



Civic Centre, Riverside, Stafford

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Dear Members

### **Planning Committee**

A meeting of the Planning Committee will be held on **Wednesday, 22 February 2023** at **6.30pm** in the **Craddock Room, Civic Centre, Riverside, Stafford** to deal with the business as set out on the agenda.

Please note that this meeting will be recorded.

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

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

Head of Law and Administration

## PLANNING COMMITTEE - 22 FEBRUARY 2023

**Chairman - Councillor E G R Jones**

**Vice-Chairman - Councillor P W Jones**

### AGENDA

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

Details of Delegated applications will be circulated separately to Members.

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### MEMBERSHIP

**Chairman - Councillor E G R Jones**

F Beatty  
A G Cooper  
A P Edgeller  
A D Hobbs  
J Hood  
E G R Jones

P W Jones  
B McKeown  
A Nixon  
G P K Pardesi  
C V Trowbridge

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PLANNING COMMITTEE - 22 FEBRUARY 2023

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**Ward Interest - Nil**

**Planning Applications**

*Report of Head of Development*

**Purpose of Report**

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

		<b>Page Nos</b>
<b>22/36122/COU</b>	<b>Land Adjacent 7 Goosemoor, Goosemoor Lane, Goosemoor, Church Eaton, Staffordshire ST20 0BD</b>	4 - 10

The application was called in by  
Councillor M J Winnington

**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:** 22/36122/COU

**Case Officer:** Jessica Allsopp

**Date Registered:** 16 August 2022

**Target Decision Date:** 11 October 2022  
**Extended To:** 23 February 2023

**Address:** Land Adjacent 7 Goosemoor, Goosemoor Lane, Goosemoor, Church Eaton, Staffordshire ST20 0BD

**Ward:** Seighford and Church Eaton

**Parish:** Church Eaton

**Proposal:** Retrospective change of use from domestic curtilage (C3) to private land for storage (B8)

**Applicant:** Mr R Kendall

**Recommendation:** Approve, subject to conditions.

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## **REASON FOR REFERRAL TO COMMITTEE**

This application has been Called In by Councillor M J Winnington (Ward Member for Seighford and Church Eaton) for the following reason:-

"Concern about change of use effect on streetscene and current usage of the site rather than that residents are concerned about change of use effect on streetscene and current usage of the site".

### **Context**

The application site:

The application site forms a small parcel of garden land to the north of 7 Goosemoor Lane measuring around 237m<sup>2</sup>. The land has been sold off from 7 Goosemoor to the applicant and is now separated from the host dwelling.

The land currently has a block built garage and a dilapidated outbuilding and the applicant has erected a 1.8m high fence around the site under permitted development.

The proposal:

The application seeks to gain planning permission for the change of use of this garden land to B8 Storage for private use of the applicant.

## **Officer Assessment - Key Considerations**

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The development plan comprises of The Plan for Stafford Borough 2011-2031, The Plan for Stafford Borough Part 2 2011-2031.

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

Spatial Principle (SP) 7 deals with development outside of the sustainable settlement hierarchy and gives support to proposals where they are consistent with the objectives of SP6, E2 and C5.

SP6 supports the rural sustainability of the Borough and sustaining the social and economic fabric of its communities. Policies E2 and C5 are not relevant to this proposal as it does not form a commercial business or residential development.

It is considered that as the proposed development would form storage for a personal use by the applicant that there would not be harm to the rural character of the surrounding area. The scale and nature of the development is deemed to be acceptable in this location. As this forms the basis for the approval of this application the personal use of this site shall be tied to the applicant via condition. It shall also be conditioned that the application site is not used as a commercial business to protect the residential amenity of the adjacent neighbouring dwellings.

Subject to conditions the principle of development is considered to be acceptable.

Polices and Guidance:-

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

The Plan for Stafford Borough (TPSB) 2011-2031 - Policies SP3 Sustainable Settlement Hierarchy, SP7 Supporting the Location of New Development, C5 Residential Developments outside the Settlement Hierarchy

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

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

The site forms a parcel of land previously used as garden land for 7 Goosemore. The site has an existing block-built garage and a small outbuilding forming a shed. Aerial images show that the applicant has removed the hedgerow serving as the previous boundary treatment and replaced this with a 1.8m high close boarded fence.

It is considered that the close boarded fence surrounding the application site does detract from character of the streetscene of Goosemoor Lane given that the surrounding area features natural stone walls and hedging for boundary treatments. On this basis it is considered that a planting scheme should be submitted to the local planning authority to

provide some screening for the application site. Should permission be granted this would be secured via condition.

As the site shall be used for personal storage for the applicant it is considered that the scale and nature of the development would not exceed that of a standard domestic garden/garage area. This would be conditioned to any planning consent granted.

Policies and Guidance:-

National Planning Policy Framework (NPPF) - Section 12. Achieving well-designed places  
The Plan for Stafford Borough (TPSB) 2011-2031 - Policies N1 Design, N8 Landscape Character

Supplementary Planning Document (SPD) - Design

### **3. Amenity**

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

The application site lies between 7 Goosemoor Lane and Moorfields. It is not considered that the scale and nature of this development would have an adverse impact upon the adjacent neighbouring dwellings. The applicant has stated that the site will be used for personal storage and as such would be no more harmful than any storage of that within a standard domestic garage/outbuilding.

Although concerns have been raised by the neighbouring dwellings in relation to noise and disturbance from the site and concerns over the site being used for a commercial car garage the use of the site as personal storage only by the applicant can be conditioned.

The Environmental Health Officer raised no objection to the development subject to a condition in relation to working hours at the site. The applicant has stated that they do not intend to use this site as a commercial business and as such it is not deemed necessary for working hours to be conditioned under this application as a condition preventing the use of this site as commercial shall in any case be attached to any permission granted.

Policies and Guidance:-

National Planning Policy Framework (NPPF) - Paragraph 130

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

Supplementary Planning Document (SPD) - Design

### **4. Parking and Access**

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

Appendix B of TPSB sets different parking standards, with a B8 storage use of this scale not requiring any onsite parking spaces.

The application site has an existing access that would be utilised for this development. The Highway Authority raises no objection to the application in relation to access or

parking subject to a condition retaining the existing parking facilities and tying the use of the site to the applicant of this application.

Policies and Guidance:-

National Design Guidance (NDG)

National Planning Policy Framework (NPPF) - Section 9. Promoting sustainable transport  
The Plan for Stafford Borough (TPSB) 2011-2031 - Policies T1 Transport, T2 Parking and Manoeuvring Facilities, Appendix B - Car Parking Standards

## **5. Cannock Chase SAC**

Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration to the impact of this development, in this case, due to the relative proximity, on the Cannock Chase SAC. The LPA have completed a Habitats Regulation Assessment which concludes that given the nature and scale of the proposal the development is not considered have an adverse effect upon the integrity of the Cannock Chase SAC. On this basis, it is concluded that the LPA have met its requirements as the competent authority, as required by the Regulations and therefore the proposal will comply with the requirements of the Development Plan and the NPPF in this regard.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs 179-182

The Plan for Stafford Borough (TPSB) 2011-2031

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

## **6. Conclusion**

The proposed change of use is not considered to harm the character of the area or result in undue harm to the residential amenity of any adjacent neighbouring dwellings.

The proposal would not implicate parking or access for this site.

Considering the above it is recommended that permission is granted subject to conditions.

## **Consultations**

Highway Authority:

There are no objections on Highway grounds to the proposed development subject to the following condition being included on any approval:

1. The development hereby permitted shall retain the parking fronting the garage area and gated access to the internal area as shown on Drawing No 101685/KENDAL/001/ PL-02 Revision 1 (Site plan) and shall remain ancillary for the private use of Mr Rob Kendall and shall not be let or leased independently for the lifetime of the development.

**Environmental Health:**

Further to my consultation response of the 20/9/22 I note the following paragraph does refer to tools used for the servicing of vehicles at the proposed.

In the situation where vehicles are serviced at the proposed, it is recommended that hours of working be considered: all works 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.

**Parish Council:**

- Request of condition for personal storage.
- Poor highway network
- Noise and disturbance
- Not in keeping with the character of the area

**Neighbours (3 consulted):**

17 responses received: Material planning considerations summarised below:

- Loss of trees and natural habitats.
- Noise and disturbance.
- Increase to traffic movements.
- Not in keeping with the area.

