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Dear Members

### **Planning Committee**

A meeting of the Planning Committee will be held on **Wednesday, 7 September 2022** 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 - 7 SEPTEMBER 2022**

**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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7 <b>Enforcement Matters</b>	43 - 46

### **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 – 7 SEPTEMBER 2022

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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>21/34623/FUL</b>	<b>Darlaston Inn, Darlaston, Roundabout at junction with A51 North, Darlaston, Stone, ST15 0PX</b>	4 - 25

The application was called in by Councillor R A James (Subsequently withdrawn) and Councillor J A Nixon

Officer Contact - (*Lead Officer 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:** 21/34623/FUL

**Case Officer:** Vanessa Blake

**Date Registered:** 29 November 2021

**Target Decision Date:** 24 January 2022  
**Extended To:** 19 August 2022

**Address:** Darlaston Inn, Darlaston, Roundabout at junction with A51 North, Darlaston, Stone, ST15 0PX

**Ward:** Swynnerton and Oulton

**Parish:** Stone Rural

**Proposal:** Demolition of existing Public House and Children's Indoor Play warehouse with redevelopment of the site to provide 24hr petrol filling station accessed from A34 comprising new forecourt with canopy (3 starter gate for car), underground tanks, 4 no car jetwash bays, 1 no car wash, 1 no vac/air bay, parking (15 customer car spaces and 4 cycle), 8no covered EVC bays (with solar PV to roof), landscaping / picnic area and sales building (total 465 GEA sqm / 421 sqm GIA) including store, office, WC and convenience store with ancillary food counter together with ATM.

**Applicant:** EuroGarages Ltd And Greene King

**Recommendation:** Refusal

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## REASON FOR REFERRAL TO COMMITTEE

This application was called in by Councillor R A James (Ward Member for Swynnerton and Oulton) however was subsequently withdrawn.

This application has also been called in by Councillor J A Nixon (Ward Member for Swynnerton and Oulton) for the following reasons:-

*"I wish to see this application called in for consideration. The Darlaston Inn site has fallen into a poor state of disrepair and has seen a significant increase in anti-social behaviour and congregation of vandals.*

*This site is not going to return to nature and needs to be brought into use to reflect the local demands.*

*I see no reason why the highways would challenge this site as it was historically a well attended pub once upon a time and with the roundabout in good condition and calming measures in place I would dispute that.*

*In addition to this we must take into consideration the development of Meaford Business Park which will see in excess of 1000 employers on-site at any one time, this will see an increase in car use and to avoid cars driving into and through Stone to access the existing petrol stations I feel this will help with long-term congestion levels and traffic increases.*

*The installation of new charging points is eco-friendly and necessary due to a lack of charging points within a reasonable vicinity.*

*If the application were to proceed I would want to see signage and lighting be minimalistic to avoid disruption and a negative knock on effect to neighbouring properties and residents. I would also look to see opening hours to be reflective of others such as Marks and Spencer's who do not operate 24 hours."*

## **Context**

This application relates to a site located within the roundabout junction of the A34 and A51 in Stone Rural Parish. The site comprises a vacant public house and indoor children's soft play within the southwest of the site, a large surface level car park within the northwest of the site and an outdoor play and picnic area to the east of the site. The existing vehicle access and egress are on the western boundary. The River Trent forms the eastern boundary of the site and is crossed by the elevated highway. The land levels within the site drop significantly towards the River Trent whilst the buildings are at highway level. The north and east of the site contains vegetation. To the south and west of the site are residential properties, a car garage and a home furniture shop. To the east is woodland, open land and beyond which is Meaford. The surrounding area is predominantly open fields.

The site is located outside of any designated settlement boundary and is within the North Staffordshire Green Belt, a Site of Special Scientific Interest (SSSI) impact risk zone and a Coal Authority low risk area. Due to the land level changes the eastern portion of the site is within Flood Zones 2 and 3 and the western portion of the site is within Flood Zone 1. The Meaford Conservation Area lies to the east of the A34.

## **Background**

Planning permission was refused in January 2019 for the "Demolition of existing buildings; erection of a petrol filling station with ancillary retail sales; erection of a drive-thru restaurant; parking; landscaping and access off the A34" (18/28480/FUL). The application was refused for the following reason:

*"The ancillary retail sales from the service station and the restaurant use would result in the increase in pedestrians and cyclists crossing the A34 and A51 to the island site. This would affect the free flow and safety of vehicle and pedestrian traffic at a potentially hazardous location. Furthermore, the applicant has not shown*

*a safe crossing point for pedestrians on the uncontrolled fast roundabout that is acceptable for this location in terms of the speed, class and nature of the highways.*

*The increased number of vehicles accessing the site would also adversely affect the free flow and safety of vehicles on this fast highway as they slow down and turn in. This is likely to be more significant at peak traffic periods but it has not been demonstrated how this would be mitigated.*

*There would thus be an increase in the circumstances of highway danger with the development which would conflict with Policy T1h of The Plan for Stafford Borough and paragraph 108b and c of the National Planning Policy Framework.”*

The decision was appealed and dismissed in June 2020. The appeal decision letter concluded:

*“20. Consequently, I conclude that the proposal would have an unacceptable impact on highway safety in respect of failing to provide a safe and suitable access for pedestrians wanting to access the proposed development. Therefore, it would be in conflict with Policy T1(h) of The Plan for Stafford Borough 2011-2031, which does not permit development that cannot be accommodated in terms of road safety.*

*21. Accordingly, the proposal also conflicts with the Framework, which amongst other things states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.”*

## **Proposal**

This application seeks permission to demolish the existing buildings and redevelop the site as a petrol filling station. A canopy covered petrol filling station and associated sales building would be erected in the northern portion of the site. A car wash, 4 jet wash bays, 1 air, water and vacuum bay and 8 electric vehicle charging (EVC) bays would be erected in the central portion of the site. The eastern portion of the site would be a picnic area and the southern portion of the site would be landscaped and containing an access track.

