still retains the high gateposts and flank walling resulting in an overall impact on openness when assessed against the modest height of the former structures.
- 6.14 The gates and walling are inappropriate in their own right as a commanding structure which could be omitted from the scheme. This was an issue in respect of the previous application which the agent has not addressed in this proposal.
- 6.15 Officers consider that the former lightweight and see-through glass houses had a significantly less visual impact on the openness of the site than the proposed dwelling and associated garaging.
- 6.16 The Council have acknowledged the use as retail outlet which is therefore by definition previously developed land as set out in the NPPF. The agent has provided comparisons with another appeal. The appeal Saville Brothers Garden Centre, Leeds (PINS reference: APP/N4720/A/07/2038997) – this proposal related to an established retail garden centre with the main buildings comprising a linked series of former (rundown) glasshouses with surrounding hard surfaces. The appeal proposal sought to demolish these buildings to provide new buildings with a lesser footprint but of a greater height and located further away from the frontage than the existing buildings. In allowing the appeal, the Inspector considered the impact on openness, noting a 26% reduction in site coverage of buildings (as well as a 22% reduction when also considering the hardstanding).
- 6.17 The Planning Inspector also apportioned a number of other Very Special Circumstances which this proposal does not have. There was an increase in new jobs created and a more energy efficient building. Taking this into consideration the increase in openness of the green belt were considered cumulatively to be sufficient to allowing the appeal.

- 6.18 The agents in respect of this proposal consider from a volumetric perspective, the proposed dwelling and garage would have a volume of 856.05m³, this would be a 24% decrease from the volume of the existing buildings (of 1124.65m³). From a floor area perspective, the proposed dwelling and garage would have a floor area of 207.6m², which would be a 62% decrease from the floor area of the existing buildings (of 551.2m²).
- 6.19 The aforementioned is not a true calculation of the current buildings on the site given that the only buildings standing is a brick building with a flat roof, and a block garage in the far corner of the site. Officers fail to see how the green houses and polytunnel can be included in the overall floor and volume calculations when they were at best temporary buildings and are now other than some low walls non-existent. The existing structures have a floor area of 235.5m² and the house and garage would have a floor area of 207.6m² resulting in a 5% reduction in floor area not 62%. In respect of volume there would be a 40% increase not 24% as advised.
- 6.20 Officers consider that the fact that there has been an historic use of the site is not in itself an exceptional circumstance. The site has essentially blended back into the background of its rural setting. In this case, following the removal of most of the larger structures what were existing structures with a large floor area, can no longer be used as measure of volume. Pictures of the site clearly show an open site having limited impact on the openness of the green belt. The construction of a 1 and half storey dwelling would therefore clearly impact on that openness post construction. This is evidenced in the figures above with the significant increase in volume.
- 6.21 The proposal is therefore contrary to NPPF paragraph 154 g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- not have a greater impact on the openness of the Green Belt than the existing development; or– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The proposal fails to comply with policy 154g above given the significant increase in volume resulting in a greater impact on the openness of the green belt. The construction of a self-build property is not considered to be a significant very special circumstance that can be supported by officers.

Sustainability

- 6.22 In respect of the points made above by the agents the brownfield status of the site is a material consideration but is not the only consideration to take into account in the overall assessment of the proposal. The agents advise “Blythe Bridge is within approximately 4.3 km of the application site and there are local shops and services within the village, accessible by cycling. There is also a Tesco Superstore and B and Q within Meir Park, approximately 7km of the site”.

- 6.23 Officers consider that the site is not within a sustainable location and is not within walking distance of any facilities. This fundamental issue is exacerbated by the lack of any footways to the site resulting in the only means of transport being the motor car, it is highly unlikely that any resident would cycle 4.3km to the nearest shop from this location. The point of sustainability is also made by the Highway Authority this will be discussed in more detail below.
- 6.24 The proposed new dwelling would have a notable physical presence once constructed resulting in a significant 'visual change' to the area. The proposal would consequently create a denser pattern of development resulting in the loss of openness and change the character of the area. A dwelling in this location would inevitably be sub-urban in character from the resultant domestic appearance to that of the former low-key nursery and the currently partly cleared site.
- 6.25 On this basis the development is considered unacceptable failing to preserve the openness of the North Staffordshire Green Belt.

Conclusion

- 6.26 In summary, notwithstanding the brownfield status of the site and the supporting information provided by the agent's; officers consider the proposal represents inappropriate development in the Green Belt. There have been no very special circumstances demonstrated by the agent that would outweigh the harm of an open market dwelling to be erected in this wholly unsustainable location contrary to relevant Local Plan policies.

7.0 Prior approval fall-back position

- 7.1 The agent considers that it is also of merit to note that Class E premises, such as the two brick buildings within the application site, can benefit from permitted development rights through the Class MA prior approval procedure to be converted to dwellinghouses. This is regardless of whether the site/buildings are located within or outside built-up areas and the site's locational sustainability/accessibility. It could therefore be feasible for the applicant to obtain prior approval to create two dwellings (albeit small) in this location. This is also a factor that should be considered in the planning balance, given the Government's clear aspiration to utilise existing commercial buildings to contribute towards meeting the nation's housing need (regardless of their location including whether they are located within larger settlements).
- 7.2 Officers consider this may well be the case however their proximity to trees and the flat roof structure would struggle to form suitable living conditions for future occupants. The other point is that whilst this may be an option however no Class E proposal has been put forward therefore this is a moot point that carries little weight in assessment. This could not therefore be used as a fallback position.

8.0 Self-build housing

- 8.1 In reference to the Self-build element officers have sought advice from Planning policy their advice is as follows:

“The Plan for Stafford Borough 2011-2031 does not have a specific policy on Self Build / Custom Build housing as the Plan was adopted prior to the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) coming in force. Nevertheless, the supply and demand for Self-Build / Custom Build housing does form part of the other material considerations through the decision-making process on planning applications. At this stage a robust supply of Self Build / Custom Build housing cannot be demonstrated in the locality of the proposed development, based on the baseline demand figures. In accordance with the legal definition of self-build and custom house building these details must be provided through evidence as part of the planning application documentation to demonstrate that the proposed development does fall within these definitions.

- 8.2 Self-build and custom housebuilding covers a wide spectrum, from projects where individuals are involved in building or managing the construction of their home from beginning to end, to projects where individuals commission their home, making key design and layout decisions, but the home is built ready for occupation (‘turnkey’).
- 8.3 In considering whether a home is a self-build or custom build home, Stafford Borough Council must be satisfied that the initial owner of the home will have primary input into its final design and layout, both through the planning and legal processes. If this information is not provided, proposals will be assessed as off-plan housing, so homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer, so therefore will not be considered to meet the definition of self-build and custom housing.
- 8.4 Notwithstanding all of the other plan-led matters and other material considerations relating to this planning application, if it is considered that consent should be given to the proposed development, a Section 106 agreement will be required to secure the provision of suitable serviced plots of land for self-build / custom build plots in advance of this specific housing type being delivered in accordance with the legal specifications being met through the Section 106 agreement.”
- 8.5 The Council are advised that the applicant is registered with the Council for a self-build property which has been confirmed by officers within the Council. This factor carries some weight in the assessment of the case however the applicant does not have an automatic right to build.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 7, 8, 10, 11, 141-143,152 -155

The Plan for Stafford Borough

Policies: National Planning Policy Framework 2021 (NPPF)

Paragraphs 8 and 11

The Plan for Stafford Borough 2011-2031 (TPSB)

Part 1 – Spatial Principle 1 (Presumption in Favour of Sustainable Development), Spatial

Principle 3 (Sustainable Settlement Hierarchy), Spatial Principle 7 (Supporting the Location of New Development), C5 (Residential Proposals outside the Settlement Hierarchy)

Part 2 – SB1 (Settlement Boundaries)

The Plan for Stafford Borough: Part 2

9.0 Character and appearance

- 9.1 Policy N1 of the TPSB sets out design criteria including the requirement for design and layout to take account of local context and to have high design standards which preserve and enhance the character of the area. The proposed 1 and a half storey dwelling itself is considered to be in-keeping in respect of its form and design in relation to other properties in the surrounding area that has a wide mix of forms and scales.
- 9.2 Notwithstanding this point the proposal would have an adverse visual and spatial impact resulting in harm to the openness of the surrounding green belt. There is no set pattern of development in the area, housing along Moss Lane is sporadic at best forming an intrinsic characteristic of the wider landscape character in this area.
- 9.3 Furthermore, whilst the design of the dwelling is not out of keeping with surrounding properties in the area, the proposal results in loss to the openness of the Green Belt given that the site is now open post the removal of most of the former garden type buildings greenhouses. A dwelling also introduces domestic paraphernalia and a single garage large double height gates and flank walling adjacent the road which further harms the character and appearance of this semi-rural area contrary to Policy N1 and N8.
- 9.4 The agent reports there would be an enhancement to the appearance of the site which has stood redundant since 2006; the report further states refusal would mean the site continuing to be redundant to the detriment of the countryside and neighbouring properties or reinstatement of a retail use which would have a greater impact on both.
- 9.5 Given that the only building is a brick outbuilding within the site following the removal of the green houses and storage building, the site has already been enhanced by removal of these unsightly structures. Officers consider it is highly unlikely that a retail garden centre would be reintroduced given the replacement costs in doing so. This argument therefore carries little if any material weight in the assessment of the case.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 131, 135, 180

The Plan for Stafford Borough

Policies: N1 Design; N8 Landscape character; C5 (Residential Proposals outside the Settlement Hierarchy)

Supplementary Planning Document (SPD) – Design

10.0 Residential amenity

- 10.1 Criteria (e) of Policy N1 of the TPSB and the SPD require design and layout to take account of adjacent residential areas and existing activities.
- 10.2 The proposed dwelling would lie gable end onto the property known as 'Nebraska' to the south-east there is a significant distance between the two sites and existing boundary hedgerows. Residential amenity should not therefore be an issue for this nearest dwelling. The property over the access road is also a significant distance away and would not be visible due to the topography and existing boundary treatments.
- 10.3 Comments have been received from the neighbour in respect of a retaining wall, septic tank and electric and telephone poles; however these are not considered to be material considerations but ones for the interested parties to deal with. In respect of sewage the applicant has not provided any details.
- 10.4 Guideline 3 of the SPD for Design requires a detached dwelling to have 65sqm of private amenity space. The proposed development would have over 300sqm of garden space and as such complies with the guidance set out for private amenity space.
- 10.5 Overall, it is considered the proposal will not result in a significant adverse impact upon the amenities of neighbouring residential occupiers in terms of overshadowing and overlooking.
- 10.6 The property would have a reasonable aspect for future residents and would also have a suitable amount of garden area.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 135

The Plan for Stafford Borough

Policies: N1 Design

Supplementary Planning Document (SPD) - Design

11.0 Access and parking

- 11.1 Appendix B of the TPSB require 2 car parking spaces to be provided for a 3 bedroomed dwelling. Submitted plans show there is sufficient parking provision to meet this requirement and to enable vehicles to enter and leave the development in forward gear.
- 11.2 The agent states:
- The Technical Note by SCP demonstrates at Appendix C that the existing site access can provide visibility splays of 2.4m x 33m in the north west direction and 2.4m x 10m in the south east direction, without the need to remove any of the existing boundary hedgerow. The report acknowledges that this falls short of the visibility requirements for a 60mph road, but considers that the proposed development would result in an overall betterment in highway safety terms given the deintensification of the use of the site (by comparison to its lawful use that could re-commence using the existing site access without requiring planning permission)
- 11.3 The Highway Authority considers that the proposed parking arrangements are satisfactory and meets SBC parking requirements.
- 11.4 With regards to the access, the Highway Authority state: "I note the applicant is proposing to amend the existing vehicular access by relocating the double gated access 5.25m rear of the carriageway edge with the gates opening inwards towards the site. This will enable a vehicle to safely park off the highway and open/close the gates. However, I have measured the proposed width of the access to be 3.5m SCC normally require a minimum of 4.2m for a private drive in order to allow x2 vehicles to safely pass each other. Given this access is off a C Class Road with a speed limit of 60mph I will require the access to be widened to a minimum of 4.5m up to the access gates to allow for ease of access for either residents or visitors. Highways would not wish to see a vehicle waiting on the highway creating an obstruction whilst another vehicle is egressing the site. Therefore, this will need to be widened".