**Site Notice:**

Expiry date: 05.10.2022

**Relevant Planning History**

None.

**Recommendation**

Approve subject to the following conditions:

1. This permission relates to the originally submitted details and specification and to the following drawings, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence:-  
Drawings - 101685/KENDAL/001/PL-01 Rev. 1, 101685/KENDAL/001/PL-02 Rev. 1, 101685/KENDAL/001/PL-03 Rev. 1, 101685/KENDAL/001/PL-04 Rev. 0,
2. The use hereby permitted shall be for the private use of Mr Rob Kendall only and shall not be let separately or used for business purposes.
3. The site hereby approved shall only be used for the storage of vehicles and private storage of the applicant and shall not be used for any other use for the lifetime of the development.
4. Notwithstanding the details submitted alongside this application, a planting scheme shall be submitted to and approved in writing by the local planning authority provide adequate screening of the site within 1 month of the grant of this permission. The planting scheme shall be carried out within complete accordance with the approved

details within 3 months of the grant of this permission and shall be retained for the lifetime of the development.

5. The development hereby permitted shall retain the parking fronting the garage area and gated access to the internal area as shown on Drawing No 101685/KENDAL/001/ PL-02 Revision 1 (Site plan)

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

1. To define the permission.
2. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).
3. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).
4. To safeguard the character and appearance of the area (Policy N1h of The Plan for Stafford Borough).
5. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).

**22/36122/COU**  
**Land Adjacent 7 Goosemoor**  
**Goosemoor Lane**



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 PLANNING COMMITTEE - 22 FEBRUARY 2023
 

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**Ward Interest - Nil**

### Planning Appeals

*Report of Head of Development*

#### Purpose of Report

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

#### Notified Appeals

Application Reference	Location	Proposal
<b>22/35689/HOU</b> <b>Delegated refusal</b>	The Parlour Bishton Farm Lane	Proposed replacement windows and doors; removal of two kitchen windows and replacement with one full height glazed timber window.
<b>21/33668/COU</b> <b>Delegated Refusal</b>	Land Adjacent to Bower Lane Etchinghill Rugeley	Change of use from agricultural land to a dog exercise area, with associated access track and parking area
<b>21/34512/FUL</b> <b>Delegated refusal</b>	Land At 53 Adamthwaite Drive Blythe Bridge	The construction of a 3 bedroom single storey dwelling. Complete with driveway.
<b>22/35765/FUL</b> <b>Committee refusal</b>	Former University Halls Of Residence Stafford Education And Enterprise Park Weston Road	Change of use from student accommodation to asylum seeker accommodation

**Decided Appeals**

<b>Application Reference</b>	<b>Location</b>	<b>Proposal</b>
<b>22/35819/FUL</b> <b>Appeal Allowed</b>	Blacklake Farm 85 Hilderstone Road Meir Heath Stoke on Trent	Removal of condition 2 (pd rights) on 19/30024/FUL
<b>19/30484/DCON</b> <b>Appeal and Costs Allowed</b>	Land At Silkmore Lane Stafford	Discharge of conditions 4, 6, 10, 11, 16, 17 on application 15/23463/FUL
<b>21/34892/FUL</b> <b>Appeal Dismissed</b>	Land Adjacent Fielden House Stowe Lane Stowe by Chartley	Proposed steel framed agricultural type (timber clad) storage unit.
<b>21/34220/OUT</b> <b>Appeal Dismissed</b>	Land Adjacent The Cottage Church Eaton Road Haughton	Outline Permission sought for the principle of a constructing a new dwelling with all matters reserved
<b>20/32290/FUL</b> <b>Appeal Dismissed</b>	Land Opposite Keepers Cottage Hilcote Lane Chebsey	Outline Permission sought for the principle of a constructing a new dwelling with all matters reserved
<b>21/34793/FUL</b> <b>Appeal Dismissed</b>	Jodiwell Church Lane Croxtton	Proposed replacement of existing two bay implement, equipment and hay barn store with a new three bay implement, equipment and hay barn store building.

**Previous Consideration**

Nil

**Background Papers**

File available in the Development Management Section

**Officer Contact**

John Holmes, Development Manager, 01785 619302



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# Appeal Decision

Site visit made on 10 January 2023

**by A Veevers BA(Hons) PGDip (BCon) MRTPI**

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

**Decision date: 3 February 2023**

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**Appeal Ref: APP/Y3425/W/22/3305738**

**Blacklake Farm, 85 Hilderstone Road, Meir Heath, Stoke On Trent ST3 7NS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Mark Dudley against the decision of Stafford Borough Council.
- The application Ref 22/35819/FUL, dated 1 April 2022, was refused by notice dated 18 August 2022.
- The application sought planning permission for the demolition of existing dwelling and outbuildings and erection of replacement dwelling without complying with a condition attached to planning permission Ref 19/30024/FUL, dated 11 April 2019.
- The condition in dispute is No. 2 which states that: *'Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any other subsequent equivalent order, no development within the following classes of development shall be carried out without the prior approval of the Local Planning Authority:*
  - Schedule 2, Part 1, Class A - enlargement, improvement or other alteration
  - Schedule 2, Part 1, Class B - additions etc to the roof
  - Schedule 2, Part 1, Class C - any other alterations to the roof
  - Schedule 2, Part 1, Class D - porches
  - Schedule 2, Part 1, Class E - buildings etc incidental to the enjoyment of the dwellinghouse.
  - Schedule 2, Part 1, Class F - hard surfaces incidental to the enjoyment of the dwellinghouse
  - Schedule 2, Part 2, Class A - gates, fences, walls etc.'
- The reason given for the condition is: *'To prevent the construction of inappropriate and unnecessary extensions, outbuildings, and other operational development which would harm the openness of the North Staffordshire Green Belt (Paragraph 145 of the National Planning Policy Framework)'.*

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## Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing dwelling and outbuildings and erection of replacement dwelling at Blacklake Farm, 85 Hilderstone Road, Meir Heath, Stoke on Trent ST3 7NS in accordance with application Ref 22/35819/FUL, dated 1 April 2022, without compliance with condition 2 previously imposed on planning permission Ref 19/30024/FUL, dated 11 April 2019 and subject to the conditions in the schedule at the end of this decision.

## Background and Main Issue

2. Planning permission was granted in 2017 for extensions to the original dwelling on the site (Ref: 17/26878/HOU). These were not implemented. Following this,

a further application (Ref:18/28033/FUL) was submitted and permission was granted for the demolition of the original dwelling and outbuildings and erection of a replacement dwelling. Subsequently, a further planning permission was granted to amend the design of the replacement dwelling (Ref:19/30024/FUL). This permission was subject to several conditions, including condition 2, which removes permitted development rights for the enlargement, alteration and improvement of the dwelling and any buildings, hard surfaces, gates, walls or fences within its curtilage. The Council considers this condition to be necessary to protect the openness of the Green Belt.

3. The main issue is therefore whether the condition is reasonable or necessary in the interests of preserving the openness of the Green Belt.

### **Reasons**

4. The appeal site relates to a detached dwelling which sits in a large plot, accessed off Hilderstone Lane. At my site visit, I saw that the replacement dwelling had been completed and was occupied. A substantial area of private outdoor amenity land lies to the rear and includes a pond, with a larger pond lying immediately outside the property boundary, separated by a timber post and rail fence. To the front is a further large area of outdoor space, screened from the main road by a hedge. Other than residential development to the south, a bungalow across the road to the west, and a cricket field to the north, the site lies in a rural setting of open fields and woodland on the edge of Meir Heath, within the Green Belt.
5. I have not been provided with the Council's reports for any of the previous permissions. The officer report for the appeal case sets out that although the replacement dwelling was larger than the original dwelling, the unimplemented planning permission (Ref:2017/ 26878/HOU) for extensions to the original dwelling created a genuine fall-back position which was considered to constitute very special circumstances upon which to allow a materially larger dwelling. However, the Council assert that condition 2 is necessary to restrict any further enlargement of the dwelling or any other buildings within its curtilage in order to preserve the openness of the Green Belt.
6. The National Planning Policy Framework (the Framework) sets out the tests for planning conditions and, at paragraph 54 states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. Planning Practice Guidance (the PPG) states that conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity, and that blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity.
7. Policy SP7 of The Plan for Stafford Borough 2014 (PSB) states that, amongst other things, development within the Green Belt will only be supported where it is consistent with national policies for the control of development. Policy C5.B of the PSB specifically relates to replacement dwellings and this advises that proposals for a replacement dwelling in areas outside a settlement will be supported, provided a number of criteria are met. Criterion f requires the replacement building to be of a similar floor area, volume and massing as the original, whilst respecting the character of the existing site and its

surroundings. Although no PSB policies are referred to in the Council's decision notice, these policies are referred to in the Council's officer report and I find they reflect the approach set out in paragraph 149 of the Framework.