The sales building would measure 32m by 18.8m, with a maximum height of 5m. The building would have a curved northern elevation to reflect the site boundary. The building would be finished in charred timber cladding, with natural timber feature panels and glazing on the southern elevation. The sales building would consist of a convenience store with ancillary food counter, store, office, WC and an external ATM.

The petrol filling station canopy would measure 29m by 9m with a maximum height of 6.7m. There would be 8 filling points arranged on 4 pumps. The car wash and jet wash bays combined would measure 20m in width by 11m in depth, whilst the jet wash bays would have a maximum height of 3m and the car wash would have an overall height of 4m.

The EVC bays would be covered by 7 canopies with solar panels. The canopies would each measure 3.8m by 3.8m, with a maximum height of 3.9m. The canopies would be

constructed of steel with a black colour finish. Each EVC bay would have associated equipment although no details are provided.

In addition to the EVC bays there would be 15 car parking spaces to serve the development, including 2 disabled spaces. There would also be cycle storage for 4 bikes.

The submission includes:

- Planning Statement
- Preliminary Ecological Appraisal and Bat Roost Survey
- Phase II Environmental Assessment
- Flood Risk Assessment and Detailed Drainage Strategy
- Transport Statement
- Arboricultural Implications Assessment and Method Statement
- Fuel Storage Feasibility Assessment
- Topographic Survey.

### **Officer Assessment**

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 for the purposes of this application comprises The Plan for Stafford Borough 2011-2031 and The Plan for Stafford Borough Part 2 2011-2031.

## **1. Principle of Development**

### **Green Belt**

- 1.1 The application site is located within the North Staffordshire Green Belt and outside of a defined settlement boundary and is therefore subject to a stricter degree of control in order to ensure that any development preserves the openness and permanence of the area.
- 1.2 The decision making process when considering proposals for development in the Green Belt is in three stages and is as follows:
  - a) It must be determined whether the development is appropriate or inappropriate development in the Green Belt.
  - b) If the development is appropriate, the application should be determined on its own merits.
  - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which outweigh such harm to the Green Belt.
- 1.3 The National Planning Policy Framework (NPPF) states in paragraph 147 that

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

1.4 In turn, paragraph 148 states that LPA's should ensure that substantial weight is given to any harm to the Green Belt. Paragraph 149 then states that LPAs should regard the construction of new buildings as inappropriate in the Green Belt but lists exceptions to this. Additionally, paragraph 150 also lists other forms of development in the Green Belt that are not inappropriate.

1.5 This application has been assessed against exemption G of paragraph 149 which states;

*“limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

*– not have a greater impact on the openness of the Green Belt than the existing development...”*

1.6 The existing site contains a large hard surfaced car park and a building which has been significantly extended. The site was previously used as a public house and children's soft play centre (Wacky Warehouse). The site is considered to be redundant previously developed land.

1.7 The existing building and outbuildings occupy a combined footprint of 865m<sup>2</sup>, the proposed built form would have a combined footprint of 987.83m<sup>2</sup>. The footprint of the sales building would be 467m<sup>2</sup>. Whilst the footprint of the proposed built form would be greater than the existing the majority of the proposed structures would not be solid buildings and as such would not have a significant impact upon the openness of the site. The structures are low level and the sales building would also have a low ridge height which is significantly lower than the existing buildings. The development would largely be sited on the existing car park. The demolition of the existing building would also allow for increased views across the site, and hence would contribute to the openness of the site.

1.8 On this basis the proposed development is not considered to have a greater impact on the openness of the Green Belt than the existing development and therefore constitutes appropriate development within the Green Belt.

### **Proposed use**

1.9 The proposal would provide a petrol filling station, car wash facilities, electric vehicle charging points and a sales building in this rural location. The development would provide 10 full time jobs and 20 part time jobs which would support the local economy.

1.10 Policy E8 requires development in edge or out-of-centre locations at Stone that provides more than 500m<sup>2</sup> of town centre uses should be subject to an impact assessment. The scheme would provide a sales building (retail) of 465m<sup>2</sup> and therefore a sequential assessment is not required in this instance.

1.11 The proposal would result in the loss of a vacant public house and associated children's soft play which has been closed since 2018. The submission advises that the site has been marketed prior to and after the pub closing, however no proposals to reopen the pub have been received. Several enquiries have been received from drive-

thru operators. It is noted that the consideration of the previous application did not raise any concerns with regards to the loss of the pub as a community asset. There is an operational pub some 250m to the south of this site in Meaford. Overall, it is accepted that there is no demand for this public house and as such its loss is accepted.

- 1.12 Overall, the proposal is considered to be acceptable in principle and would bring this vacant site back into use whilst providing facilities for the local area and supporting the rural economy. The proposal is considered to comply with the Development Plan and NPPF with regards to the principle of development.