This has not been amended to address the issue raised above.

- 11.5 The agent reports:

It is important to note that, whilst additional visibility could be provided through the removal of additional hedgerow along the site boundary, this would be to the detriment of the wider visual amenity and rural character of the area; thus when considering the scheme in the overall planning balance (particularly when assessing its impact upon the openness of the Green Belt and the overall design of the scheme) it is reasonable to suggest that the optimum option would be to retain the existing hedgerow in its entirety, whilst still achieving the visibility splays detailed at Appendix C to the Technical Note.

The Technical Note also confirms the proposed access would have gates sited 5.25m back from the edge of the carriageway, providing sufficient room for a vehicle to wait off the highway before entering the site; this is considered to be a betterment from the existing gated access that currently runs along the highway edge.

The Technical Note concludes that “there is no highway or transport related reason to withhold planning permission”.

11.6 In light of the above, it is considered that the proposal would satisfy Policy T2 of The Plan for Stafford Borough and paragraph 115 of the Framework.

11.7 With regards to sustainability, the Highways Officer goes onto comment:

“The proposed location for this residential dwelling is not in a sustainable location. By this I mean the location has no amenities such as a local shop or access to any medical or educational facilities. All trips to such facilities are more than likely to be made via a private car. Any future occupants would need to travel to Stone or Stoke-on Trent to access the nearest facilities therefore it is likely that all journeys would be made by private car. The neighbouring lane is unlit and has no footway provision and would require any resident to walk within the road should they wish to walk within the immediate neighbourhood. Given the above, whilst the site is proposed for residential development, the application site’s rural location and lack of pedestrian and cycle facilities to local services and amenities means that the site is not sustainably located in transport terms, and it is highly likely that the majority of future trips from the application site would be via private car. Therefore, this proposal would generate an increase in vehicle movements on a substandard road leading to an increase in hazards for users of this highway.

11.8 Highways officer’s recommends the application should be refused for the following reasons:

1. The proposed development does not constitute sustainable development in that it is entirely reliant on the private car and does not enable future residents to reasonably choose sustainable modes of transport to access the site as required by national and local planning policies.
2. The proposed development would exacerbate the risk of conflict between vehicles and pedestrians and cyclists by reason of the lack of segregated pedestrian facilities, no street lighting on a C Class Road subject to the national speed limit and are unsuitable to cater for additional development leading to an increase in the likelihood of danger to highway users particularly those considered vulnerable.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 108, 109, 110, 111, 115

The Plan for Stafford Borough

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

12.0 Other matters

- 12.1 The Biodiversity officer agrees with the (PEA report) submitted with the proposal provided this is conditioned and informative added to avoid bird nesting seasons and bat boxes are conditioned together with the retention of hedgerows and trees.
- 12.2 One letter commenting on the 'removal of the adjacent building to Nebraska seeking clarification that a replacement wall will be constructed to replace it'. This is a civil matter when it comes to boundaries.
- 12.3 'The office of the site also had a toilet that utilises the septic that lies within my property, it is hoped that the new dwelling will have its own system'. The applicant has advised that they will install their own sewerage system. This would be conditioned if minded to approve.
- 12.4 'There are telephone wires and electric cables that are to be moved I would like to be assured that this will not inconvenience my property or be at my expense'.
- 12.5 The issue of moving telephone wire and cables would be a civil matter for the interested parties to deal with.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 8, 123, 165, 180, 181, 182 and 183 biodiversity],

The Plan for Stafford Borough

Policies: N2 Climate change; N4 The natural environment and green infrastructure; N6

Cannock Chase special area of conservation;

13.0 Conclusion and planning balance

- 13.1 The proposal would result in an increase of 1x net additional dwelling but would be situated outside of a designated settlement within the (Sustainable Settlement Hierarchy) as defined by Spatial Principle SP3. The proposal has failed to demonstrate that a single dwelling cannot be accommodated within the settlement hierarchy or that the house is required to meet a specific need identified through a Parish based needs assessment therefore is contrary to Policy C5 (A). The point about this being a self-build project carries some weight, (the applicant is on the Councils self-build register).

- 13.2 The overall development would alter the visual aspect of the existing site by the introduction of a dwelling, single garage driveway walling and large entrance gates together with the usual paraphernalia associated with a domestic use. The proposal would result in an adverse visual impact on the character of the area contrary to N1 and N8 of TPSB.
- 13.3 The proposal has also failed to demonstrate that suitable wide enough entrance can be provided to avoid another motorist having to wait on the highway to allow the other car to egress onto the highway, this causes a highway safety issue.
- 13.4 There has been a shift in emphasis to protect all highways users and a need for sites to provide alternative modes of transport to achieve sustainability for which there are none that are safely accessible from this site. The site is not in a sustainable location there are no footways along Moss Lane to be able to walk safely to the nearest bus stop for example. It is highly likely that the only mode of transport from this site would be the motor car this is not therefore an appropriate site to develop for one open market dwelling.

Consultations

Highway Authority:

Subject to achieving the required visibility splays the access would appear to be ok. However, sustainability and a road safety issue involving the increased conflict between pedestrians and motor vehicles. I note that the proposed location for this residential dwelling is potentially not in a sustainable location i.e., no local amenities within a safe walking distance, all journeys would be by car. The neighbouring roads are fast, unlit and also have no footway provision and would require any resident to walk within the road should they wish to walk within the immediate neighbourhood. The closest bus stops are on Fulford Road, immediately outside of the village hall, approximately 1.2km from the application site. Full comments are outlined above.

Forward Planning:

Commented specifically about the Councils position on self-builds please see paragraphs' 8.1 -8.5 above.

Bio-diversity officer:

No objections to the proposal. Taking into account the developed nature of the existing land conditions, it is agreed that specific Biodiversity Net Gain metric assessments are not required but rather, the measures outlined in the PEA report should be used to guide biodiversity enhancements.

Reasonable Avoidance Measure should be adopted for amphibians, reptiles and mammals (including badger and hedgehog) - as advised in the report.

Parish Council:

No response received

Neighbours:

(10 consulted): One neighbour commented on a number of aspects that were not planning matters (discussed above) 7 other letters in support of the proposal commenting as follows;

- Good use of this land after being empty for so long
- In keeping with the area
- Complement nearby properties

Publicity

Site notice expiry date: 29 May 2024

No representations received other than quoted above.

Relevant Planning History

23/37764/COU - Change of Use from A1 (Garden Centre) to C3 (Residential) and temporary siting of residential caravan for duration of build - Refused 2 October 2023.

20/32268/LDC - Certificate of lawful existing use to confirm the lawful use of land and buildings as a garden Centre (use class A1) - Permit 31 March 2021.

Recommendation

Refuse for the following reasons:

1. The development constitutes inappropriate development which, by definition, is harmful to the North Staffordshire Green Belt and for which no very special circumstances have been demonstrated to outweigh such harm. The proposal involves the construction of one new dwelling, a single garage, driveway walling with large access gates. This results in a visual change to the area and cumulatively an unacceptable reduction in the openness of the North Staffordshire Green Belt from the significant increase in volume of the building. The development is therefore contrary to Paragraphs 142, 143, 152 and 154g of the National Planning Policy Framework.
2. The proposal would result in an increase of 1x net additional dwelling with a single garage, driveway walling with high solid gates and would be situated outside of a designated settlement within the Sustainable Settlement Hierarchy as defined by Spatial Principle SP3. The proposal has failed to demonstrate that a single dwelling cannot be accommodated within the settlement hierarchy or that the house is required to meet a specific need identified through a Parish based needs assessment, contrary to Policy C5 (A). Furthermore, the overall development would have a larger, volume and massing when compared to the permanent existing structures. The proposal is therefore contrary to Spatial Principles SP3 and SP7 and Policy C5 of The Plan for Stafford Borough.

3. The proposed development does not constitute sustainable development in that it is entirely reliant on the private car and does not enable future residents to reasonably choose sustainable modes of transport to access the site as required by national and local planning policies. The proposal is therefore contrary to policies, SP1 and SP7 of The Plan for Stafford Borough and Paragraphs' 108, 109 110, 111 and 115 of the NPPF.
4. The proposed development would exacerbate the risk of conflict between vehicles, pedestrians and cyclists by reason of the lack of segregated pedestrian facilities and street lighting on comparatively narrow roads with restricted forward visibility and subject to the national speed limit and does not "minimise the scope for conflicts between pedestrians, cyclists and vehicles. The proposal is therefore contrary to policy, T2 of The Plan for Stafford Borough and paragraph 111 of the NPPF.

24/38835/FUL
Land Adjacent To Nebraska
Moss Lane



 PLANNING COMMITTEE - 19 FEBRUARY 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
24/39250/ADV Delegated Refusal	51 - 52 Greengate Street, Stafford	Proposed illuminated fascia sign.
24/39797/HOU Delegated Refusal	79 Baswich Crest, Baswich	Side dormer extension to the existing bungalow.
24/39034/PAR Delegated Refusal	Barn A, Moat Farm, Church Lane, Gayton	Proposed barn conversion.
24/39037/PAR Delegated Refusal	Barn B, Moat Farm, Church Lane, Gayton	Proposed barn conversion into 3 dwellings.
24/39038/PAR Delegated Refusal	Barn C, Moat Farm, Church Lane, Gayton	Proposed barn conversion.
24/38658/LDC Delegated Refusal	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.

Application Reference	Location	Proposal
23/38420/FUL Delegated Refusal	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.