8. The Council indicate that the approved extensions to the original dwelling would have been 25.08sqm larger than the floor area of the replacement dwelling, and I have no substantive reason to question this figure. I have not been provided with any volume calculations regarding the differences between the original dwelling and its replacement, nor any adopted guidelines with regard to limitations on the size of replacement dwellings, although I observed at my site visit that the dwelling now on the site is of significant height.
9. While there has been visible development on the site and wider area historically, the Framework defines the original building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. Consequently, under the provisions of the Framework the replacement dwelling as built should be considered as original, and any future additions would not automatically be disproportionate under the tests at paragraph 149. In any event, the provisions of the Framework would only apply if future development were to require planning permission. For this reason, I am not satisfied that the evidence or planning history of the site given to me provides clear justification to impose a blanket removal of permitted development rights.
10. Condition 2 currently prevents the enlargement, improvement or other alteration of the dwelling, including roof alterations and porches, along with the erection of outbuildings incidental to the enjoyment of the dwellinghouse, creation of hard-surfaces and construction, of gates, fences, walls or other means of enclosure. Such control is too wide ranging and restrictive given what Part 1 permitted development rights now allow.
11. Class A of Part 1 relates to extensions. While there would inevitably be some impact on openness from extensions, the Town and Country Planning (General Permitted Development) Order (the GPDO) does not place a restriction on dwellings within the Green Belt, as it does in other designated areas such as National Parks. The appeal property is one in a cluster of properties on the eastern side of the road. The properties vary in size and scale and display alterations and extensions as well as residential paraphernalia within their gardens and there are various access tracks and boundary treatments. These factors define and limit the degree of openness between the cricket ground to the north and woodland to the south.
12. Extensions permitted under Class A would be attached to the building and would a raising of the height of the dwelling would not be permitted. Furthermore, any significant extensions to the dwelling would still require planning permission. As such, in the context of this site, the effect on the openness of the Green Belt as a consequence of extensions permitted under Class A would be limited.
13. Classes B and C of Part 1 relate to additions and alterations to the roof of a dwellinghouse. Notwithstanding the significant height of the dwelling, extensions or alterations to the roof of the property, which could include the installation of rooflights under Class C, would have little effect on the openness of the Green Belt. Similarly, the erection of a porch under Class D of Part 1 would be a minor addition which would not harm the openness of the Green Belt.

14. Class F relates to hard surfaces and is subject to specific size restrictions. Part 2 Class A relates to means of enclosure and is also subject to size limitations. It is very unlikely that the implementation of these permitted development rights would have a harmful effect on Green Belt openness beyond what is envisaged by the GPDO. I therefore find no compelling justification for removing permitted development rights for these Classes.
15. Based on the evidence before me, and the findings of my site visit, I do not consider that there are circumstances particular to this site to justify a stricter approach to permitted development rights for extensions or alterations to the property than exist on other properties in the Green Belt under Part 1 Classes A, B, C, D or F or Part 2 Class A.
16. Notwithstanding the above, without any control over Part 1 Class E permitted development rights, development could be carried out on up to 50% of the total area of the curtilage, subject to other restrictions. That could result in the erection of substantial outbuildings on the site without the need for planning permission. I saw at the time of my site visit that the property appears to be set within a large plot of land and an outbuilding was already present at the rear of the dwelling. A timber post and rail fence demarcates the plot from open land and a large pond to the rear. As such, given the potential for sizable outbuildings within this space, which would conflict with the fundamental aim of keeping land permanently open, there is a clear justification for development under Class E to be controlled.
17. Accordingly, I consider that a revised condition restricting development under Class E of Part 1 of the GPDO remains reasonable and necessary to preserve the openness of the Green Belt and thereby enable the Council to consider such further proposals in Green Belt terms. As such, the removal of the condition in its entirety would not accord with Policy SP7 of the PSB or the relevant parts of Section 13 of the Framework insofar as they seek to ensure the openness of the Green Belt is preserved.

### **Conditions and Conclusion**

18. For the reasons given above, I conclude that the appeal should be allowed and grant a new planning permission but only insofar as omitting the subject permitted development condition and replacing it with another condition that limits the erection of buildings within the curtilage of the dwelling, under Class E of Part 1 of the GPDO.
19. The guidance in the PPG makes it clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. Conditions relating to details of materials, landscaping, provision of paddock, parking and construction are not needed since the development has already been carried out. As I have no information before me about the status of the other conditions imposed on the original planning permission, I shall impose those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.

*A Veivers*

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:
  - Location Plan 2 (At a scale 1:500) Drawing No. 2d
  - Block Plan 3 (At a scale 1:250) Drawing No. 3c
  - Proposed Elevations (At a scale 1:100) Drawing No. 5b
  - Proposed Floor Plans (At a scale 1:50) Drawing No. 4b
  - Proposed Gates (At a scale 1:10) Drawing No. 5
  - Boundary Plan (At a scale 1:250) Drawing No. 7a
  - Visibility Splay Plan (At a scale 1:1250) Drawing No. 8
- 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development shall be carried out under Class E of Schedule 2, Part 1.
- 3) Notwithstanding any description/details in the application documents, the extent of the defined residential curtilage of the replacement dwelling is shown outlined in green on drawing SBC1.
- 4) Notwithstanding any description/details in the application documents, the two (southeast) side-facing, first floor windows serving bedroom 1 as shown on drawings no. 4b & 5b shall be obscure glazed and non-opening up to 1.7m in height above floor level and shall thereafter be retained as such.
- 5) The vehicle access visibility splays under application 18/28694/DCON shall be kept free of all obstructions to visibility over a height of 600mm above the adjacent carriageway level.
- 6) The access drive rear of the public highway shall be retained hereafter in a surfaced of bound and porous material for a minimum distance of 5m back from the site boundary.
- 7) Any gates shall be located a minimum of 5m rear of the carriageway boundary and shall open away from the highway.
- 8) All works shall be carried out in complete accordance with the recommendations of the Ecological Appraisal (reference RSE\_316\_01-V3) and Working Method Statement (reference RSE\_316\_WMS\_V2) by Ramm Sanderson.
- 9) No external means of illumination, including security lights, shall be installed on the development hereby permitted without the prior written consent of the Local Planning Authority.

END



## Appeal Decision

Site visit made on 20 December 2022

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

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

**Decision date: 13 January 2023**

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**Appeal Ref: APP/Y3425/W/22/3300824**

**Land at Silkmore Lane, Stafford, Staffordshire ST17 4JD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
  - The appeal is made by Mr William Harp, Harixon Ltd, against the decision of Stafford Borough Council.
  - The application Ref 19/30484/DCON, dated 26 April 2019, sought approval of details pursuant to conditions Nos. 4,6,10,11,16,17 of a planning permission Ref 15/23463/FUL granted on 25 May 2016.
  - The application was refused in respect of condition 11 by notice dated 10 December 2021.
  - The development proposed is a residential care home (Use Class C2).
  - The details for which approval is sought is a detailed surface water drainage scheme.
- 

### Decision

1. The appeal is allowed, and the details submitted are approved, namely a detailed surface water drainage scheme for the site, in pursuance of condition 11 attached to planning permission Ref 15/23463/FUL, dated 25 May 2016.