Policies and Guidance:-

National Planning Policy Framework (NPPF)

Paragraphs 8, 11, Section 7 and 13

The Plan for Stafford Borough (TPSB) 2011-2031

Policies SP1 (Presumption in Favour of Sustainable Development), SP2 (Stafford Borough Housing and Employment Requirements), SP3 (Sustainable Settlement Hierarchy), SP5 (Stafford Borough Employment Growth Distribution), SP6 (Achieving Rural Sustainability), SP7 (Supporting the Location of New Development), E1 (Local Economy), E2 (Sustainable Rural Development), E8 (Town, Local and Other Centres)

The Plan for Stafford Borough: Part 2 (TPSB2) 2011-2031

SP3 (Sustainable Settlement Hierarchy), SP7 (Supporting the Location of New Development), SB1 (Settlement Boundaries), SB2 (Protected Social and Community Facilities)

## **2. Layout, Design and Appearance**

- a. TPSB Policy N1 sets out design criteria including the requirement for design and layout to take account of residential amenity and local context and have high design standards. Policy N8 states that new development should respect the character of the landscape setting, through design, layout and materials.
- b. The built form would largely be sited on the existing car park, the land occupied by the existing building would be a landscaped area. The proposed layout is considered to be acceptable given the site constraints and proposed function. The design of the sales building is contemporary and would sit comfortably within the site and streetscene. The low height of the building and use of charred timber cladding would ensure that the building would not appear overdominant within the streetscene. The other structures are of standard appearance and would be acceptable within the overall development. The development would include additional landscaping which would soften the appearance of the scheme. Conditions should be attached to secure details of external materials and landscaping. A condition should also be attached to secure the details of the electric vehicle charging equipment.
- c. The proposed plans and elevations include references to signage, a note to applicant should therefore be included to ensure that the applicant/developer is aware of the requirement for additional advertisement consent.

- d. Overall, the proposal, subject to conditions, is considered to be acceptable with regards to layout, design and appearance, and adheres with the Development Plan and NPPF in this regard.

Policies and Guidance:-

National Planning Policy Framework (NPPF)  
Section 12

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

Supplementary Planning Document (SPD) – Design

### 3. Impact upon Heritage Assets

- a. Policy N9 states that development which affects the significance of a heritage asset will not be accepted, and that development is expected to sustain the significance and setting of a heritage asset.
- b. Whilst considering proposals which affect the character of a Conservation Area regard is to be made of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires the Local Planning Authority to pay “*special attention to the desirability of preserving or enhancing the character or appearance*” of conservation areas.
- c. The boundary of the Meaford Conservation Area is approximately 10m from the site and is separated by the A34 highway. The A34 provides a visual severance between the site and the Conservation Area. The Conservation Officer has raised no objections to the scheme and advises that the proposal would adequately preserve the character and setting of the Meaford Conservation Area. The Conservation Officer is satisfied with the design and appearance of the sales building, which is closest to the Conservation Area boundary, particularly its low height and finishing in black charred timber. The Conservation Officer has also advised that the fuelling area canopy is unlikely to impact the setting of the Conservation Area as it is further from the Conservation Area boundary and on slightly lower land than the main building. The Conservation Officer has recommended conditions to secure details of the colour finish of the pump canopy, soft and hard landscaping, and landscaping retention.
- d. The neighbours’ comments regarding the existing building are noted. However, the Conservation Officer also has no objections to the demolition of the existing building and these have no architectural or historic merit and are in a neglected state.
- e. The site lies between two Historic Environment Record (HER) landscaped parks, Meaford Hall Park to the east and Tittensor Common to the west. The proposal is not considered to impact upon these HER monuments.
- f. Overall, the proposal is not considered to unduly impact upon the character or appearance of the Meaford Conservation Area and as such complies with the Development Plan and NPPF in this regard. The conditions recommend by the

Conservation Officer are considered to be reasonable and necessary and should be attached to any approval.

Policies and Guidance:-

National Planning Policy Framework (NPPF)

Section 16

The Plan for Stafford Borough (TPSB) 2011-2031

N8 (Landscape Character), N9 (Historic Environment)

#### **4. Amenity**

- a. Policy N1 requires the design and layout of development to take account of noise and light implications and amenity of adjacent residential areas. The Design SPD provides guidance on amenity standards and separation distances.
- b. The neighbours' comments regarding the impact upon residential amenity are noted. The Council's Environmental Health Officer has raised no objections to the scheme and supports the provision of electric vehicle charging points and solar panels. The Environmental Health Officer has recommended conditions to secure a demolition method statement, lighting scheme, restriction on construction hours, prevent on site burning, materials disposal, dust control and external equipment. The requirement for a demolition method statement is considered to be reasonable given the close proximity to other properties and this condition should be attached and also include details of dust control. Conditions regarding on site burning, materials disposal and external equipment are considered to be covered by other legislation and should not be attached. The submission includes a lighting scheme however this has not been amended in line with the scheme amendments and as such a condition should be attached to secure an updated lighting scheme.
- c. The submission includes a contamination report to which the Environmental Health Officer has reviewed with regards to impact upon human health. The Environmental Health Officer has advised that the report is satisfactory and has requested that the recommendations in the report are attached as conditions. This is considered to be reasonable and necessary and should be attached to any approval.
- d. Overall, subject to conditions the proposal is considered to be acceptable with regards to amenity and adheres with the Development Plan and NPPF in this regard.