Decided Appeals

Application Reference	Location	Proposal
23/38368/FUL Appeal Allowed Costs dismissed	Land At St Johns Church, Granville Terrace, Stone	Removal of Condition 6 (windows) on application 21/35049/FUL - Variation of condition 2 (plans) of permission 19/31557/FUL.
23/38243/FUL Appeal dismissed	Oulton Abbey, Kibblestone Road, Oulton	Retention of existing modular portable building for use as project team office and meeting space for a temporary period.
24/38673/HOU Appeal Allowed	44 Mount Avenue, Stone	Two storey rear extension with a single storey rear and side extension, including internal alternations and dropped kerb/amended access.
24/39502/HOU Appeal Allowed	363 Sandon Road, Meir Heath, Stoke-On-Trent	Demolition of existing single story rear garden building, erection of single story kitchen dining room extension to rear
23/38287/FUL Appeal Dismissed	100 Newcastle Road, Stone	Removal of condition 3 (power tools or machinery) ,5 (plant and machinery) ,6 (opening hours) and 7 (car wash and valeting) on 13/18949/FUL

Application Reference	Location	Proposal
23/38029/FUL Appeal Dismissed	Land Between Ash Flats And A449 Mossnit, Moss Pit	The erection of 16 new bespoke 2 and 3 bedroomed bungalows (four affordable) of four detailed designs, landscaping scheme, open space provision, new habitat provision, principles of drainage and the creation of a new access from Ash Flats Lane.
24/39135/LDCPP Appeal Withdrawn	66 Mount Road, Stone	Single storey side extension, hip to gable conversion with new dormer to rear.

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 5 November 2024

by **Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS**

an Inspector appointed by the Secretary of State

Decision date: 15th January 2025

Appeal Ref: **APP/Y3425/W/24/3339596**

St Johns, Granville Terrace, Stone, Staffordshire, ST15 8DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) ('the Act') for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by BHG Developments against the decision of Stafford Borough Council.
- The application Ref is 23/38368/FUL.
- The application sought planning permission for conversion of the church and erection of a rear two storey extension (following demolition of existing single storey extension) to provide 5 no residential units, and the erection of a 2½ storey building fronting The Avenue to provide 4 no apartments on the former church car park without complying with a condition attached to planning permission Ref 21/35049/FUL, dated 31 August 2023, which varied planning permission Ref 19/31557/FUL, which in turn varied planning permission Ref APP/Y3425/W/16/3164139, dated 10 August 2017.
- The condition in dispute is No 6 which states that: Notwithstanding any description / details within the application documents, and before unit 5 is first brought into use, the following windows within unit 5 shall be installed in accordance with the following and thereafter retained as such:
 - First floor, southeast-facing, window serving bedroom 5 (frame 10) shall be obscure glazed and non-opening to a height of 1.7m above floor level.
 - First floor, southwest-facing, window serving the en-suite bathroom to bedroom 5 (frame 14) shall be obscure glazed to a height of 1.7m above floor level and hung from the right-hand side (external).
 - First floor, southwest-facing, window serving the landing (frame 14) shall be obscure glazed to a height of 1.7m above floor level and hung from the right-hand side (external).
 - First floor, southwest-facing, window serving the landing (frame 13) shall be obscure glazed to a height of 1.7m above floor level, the left-hand casement shall be non-opening, and the right-hand casement shall be hung from the right-hand side (external).
- The reason given for the condition is: To ensure an adequate level of privacy for occupiers of adjacent residential properties (Policy N1e and Stafford Borough Council Space About Dwellings Guidance).

Decision

1. The appeal is allowed and planning permission is granted for conversion of the church and erection of a rear two storey extension (following demolition of existing single storey extension) to provide 5 no residential units, and the erection of a 2½ storey building fronting The Avenue to provide 4 no apartments on the former church car park at St Johns, Granville Terrace, Stone, Staffordshire, ST15 8DF in accordance with the application Ref 23/38368/FUL, without compliance with condition number 6 previously imposed on planning permission Ref 21/35049/FUL, dated 31 August 2023 and subject to the conditions in the schedule at the end of this decision.

Applications for costs

2. An application for costs was made by BHG Developments against Stafford Borough Council. This application will be the subject of a separate Decision.

Preliminary Matters

3. Section 73 of the Act (s73) allows an application to be made for the development of land without complying with conditions subject to which a previous planning permission was granted. If a s73 application or appeal is allowed a new planning permission is created that stands alongside the existing planning permission.
4. The main parties and the neighbours at Granville House were invited to comment on a suggested condition that would restrict the use of bedroom 5 within unit 5 to use as a bedroom. The purpose of the condition would be to protect privacy within the rear garden of Granville House. The comments received have been taken into account in the determination of this appeal.
5. The revised National Planning Policy Framework ('the Framework') was published on 12 December 2024 after statements in relation to this appeal had been submitted and final comments made. However, as no changes were made in relation to the use of planning conditions or residential amenity, the cases of the parties have not been prejudiced by not being able to comment on the revised Framework. I have therefore determined the appeal on the basis of the statements and comments that have been received.

Background and main issues

6. Planning permission and listed building consent was granted on appeal for the residential conversion and extension of the Church, as well as for an apartment building to its rear in 2017. This planning permission was amended by allowed application ref 19/31557/FUL which created a new planning permission with this reference number. Following the commencement of development, and the installation of new windows to the church and the insertion of rooflights in different positions to those that had been approved, the appellant made a section 73A application to regularise matters. In allowing that application the local planning authority created a further planning permission (ref 21/35049) which included condition 6. This condition was included to address the local planning authority's concerns regarding overlooking from the two storey church extension (Unit 5). This extension was in the process of being constructed at the time of my site visit.
7. This appeal is against the local planning authority's refusal to vary planning permission ref 21/35049 by removing condition 6.
8. The main issues in this appeal therefore are:
 - whether condition 6 is necessary having regard to the privacy of the occupiers of Granville House; and,
 - whether, having regard to the Act and Planning Policy Guidance, the local planning authority was able to attach condition 6 to the permission.

Reasons

Living conditions

9. The two storey extension to the church is located to the rear of the church and projects past its side elevation. At first floor level, windows within the front elevation

- of the extension will face, a short distance away, Granville House's driveway, its parking area and, from the side, the main entrance to this dwelling.
10. The majority of these first floor views though are from windows serving a corridor. As a result, unlike the barrage of windows serving habitable rooms within the church that directly enclose the western side of the drive and parking area directly opposite the entrance to the house, future occupants will have brief, incidental views of these areas as they pass between rooms. Moreover, the tall twin garage serving Granville House will partially screen views from these windows. The front window, which in principle would have the clearest view of Granville House, would not serve a corridor. However, as the submitted plan shows that it would serve an en-suite bathroom it is normal practice that it would be obscurely glazed in order to protect the modesty of its occupants. This matter could be secured by an appropriately worded condition.
 11. The rear elevation of Granville House is crudely parallel to the front elevation of the extension. However, owing to the extent that these two elevations are offset in relation to each other, views from the first floor front windows of the extension would be acute and would not result in a material loss of privacy within the rear facing kitchen / dining room of Granville House or the bedroom directly above. For the reasons that I have given, it is therefore unnecessary for the corridor windows to be obscurely glazed.
 12. The rear garden to Granville House is the only private, outdoor amenity space serving the dwelling that is not overlooked from the highway. It is therefore of high amenity value. At first floor level within the side elevation of the extension will be the primary window serving bedroom 5. This large window will be positioned approximately halfway down the length of the garden and will directly face it. However, unlike the array of windows on the eastern elevation of the church that directly enclose the driveway and parking area and face the main entrance door to Granville House, the bedroom window is set back from the side boundary by approximately 12m. This separation distance lessens the extent of overlooking.
 13. In assessing overlooking, the use of the room that a window serves is also relevant. Bedrooms are not used as intensively as spaces such as living rooms and dining kitchens where occupiers spend large amounts of time together. This is because their primary purpose is for sleeping and dressing. As a result, the duration of any overlooking from this window is likely to be short lived.
 14. Furthermore, the areas of highest amenity value within the garden, namely, the sunken seated area at its end and the stone table and chairs towards the house will be protected from overlooking by virtue of their relationship with this window. The sunken seated area is sufficiently offset from the window and screened by an existing pine within Granville House's back garden to prevent harmful overlooking. In addition, if the garage adjacent to the side boundary fence is built as shown on the approved plans for the development, then screening of the sunken seated area will be enhanced still further. With respect to the stone table and chairs located on the opposite side of the garden, the intervening separation distance between this area and the window would be significant and, in my judgement, sufficient to prevent a harmful loss of privacy.
 15. The middle section of the rear garden would be the closest to the window. The tall side boundary treatment though together with the consideration that bedrooms are often used relatively little during the day means that such overlooking would

typically be short lived, especially as bedroom occupants rarely want to be observed in bedclothes or whilst dressing. Moreover, as users of the garden are likely to gravitate to the seated areas from which they could enjoy their surroundings, the closer relationship between the window and this part of the garden would not result in overlooking that would be harmful.

16. If the internal layout within the extension was to change so that the first floor, southeast facing window no longer served a bedroom, and instead served part of a dwelling that would be in greater use during the day, such as a living or dining area, this would tip the effect on privacy from acceptable to unacceptable. The neighbours at Granville House state that such an internal change occurred that adversely affected their privacy in the development of the apartment building on the appeal site. This assertion has not been challenged by the appellant. To prevent such an occurrence, and so ensure that the development is acceptable in terms of overlooking, a condition should be attached preventing this window from serving any other room than a bedroom.
17. The conversion and extension of this large church to create 5 dwellings over two storeys has understandably raised concerns regarding overlooking, particularly as it extends development closer to Granville House than is currently the case. I also recognise that the Council has endeavoured to act consistently in relation to privacy as it also previously required obscure glazing to windows within the flank of the church facing the side of Granville House. However, for the reasons given above, I find that the effect of the extension to the church on privacy at Granville House has been overestimated.
18. Reference has been made to the supplementary planning document 'Design' (SPD). It contains no minimum separation standards with respect to privacy that are applicable to the appeal. Instead, in such circumstances it encourages each situation to be assessed on its merits. In relation to private garden space, it seeks the use of tall boundary treatments and the side boundary treatment between the development and the rear garden of Granville House would meet its expectations.
19. Taking all these matters into account, I therefore conclude that condition 6 is not necessary to prevent undue harm to the privacy of the occupiers of Granville House, and so achieve an adequate standard of amenity, in compliance with policy N1e of 'The Plan for Stafford Borough'. Policy N1e requires that, as a minimum, the design and layout of development, amongst other matters, takes account of the amenity of adjacent residential areas. In my assessment, the development shown on the approved plans has done so.

Legitimacy of the condition

20. Planning Practice Guidance (PPG) advises that when an application is made under section 73 of the Act, the local planning authority must only consider the disputed condition and that it is not an opportunity to completely re-consider the application.¹ The local planning authority complied with this guidance. Application ref 21/35049/FUL sought the variation of the plans condition (Condition No 2) attached to planning permission ref 19/31557/FUL and the plans showed the size and location of windows, not just in the church, but also in the extension.
21. In granting permission under section 73, PPG states that the local planning authority may also impose new conditions – provided the conditions do not

¹ Planning Practice Guidance ID 21a-031-20180615 'What options are available to an applicant who does not wish to comply with a condition?'

materially alter the development that was subject to the original permission, and are conditions which could have been imposed on the earlier permission.² As condition 6 complies with both criteria, the Council legitimately attached this condition to planning permission ref 21/35049/FUL.