### Application for costs

2. An application for costs was made by the appellant against the Council. This is the subject of a separate Decision.

### Preliminary Matters

3. Despite the length of time since planning permission was granted, the Council has confirmed that this discharge of conditions application is valid as in its view some works have commenced on site and the application was submitted before the expiry date of the planning permission (the original permission). The Council has discharged the conditions under application Ref 19/30484/DCON, with the exception of Condition 11 which is the subject of this appeal. This relates to the submission of a detailed surface water drainage scheme for the site and reads as follows:

*Condition No. 11: No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme must be based on the design parameters and proposed strategy set out in the Drainage Design Documents (13/03/2016) and Additional information (01/04/2016). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:*

- *Surface water drainage system(s) designed in accordance with the non-statutory technical standards for sustainable drainage system (DEFRA, March 2015).*
  - *SuDS design to include 30,000 litre rainwater harvesting tank, up to 70,000l attenuation tanks, permeable paving, water butts, and planters to function as rain gardens.*
  - *Infiltration testing to BRE365 to determine whether infiltration will be feasible, in accordance with the drainage hierarchy.*
  - *Limiting the discharge rate generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm to 5/s in total, to be discharged to the existing surface water sewer connection.*
  - *Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.*
  - *Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.*
  - *Provision of an acceptable management and maintenance plan for surface water drainage to ensure continued performance of the system for the lifetime of the development. This should include a schedule of required maintenance activities, frequencies, and contact details for the organisation responsible for carrying out these duties.*
  - *Finished floor levels to be set at a minimum of 150mm above existing ground levels.*
4. The reason given for this condition, as set out in the decision notice for Ref 15/23463/FUL is to prevent flooding by ensuring the satisfactory storage of /disposal of surface water from the site (Policy N2 of The Plan for Stafford Borough).
5. The Council has stated that, following advice from the Lead Local Flood Authority (LFA), the information received in order to discharge condition 11 is considered insufficient and the application to discharge that condition has been refused. Although the Council has provided little evidence as to what information is insufficient, it is apparent that the Council's refusal of condition 11 is related to concerns as to whether condition 13 can be complied with and it is attempting to link the two.
6. Condition 13 of the original permission requires the development to be carried out in accordance with the flood risk assessment and mitigation measures which were approved as part of the original permission. The Council has confirmed that this is a compliance condition for which no further information is required to be submitted for approval. However, since the original permission, significant flooding events have resulted in the revision of the Environment Agency Flood Zones. The appeal site area now lies primarily in Flood Zone 3(b) stated as being a functional flood plain with the highest probability of flooding. The LFA consider that circumstances have changed since the original permission and that the approved site layout would not be permissible as the flood risk and vulnerability of the site has increased. The LFA has advised the Council that the site is no longer in compliance with the requirements stipulated in condition 13, hence it is advising that the details referred to in condition 13 need to be revised before the details to discharge condition 11 can be considered by them.

7. Planning permission was granted in 2016 based on the flood zones and documentation submitted with the application at that time. The layout has been approved (pursuant to condition 2, approved plans condition) and the documentation referred to in condition 13 has also been approved. Regardless of the Council's concern as to whether condition 13 can be complied with, in my view, condition 11 is solely related to a scheme for surface water drainage of the site itself (based on the approved documentation) and is therefore independent of condition 13. Condition 13 is therefore not relevant to the appeal before me, and I will therefore focus solely on the adequacy of the information submitted in relation to condition 11.

### **Main Issue**

8. The main issue is whether the details submitted in respect of the surface water drainage scheme for the site meet the requirements of condition 11 with regard to flooding.

### **Reasons**

9. The development approved under the original permission would involve the erection of a residential care home. The LFA consultation on the original planning application stated that based on the drainage strategy and design parameters established in the submitted documents, an acceptable drainage design could be achieved within the proposed development. Condition 11 was added to the permission at the request of the LFA and requires a detailed surface water drainage scheme for the site to be submitted and approved in writing.
10. In seeking to discharge condition 11, the appellant provided additional information in response to the LFA's requests between 2019 and 2021, but the LFA consistently advised that the information submitted was insufficient to enable its discharge. Although the Council issued its decision notice in respect of the Discharge of Condition application in October 2019, addressing the other conditions, it continued to accept further details in respect of condition 11 in an effort to resolve the matter until it was ultimately refused in December 2021.
11. The appellant instructed a second drainage designer to provide a new drainage design drawing, schedules, micro drainage simulation and a drainage maintenance and management plan in February 2021. The appellant states that they have now addressed all of the requirements of condition 11 and for the sake of completeness this has been provided in Appendix 27 of their appeal statement, together with copies of correspondence between the appellant and the Council/LFA. This view is confirmed in the appellant's rebuttal statement submitted by Betts Hydrology.
12. Beyond saying that the information submitted to discharge condition 11 is inadequate, neither the Council nor the LFA in their appeal statements have provided any indication as to the adequacy of the submitted information to discharge condition 11. Instead, they have focussed on the LFA's concerns as to whether condition 13 can be complied with and endeavoured to link this to condition 11. As I have stated above, condition 13 is a separate matter to the discharge of condition 11.
13. I accept that the documents referred to in condition 11 show plans with the 1 in 100-year flood outline shown and development being located outside this

flood outline and that the LFA considers that the drainage strategy should now take into account the Flood Zone changes. However, as I have already stated, permission has been granted for the development and it was based on the flood risk associated with the site at the time that the permission was approved. The drainage strategy must, therefore, be required to comply with the information applicable at the date of the planning permission and it would be unreasonable to change the supporting documentation which is clearly identified in the permission. Condition 11 does not need to consider the subsequent changes to the Flood Zones.

14. Neither the Council nor LFA has provided adequate evidence to explain why the information submitted to discharge condition 11 is inadequate to prevent the flooding of the site by ensuring the satisfactory storage of /disposal of surface water, and I have no other evidence to suggest that it isn't. Therefore, in the absence of anything to suggest to the contrary, I conclude that the details submitted are sufficient and acceptable for condition 11 to be discharged.

### **Other Matters**

15. The Environment Agency has registered their objection to a more recent planning application on this site for a care home on the basis that the site is now located within Flood Zone 3b. However, the appeal before me is for a development which already has permission and at the time in granting permission the Council, based on the advice of its consultees, considered that the location and flood risk was acceptable and attached relevant conditions. The comments in relation to this development therefore have little relevance to the appeal before me.

### **Conclusion**

16. For the reasons set out above, I conclude that the appeal should be allowed.

*G Bayliss*

INSPECTOR



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## Costs Decision

Site visit made on 20 December 2022

by **G C Bayliss BA MA MA MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 13 January 2023

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### **Costs application in relation to Appeal Ref: APP/Y3425/W/22/3300824 Land at Silkmore Lane, Stafford, Staffordshire ST17 4JD**

- 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 Mr William Harp, Harixon Ltd, for a full award of costs against Stafford Borough Council.
  - The appeal was against the refusal of an application to discharge condition 11 of a planning permission for a residential care home.
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### **Decision**

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

### **Reasons**

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The PPG makes it clear that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The appellant states that when refusing the application, the Council failed to specify in what respect the submitted information in relation to condition 11 was insufficient, thereby failing to substantiate the reason for refusal. Furthermore, they state that the Council, at the Lead Local Flood Authority's request, referred to condition 13 in the decision notice. This is a compliance condition, and it was unreasonable and potentially unlawful for the Council to insist on the submission of information relating to this separate condition before it determined condition 11. It was also unreasonable to refuse to discharge condition 11 based on the changes to the flood zones since the determination of the planning permission. The appellant regards the Council's conduct as tantamount to seeking to frustrate the implementation of the planning permission which it had granted. They state that they addressed all of the requirements of condition 11 and that it should have been discharged.
5. The LFA is a statutory consultee and, as experts on drainage and flood risk, the Council should give significant weight to their comments. However, the Council acknowledged that condition 13 did not require any further information to be submitted and that it did not need to be discharged. They also suggested that even in relation to the changed Flood Zones, it would be unreasonable to

request further information in relation to this condition and that condition 11 could be dealt with separately. However, despite this, it is evident to me that the Council continued to act on the advice of the LFA to link the two conditions. They requested the applicant re-visit the approved documentation referred to in condition 13 following the revision of the Flood Zones and to review the site layout. It is therefore apparent that because the information relating to condition 13 was not revised by the appellant, condition 11 would not be discharged. For the reasons set out in my appeal decision, I have concluded that condition 11 is separate to condition 13 and in determining this application the Council should have solely focussed on whether the applicant's submitted details were adequate to discharge condition 11.