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

## 5. Access, Parking and Highway Safety

- a. Policy T1 seeks to create a sustainable transport system through locating new development in sustainable locations, requiring developments to produce transport assessments and travel plans and encouraging walking and cycling. Policy T2 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 but does not provide parking standards relevant to this proposal.
- b. The Highways Authority have advised that in the last five years there have been six accidents recorded across the A34/A51 roundabout. Four of which were recorded as slight whilst two have been recorded as serious. The two serious incidents involved collisions between cars and cyclists. Whilst the Highways Authority secured an independent Road Safety Audit during the determination of the previous appeal they have not referred to it within their comments to this proposal.
- c. With regards to access, the proposal seeks to utilise the existing vehicle access and egress. Within the site there would be a pedestrian path. The submission includes a Transport Statement which concludes that the immediate site and access would not be adversely affected by the proposal.
- d. The site is in close proximity to a number of residential properties and in walking distance to Meaford village and north-west Stone. There are limited similar facilities within the area and as such it is likely that the development would attract users by foot and cycle alongside those in vehicles. The applicant has referred to the existing petrol filling station at the junction of the A34 and Newcastle Road, however the proposed retail unit would be larger and have a wider product range than the existing petrol filling station and as such would likely attract more custom. The Highways Authority have advised that the Transport Statement fails to demonstrate why the proposal, which would attract users of all ages to the facilities, has not provided any means for cyclists or pedestrians to cross the highway to access the development. The highway is a fast free flowing roundabout with no traffic control systems. As such, the Highways Authority have objected to the scheme as a satisfactory safe crossing point has not been demonstrated and as such the development would increase the likelihood of pedestrian/cyclist conflict with vehicles resulting in an unacceptable impact on highway safety.
- e. It should be noted that the previous application was refused and dismissed at appeal due to a lack of safe pedestrian access as set out in the 'Background' section above.
- f. During the determination of this application the applicant was invited to submit amendments to address the Highways Authority's objections, however these were not forthcoming. Instead, the applicant has provided a legal opinion in response to the Highways Authority objections. The Highways Authority provided their final comments having regard to the legal opinion.
- g. During the determination of the application, following concerns raised by the Highways Authority regarding HGV movements, the scheme was amended to omit the provision for HGVs at the filling station. The applicant has advised that a suitably worded

condition could be utilised to prevent HGVs using the site to refuel. However, as stated by the Highways Authority the development fails to demonstrate how passing HGVs would be deterred from entering the site or using the other facilities provided.

- h. The Highways Authority have raised concerns regarding the manoeuvring of vehicles, including HGVs, on the roundabout to access and egress the site, and that such manoeuvres may include vehicles changing lanes. The Highways Authority have advised that the development is likely to increase traffic movements at peak periods and that the increase in use of these junctions is considered to increase highway danger. However, the Inspector previously dismissed concerns regarding the safety of the access and internal site movements as stated at paragraph 13 of the appeal decision letter below:

*“13. For the above reasons, I find that the vehicular trip generation and use of the site’s existing access and egress arrangements are unlikely to adversely affect the safety of motorists and cyclists using the highway network.”*

As such it is considered unreasonable to refuse the application on these grounds.

- i. The scheme would however provide 8 electric vehicle charging bays which is supported. However, this is not considered to outweigh the above concerns. The Highways Authority have raised no objections with regards to parking provision.
- j. It is noted that the site has an established use as a pub and children’s soft play which could be reopened at any point without requiring any access or highways alterations. This fallback position was taken into consideration and was commented by the Inspector in the previous appeal decision at paragraph 14:

*“...The site has no dedicated access across the gyratory for pedestrians, and it is of note that the existing development on the site could be operated without such provision. However, the proposal is for the redevelopment of the site and Paragraph 108<sup>1</sup> of the National Planning Policy Framework (the Framework) requires new developments to make provision for safe and suitable access to the site for all users, including pedestrians.”*

- k. However, as stated in paragraph 1.11 of this report the application has demonstrated that there is no demand for the pub use and as such it should be questioned whether the reopening of the established use is a reasonable proposition. Regardless of this fallback position, as stated by the Inspector, the NPPF requires new development to provide a safe and suitable access to the site for all users, including pedestrians, which this proposal fails to do.
- l. Paragraph 111 of the NPPF states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*
- m. Paragraph 112 states that applications for development should prioritise pedestrian and cycle movements both within the scheme and with neighbouring areas, create

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<sup>1</sup> Now paragraph 110 of the 2021 NPPF

places which are safe, secure and attractive and minimise the scope for conflicts between pedestrians, cyclists and vehicles.

- n. Whilst the proposal is materially different from the previously refused scheme, due to the omission of the fast-food unit, the proposal has failed to demonstrate that a safe pedestrian and cycle access can be provided to the development which minimises the conflicts between pedestrians, cyclists and vehicles. The development is therefore considered to be contrary to the development plan and NPPF with regards to access and highway safety and as previously set out by the appeal Inspector.

Policies and Guidance:-

National Planning Policy Framework (NPPF)  
Section 9

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

## **6. Flooding and Drainage**

- a. Policy N2 requires developments to provide sustainable drainage systems. The neighbours' concerns regarding flooding and drainage issues are noted.
- b. Most of the site is located within Flood Zone 1, however the eastern portion of the site which is at a lower land level lies within Flood Zones 2 and 3. During the determination of the application additional information was provided to address the Lead Local Flood Authority's (LLFA) and Environment Agency's (EA) comments. The LLFA have subsequently raised no objections to the scheme and accept the proposed foul and surface water drainage scheme and have recommend a condition to ensure that the drainage is provided and maintained in accordance with the submitted details. The EA have also subsequently advised that they have no objections to the scheme and also recommend compliance with the submitted details. A condition should be attached to ensure that the drainage, mitigation measures and associated maintenance is carried out in accordance with the submitted details.
- c. Severn Trent Water have advised that they have no objections to the scheme subject to securing drainage plans. They have also advised that there is a public sewer within the site and that the application should contact the Trade Effluent Team regarding the car wash. Severn Trent Water have been consulted on the additional information submitted however no response was received. Given that the LLFA and the EA are satisfied with the proposed drainage scheme it is not considered reasonable to require further information to be submitted via condition to satisfy Severn Trent Water. It is also noted that additional consents outside of the planning process would be required from Severn Trent Water. A note to applicant should be included with regards to the Trade Effluent Team.
- d. Subject to adhering to conditions the proposal is considered to be acceptable with regards to flooding and drainage and adheres to the development plan and NPPF in this regard.