22. The appellant states that caselaw exists which means that the Council exceeded its powers by attaching condition 6. However, as no details of that caselaw has been provided, and given the clear guidance provided by PPG, I am not persuaded that this is the case. As a result, reference to this consideration is insufficient to alter my findings in relation to this issue.

Other Matters

23. The Church of St John is a Grade II listed building located within the Stone Conservation Area (CA). As a Victorian Methodist / United Reform church built of sandstone in the decorated Gothic style, the special interest and significance of the building is architectural and historical. The CA contains well designed and older and historic buildings within Stone. Defined by these buildings, the character and appearance of the CA and its significance is also architectural and historical.
24. As planning permission has already been granted for the development, and the appeal seeks only to remove a condition requiring obscure glazing in parts of the extension, the compliance of the scheme with the statutory objective of preservation of these designated heritage assets would remain unaltered if the appeal was allowed. It is therefore unnecessary for me to consider this matter further in this decision.

Conditions

25. For the purpose of clarity, PPG advises decision notices for the grant of permission under section 73 should set out all of the conditions imposed on the new permission, restating the conditions imposed on the earlier permission that continue to have effect. As there is an absence of submitted evidence that any of the conditions imposed on planning permission ref 21/35049 have been discharged or are no longer relevant, I have therefore imposed all the previous conditions other than for condition 6.
26. In the interests of modesty and privacy, I have attached an amended version of condition 6 which requires that obscure glazing is only fitted to the en suite bathroom to bedroom 5 (condition 7). In the interests of privacy, a new condition has also been imposed which requires that the room shown as Bedroom 5 within unit 5 is used as a bedroom and for no other purpose (condition 6).
27. To show the location of the windows, to which condition 6 of planning permission ref 21/35049 relates, the appellant submitted with the appeal the plan 'Working Drawing – Church Conversion – First Floor' ref 14/1/3242/11. However, the Council states that the plan with this reference number cited in the plans condition attached to planning permission reference 21/35049/FUL shows the image of a roof light. As a result, in condition 6 in the schedule below I have referred to plan ref 14/2/3242/5b rev U which the Council has confirmed shows the location of bedroom 5 and its windows.

² Planning Practice Guidance ID 21a-040-20190723 'How are conditions treated under section 73?'

Conclusion

28. For the reasons given above, I therefore conclude that the appeal should be allowed.

Ian Radcliffe

Inspector

Schedule of conditions

- 1) This permission relates to the originally submitted details and specification and to the following drawings, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence:-
 - 1:1250 Location plan revision E
 - 1:500 Block plan revision E
 - 14/1/3242/1
 - 14/1/3242/2
 - 14/1/3242/3
 - 14/1/3242/4
 - 14/1/3242/5a Rev U
 - 14/1/3242/5b Rev U
 - 14/1/3242/6 Rev Q
 - 14/1/3242/7 Rev C
 - 14/1/3242/8 Rev L
 - 14/1/3242/9 Rev J
 - 14/1/3242/10 Rev C
 - 14/1/3242/11
 - 14/1/3242/36 Rev E
- 2) The development hereby permitted shall not be brought into use unless and until visibility splays at the new vehicular access have been provided in accordance with drawing 14/1/3242/8 revision L, as approved under 18/27950/DCON, unless otherwise approved in writing by the Local Planning Authority. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600mm above the adjacent carriageway level
- 3) Unless otherwise agreed in writing by the Local Planning Authority, the development shall not be brought into use unless and until the new access, parking, and turning area shown on drawing 14/1/3242/8 Rev L and approved under 18/27950/DCON have been provided and they shall thereafter be retained as such.
- 4) The development hereby permitted shall not be brought into use until the footpath between The Avenue and the north end of the proposed vehicular access onto Longton Road has been widened to 2m in accordance with

drawing 14/1/3242/8 revision L as approved under 18/27950/DCON or any other drawing subsequently approved under condition 3 above.

- 5) All construction, including demolition, site works and deliveries to the site shall only take place between the hours of 0800 and 1800 Monday to Friday and 0800 to 1400 on Saturday, and not at all on Sundays or public/bank holidays. There shall be no burning on site during development.
- 6) The area shown as bedroom 5 on plan ref 14/1/3242/5b Rev U shall be used as a bedroom and for no other purpose.
- 7) The rear two storey extension of the development hereby permitted shall not be occupied until the window serving the first floor, south west facing, en-suite bathroom to bedroom 5 (frame 14) of Unit 5 has been fitted with obscured glazing to a height of 1.7m above floor level and hung from the right-hand side (external). Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.



Costs Decision

Site visit made on 5 November 2024

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 15th January 2025

St Johns, Granville Terrace, Stone, Staffordshire, ST15 8DF

Costs application in relation to Appeal Ref: APP/Y3425/W/24/3339596

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by BHG Developments for a full award of costs against Stafford Borough Council.
- The appeal was against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission (Ref 21/35049/FUL) was granted.

Decision

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

Procedural matters .

2. The costs application relates largely to the behaviour of the Council in relation to the granting of planning permission reference 21/35049/FUL, which itself was also the result of an application to 'vary' an earlier 'varied permission'.
3. Normally a planning appeal can only consider behaviour in relation to the planning application that is the subject of the appeal. However, on the basis of the 9 month gap between the date of the decision ref 21/35049/FUL and the date that this decision was issued, the first opportunity for the appellant to challenge at appeal the behaviour of the Council in granting this permission with the contested condition was as part of the current appeal. I have therefore considered as part of this decision the appellant's costs claims that relate to the determination of application ref 21/35049/FUL.

Reasons

4. Parties in planning appeals normally meet their own expenses. However, 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.
5. For details of the costs application, the completed costs application form refers to an attached statement. In the absence of any other documentation submitted with the costs application, I have taken this to mean the letter from the appellant which has the same date as the costs application form. This letter provides a history and timeline of planning applications relating to the appeal property.

6. There are three claims to assess. Firstly, whether the Council behaved unreasonably by issuing a new permission¹ with an unnecessary condition that the appellant did not have the opportunity to procedurally challenge when it was introduced at committee. Secondly, whether the Council acted outside of its powers by issuing a new permission² with a new condition attached, because that condition related to part of the development that had not yet been built, and the planning application sought permission for an aspect of the development that had already been carried out. Thirdly, whether the Council at the Planning Committee acted unreasonably in the determination of the planning application, ref 23/38368/FUL.
7. In relation to the first claim, for the reasons that I have given in the appeal decision, I found the contested condition to be unnecessary. However, as the Council provided respectable evidence at appeal stage in support of this condition it did not behave unreasonably in deciding such a condition could be used. The Council states that the new condition was introduced at the committee by the Senior Planning Officer as part of the summary of the neighbour representation that had been received. The Council further states that this occurred before the appellant had the opportunity to speak and so the appellant was able to address this matter. These statements have not been challenged by the appellant. Whilst the appellant is aggrieved that the committee decided to attach the condition the Council therefore did not act unreasonably.
8. Turning to the second claim, as explained in the appeal decision, the Council acted legitimately in accordance with PPG when it attached a condition that related to part of a development that had not yet been built.
9. With regard to the last claim, it has not been contested that the only planning applications that the committee meeting had for determination on 7 February 2024 were two applications in relation to St Johns, nor that the meeting started promptly at 6.30 pm. It is not the responsibility of the Council to wait for those who arrive late. In deciding to refuse the appeal application at 6.45pm, approximately five minutes after the appellant state they arrived at the meeting, the Council did not act unreasonably within the meaning contained in PPG.
10. Taking all these matters into account, I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in PPG, has not been demonstrated. An award of costs is therefore not justified.

Ian Radcliffe

Inspector

¹ Reference 21/35049/FUL

² Reference 21/35049/FUL



Appeal Decision

Site visit made on 7 January 2025

by **G Bayliss BA (Hons) MA MA MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 16 January 2025

Appeal Ref: APP/Y3425/W/24/3346674

Oulton Abbey, Kibblestone Road, Oulton ST15 8UW

- 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 Aaron Bray, Oulton Abbey Trust, against the decision of Stafford Borough Council.
 - The application Ref is 23/38243/FUL.
 - The development proposed is retention of existing modular portable building for use as project team office and meeting space for a temporary period.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised version of the National Planning Policy Framework (the Framework) on 12 December 2024. I have considered its amendments against the earlier version and against the parties' appeal evidence. I have also updated Framework paragraph numbers where necessary. However, I have not gone back to the parties for comment, as I do not consider the Framework changes to be substantive or determinative to the outcome of this appeal.
3. The evidence before me indicates that planning permission was granted for a modular portable nursery school building in 2018. At the time, the building was required to accommodate a children's playgroup for a temporary period due to the existing accommodation being considered unfit for use. The permission required the structure to be removed from the site by 17 August 2021¹. This playgroup has closed on the site but the portable building (described by the appellant as a temporary portacabin) remains and is disused. Permission is sought to allow the continued siting of the portacabin for a further temporary period.
4. The development is near several listed buildings. In line with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 202 of the Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting.

¹ Ref.18/28528/FUL.

Main Issues

5. The main issues are:

- Whether the development is inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
- The effect of the development on the openness of the Green Belt including the purposes of including land within it;
- The effect of the development on the setting of nearby listed buildings; and
- If inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development

6. National Policy on development in the Green Belt is set out in the Framework, which advises that the essential characteristics of Green Belts are their openness and permanence. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved unless very special circumstances exist. It further establishes that most new buildings should be regarded as inappropriate, but for certain defined exceptions. Policy SP7 of the Plan for Stafford Borough (2014) (PSB) states that development will only be supported where it is consistent with national policies to control development. I am satisfied that this policy is broadly consistent with the Framework.
7. Paragraph 154 of the Framework sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. There is general agreement between both parties that the development does not comply with any of the listed exceptions or other forms of development identified in this policy.
8. The Appellant mentions that the building is temporary and portable and could easily be removed from the site. It is therefore suggested that any associated harm to the Green Belt is negligible and temporary and that, as a result, Green Belt policy should not be applied stringently.
9. I have not been directed to any definition of 'temporary' with regards to the presence of a building on a site in the development plan or in the Framework. Nor do the exceptions listed in Paragraph 154 refer to any difference between permanent and temporary development. Therefore, whilst I recognise that the building is intended to be temporary, I see no adequate reason for departing from Green Belt Policy, especially given the duration of time that the structure has been in place.
10. The development would, therefore, not meet Paragraph 154 of the Framework, and is inappropriate development. By definition, inappropriate development is harmful to the Green Belt and substantial weight must be given to that harm in the decision-making process.