6. From the evidence before me, the appellant responded to the requests for more information from the Council and LFA regarding condition 11 over a significant period which also involved them appointing a second drainage designer. Although the evidence suggests that early on the LFA gave advice as to what further information was required, latterly the LFA focussed on the changes to the Flood Zones and that the documents associated with condition 13 should be addressed first. Ultimately, the Council refused the application to discharge condition 11 but provided no explanation as to why the information submitted was inadequate.
7. Failure to substantiate the reason for refusing the application to discharge the condition and the attempt to link the conditions amounts to unreasonable behaviour. As a result, the appellant has incurred unnecessary and wasted costs in pursuing the appeal. These include the costs of pursuing the appeal, commissioning consultants to provide technical advice and seeking Counsel's opinion.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that an award of costs is justified.

### **Costs Order**

9. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Stafford Borough Council shall pay to Mr William Harp, Harixon Ltd, the costs of the appeal proceedings described in the heading of this decision.
10. The applicant is now invited to submit to Stafford Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

*G Bayliss*

INSPECTOR



## Appeal Decision

Site visit made on 20 December 2022

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

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

**Decision date: 17 January 2023**

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**Appeal Ref: APP/Y3425/W/22/3304658**

**Fielden House, Stowe Lane, Stowe-By-Chartley, Stafford, Staffordshire ST18 0NA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Robert & Felicity Harris against the decision of Stafford Borough Council.
  - The application Ref 21/34892/FUL, dated 28 September 2021, was refused by notice dated 27 May 2022.
  - The development proposed is described as a proposed steel framed agricultural type (timber clad) storage unit.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The application was originally made on a Householder Application form, dated 2 July 2021. However, at the request of the Council, an application for Full Planning Permission was made as in its view the site lies outside the domestic curtilage. I have considered the appeal on this basis and used the date of the Full application in the banner heading above.
3. Since the determination of the planning application, the appellants have secured a lease on an additional 0.45 hectares of agricultural land adjoining the appeal site. In addition, the appellants state that they now have 11 sheep, and that it is their intention to increase numbers further and to supply meat to local businesses. Although these matters did not form part of the planning application, under the 'Wheatcroft Principles' established under *Bernard Wheatcroft Ltd v SSE 1982*, this additional information does not fundamentally change the nature of the proposal. For this reason, as well as noting that the Council were able to consider this additional information before the submission of their appeal statement, I consider that no other interests would be prejudiced by my accepting of this information.

### Main Issues

4. The main issues are:
  - Whether the proposed development would be essential to meet an agricultural need; and
  - The effect of the proposed development on the character and appearance of the surrounding area.

## Reasons

### *Agricultural need*

5. Fielden House lies on the edge of the settlement of Stowe-by-Chartley. The appeal site comprises an agricultural field of just over half a hectare adjoining the southern curtilage of Fielden House, in the appellants' ownership, and the additional leased agricultural land which extends up to Drointon Lane. The total area of agricultural land subject to this appeal is just over 1 hectare.
6. The proposed storage building would be located within the agricultural field owned by the applicants. It is described as a hobby farming storage building intended to provide secure storage for machinery, tools, lambing pens, feed and bedding associated with the maintenance of the land and keeping of sheep. At the time of my visit, there were 4 sheep on the land, a timber field shelter adjoined one of the field boundaries and a concrete base had been constructed on the site of the proposed building. A block-paved area of hardstanding connected the concrete base to a drive within the residential curtilage.
7. The site lies outside of the domestic curtilage of Fielden House and any established settlement boundaries and is therefore considered to be in open countryside. Policy SP7 of the Plan for Stafford Borough (2014) (PSB) states that in the countryside the proposed development must be consistent with the objectives of Policies SP6 and E2.
8. PSB Policy SP6 seeks to support rural sustainability by protecting and enhancing its environmental assets and character whilst sustaining the social and economic fabric of its communities. This can include promoting the rural economy. PSB Policy E2 relates to new development in rural areas and whilst generally a restrictive policy, it encourages, amongst other things, provision for the essential operational needs of agriculture or rural businesses.
9. Although the appellants intend to build up the number of sheep over a period of time and to supply meat to local businesses, this is currently a small-scale activity which is described by the appellants as a hobby; and they accept that they have minimal experience of livestock farming. The statement of agricultural need confirms that the building would support recreational sheeping, together with the storage of land maintenance equipment, and there would be no employment associated with this activity. No evidence of an agricultural holding number has been submitted or to demonstrate the operation of an agricultural business. The small number of sheep seen on site and referred to in the documentation demonstrates the small scale of the activity.
10. The appellants may well have aspirational ambitions to grow the scale of the operation, but there is currently no evidence of an agricultural business operating and no details before me to demonstrate how and when any scaling up would occur. The appellants comment that limiting growth of rural livestock enterprise farming would be to the detriment of the local community and failing to support the proposal offers no scope for the farming activity to expand. However, this is currently a hobby/recreational activity and the proposed building in this location would not be essential for the operational needs of agriculture or to support a rural business. Instead, it would be an activity ancillary to the residential use and would not therefore be supported in this location. It would also result in the loss of agricultural land.

11. The building, with a floor area of 80 sqm and a ridge height of 4.2m, would be clad in timber with a metal pitched roof. No openings are identified on the drawings apart from a steel roller-shutter door and pedestrian access in one gable end, and rooflights.
12. The statement of agricultural need details the equipment and machinery to be stored within the proposed building and indicates that it would be used seasonally for lambing. However, this would be a large building and there is no floorplan to demonstrate how the items identified would be laid out to justify its size. From the evidence before me, its size would be excessive. Furthermore, although the design specifies natural inlet ventilation at high level, there is an apparent absence of meaningful ventilation to make it readily suitable for the storage of feed and bedding. Although I accept that additional ventilation could be provided, the building is not designed for this purpose and there are no details as to how it could be adapted. It would therefore be of excessive scale in relation to the proposed use and would not be designed for its purpose.
13. The storage of machinery within the building may well reduce the need for additional machinery to be brought on to the site, which may cause some disturbance to surrounding residents and have highway implications. However, there is little evidence as to what machinery this would be, why it would be disruptive or how often this would occur.
14. The appellants assert that the statement of agricultural need was not adequately considered by the Council or distributed to consultees. However, it is apparent that the Council and its consultees were fully aware of the nature of the proposal based on the Council officer's report and the comments submitted. The Council suggested relocating the proposed building to the residential curtilage of the dwelling. In this regard, whilst impacts on the surrounding area might be different, it may be subject to different planning policies which could be discussed with the Council.
15. To conclude, there is no essential agricultural need for the building with regard to its location, scale and appropriateness of design. It would therefore be in conflict with PSB Policies SP6, SP7 and E2. It would also conflict with the principles of sustainable development in the National Planning Policy Framework (2021) (the Framework).

#### *Character and appearance*

16. The proposed building would be viewed in conjunction with several 2-storey dwellings of modest size which front Stowe Lane, together with their associated outbuildings. The proposal would also be seen alongside Fielden House which is a large, detached dwelling with a range of outbuildings of varying scale and form within its landscaped grounds. Given the nature of the surrounding buildings, the proposed scale and form of the proposed building would not be discordant or out of keeping with them. Furthermore, there is insufficient evidence to demonstrate that the proposed building would be prominent within the streetscene of Stowe Lane. In my view, the dwellings and outbuildings fronting Stowe Lane would largely screen any direct views of the proposal and to either side of these dwellings, the hedgerows, planting and mature trees along the lane would effectively restrict longer-range views. Furthermore, the timber cladding and a green colour would help the proposed building assimilate within its context. In this regard, it would have no detrimental impact on the Stowe Lane streetscene.

17. Consequently, the proposed development would have no harmful effect on the character and appearance of the surrounding area, and it would accord with PSB Policy N1 and paragraph 130 of the Framework which require new development to be of a design which is considerate to its local context.

### **Other Matters**

18. The appeal site lies near to the Cannock Chase Special Area of Conservation (SAC), which is a European designated site. Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority have completed a Habitats Regulation Assessment which concludes that given the nature and scale of the proposal the development is not considered to have an adverse effect upon the integrity of the Cannock Chase SAC.

19. If the circumstances leading to a grant of permission had been present, I would have given further consideration to this in accordance with the Habitats Regulations. However, as I am dismissing the appeal on the main issues above, I have not found it necessary to consider this matter any further as it would not alter my decision.

20. The appellants question whether appropriate certificates were requested by the Council and whether it determined the application in a proper manner. However, this is a matter for the Council and has no bearing on my assessment of the planning merits of the case.

### **Conclusion**

21. Whilst I have found no harm to the character and appearance of the surrounding area, I have identified that there is no essential agricultural need for the building with regard to its location, scale and appropriateness of design.