Policies and Guidance:-  
National Planning Policy Framework  
Sections 14 and 15

The Plan for Stafford Borough  
Policies N2 (Climate Change), N4 (The Natural Environment and Green Infrastructure)

## 7. Ecology and Landscaping

- a. Policy N4 states that the natural environment will be protected and that new development where damage to the natural environment is unavoidable must provide appropriate mitigation. Policy N1 requires development to retain significant biodiversity and landscaping features and create new biodiversity areas. To comply with the guidance contained within the NPPF and the Council's biodiversity duty new development must demonstrate that it will not result in the loss of any biodiversity value of the site.
- b. The scheme proposes the demolition of the existing buildings on site. Detailed ecological surveys of the site have been undertaken by a qualified Ecologist. The surveys have identified that the building contains a day roost for Pipistrelle bats. The development would therefore impact upon protected species and their habitat through the loss of a roost. A Natural England license would therefore be necessary, while it is also necessary to ensure that appropriate replacement roosting provision and compensation is provided. The submitted survey recommends that bat boxes are provided within the site in order to provide replacement roost opportunities and recommends methods of working.
- c. The Councils Biodiversity Officer is satisfied that appropriate replacement provision can be provided, nonetheless it is necessary, as the competent authority, to ensure that three tests are satisfied a) that there is no satisfactory alternative; b) the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range; and, c) the action authorised preserves public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- d. It is considered that if redevelopment of the site did not occur then, over time, the buildings may degrade and result in the potential loss of the bat roost, as the buildings are no longer in use. With appropriate compensation as proposed, it is not considered that the development would undermine the favourable conservation status of the Pipistrelle bat population. Finally, it is considered that there are overriding economic and social benefits of the delivery of this scheme. The LPA are therefore of the view that the tests have been satisfied.
- e. The submitted survey also identifies that the site is utilised by nesting birds, reptiles and amphibians and as such recommends methods of working and suitable mitigation measure. The Biodiversity Officer concurs with this and as such compliance with these recommendations should be made a condition.

- f. The Biodiversity Officer concurs with the survey conclusions and recommends adherence by the applicant to all recommendations for methods of working and mitigation. This is considered reasonable and necessary and relevant conditions should be attached. As recommended by the Biodiversity Officer the location of the required bat and bird boxes should be included within the landscaping scheme, this should be secured via a condition.
- g. The Biodiversity Officer has also requested that a construction environmental management plan be secured via condition, which should contain detail regarding the River Trent and associated pollution control. This is considered to be reasonable and should be attached.
- h. The neighbours' concerns regarding ecology are noted, however subject to adhering to conditions the proposal is considered to be acceptable with regards to ecology and adheres to the development plan and NPPF in this regard.

Policies and Guidance:-

National Planning Policy Framework  
Section 15

The Plan for Stafford Borough

Policies N1 (Design), N2 (Climate Change), N4 (The Natural Environment and Green Infrastructure), N5 (Sites of European, National and Local Nature Conservation Importance)

## **8. Arboriculture and Landscaping**

- a. Policy N1 requires development to retain significant landscaping features. Policy N2 seeks to ensure that the landscape value of development sites is protected and enhanced. Policy N4 requires new development to be set in well designed and maintained attractive green space. Policy N5 states that new development is required to provide appropriate tree planting, to retain and integrate healthy mature tree and hedgerows, and replace any trees that are to be removed.
- b. The site contains tree and vegetation in the eastern portion and along the northern boundary. The submission includes a tree report which concludes that 4 trees and 2 groups, are to be removed to facilitate the development, all of which are Category C. The submission includes a landscaping scheme which includes additional planting.
- c. The Council's Tree Officer has raised no objections to the scheme subject to conditions to secure an arboricultural method statement, tree protection measures, a tree pruning and removal schedule, to ensure works are carried outside of bird nesting season and to ensure the retention of landscaping. The condition regarding the bird nesting season would be covered by the ecological conditions discussed above. The other recommended conditions are considered to be reasonable and should be attached. The submitted landscaping scheme has not been updated following the scheme amendments and as such a condition should also be attached to secure an updated detailed landscaping scheme.

- d. Subject to adhering to conditions the proposal is considered to be acceptable with regards to arboriculture and landscaping and adheres to the Development Plan and NPPF in this regard.

Policies and Guidance:-  
National Planning Policy Framework  
Section 15

The Plan for Stafford Borough  
Policies N1 (Design), N2 (Climate Change), N4 (The Natural Environment and Green Infrastructure), N5 (Sites of European, National and Local Nature Conservation Importance)

## 9. Other matters

- a. During the consideration of the application additional information was submitted to address the objections of the EA with regards to groundwater contamination. Subsequently, the EA have advised they have no objections to the scheme and that the submitted information provides confidence that it will be possible to suitably manage the risks posed to groundwater resources by this development. They have requested that a scheme to install the underground tanks is secured via a condition. This is considered to be reasonable and should be attached. The EA have also advised that they are satisfied with the submitted land contamination report which did not identify significant contamination with potential to impact controlled waters.
- b. Various consultee responses have advised that additional permits are required and as such a note to applicant should be attached to any approval to ensure that the applicant/developer is aware of these.
- c. The site lies within a low risk area as identified by the Coal Authority. A note to applicant should therefore be attached to any approval to ensure that the applicant/developer is aware of the implications of this.

## 10. Conclusion and planning balance

In conclusion, the proposal is considered to result in a detrimental impact upon highway safety due to a lack of safe pedestrian and cycling crossing. The development would result in the redevelopment of this vacant site and provides benefits to the local economy through the construction and operation of the site. However, the benefits are not considered to outweigh the highway safety harm and the conflict with the Development Plan and NPPF in this regard. This is consistent with the conclusions of the Inspector for the previous application. The proposal has not overcome the previously highlighted concerns with regards to pedestrian and cycling safety. The application is therefore recommended for refusal.