Openness of the Green Belt

11. The appeal site is located on an area of grassland which forms part of the historic grounds of Oulton Abbey. The portacabin lies to the south east of the Abbey complex of buildings and is separated from them by the site's main access drive and car parking. It sits at a slightly lower level with some intervening planting. The area of grassland appears is partly screened from the surrounding countryside and nearby residential properties by mature trees and some historic walls. The portacabin is a fairly typical form and design with a rectangular footprint, painted walls, flat roof, upvc windows and a raised decked entrance.
12. The Framework advises that openness is an essential characteristic of Green Belt policy and has a spatial as well as a visual dimension. In spatial terms, the footprint, height and volume of the building has affected the openness of the Green Belt when compared to the previous undeveloped nature of the appeal site which the evidence indicates was a grassed area without buildings. Although the footprint of the building may be relatively small compared to the generally much larger buildings on the Abbey site, nevertheless, in spatial terms the building massing is not insignificant and has reduced the Green Belt's openness.
13. In visual terms, whilst the site is largely screened by trees from more distant views of the wider landscape to the east and south, in closer views, the building is readily seen from many points in the nearby car park and drive, and in glimpsed views from certain points at Oulton Abbey itself. The boundary planting alongside the drive provides some screening of the lower parts of the portacabin but the upper parts of the building are more clearly seen. The isolation of the building, its unexpected presence and its deteriorating condition makes its appearance more conspicuous within the landscaped grounds.
14. The development has introduced built form where previously there was none and by virtue of its physical presence overall has resulted in a significant loss of spatial and visual openness of the Green Belt. I find therefore that the appeal development does not preserve the openness of the Green Belt.
15. Although the appeal site is located within the historic grounds of the Abbey and does not appear to form part of the surrounding open countryside, nevertheless it does not closely relate to the existing built form on the site. Therefore, in my view, whilst it has no notable impact on the purposes of the Green Belt, it nevertheless represents urban sprawl, hence there is conflict with the fundamental aim of Green Belt policy, contrary to paragraph 142 of the Framework.

Designated heritage assets

16. Close to the appeal site is an extensive collection of buildings associated with Oulton Abbey, comprising three separately listed buildings (the Abbey buildings). Nearest to the appeal site is Grade II listed Oulton St Mary's Abbey, (Ref.1376139). Attached and to the north west is the Chapel of St Mary's Abbey, a Grade II* listed building (Ref.1038978). Just beyond is the Presbytery at St Mary's Abbey, Grade II listed (Ref.1376138). It is a grouping of impressive, mainly 19th century buildings developed for the Benedictine community which moved to Oulton in the mid-19th century. The list descriptions explain the age, appearance and evolution of the buildings together with their functions and historical associations. The Chapel is designed by Edward Welby Pugin, and most buildings show Gothic and Tudor architectural design.

17. Based on the evidence before me, including the list descriptions, I consider that the special interest/significance of the Abbey buildings mainly derives from their age, fabric, form and function, their architectural features and their historic associations. Collectively they are identified as having Group Value.
18. I saw that the collection of Abbey buildings on the site is extensive and rambling with the main facades aligned to be most readily viewed and appreciated from the south west. However, the significance of the buildings can be appreciated from each elevation, illustrating the evolution of the building ranges and their function over time. The buildings are set within a legible, historic landscaped estate which still clearly envelops the buildings on their western, southern and eastern side. These are the surroundings in which the Abbey buildings are experienced and appreciated, and the landscaped grounds and views of the Abbey buildings directly contribute to their special interest/significance.
19. The historic maps included in the appellant's Planning and Heritage Statement indicate that the site of the portacabin is part of the immediate historic landscaped grounds of the Abbey buildings. They show the area as a triangle of ground with an open, elevated, central area with perimeter path linking to other paths around the formal grounds. Although the appeal building is not readily seen in conjunction with the main frontage of the Abbey buildings, there are interconnected views from their eastern side. Although these elevations of the Abbey building are of a more functional nature, reflecting in part later extensions and service buildings, nevertheless they are an intrinsic part of the special interest and significance of this important building complex. The appeal site is therefore a key part of the historic grounds and is visually connected to the historic buildings.
20. In viewing the appeal site and the visual effect of the portacabin, I saw that the landscaped grounds still bore a very close resemblance to those depicted in the historic maps. I could clearly make out the form of the site, the elevated central area and planting. The portacabin, standing prominently on the elevated central area was conspicuous and jarring within this historic landscape. From the vantage points near to the eastern side of the Abbey buildings I was also able to clearly see the upper part of the portacabin and could discern its form, size, materials, and condition. Its unsightly and unexpected presence was exacerbated by its deteriorated condition, and it clearly harmed the contribution that the setting makes to the Abbey building.
21. Overall, I consider that the presence of the portacabin harms the special interest/significance of the listed buildings. Therefore, the expectations of the Act are not met. Paragraph 212 of the Framework advises that when considering the impact of a proposal on the significance of designated heritage assets, great weight should be given to their conservation. I find the harm in the context of the significance of the heritage assets, in the language of the Framework, to be less than substantial in this instance. This commands considerable importance and weight and is not a less than substantial objection to the proposal.
22. Where a development causes less than substantial harm to the significance of a designated heritage asset, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the development, including, where appropriate, securing its optimal viable use.
23. With the closure of the nursery and the planning permission for the portacabin expiring in 2021, the intended need for the building has ceased. However, the

building has remained on site and appears disused. The appellant is seeking a further temporary permission to retain the building for up to 30 months and intends it to be used as a meeting/office space by the Oulton Abbey Trust to facilitate ongoing work at the site and to enable the refurbishment of the Abbey buildings.

24. Whilst I saw that many of the listed buildings need significant repair and many did not appear to be occupied, there is little evidence before me of recent or ongoing repair works or an up-to-date listed building consent to secure them. Nor have I been presented with adequate details of any proposed works or a timetable for their commencement.
25. The appellant mentions funding difficulties in bringing forward the remainder of the approved development affecting the listed buildings² but still has the intention to refurbish the Abbey buildings and to secure a viable use for them. However, little is before me to indicate any ongoing progress in implementing this part of the approved development or evidence of seeking advice from the Council or other bodies on an alternative scheme. Therefore, in the absence of clear evidence of actively pursuing the Abbey building's repair and reuse, I see no justification for the retention of the portacabin for a further temporary period. Also, whilst it may be essential to have an operational base to administer future works, it has not been adequately explained to me why a portacabin would be required when there appear to be numerous underused buildings on the site which may fulfil this purpose.
26. Therefore, whilst securing the repair and re-use of this important collection of listed buildings is a significant public benefit, there is little to indicate any imminent intention to carry out renovation works or to demonstrate why the portacabin needs to be retained for a further temporary period. This matter, therefore, carries limited weight as a public benefit.
27. Given the above, I conclude that the public benefits identified would be of insufficient weight to outweigh the great weight to be given to the harm to the designated heritage assets. As such, the development would not comply with paragraph 212 of the Framework. In addition, there is no clear and convincing justification for the harm to the significance of the designated heritage assets. The scheme therefore conflicts with the intentions of the Act and the Framework. It also conflicts with PSB Policies N1 and N9 which seek to conserve heritage assets.

Other considerations

28. The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It states that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
29. I have already acknowledged why the appellant is pursuing the retention of the portacabin for an additional temporary period, and I have already concluded that it has not been adequately demonstrated why the continued harm to the designated heritage assets, caused by the presence of the structure, is justified. This is equally applicable to the harm to the Green Belt. This matter therefore can only attract limited weight to this consideration.

² Ref. 13/18947/FUL and 13/18976/LBC

30. I must also consider the ‘temporary’ nature of the development. Although ultimately the appellant intends to remove the structure, and I have no doubt that it could be readily removed and the land restored to its former condition, the suggested period of up to 30 months would be a further, not insignificant, amount of time. Given the harm which has already been caused to both the designated heritage assets and the Green Belt since the installation of the portacabin, the harmful effects of it have been long-term. This reduces the weight in favour of the proposal.
31. Should works commence to the Abbey buildings under the existing or a new planning permission, then the appellant may well benefit from permitted development rights to allow a portable building on site during works. However, given the evidence before me, the period for works starting seems some way off. I therefore anticipate that there would be ample time to bring a site hut in should one be justified. This matter carries limited weight in favour of the proposal.

Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

32. In summary, I have identified that the development is inappropriate development in the Green Belt which should not be approved except in very special circumstances. It also does not preserve, and has a harmful effect on, the openness of the Green Belt. Substantial weight should be given to any harm to the Green Belt. It also fails to preserve the nearby listed buildings, their settings or any features of special architectural or historic interest which they possess, causing harm to their significance. A matter attracting great weight. The harm to their significance is not sufficiently outweighed by the public benefits accruing from the proposal.
33. Very special circumstances will not exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The other considerations in this case, attracting limited weight, do not clearly outweigh the harm that I have identified which attracts great/substantial weight. Consequently, the very special circumstances necessary to justify the development do not exist. Therefore, the development conflicts with the provisions within the Framework which seek to protect the Green Belt and would not comply with PSB Policy SP7. It would therefore conflict with the development plan when read as a whole.

Conclusion

34. For the reasons given above, the development would conflict with the development plan, when read as a whole. Material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised I therefore conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR



Appeal Decision

Site visit made on 7 January 2025

by **G Bayliss BA (Hons) MA MA MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 23 January 2025

Appeal Ref: APP/Y3425/D/24/3346968

44 Mount Avenue, Stone, Staffordshire ST15 8LW

- 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 Dan Bellerby against the decision of Stafford Borough Council.
 - The application Ref is 24/38673/HOU.
 - The development proposed is a two storey rear extension with a single storey rear and side extension, including internal alterations and dropped kerb/amended access.
-

Decision

1. The appeal is allowed, and planning permission is granted for a two storey rear extension with a single storey rear and side extension, including internal alterations and dropped kerb/amended access, at 44 Mount Avenue, Stone, Staffordshire ST15 8LW, in accordance with the terms of the application, Ref 24/38673/HOU, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed Site Location/Block Plan No.2741-300 Rev.B,
Proposed Site Plan No.2741-301 Rev B,
Proposed Plan No.2741-302,
Proposed Elevations No. 2741-303 Rev A,
45 Degree Line No.2741-304
Elevation from Neighbouring Property No.2741-305.
 - 3) The external materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The extension hereby permitted shall not be occupied until the proposed kitchen window and window serving the en-suite in the south west elevation have been fitted with obscured glazing, and the kitchen window shall be non-opening. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed. Once installed, the obscured glazing and fixed window shall be retained thereafter.

Preliminary Matters

2. I have revised the description of development in the banner heading above to reflect that given in the appellant's appeal form as this more accurately describes the proposal.
3. The Government published a revised version of the National Planning Policy Framework (the Framework) on 12 December 2024. I have considered its amendments against the earlier version and against the parties' appeal evidence. I have also updated Framework paragraph numbers where necessary. However, I have not gone back to the parties for comment, as I do not consider the Framework changes to be substantive or determinative to the outcome of this appeal.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of adjoining occupants at 46 Mount Avenue, with particular reference to outlook, daylight, and overbearing.