22. For the reasons given above, the proposal 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 is dismissed.

*G Bayliss*

INSPECTOR



## Appeal Decision

Site visit made on 25 November 2022

**by K Savage BA(Hons) MPlan MRTPI**

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

**Decision date: 27 January 2023**

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**Appeal Ref: APP/Y3425/W/22/3299894**

**Land adj The Cottage, Church Eaton Road, Haughton ST18 9JG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr & Mrs M Hipwell against the decision of Stafford Borough Council.
  - The application Ref 21/34220/OUT, dated 15 April 2021, was refused by notice dated 10 March 2022.
  - The development proposed is a dwelling with all matters reserved.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The application was made in outline with all matters reserved. As such, I have treated details shown on plans as indicative. However, the Planning Practice Guidance stipulates that where access is a reserved matter, the approximate location of the access must be given. Therefore, I have considered the appeal on the basis that the access would be located as shown on the submitted plans.
3. The site address is variously referred to as Church Eaton Road and Jolt Lane, but I note the main parties have agreed to use Church Eaton Road. I have done the same, whilst treating references to both road names as meaning the same stretch of road where the appeal site is located.
4. The appellants signalled an intention to seek an award of costs against the Council, but no grounds for costs were subsequently put forward and therefore I have not addressed this further.

### Main Issue

5. The main issue is whether the proposal would represent a suitable location for housing, having regard to relevant local and national planning policy and guidance, and other material considerations.

### Reasons

6. The appeal site is located on Church Eaton Road which leads out of the village of Haughton to the south. It comprises a paddock stated to be agricultural land, which is under the same ownership as an adjacent dwelling, The Cottage. A detached dwelling is proposed within a plot to the northern end of the paddock. The settlement boundary for Haughton runs along the northern boundary of the appeal site. Therefore, the site is adjacent to, but outside of, the settlement boundary for the purposes of the development plan.

7. The development plan is the Plan for Stafford Borough 2011-2031 (Part 1 adopted June 2014, Part 2 adopted January 2017). Spatial Principles 3 and 4 set out the sustainable settlement hierarchy and distribution of housing growth for the borough, with the majority of development directed first to the County Town of Stafford (70%), followed by the Market Town of Stone (10%) and then the eleven Key Service Villages (12%), which include Haughton. The remaining 8% of development is to be directed to the rest of the borough.
8. Spatial Principle 6 supports appropriate rural housing schemes to achieve sustainable communities. Spatial Principle 7 (SP7) sets criteria for establishing settlement boundaries for the named settlements in the hierarchy, and for supporting proposals outside of these boundaries. Policy C5, in particular Part A, sets out detailed criteria for new residential development outside of the settlement hierarchy, including demonstrating that provision cannot be accommodated within the settlement hierarchy; demonstrating local need through provision of a parish based local housing needs assessment; and demonstrating that development is of a high quality design that reflects the setting, form and character of the locality and surrounding landscape.
9. The Council argues that the proposal does not meet the criteria of Policy C5(A) as no evidence has been provided that alternative sites have been considered within the settlement hierarchy and no evidence of local need has been adduced. The appellants counter that the site should be considered as part of the village and that there is a lack of suitable sites within the settlement boundary of Haughton. The appellants also point to the need for bungalows locally and nationally and their personal need to move to a single level home.
10. The appellants argue, with reference to the Court of Appeal judgement in *Julian Wood*<sup>1</sup>, that the settlement boundary of Houghton is not determinative in this case as the village actually extends beyond the boundary along Church Eaton Road. However, that case related specifically to the relevance of the settlement boundary to application of national Green Belt policy, due to there being no definition of a 'village' in the National Planning Policy Framework (the Framework). In my view, this differs from the use of settlement boundaries to define the applicability of settlement strategy policies in an adopted development plan. The principle of settlement boundaries as a planning tool is well-established, with the criteria explicitly set out under SP7, and the purpose of the boundaries made clear at Paragraph 6.64 in that 'a different approach to development is implemented on either side,' with a presumption in favour of housing within the boundary, but this principle being reversed outside of the boundary, with only small scale development accepted in exceptional, tightly controlled cases as defined by the plan's policies.
11. Moreover, despite the appellants' assertions that the appeal site would satisfy the criteria of SP7 for inclusion within the settlement boundary, that is a separate exercise beyond the scope of this appeal, and it is not for me to question or re-visit the methodology employed by the Council in establishing its settlement boundaries, for which I have no substantive evidence in any event.
12. This aside, I saw that the settlement boundary is tightly drawn on all sides of Haughton around what is a compact and contiguous village layout. Once beyond the boundary, there are immediate and extensive gaps between what

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<sup>1</sup> Julian Wood v The Secretary of State for Communities and Local Government, Gravesham Borough Council EWCA Civ 195 - 9 February 2015

is sporadic development along Church Eaton Road that is surrounded by open countryside. I recognise that those living along Church Eaton Road, including the appellants, may consider themselves 'in the village' and postal addresses may include Haughton, but this does not alter the fact that the appeal site lies outside of the defined settlement boundary. Ultimately, my observations do not lead me to support the appellants' view that the appeal site, or development further to the south, should be considered as being within the settlement boundary, such that different policy requirements should be applied, or that the settlement boundary should be considered 'out-of-date' because of perceived differences between the defined boundary and what is considered to be the village 'on the ground'.

13. Rather, the settlement boundary reflects a clear differentiation between the contiguous built form of the village, where development is encouraged, and sporadic countryside development beyond, where the range of permitted development is more limited, reflecting the balanced approach of the Framework between ensuring growth in rural areas and recognising the intrinsic character and beauty of the countryside. In essence, the appellants seek to reduce the importance of the settlement boundary in favour of other considerations, in particular the proximity of the appeal site to the settlement. However, to downgrade the relevance of the settlement boundary, and by extension certain development plan policies and the overall settlement strategy, when these have not been shown to be out-of-date would undermine the primacy of the plan-led system. Therefore, taking all of these considerations together, I find that the site lies in the open countryside for the purposes of applying development plan policy, in particular Policy C5.
14. The first test of Policy C5(A) is to demonstrate that development cannot be accommodated within the settlement hierarchy. I note the contention that no available sites exist within Haughton, a village expected to take a greater share of development within the KSV tier of the hierarchy due to Green Belt restrictions around some other KSVs. Reference is made to paragraph 6.40 of the PFSB where it is acknowledged that development in KSVs '*will need to be provided, generally, outside of the existing built up areas because [there are] insufficient infill sites identified to deliver the scale of new development required in most of the settlements.*' However, the built up areas of these settlements are not necessarily contiguous with their settlement boundaries, and this does not imply to me unequivocal support for proposals beyond the settlement boundaries, other than those specifically provided for under SP7 and Policy C5 and where the requirements of those policies are met.
15. Even if I were to accept the appellants' position that no suitable sites exist in Haughton, the policy requirement is not limited to the nearest settlement, but applies to the overall settlement hierarchy. No evidence has been adduced to show that suitable sites are not available in other settlements, some of which, such as Gnosall and the outskirts of Stafford, are less than 3 miles away. Therefore, I find that this requirement of Policy C5 has not been met.
16. Turning to the second test, no parish-based Local Housing Needs Assessment has been provided by the appellants, who instead refer to their longstanding residence in the area, and to a desire to remain there in a dwelling that meets their changing needs as they grow older. The appellants also point to a lack of available bungalows in Haughton and to the low numbers of new bungalows being built nationally. Whilst recognising the appellants' circumstances, these

are personal aspirations and not substantive evidence of local need. The evidence of a lack of available properties is also limited to two snapshots in time, with a lack of detail as to the exact parameters of the search or whether other forms of housing were considered. No local needs assessment in the form required by Policy C5 has been submitted, and so it has not been demonstrated that a local need for housing outside the settlement boundary exists.