### Consultations (summarised)

**Highway Authority:**  
26.07.2022:

Objection. The proposals introduce a number of potential unacceptable issues effecting highway safety at this location.

a) The proposed retail sales development would attract visitors and staff by foot and by cycle as there are no similar facilities in the vicinity. This would result in increased pedestrian/cyclist crossing movements on the roundabout which would be likely to affect the free flow and safety of vehicular and pedestrian traffic at a potentially hazardous location and consequently, would increase the likelihood of pedestrian/vehicle conflict resulting in increased highway danger. The developer has failed to demonstrate a satisfactory safe crossing point, on this uncontrolled fast roundabout. Any increase in pedestrian and cyclists crossing the A34 and A51 to the island site would affect the free flow of and safety of vehicle and pedestrian traffic at this potentially hazardous location, which consequently would increase the likelihood of potential pedestrian/ vehicle conflict resulting in an unacceptable impact on highway safety. The Appeal Decision for the previous planning application at this location, stated that the proposals would have an unacceptable impact on highway safety, as it was considered that the proposals failed to provide a safe and suitable access for pedestrians wanting to access the proposed development.

b) The traffic generated by the proposed development would be likely to result in an increase in highway danger due to increased use of the existing access/junction. The increase in vehicles especially at peak periods, on the fast-flowing uncontrolled roundabout, could cause road safety issues and the applicant fails to demonstrate what the impact of the movement of vehicles accessing and egressing the development across the uncontrolled roundabout would be. Many vehicles, potentially including slow HGVs would need to change lanes, from the outside lane, across 2 lanes to the inside lane of the fast free flowing roundabout, to access this development.

c) The site is not accessible by any other modes of travel other than the motor vehicle.

08.04.2022:

Objection. The proposed retail sales development would attract visitors by foot and by cycle as there are no similar facilities in the vicinity. This would result in increased pedestrian/cyclist crossing movements on the roundabout which would be likely to affect the free flow and safety of vehicular and pedestrian traffic at a potentially hazardous location and consequently, would increase the likelihood of pedestrian/vehicle conflict resulting in increased highway danger. The developer has failed to demonstrate a satisfactory safe crossing point, on this uncontrolled fast roundabout. The Appeal Decision for the previous planning application at this location, stated that the proposals would have an unacceptable impact on highway safety, as it was considered that the proposals failed to provide a safe and suitable access for pedestrians, particularly by staff wanting to access the proposed development.

16.02.2022:

Objection. The proposed retail sales development would attract visitors by foot and by cycle as there are no similar facilities in the vicinity. This would result in increased pedestrian/cyclist crossing movements on the roundabout which would be likely to affect the free flow and safety of vehicular and pedestrian traffic at a potentially hazardous location and consequently, would increase the likelihood of pedestrian/vehicle conflict resulting in increased highway danger. The developer has failed to demonstrate a

satisfactory safe crossing point, on this uncontrolled fast roundabout. The Appeal Decision for the previous planning application at this location, stated that the proposals would have an unacceptable impact on highway safety, as it was considered that the proposals failed to provide a safe and suitable access for pedestrians wanting to access the proposed development. This has not changed.

The traffic generated by the proposed development would be likely to result in an increase in highway danger due to increased use of the existing access/junction. The increase in vehicles especially at peak periods, on the fast-flowing uncontrolled roundabout, could cause road safety issues and the applicant fails to demonstrate what the impact of the movement of vehicles accessing and egressing the development across the uncontrolled roundabout would be.

The development site access has not been used previously by a high number of HGV vehicles. The slowing down and turning of an increased number of vehicles, including many slow HGV, will adversely affect the free flow and safety of vehicles on the uncontrolled roundabout. This manoeuvre will significantly increase with this development. Many vehicles, including slow HGVs would need to change lanes, from the outside lane, across 2 lanes to the inside lane of the roundabout, to access this development. Large HGVs leaving the site could also potentially need to cross 3 lanes of traffic. As this HGV would be stopped at the egress point onto the roundabout, it needs to be able to accelerate from stop across 3 lanes of fast flowing traffic, whilst negotiating uncontrolled traffic flows. It can take an HGV 500 feet to accelerate from a standing start to 31mph.

#### **Lead Local Flood Authority:**

29.06.2022:

No objection, now satisfied with the submitted proposals. Recommend a condition to ensure that the drainage is provided prior to use in accordance with the drainage strategy report revision A and the drainage layout plan P15614-500 revision B, and to ensure it is retained and maintained in accordance with the drainage maintenance strategy dated 22<sup>nd</sup> May.

31.05.2022:

Objection, further/amended information required regarding restricted rate of site surface water discharge, attenuation provision and performance calculations, water quality mitigation and management.

06.05.2022:

Objection, further/amended information required regarding restricted rate of site surface water discharge, attenuation provision and performance calculations, water quality mitigation and management.

04.04.2022:

Objection, further/amended information required regarding restricted rate of site surface water discharge, existing site drainage, performance calculations, water quality mitigation and management, evidence of third-party agreement to discharge, management and maintenance details.

28.01.2022:

Objection, further/amended information required regarding climate change allowance, detailed drainage strategy/ development layout, impermeable area plan, water quality mitigation and management, exceedance plans, evidence of third-party agreement to discharge, management and maintenance details.

**Biodiversity Officer:**

04.04.2022:

Note the submitted preliminary ecological appraisal and the bat emergence surveys. The site contains a day roost of Pipistrelle bats. The bat mitigation strategy should be carried out in accordance with the details within the report. The location of bat boxes should be included within a landscaping plan.

25.01.2022:

Note the submitted preliminary ecological appraisal (PEA). Bat surveys should be undertaken and submitted prior to determination. Provide advice regarding nesting birds and recommend suitable mitigation. A precautionary working method for reptiles and amphibians is required as recommended in the PEA. Advise that existing mature trees should be retained and note the submitted landscaping plan. A condition to secure the management of the landscaping for 5 years is required. A construction environmental management plan is required.