Reasons

5. The appeal property (No 44) is a detached two storey dwelling on a residential estate. The immediate area is characterised by a mix of dwelling types with variations to their height, design and materials. The land generally slopes in a south westerly direction, resulting in the staggering of some plots down the hillside. No 44 stands with its gable facing the road and its ridge running at right-angles to it, whilst the adjoining properties (No 42 and 46) have their ridges parallel to the road. All three dwellings are two storey and have a similar set-back to the road, have a broadly similar depth alongside each other, and have rear, linear gardens. Each plot is slightly stepped into the bankside resulting in No 42 having the highest ground position and No 46 the lowest.
6. No 44 has a single storey addition at the rear comprising a conservatory and kitchen extension. It also has a relatively long, narrow outbuilding set well back within the garden alongside the boundary with No 42. No 46 has no single storey additions at the rear but also has a detached, linear outbuilding running alongside the boundary with the appeal site.
7. The appeal proposal is a two storey rear extension in line with the height and width of the existing building with a single storey lean-to extension to the rear which wraps around to a narrow side extension alongside No 42. The Council is concerned with the potential impact of the proposal on the living conditions of the occupants of No 46.
8. The Council's Supplementary Planning Document 'Design' (2018) (SPD) seeks to ensure that development does not cause an unreasonable loss of daylight or an unreasonable degree of overshadowing to habitable rooms in dwellings or in gardens. It advocates the 45-degree code as a guideline to establish any loss of light or outlook to principal windows of adjoining properties.
9. The Council considers that the proposed extension would contravene the 45-degree code in relation to the nearest ground floor window of No 46. However, the appellant contests this and their submitted Design Statement illustrates that the appeal proposal does not breach this guideline for any rear windows at this

property. This is further demonstrated in the appellant's appeal submission which notes that full account has been taken of the change in levels between the plots. The further drawing submitted at appeal (Drawing No.2741-304) seeks to illustrate that the proposal would not contravene the 45-degree code when measured horizontally or vertically. Furthermore, Drawing No.2741-305 also more clearly shows the relationship between the two properties, including the change in ground levels, relative heights and projections. It therefore concludes that the proposal would not breach the 45-degree code in relation to No 46 and would have a minimal impact on the outlook experienced by those occupants.

10. The Appellant's sunlight assessment notes that due to the southerly aspect of the nearby houses, the impact of the proposal on sunlight experienced by the occupants of adjoining properties would be limited. It also illustrates that shading would not be substantially greater than present conditions. With regard to the proposed impact on No 46, it comments that the shadow from the two storey element would impact only the lower part of its site wall, and by the afternoon this property would always be self-shading. It concludes that the proposal would have a negligible impact on the sunlight that No 46 would receive and that ambient light would also be largely unaltered.
11. The Council has provided little information to justify its findings in relation to the above issues, including explaining how in its view the 45-degree code would be breached. There is also little commentary on its views in relation to the appellant's findings. In the absence of this information, it is difficult to understand the Council's general conclusions and concerns, and I therefore see little reason to doubt the appellant's findings.
12. Having visited the appeal site and the garden area of No 46, I have taken full account of the relative position of the buildings, principal windows, boundaries, and areas likely to be affected by the proposal. It was very apparent to me when standing in the rear garden of No 46 that the presence of their existing outbuilding along much of the boundary with the appeal property, the linear nature of the garden, and the southerly aspect naturally drew the eye along the length of that garden. This would also be the main outlook from the rear windows. I recognise that the occupants of No 46 may have a greater awareness of the increased bulk and height of the appeal property. However, when considered alongside the appellant's findings, there is no compelling evidence to suggest that the proposed extension would have an overbearing effect on No 46 or detract from the main views from rear windows. Nor does it suggest that the occupants would feel overshadowed, hemmed in or claustrophobic in their house or garden. Much of the garden of No 46 would be well away and unaffected by the presence of the appeal proposal and there is little evidence of any substantive loss of greenery.
13. I therefore conclude that the proposal would have no harmful effect on the living conditions of adjoining occupants at 46 Mount Avenue, with particular reference to outlook, daylight, and overbearing. The proposal would therefore comply with Policy N1 of The Plan for Stafford Borough (2014), the SPG and the Framework which together seek to ensure that occupants enjoy a good level of amenity.

Other Matters

14. Whilst the proposed extension would be visible from the rear of No 42, the higher ground level of this property and more easterly location suggests to me that the

proposal would have little adverse impact on light levels entering its windows or cause unacceptable shading of the garden. It has also not been demonstrated to breach the 45-degree code or cause adverse shading in the sunlight assessment. Also, the existing garden outbuilding at No 42 and linear form of the garden would most likely direct the main views from the house along the length of the garden in a similar fashion to No 46. I see little evidence to suggest that any primary views would be blocked as a result of the proposal and even the kitchen window which faces towards the proposed extension is demonstrated to comply with the 45-degree code. Therefore, I have no reason to conclude differently to the Council. The proposed relocated side door would look towards No 42, but this would look directly onto a boundary wall and there would be no undue loss of privacy.

15. I have also considered the effect on the privacy of the occupiers of No 46 arising from the installation of two windows in the side wall of the appeal property. These would be a low-level window to serve the kitchen and an en-suite window on the first floor. The appellant's Design Statement indicates that the kitchen window would be not openable and obscured. Given the proximity of opposing windows to No 46, it would be reasonable to attach a condition to require these windows to be obscure-glazed and the kitchen window fixed shut.
16. Any disruption to the shared garden wall is not a matter under my consideration and any noise or disturbance arising from the construction of the proposal should be short-lived and is not in itself a reason for finding against the proposal. There is little reason to doubt that issues relating to drainage, waste and extractor smells would not be adequately addressed during the construction of the proposal. I also see little reason why the property values of adjoining properties should be diminished.

Conditions and Conclusion

17. I have attached conditions to require the use of matching materials in the interests of appearance and to list the plans in the interests of certainty. I have also added a condition in relation to the proposed windows in the side elevation facing No.46, as previously discussed.
18. The proposal would accord with the development plan as a whole and material considerations do not lead me to decide otherwise. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

G Bayliss

INSPECTOR



Appeal Decision

Site visit made on 17 January 2025

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

an Inspector appointed by the Secretary of State

Decision date: 22 January 2025

Appeal Ref: APP/Y3425/D/24/3355692

363 Sandon Road, Meir Heath, Stoke-on-Trent, Staffordshire, ST3 7LJ

- 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 Fagan against the decision of Stafford Borough Council.
 - The application Ref is 24/39502/HOU.
 - The development proposed is demolition of existing single storey rear garden building. Erection of single storey kitchen dining room extension to rear.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing single storey rear garden building. Erection of single storey kitchen dining room extension to rear at 363 Sandon Road, Meir Heath, Stoke-on-Trent, Staffordshire, ST3 7LJ in accordance with the terms of the application, Ref 24/39502/HOU, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the original building.

Procedural Matter

2. My attention has been brought to a permission¹ for a replacement dwelling at Number 361 Sandon Road. This appeal has been considered on the basis of the information before me and I note that, at the time of my site visit, the original No 361 was in situ.

Main Issue

3. The main issue in this case is the effect of the proposed development on the living conditions of the occupiers of Number 361 Sandon Road, with regards to outlook and daylight.

Reasons

4. The appeal property comprises a detached single storey dwelling with a small attached single storey garage with a flat roof. It has a single storey outbuilding with

¹ Reference: 24/39205/HOU.

- a pitched roof located alongside the shared rear boundary with Number 361 Sandon Road.
5. The appeal dwelling is set back from the road behind a hedge and a parking area and has a long garden to the rear. It is located in a residential area characterised by the presence of one and two-storey detached and semi-detached dwellings.
 6. The proposed development would comprise a single storey extension with a flat roof. It would effectively replace the outbuilding with a pitched roof as well as in-fill a small gap that exists between the garage and outbuilding.
 7. The proposal would be situated near to the shared boundary with No 361. The front of the appeal dwelling is angled slightly away from that of No 361, such that windows to the rear of No 361 face towards the outbuilding that it is proposed to demolish and which the proposed extension would, in part, replace.
 8. Consequently, the relationship between Nos 361 and 363 is such that the outlook to the rear of No 361 is, to some small degree, compromised by the presence of built development close to the shared rear boundary of the two dwellings.
 9. However, during my site visit, I observed there to be a tall fence along the rear boundary between Nos 361 and 363. The appeal property's garage and outbuilding, as well as part of the sloping roof of the appeal dwelling, all appear only a little higher than the fence and do not comprise visually intrusive features.
 10. Whilst the tallest parts of the proposed development would be visible above the rear boundary fence separating Nos 361 and 363, the proposal would only reach a height slightly above that of the existing garage and notably, it would be lower than the height of the outbuilding that it is proposed to demolish. Given this, I consider that the proposal would not result in so substantive a change as to result in any significant harm to the outlook to the rear of No 361.
 11. Furthermore, I find that the proposed development, with its low flat roof, would be so modest as to result in a negligible, if any, reduction in the amount of daylight reaching the rear of No 361. In the absence of any substantive evidence to the contrary, I find that no significant harm would arise in this regard.
 12. Altogether, I consider that the proposal has been thoughtfully conceived to provide attractive additional living space in a manner respectful to neighbouring occupiers.
 13. Taking all of the above into account, I find that the proposed development would not harm the living conditions of the occupiers of Number 361 Sandon Road, with regards to outlook and daylight and would not be contrary to the National Planning Policy Framework; to Policy N1 of The Plan for Stafford Borough (2014); or to the Council's Design Supplementary Planning Document (2018), which together amongst other things, seek to protect residential amenity.

Conditions

14. I have considered the conditions suggested by the Council against the tests set out in Paragraph 55 of the Framework. A condition controlling materials is necessary in the interest of local character.

Conclusion

15. For the reasons given above, the appeal is successful.

N McGurk

INSPECTOR



Appeal Decision

Site visit made on 7 January 2025

by **G Bayliss BA (Hons) MA MA MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 27 January 2025

Appeal Ref: APP/Y3425/W/24/3348514

100 Newcastle Road, Stone, Staffordshire ST15 8LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr David Cheadle against the decision of Stafford Borough Council.
 - The application Ref is 23/38287/FUL.
 - The application sought planning permission for a car wash without complying with conditions attached to planning permission Ref 13/18949/FUL, dated 28 November 2013.
 - The conditions in dispute are:
 - No 3 which states that: *No power tools or machinery shall be used at the premises other than portable hand tools contained within the building.*
The reason given for the condition is: *To safeguard the amenities of the area.*
 - No 5 which states that: *No external plant or machinery shall be installed at the premises without the prior permission of the local planning authority.*
The reason given for the condition is: *To safeguard the amenities of the area.*
 - No 6 which states that: *The operations hereby approved shall only take place between the hours of 09.00 to 17.00 Monday to Saturday and 09.00 to 16.00 on Sundays.*
The reason given for the condition is: *To safeguard the amenities of the area.*
 - No 7 which states that: *The car wash and valeting operations shall only be undertaken within the building.*
The reason for the condition is: *To safeguard the occupiers of nearby residential properties from undue noise and general disturbance.*
 - The development proposed is the removal of conditions 3,5,6,and 7.
-

Decision

1. The appeal is dismissed.

Preliminary Matters and Background

2. The Government published a revised version of the National Planning Policy Framework (the Framework) on 12 December 2024. I have considered its amendments against the earlier version and against the parties' appeal evidence. I have also updated Framework paragraph numbers where necessary. However, I have not gone back to the parties for comment, as I do not consider the Framework changes to be substantive or determinative to the outcome of this appeal.
3. The original planning permission, approved in 2013, was considered against Policy E&D1 of the Stafford Borough Local Plan (2001). Owing to the duration of time since the permission was issued this appeal now falls to be determined against Policy N1 of The Plan for Stafford Borough (2014).