17. In reaching this view, I have noted that the Council sets out that it can demonstrate in excess of a five year supply of deliverable housing sites, and that as of 31 March 2021, combined housing completions and commitments already exceed its overall housing target of 10,000 dwellings for the plan period, such that it is not necessary to release further greenfield sites for development. The appellants do not dispute the Council's overall housing position, but they point to the Council's latest Annual Monitoring Report showing delivery of 11% of housing in KSVs against a 12% target over the plan period as evidence of a need for additional housing to balance the figures. However, a shortfall of one percentage point is not significant, and does not indicate to me a cause for serious concern, particularly as the Council's overall delivery of housing is on or above target. In any event, delivery of a dwelling on the appeal site would not count towards the KSV shortfall as it would be located outside of the settlement boundary.
18. The third test of Policy C5 is that development is of a high quality design that reflects the setting, form and character of the locality and the surrounding landscape. As an outline application, the details submitted are only illustrative. Whilst not expressly refusing the application in these respects, I note concern from the Council in terms of the loss of the existing agricultural character to a domestic one, and potential loss or degradation of the existing hedgerow along the roadside boundary to form the access and provide adequate visibility splays. However, I recognise that it would be open to the appellants' to address these issues through detailed design and landscaping plans at reserved matters stage were outline permission to be granted. As such, I find no conflict with this part of the policy at this stage.
19. Overall, I do not read the aforementioned development plan policies as being permissive of market residential development within the open countryside outside of the named settlements within the hierarchy. In my view, the identified conflicts with SP7 and Policy C5 mean that, overall, the proposal is not in conformity with the spatial strategy and so does not meet with the overall aims of the development plan in achieving sustainable development. Given the importance of the spatial strategy to the overall aims of the development plan, the identified policy conflicts mean that there would be conflict with the development plan read as a whole.
20. I address various benefits of the scheme below which are to be weighed in the planning balance, but on this main issue, I conclude that the proposal is in conflict with the requirements of Spatial Policies 3, 4, 6 and 7 and Policy C5 of the PFSB. Moreover, I find that the aforementioned policies, taken together, are consistent with the Framework and should be afforded significant weight in the assessment of the proposal.

#### *Other Material Considerations*

21. Based on the evidence before me, there is no demonstrable need for housing arising as a result of the Council's housing land supply position, and the

presumption in favour of sustainable development of Paragraph 11 of the Framework is not triggered on this basis. I recognise that the delivery of a single dwelling would nevertheless be a benefit in that it would add to the borough's housing stock, and would help address a stated shortfall in bungalow development. However, given the small scale of the development and the Council's overall housing position, these benefits would attract only limited weight in favour of the proposal.

22. There would also be economic benefits from the construction of the dwelling, though these would be temporary, and from future residents' support of local facilities and services which would go some way towards the Framework aim of maintaining the vitality of rural communities. However, these would also be modest in scale and would attract no more than limited weight in the planning balance.
23. The Council did not refuse permission in respect of other matters, such as the effect on neighbour's living conditions, highway safety, trees and archaeology. The absence of harm in these respects means they are neutral factors in the overall planning balance.
24. At appeal stage, the Council has indicated that it has introduced a new requirement for a financial contribution to mitigate effects on Cannock Chase Special Area of Conservation (SAC), to be sought from development for new dwellings falling within a 15km zone of the SAC. However, I have no other information from the Council which underpins this requirement, and therefore have little basis to find it necessary to make the development acceptable in planning terms. Whilst the effect on a SAC is a material consideration, given my findings on the main issue of the appeal, the circumstances that could have led to the granting of planning permission are not present. Therefore, it is not necessary for me to further consider this matter as, even if it were found to be acceptable, it would be no more than a neutral factor in the overall planning balance and so would not alter the outcome of the appeal.

## **Conclusion**

25. The starting point for decision-making is the development plan. The Framework makes it clear that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. For the reasons set out above, I have found there would be conflict with the development plan, taken as a whole. I afford significant weight to this conflict.
26. I do not find that the identified benefits, taken together, are sufficient to outweigh the development plan conflict that I have identified. I conclude that the development would not be in a suitable location for housing having regard to the housing strategy for the area. This is a matter of overriding concern and, therefore, I conclude that the appeal should be dismissed.

*K Savage*

INSPECTOR



## Appeal Decision

Site visit made on 21 November 2022

**by M Ollerenshaw BSc (Hons) MTPI MRTPI**

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

**Decision date: 18 January 2023**

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**Appeal Ref: APP/Y3425/W/22/3302167**

**Land Opposite Keepers Cottage, Hilcote Lane, Chebsey, Stafford ST21 6JX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr P Holme against the decision of Stafford Borough Council.
  - The application Ref 20/32290/FUL, dated 24 April 2020, was refused by notice dated 30 March 2022.
  - The development proposed is the siting of a temporary caravan for tourism use.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are whether the location of the proposal would be appropriate having regard to relevant local planning policies relating to tourism development; and the effect of the proposal on the character and appearance of the area.

### Reasons

#### *Location*

3. The appeal site relates to a rectangular parcel of land on Hilcote Lane opposite Keepers Cottage and close to the junction with Stone Road. For planning purposes, the site is located within designated countryside.
4. Policy E2 of The Plan for Stafford Borough (PSB) supports various types of sustainable rural development outside settlements identified in the Spatial Principle SP3, subject to satisfying certain criteria. Criterion (vii) firstly requires facilities for tourism in the rural area to be consistent with PSB Policy E6.
5. Policy E6 seeks to promote opportunities for tourism and new visitor accommodation where it can be demonstrated, through a business case, that the use can be sustained in the long-term. Criterion (e) requires tourism opportunities in the rural area to sustain the local economy in accordance with Policy E2 and provided they are sensitively designed and not detrimental to the natural environment or local amenity. Criterion (f) supports opportunities that reduce the carbon footprint of development and promote sustainable tourism.
6. Policy E2 permits appropriate uses subject to meeting another list of criteria, including criterion (f) which requires the building to be well related to an existing settlement and have access to local services and/or is close to a regular public transport service to the hierarchy of settlements identified in Spatial Policy SP3 or those outside the Borough.

7. These policies are broadly consistent with paragraph 84 of the National Planning Policy Framework (the Framework) which supports a prosperous rural economy and sustainable growth of all types of businesses in rural areas, including through sustainable rural tourism and leisure developments which respect the character of the countryside.
8. The appellant has submitted a business case which sets out the need for the proposal. It is argued that there are no more than a number of bed and breakfast facilities within the nearby settlement of Eccleshall and no independent stand-alone accommodation, but I have seen no substantive evidence to demonstrate this. The appellant contends that the research by Christine King from 2018, which examined the economic impact of tourism within the Borough, indicates a demand for the proposal which is likely to have increased in light of the Covid-19 pandemic. However, that research is now quite dated and is clearly not specific to the appeal site or to the type of accommodation proposed. The appellant also refers to the comments of the Council's Senior Investment Manager in relation to an application for the siting of three shepherd's huts elsewhere in the Borough<sup>1</sup>, but those comments relate to tourism in the Borough in general terms. There is no detailed evidence before me to show that there is demand for the proposed accommodation in this particular location.
9. The appellant's business case provides information on the initial set-up costs of the proposal and projected annual income. However, there is little detail as to how the figures have been derived. There is little breakdown or itemisation of the costs and it is not clear that the plan comprehensively takes into account all business costs including, for example, advertising. It is unclear how the stated occupancy levels would be achieved and over what timescale. Whilst there are some tourism attractions in the area, there is no indication that detailed research has been carried out to identify the target market. Thus, whilst Policy E6 seeks to promote opportunities for tourism and recreation uses, on the basis of the evidence before me, I cannot be satisfied that the proposal would be sustained in the long-term.
10. In terms of accessibility, Eccleshall has a range of services and facilities. However, the majority of those appear to be within the town centre itself which is around a 1.5km walk from the appeal site via Stone Road, which is unlit for much of its length and is subject to a speed limit of 60mph. The final 200m in the direction of the site is devoid of segregated footpaths. In these circumstances, I consider that walking or cycling from the site to the services and facilities in Eccleshall is unlikely to be an attractive proposition, particularly in poor weather or during the hours of darkness.
11. The appellant refers to nearby bus stops and a bus service which provides access to Eccleshall. However, the details provided indicate that the service only operates until the late afternoon on Monday to Friday and not at all on Saturday and Sunday. Given this, the bus service would be unlikely to prove a more convenient option than the private car. In this respect, I note that the plans indicate parking for three cars within the appeal site. Therefore, whilst I accept that in many instances rural tourism proposals will be located in the countryside, in this particular instance I consider that the proposal would be in a location with poor accessibility to services and facilities and that visitors

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<sup>1</sup> Council ref. 21/34640/COU

would be likely to be largely dependent on the use of the private car to access services and facilities, which is the least sustainable travel option. The proposal would not therefore support opportunities to reduce the carbon footprint of the development and promote sustainable tourism in accordance with Policy E6 (f).