**Tree Officer:**

06.04.2022:

No objection, recommend conditions to secure an arboricultural method statement, tree protection measures, tree pruning and removal schedule, to ensure works are carried outside of bird nesting season and to ensure the retention of landscaping.

**Conservation Officer:**

01.03.2022:

No objections. The proposal would adequately preserve the character and setting of the Meaford Conservation Area. The eastern boundary of the site is adjacent to the Meaford Conservation Area separated by the A34. No objections in principle to the proposed use, the design of the main building (closest to the conservation boundary) is low profile and contemporary with black charred timber as the primary facing material. This will have little impact on the setting of the Meaford Conservation Area. The fuelling area canopy is unlikely to impact the setting of the conservation area as it is further away and on slightly lower land than the main building. Recommend conditions regarding the colour finish of pump canopy, soft and hard landscaping, and landscaping retention.

**Environmental Health Officer:**

22.04.2022:

No objections.

21.02.2022:

The submitted contamination report is satisfactory the recommendations in section 8.2 should be made conditions. Advise on the separate permit requirements. Support the provision of electric vehicle charging and solar panels. Recommend conditions to secure a

demolition method statement, lighting scheme, restrict construction hours, prevent on site burning, materials disposal, dust control and external equipment.

**Environment Agency:**

30.05.2022:

No objection. The information submitted provides us with confidence that it will be possible to suitably manage the risks posed to groundwater resources by this development, however further information is required via condition. A condition is recommended to secure a scheme to install the underground tanks. Satisfied with the submitted land contamination report which did not identify significant contamination with potential to impact controlled waters. Recommend a condition to ensure that the development is carried out in accordance with the submitted Flood Risk Assessment and the detailed mitigation measures. Advise on the required environmental permits.

11.05.2022:

Objection, there is insufficient information to show the risk to groundwater resources, from which supplies of potable water are obtained, will be adequately mitigated.

11.04.2022:

Objection with regards to groundwater and contamination. However, withdraw objection regarding flood risk. Accept the findings of the submitted flood risk assessment and recommend a condition to ensure that the development is carried out in accordance with the submitted Flood Risk Assessment and the detailed mitigation measures. Advise on the required environmental permits.

31.01.2022:

Objection with regards to flood risk and groundwater and contamination. The submitted Flood Risk Assessment is not sufficient. The proposal is likely to result in significant risk to groundwater resources from which supplies of potable water are obtained. Provide advice how to overcome objections.

**Police Crime Prevention Design Advisor:**

11.01.2022:

No objections provide various safety and security recommendations.

**Severn Trent Water:**

Consultation period expired 29.07.2022 – no response received

29.03.2022:

No objection subject to a condition to secure detailed drainage plans. Advise that there is a public foul sewer within the site. Provide notes to applicant. Recommend application contacts the STW Trade Effluent Support Team with regards to the car wash.

10.01.2022:

No objection subject to a condition to secure detailed drainage plans. Advise that there is a public foul sewer within the site. Provide notes to applicant. Recommend applicant contacts the STW Trade Effluent Support Team with regards to the car wash.

**Cadent:**

29.12.2021:

No objection, provide a note to applicant.

**SCC Animal Health and Petroleum:**

Consultation period expired 27.01.2022 – no response received

**Parish Council:**

11.01.2022:

In principle does not objection to a sympathetic development of the site. Concerns regarding no provision for a safe and suitable pedestrian access and the impact on local environment.

**Neighbours:**

(19 consulted):17 objections from 11 addresses: Material planning considerations summarised below:

## Highway safety:

- Previous refusal and dismissed appeal due to highway safety grounds
- Already a busy, fast section of road with limited visibility
- Previous accidents on roundabout, 6 in last 5 years without the site being open
- Poor pedestrian and cyclist safety
- Unsafe access/egress
- Increased number of accidents
- Parking layout inadequate
- Slow moving, large vehicles will enter/exit the site
- Increased traffic
- The siting of the car/jet wash will cause driver distraction
- Potential for collision of vehicles from the west into the fuel pumps
- Not all users of site will be passing traffic

## Appearance:

- Incongruous - not in keeping with rural aesthetics and character
- Detrimental to Meaford Village
- Eyesore
- Greater impact than existing (area/volume)
- Existing building is an eyesore
- Support demolition of eyesore building

## Principle:

- Facility is not required - There are other petrol stations and electric vehicle charging points locally
- Impact upon green belt
- Impact upon Meaford Conservation Area
- Loss of pub facility
- Building is old and should be listed
- Loss of historic building, building should be retained and restored
- Alternate development should be considered – new build apartment block, conversion of existing building to apartments, community use

**Residential amenity:**

- Detrimental impact upon residential amenity
- Increased external illumination from lights and signage
- Increased noise
- Odour and fumes from petrol pumps
- Constant disturbance due to 24 hour operation

**Environment:**

- Existing drainage issues will be exacerbated
- Flooding issues
- Pollution - air, water, noise, light, odour, visual
- Pollution of River Trent – runoff, spillage
- Potential for fuel leaks
- Impact upon local environment
- Litter
- Increased vermin
- Impact upon wildlife
- Impact upon bats

Site Notice expiry date: 26.01.2022

**Relevant Planning History**

18/28480/FUL - Demolition of existing buildings; erection of a petrol filling station with ancillary retail sales; erection of a drive through restaurant; parking; landscaping and access off the A34 – Refused 18.01.2019, Appeal dismissed 22.06.2020

00/40031/FUL - Demolition of existing wacky warehouse and erection of 36 bedroom hotel/lodge and car park alterations – Refused 23.01.2001

00/38941/FUL - Change of use of children's play barn to form ancillary hotel accommodation (20 bedrooms) and extension – Approved 01.06.2000