4. The Council advises that subsequent to granting permission for the car wash, a further permission was granted for open sided valeting bays in the yard to be used in association with the car wash business (Permission Ref.16/24644/FUL). A condition requires the vacuum units to be placed in the main car wash building with underground ducting as shown on the approved drawing.
5. The appellant considers that the conditions under appeal are unnecessary as framed as the use has existed on the whole of the site for a considerable period and that conditions 5,6 & 7 have not been complied with from the outset. It is further suggested that there have been no complaints until recently and the Council has not been able to substantiate any complaint with evidence. In particular, in relation to conditions 3 and 5, the appellant considers that some cleaning equipment such as vacuum cleaners used in the valeting bays need to be located outside of the main building, away from the car washing, for health and safety reasons.
6. The appellant also considers that these conditions fail the test of reasonableness as condition 6 imposes office hours on a commercial operation which should be allowed to operate between 8.30am-6pm. Also, that condition 7 renders almost half of the site to be unusable.
7. The appellant's appeal statement confirms that conditions are necessary to control the development and has suggested three alternative conditions, in place of those under appeal, to form the basis of an acceptable varied permission. These would relate to opening hours, specifying external plant or machinery and sound mitigation for vacuum cleaners. However, the evidence before me indicates that the wording of these proposed conditions was not suggested during the determination of the planning application. Whilst these revisions may well assist in resolving the issues under dispute, and the Council briefly refers to them in its appeal statement, I have no assurance that the Council, their consultees or nearby residents have been able to appropriately consider and comment on the suggested revision to the conditions.
8. Accepting these revised conditions at this stage of the appeal appears to seek to evolve the scheme and may therefore prejudice the Council or other parties from being able to consider them properly. Consequently, I have not taken account of the suggested revised conditions in reaching my decision.

Main Issue

9. The main issue is whether the conditions are reasonable or necessary in order to safeguard the living conditions of nearby residents with particular regard to the potential for noise and disturbance.

Reasons

10. The appeal site comprises a yard enclosed on three sides by brick walling with the main building comprising a single storey brick structure with its gable facing the road. The site is located within a predominantly residential area, with a mixture of terraced and semi-detached housing situated alongside and on the opposite side of Newcastle Road. The Trent and Mersey Canal is to the rear.
11. The site is in use as a car valet business which gained planning permission in 2013 and was formerly a car sales operation. The 2013 planning permission was

subject to several conditions considered necessary to protect nearby residential occupants from unacceptable levels of noise and disturbance. In broad terms they seek to ensure that appropriate machinery is contained within the main building and restrict operational hours. The Appellant states that the site has been successfully used since 2013.

12. Although the appellant suggests that the business has been operating without adhering to these conditions for some time without complaint, several representations received from nearby residents show significant levels of concern. They speak of being able to clearly hear the noise of machinery and powerful pressure washers, even from several dwellings away and from the occupiers of leisure moorings on the canal. Others mention the disturbance spoiling time spent in the garden, the operation of the business over seven days a week giving no respite from relentless noise, and noise from cars queueing up to be washed. Some mention that in the warmer months, occupants' can hear the noise and disturbance within their homes when windows and doors are open. There is also mention of pressure washing outside the building which considerably increases the noise. A nearby resident speaks of making complaints multiple times over the last few years.
13. On site, I saw the proximity of some of the dwellings, with several rear gardens running alongside and parallel to the appeal site. From the canal towpath to the rear, I could see that many of these gardens have patios, including the adjacent dwelling which also has a first floor sitting out area. During my visit, I observed the washing equipment within the main building and noted the large opening in either end of the building where vehicles enter and exit. Valet cleaning equipment included a vacuum cleaner located under the lean-to canopy.
14. Despite the relatively busy road, there was little other background noise in this mainly residential area. Although no vehicles were being actively washed or cleaned whilst I stood in the yard, I heard activities on the appeal site later when I stood on the canal towpath. From here, to the rear of the appeal site, I could see and clearly hear a vehicle being washed. I noticed intermittent, loud bursts of noise from pressure washers with some lengthy periods of pressure washing. The noise was particularly apparent given the underlying peaceful nature of the surrounding area around the canal, and the noise appeared to resonate between the buildings. Although this was just one snapshot in time and it was unlikely that a cold, winter morning would be a busy time for a car wash, it was very apparent to me that the washing of a vehicle could be a noisy activity. It would not be unreasonable to assume that on warmer days, especially in the summer, that there would be much more activity on the site. This would more than likely coincide with residents opening windows and making more use of their gardens. I have no doubt that in addition to pressure washing, the noise of moving vehicles, starting and stopping of engines, closing of vehicle doors and the unpredictability of the noise over a prolonged period would add to the overall noise and disturbance generated from the site.
15. Therefore, taking account of all that I saw and heard, including the officer assessment and compelling representations from nearby residents, the operations as they stand are already causing clear harm to the living conditions of nearby residents. This appears to have been the case for some time.

16. There may be functional and financial reasons for not installing vacuum equipment within the main building, (as required by Permission Ref.16/24644/FUL). However, I have few details to demonstrate why the operation would not work in accordance with the details shown on the approved drawing. Furthermore, this is not an adequate reason for allowing an operation which may cause noise disturbance to nearby occupants.
17. If condition 3 was removed, there would be an unrestricted use of any type of power tools and machinery at the site which could also be used outside in the yard. As the washing and valeting of vehicles can be a noisy activity, it is highly likely that the removal of this condition could result in a significant increase in the noise and disturbance generated on the site affecting nearby residents.
18. If condition 5 was removed, the business operator could install an unlimited amount of external plant or machinery with unrestricted noise levels. This could give rise to a significant increase in noise levels affecting nearby residents.
19. If condition 6 was removed, the vehicle cleaning operation could be carried out year-round and up to 24 hours a day. This would be wholly inappropriate for such an operation close to neighbouring residential properties.
20. If condition 7 was removed, vehicle cleaning operations could be carried out anywhere on the site meaning that noise from machinery and equipment would not be muffled by the building. If the condition was removed it is therefore likely that there would be a significant increase in noise levels and disturbance affecting nearby residents.
21. The Council notes that at the time of the original permission, a submitted noise assessment provided reassurance that, with the conditions imposed, the development would be acceptable. It does not appear to me that the conditions were challenged at the time of this permission. Furthermore, I have not been presented with an adequate noise or acoustic assessment, equipment specifications or proposed mitigation to justify the proposed removal of the conditions.
22. The removal of the conditions would be likely to result in a significant increase in noise levels generated on the site which would be exacerbated by longer periods of time due to the restriction on operational hours being removed. This would result in unacceptable levels of noise and disturbance to the surrounding residential occupants. I find that each of the contested conditions are therefore reasonable and necessary for nearby residents to have a reasonable expectation of the peaceful enjoyment of their homes. The impact of removing them would be so severe as to warrant refusal. All the conditions therefore remain necessary to make the development acceptable.
23. I therefore conclude that conditions 3, 5, 6 and 7 are reasonable or necessary in order to safeguard the living conditions of nearby residents with particular regard to the potential for noise and disturbance. The development would conflict with Policy N1 of The Plan for Stafford Borough which states that, amongst other things, development takes account of noise implications and the amenity of adjacent residential areas. It would also conflict with the Framework which seeks to ensure a high standard of amenity for existing occupants.

Other Matters

24. The appellant's planning statement may not have been visible on the Council's website, but I have little reason to consider that this would make a difference to the representations received.

Conclusion

25. The proposal would not accord with the development plan as a whole, and material considerations do not lead me to decide otherwise. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR



Appeal Decision

Hearing held on 17 December 2024

Site visit made on 17 December 2024

by **A Owen MA BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 January 2025

Appeal Ref: APP/Y3425/W/24/3353463

Land between Ashflats Lane and Moss Pit, Stafford ST18 9BP

- 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 Mrs Caroline Roberts against the decision of Stafford Borough Council.
 - The application Ref is 23/38029/FUL.
 - The development proposed is erection of 16 new bespoke 2 and 3 bedroomed bungalows (four affordable) of four detailed designs, landscaping scheme, open space provision, new habitat provision, principles of drainage, and the creation of a new access from Ashflats Lane.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the determination of the appeal, the government adopted an amended National Planning Policy Framework (the 'Framework'). At the hearing the parties were given an opportunity to comment on the effects of the amended Framework on the proposal and these comments have been taken into account.

Main Issues

3. The fourth and fifth reasons for refusal relate to the lack of a planning obligation to mitigate for the effect of the proposal on the Cannock Chase Special Area of Conservation (SAC); to provide financial contributions towards educational facilities and leisure provision; and to secure the proposed affordable housing on site. During the appeal a completed Unilateral Undertaking (UU) has been provided which the Council state addresses their concerns in these regards. The remaining main issues therefore are:
 - i) whether the site is suitable for the development having regard to the Council's spatial strategy;
 - ii) the effect of the development on surface water flooding;
 - iii) the effect on highway safety; and
 - iv) the effect on the character and appearance of the area.

Reasons

Spatial strategy

4. The parties are agreed that the site lies outside, but adjacent to the settlement boundary of Stafford. It is therefore in open countryside for the purposes of planning policy.

5. Spatial principles 3 and 7, as set out in the Part 1 Plan for Stafford 2011 - 2031 (2014) supports development within settlement boundaries and, particularly relevant to this appeal, within Stafford as the largest town in the Borough with the highest level of services and facilities. Spatial principle 7 and policy C5 of the Part 1 Plan set out criteria for development outside the settlements. It has not been suggested that the proposal would meet any of the criteria. The development would therefore conflict with all these principles and policies.
6. In November 2022 the Council carried out consultation under Regulation 18 on a preferred options version of their emerging Local Plan. This document allocates a large parcel of land, which includes the appeal site, for 268 houses. I understand a later version of the Plan on which a consultation under Regulation 19 would have taken place was withdrawn. The Council advise that an updated timetable for the continued progression of the emerging plan would be published in spring 2025.
7. Clearly the emerging Local Plan is at a very early stage. The fact that over two years has passed since the latest published version and that there have been a number of changes to national policy in that time, indicates there may be some significant differences between the published version and the next version. Nonetheless, I consider some weight, albeit very limited, can be given to it and the proposed allocation.