12. Furthermore, there is no indication before me that the appellant has explored the possibility of making use of suitable existing buildings or previously developed land before proposing new buildings or development of greenfield land in accordance with Policy E2 (a).
13. For the above reasons, I conclude that the appeal site would not represent a suitable location for the proposal having regard to the relevant local planning policies relating to tourism development. The proposal would be contrary to PSB Policies E2, E6 and T1, which seek to promote sustainable tourism, reduce the carbon footprint of development, and encourage walking and cycling.

#### *Character and appearance*

14. The site is largely grassed over apart from a small brick structure located towards the centre and is bound by a hedgerow and fencing to Hilcote Lane. The site slopes up steeply to the north east where it meets a large open field. The site forms part of an attractive rural landscape which is characterised by narrow country lanes, open fields, established hedgerows, groups of mature trees and occasional dwellings such as Keepers Cottage opposite.
15. The Council contends that the structure detailed within the application documents does not fall within the legal definition of the caravan, which is disputed by the appellant. It is unclear from the evidence before me whether the development would meet the legal definition of a caravan.
16. Be that as it may, the introduction of a large domestic structure and parking area with associated domestic paraphernalia in this rural location would appear as a prominent intrusion into the open countryside which would be out of keeping with the rural landscape. Moreover, the form and design of the structure and the use of timber cladding would not reflect the vernacular character of dwellings found in the surrounding countryside. The appellant claims that the proposal would put a derelict area of agricultural land to good use, but in the manner proposed I consider that this would harm the character of the countryside.
17. Despite the hedgerow and fencing to the site frontage, I consider that the proposed development would be in a relatively exposed position and highly visible from Hilcote Lane and from Stone Road to a lesser degree. Although the proposed development would be constructed in mainly natural materials, that would not adequately mitigate its impact.
18. For the above reasons, I conclude that the proposal would be significantly harmful to the character and appearance of the area. It would be contrary to Policies N1, E2 and E6 of the PSB, which, amongst other things, seek to ensure that development is of a high quality of design that preserves and enhances the character of the area including the use of locally distinctive materials. It would also conflict with Framework paragraph 84 which, amongst other things, seeks to ensure that development respects the character of the countryside.

### **Other Matters**

19. I note the appellant's concerns with the way in which the Council dealt with the application, including in not consulting the Council's Senior Investment Manager on the application. This is however a procedural matter for the Council to address and does not impact on my assessment of the merits of the case.
20. Based on the evidence before me and my observations on site, I have no reason to disagree with the Council's assessment that the proposal would not be harmful to the living conditions of the neighbouring occupiers, ecology or trees. However, a lack of harm in respect of these matters is effectively neutral rather than weighing positively in favour of the proposal.
21. The proposed development would offer potential social and economic benefits in terms of providing new holiday accommodation and visitor spending in the local area. However, the weight attributable to these matters is limited given the modest scale of the development proposed and would be outweighed by my findings as to the harm that would be caused.

### **Conclusion**

22. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

*M Ollerenshaw*

INSPECTOR



## Appeal Decision

Site visit made on 4 January 2023

by **Samuel Watson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 30 January 2023**

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**Appeal Ref: APP/Y3425/W/22/3300235**

**Jodiwell, Church Lane, Croxton, Stafford ST21 6PG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr John Slater against the decision of Stafford Borough Council.
  - The application Ref 21/34793/FUL, dated 30 May 2021, was refused by notice dated 2 December 2021.
  - The development proposed is the replacement of existing two bay implement, equipment and hay barn store with a new three bay implement, equipment and hay barn store building.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - Whether the proposal would be essential for agriculture; and,
  - The effect of the proposal on the character and appearance of the surrounding area.

### Reasons

#### *Whether Essential for Agriculture*

3. The appeal site is a long and relatively narrow plot at the end of a private road, Church Lane. To the middle of the plot is a residential dwelling surrounded by a garden and parking area. The remainder of the land within the plot is separated from the dwelling by a boundary fence and does not appear to be within a domestic use. At the time of my visit there were significant areas of scrub covering the land surrounding the domestic curtilage.
4. To the rear of the site is a small two-bay barn which is open to the front and in a very poor state of repair. There were also a number of vehicles within the existing barn and on the land between it and the house. In particular, these were a small excavator, two bucket loaders, a trailer, and a classic off-road vehicle. The barn also contained a small number of other materials and logs. Although these vehicles and materials may be used in association with an agricultural use, they could be used for a number of other purposes too and therefore do not demonstrate such a use on their own.
5. The appellant states within their submissions that a small number of sheep, regularly, and young calves, occasionally, graze on the site. However, it has

not been submitted how often this is or to whom the livestock belong. Given the significant presence of scrub which has been allowed to grow on site at the time of my visit, I find that the grazing must be fairly infrequent. The appellant has also stated within their submissions that the site does not form a small-holding or farm. From the submissions before me therefore, I find it likely that the site is used for the grazing of another party's livestock on an ad-hoc basis rather than any formal agricultural undertaking.

6. Although the appellant has referred to farming being carried out off-site, I have not been provided with any substantive evidence to demonstrate this. Moreover, without information regarding the location or use of the other land, I cannot be certain of the extent to which the proposal would reduce vehicular movements to and from the appeal site.
7. Therefore, whilst the last permitted use of this land may have been agricultural, the evidence and the appellant's submissions before me demonstrate that there is not an agriculture operation on site. Consequently, and as the appellant has stated that the appeal building would not solely be used for agricultural purposes, I do not find it would be essential for the operational needs of agriculture.
8. Given the proposal's location and the lack of any demonstrable connection to an agricultural undertaking, it would conflict with the Council's spatial strategy. The proposal would therefore conflict with Policies SP6, SP7 and E2 of The Plan for Stafford Borough 2011-2031 (the PSB). Collectively these policies seek to ensure, amongst other matters, that developments within the countryside are well related to farmsteads, are essential for agriculture and promote a sustainable rural economy.

#### *Character and Appearance*

9. The existing barn is supported by a log frame infilled with a mixture of timber and metal cladding. At the time of my site visit, the building was listing to one side and a significant portion of the cladding was falling away. Given its poor state of repair the building does not provide a positive contribution to the wider area. However, as it is relatively small in scale and has become partially enveloped by mature vegetation, it is not an overly prominent or intrusive feature.
10. In contrast, the proposed building would be significantly larger in size and bulk. Whilst it would be cut further into the slope of the hill, this would still be to only a limited degree and insufficient to reduce the overall visual bulk and size of the building. Furthermore, the overall appearance of the building, in part stemming from the use of brickwork and rooflights, would result in a building more akin to a domestic garage than a barn or agricultural storage building. Although I note the use of timber cladding, this would not be sufficient to mitigate the overall scale or domestic appearance of the building. Although the appellant has suggested that alternative materials could be required by way of a condition, this would not mitigate the increased scale of the building or its overall domestic form.
11. For the reasons outlined above, the removal of the existing barn may result in some improvement of the character and appearance of the area, however, any such benefit would be substantially outweighed by its replacement with the proposed building. Furthermore, whilst the appeal site is within a somewhat

screened position, it is still visible from neighbouring properties and in more distant views. Given the harm identified above, I find that the proposal would affect the appreciation of the rural character and appearance of the surrounding area.

12. Given the proposed building's scale and appearance it would result in a domesticating feature incongruous within, and harmful to, the rural character and appearance of the surrounding area. The proposal would therefore conflict with PSB Policies SP6 and E2 which, amongst other things, require that developments are appropriately designed for their purpose, and protect and respect the natural landscape and rural character of the area.

### **Other Matters**

13. Although a neighbour may have carried out works without planning permission, such a matter is beyond the scope of this appeal and does not justify this proposal. Moreover, whilst there may be no objections from various consultees, this does not preclude me from finding harm.
14. I note that the Crime Prevention Design Advisor has made comments in support of the scheme. As the barn is open fronted, I am mindful that crime may be an issue. However, it has not been demonstrated that the proposal before me is necessary to minimise the risk from crime. As such, I attach this matter only limited weight.

### **Conclusion**

15. The proposal would conflict with the spatial strategy of the development plan and would harm the character and appearance of the area, conflicting with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

*Samuel Watson*

INSPECTOR