Flooding

8. There would be an increase in surface water run-off as a result of the increased built form on the site. The submitted Flood Risk Assessment (FRA) and the proposed site plan shows that this surface water would be attenuated by underground storage which would then discharge at an appropriate rate to the sewer on Gravel Lane. The Lead Local Flood Authority comment that there are no details of the invert level of that sewer so it is unknown if this could be gravity fed. Moreover, they also suggest the methodology to calculate the size of the attenuation is flawed by using rainfall data from the 1975 Flood Studies Report, instead of data in the 2022 Flood Estimation Handbook. These are fundamental errors which means I have little confidence that an acceptable surface water drainage scheme could be developed. It would not be appropriate to defer this fundamental matter to a planning condition.
9. The FRA shows that the site is in flood zone 1, but that there is a surface water flow route through the site from Ashflats Lane to the northwest, in a southeast direction, and which would broadly follow the route of the proposed access road. It is understood that the surface water drainage scheme should not have to attenuate surface water run off from Ashflats Road. However, a flow route should be maintained so that it can pass through the site and would not endanger the occupiers of the proposed dwellings. The FRA provides no details as to how this flow route would be achieved. Even if the proposed access road were not adopted and so could be constructed of permeable materials, it is not clear that this would sufficiently manage surface water from the flow route, and no other mitigation measures are shown on the plans.
10. Overall it has not been satisfactorily demonstrated that surface water could be appropriately managed such that flood risk would not be increased. As such the development would fail to accord with Part 1 Plan policy N2 which seeks to ensure

that development ensures protection from, and does not worsen, the potential for flooding.

Highway safety

11. The proposal includes the provision of a new pavement on the west side of Ashflats Lane from the appeal site to the junction of Barn Bank Lane from where it can link to the existing pavement north of that road. However there are no details of this, and from my site visit it seems unlikely that it would be possible to create a two metre wide footway, as suggested, without narrowing the effective width of the carriageway in some places.
12. The UU purports to secure £149,000 for works to provide the footway, along with any other measures to mitigate the impact of the development on Barn Bank Lane. However, as set out at the hearing by the Highways Authority, it is not known how this figure was achieved. Indeed there was no clarity as to whether this fee would include funds to be directed towards improving nearby bus stops. In any case, until more detail of the footway is provided, such as details of any structure or services that may need to be relocated, it is not known if this figure would be sufficient. Moreover, the UU places no obligation on the County Council to use the funds as the appellant intends.
13. The plans also show that a footpath would be created from the eastern corner of the site to connect to the public highway at Moss Pit. This would cross an area of hardstanding between Lawford Cottages and Lawford House. It appears that this land is in third party ownership but that there is a right of access over it to the field, as evidenced by the presence of the access gate at the field edge here. Given that matters of land ownership and access rights are not planning matters, I see no reason why the proposed footpath could not practicably be provided. It would also provide convenient access to the bus stops at the junction with Barn Bank Lane
14. This access is used as the main vehicular access to Lawford House and to some of the houses at Lawford Cottages. However given the limited number of dwellings this serves, the slow moving nature of any vehicles and the modest amount of pedestrian traffic the development is likely to generate, I would consider it unlikely that there would be an unacceptable risk of pedestrian/vehicle conflicts.
15. Nonetheless, without any certainty regarding the provision of the footway on Ashflats Lane, it is apparent that any pedestrians using Ashflats Lane would need to walk in the road for a distance of around 120 metres. Though the road is not busy, this is a substantial distance, and there would be a risk to the safety of pedestrians, particularly those with reduced mobility, using this route. As a result the proposal would fail to accord with Part 1 Plan policy T1 which seeks to encourage cycling and walking and to improve road safety.

Character and appearance

16. The appeal site currently comprises part of a field which falls gently from northwest to southeast. It is bounded to its north and west by houses which are mostly bungalows. There is also a detached dwelling adjacent to part of its east boundary. Although these adjacent dwellings provide the site with a degree of enclosure and inform its character, the site is firmly part of the open and undeveloped countryside.

17. When seen from positions along the footpath to the south, the development would be seen against the backdrop of these neighbouring houses. Indeed, although the development would represent an intrusion into the countryside, the existing view of bungalows in the distance separated from fields in the foreground by hedging, would be replicated by the proposal. Furthermore, from many positions along this footpath the bungalows would be substantially hidden by the numerous hedges in between.
18. When seen from positions east and west of the site on Ashflats Lane and Moss Pit, the extension of built form into the countryside would be apparent. However from Moss Pit the view would be limited by the vegetation on the back edge of the pavement allowing only a brief view between Lawford Cottages and Lawford House. From Ashflats Lane, the view would be limited by the vegetation along the south boundary of the appeal site as well as the existing houses and their garden planting.
19. The density of the development may be slightly greater than the surrounding development on Ashflats Lane and Barn Bank Lane, but not significantly so. It would be more akin to the density of development in Ash Rise and Gravel Lane on the opposite sides of Ashflats Lane and Moss Pit respectively. As such, in this regard, the proposal would not be incongruous.
20. The Council raise concern in respect of the lack of soft landscaping, hedges and trees in the proposal, which are commonly found locally. However whilst the front gardens of the individual plots are not shown to be blessed with extensive amounts of landscaping, the communal open space in the centre of the development, along with landscaped areas between plots 9 and 10 and adjacent to plot 16, would provide reasonable amounts of space for landscaping. Moreover, it would be similar to the layout of the development in Ash Rise. A detailed landscaping scheme showing additional trees and hedgerows could be secured by a planning condition.
21. The landscaped areas to the sides of the dwellings at plots 10 and 16 would be clearly surveilled from the proposed road and could provide pedestrian links into any further development on the neighbouring land, were that to materialise.
22. Much of the landscaped area to the side of the dwelling at plot 9, and the footpath that would cross this area and link the site to Moss Pit, would not be directly overlooked by windows in the houses in the development. Nonetheless, there would be some views over it from the first floor rear window at Lawford House, the first floor windows in the rear of the terraced houses at Lawford Cottages and there would be a view from the bedroom window in the bungalow at plot 9 of that part of the space that is forward of that house. The development would therefore represent a safe design.
23. Overall, it is not considered that the development would unacceptably harm the character and appearance of the area. It therefore would accord with Part 1 Plan policies N1 and N8 which together require developments to have regard to the local context, respect the character of the landscape, and be safe and secure.

Other Matters

Housing land supply

24. The Council state that they can currently demonstrate a housing land supply of eight years as set out in their Statement of Five Year Housing Land Supply (as at March 2024). This is based on the local housing need of 358 dwellings per year as calculated by the standard method at that time. However the parties agree that the annual housing requirement would now be 751 houses using the current standard method.
25. From the details in the March 2024 Statement, the Council have a supply of 2878. Were this figure to be used against the revised need of 751 homes per year plus the appropriate buffer, the Council would no longer have a 5 year supply. However the Council advise they would not review this until next March, at which point they would take account of any new permissions and completions in the previous 12 months.
26. Even if the Council can no longer demonstrate a 5 year supply of housing, the shortfall against that would not be significant. Nonetheless the provisions of paragraph 11d of the Framework would apply. Part i) of this paragraph states that development should be approved except where policies in the Framework that protect assets of particular importance provide a strong reason for refusing the development. Such policies include those relating to areas at risk of flooding.
27. Paragraphs 181 and 182 of the Framework set out that development should not increase the risk of flooding elsewhere, is appropriately flood resilient, and incorporates sustainable drainage systems. In view of my conclusions on flood risk above, it is clear that the policies in the Framework relating to flooding give a strong reason for refusing the development.
28. I was also directed to the Land for New Homes document, but was advised that this shows likely completions up to the end of the plan period, i.e. beyond the next five years, so is of little direct bearing to this issue.

Type of housing

29. The development would be wholly comprised of bungalows. Policy C1 of the Part 1 Plan requires that housing developments are comprised of a mix of housing types, but specifies no particular proportions, and indeed there are no policies that specifically refers to the provision of bungalows.
30. The Economic and Housing Development Needs Assessment 2020 (EHDNA) identifies that the population of over 65 year olds in the borough is expected to be the fastest growing age group between 2020 and 2040 and therefore it recommends that 10% of new homes should be built to M4(2) standards¹. The Council advise the EHDNA will be considered as part of the evidence base informing the emerging local plan.
31. The appellant provided figures that shows that over the past 10 years only 200 bungalows had been constructed in the borough, which represents 3% growth

¹ Building Regulations which relate to dwellings that incorporate features suitable for occupants including older people, those with reduced mobility and some wheelchair users.

compared to 12% growth in housing overall. The appellant accepted however that the data may not be wholly accurate.

32. Overall I am satisfied that there is a growing demand for accessible housing and a supply that is most likely failing to meet that. Indeed, the appellant advises that the scheme is only financially viable because of the high demand for bungalows. However, although I accept that, in light of the above, the most likely occupants of the proposed bungalows would be older people, there is no mechanism to ensure that. This tempers the weight that can be given to this.
33. The development would include provision of four affordable units. This is in line with the 30% requirement set out in Part 1 Plan policy C2. It adds weight in favour of the proposal by providing housing for a people with specific housing requirements.

UU

34. The submitted UU purports to ensure four of the dwellings are affordable. I consider this obligation meets the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and I have therefore taken it into account. This is a positive benefit of the scheme, as is the provision of bungalows generally.
35. The other obligations relating to financial contributions towards educational facilities, open space provision, a swimming pool, sports halls, artificial turf pitches and Cannock Chase SAC would all be to mitigate the effects of the development. They are therefore neutral factors and could not count positively in favour of the scheme. As such, and as I am dismissing the appeal for other reasons, I need not consider them further as they could have no determinative effect on my decision.

Conclusion

36. As well as the benefits of the modest provision of four affordable units, and bungalows for which there is a need, the development would also provide some proportionate economic benefits. Overall these benefits are of moderate weight.
37. However, the development would not be suitably located, would fail to provide a safe pedestrian access and it has not been demonstrated that it would be safe from flooding. Although there would be no harm to the character and appearance of the area, the proposal would conflict with the development plan taken as a whole.
38. There are no other considerations, including the application of policies in the Framework and the benefits of the scheme, that indicate a decision other than in accordance with the development plan. Therefore the appeal is dismissed.

A Owen

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Hugh Lufton Lufton & Associates Planning Consultants

Paul Henderson Evolve Architectural Design

FOR THE LOCAL PLANNING AUTHORITY

Ed Handley Senior Planning Officer

Richard Wood Development Lead

Alex Yendole Senior Planning Policy Officer

Henry Wood Lead Local Flood Authority

Jim Long Staffordshire County Council (Highways Authority)

OTHER INTERESTED PARTIES

Cllr Anne Hobbs Local Ward Councillor

Cllr Angela Loughran Local Ward Councillor

Kenneth Moore Local Resident

Paul Windmill Resident

DOCUMENTS PROVIDED AFTER THE HEARING

Economic and Housing Development Needs Assessment 2020

Council's Statement of Five Year Housing Land Supply (at 31 March 2024)