97/35187/OUT - Erection of lodge style hotel in conjunction with existing public house forty guest rooms in a 3 storey block – Refused 11.03.1998

95/32420/FUL - Erection of single storey playbarn ancillary to public house – Approved 04.10.1995

Various advertisement applications and planning applications relating to the pub use

**Recommendation**

Refuse for the following reasons:

1. The proposed retail sales development would result in an increase in pedestrians and cyclists crossing the A34 and A51 to the island site. This would affect the free flow and safety of vehicle and pedestrian traffic at a potentially hazardous location. Consequently, the proposal fails demonstrate a satisfactory safe crossing point, on this uncontrolled fast roundabout. Any increase in pedestrians and cyclists crossing

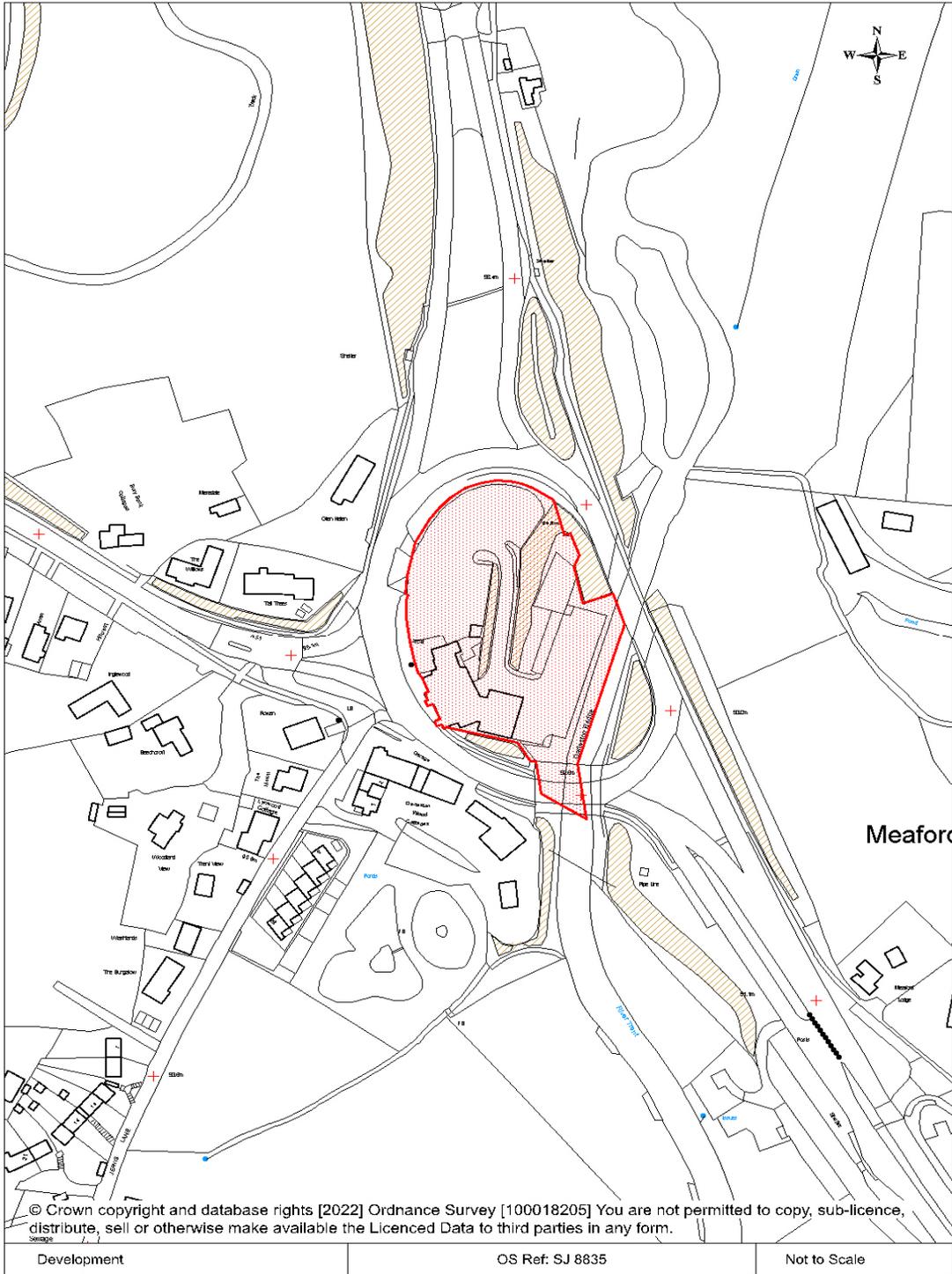
the A34 and A51 to the island site would affect the free flow of and safety of vehicle and pedestrian traffic at this potentially hazardous location, which consequently would increase the likelihood of potential pedestrian/ vehicle conflict resulting in an unacceptable impact on highway safety.

There would thus be an unacceptable increase in the circumstances of highway danger as a result of the development which would conflict with Policy T1h of The Plan for Stafford Borough and paragraph 110b and c of the National Planning Policy Framework 2021.

## **INFORMATIVES**

- 1 In dealing with this application, Stafford Borough Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the period for determining the application, having regard to the policies of the development plan, paragraph 38 of the National Planning Policy Framework 2021 and other material planning considerations, and in accordance with the Town and Country Planning (Development Management Procedure)(England) Order 2015. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development.
- 2 This refusal relates to the following plans: 1578-1 (Site location plan), 4k (Planning), 5d (PFS Plans and Elevations), 7b (Site elevations), 8b (Site elevations), 9a (Petrol canopy detail), 13 (EV canopy plan and elevations), 14a (Car wash and wash bay details), 01 E (Landscape Layout), D42847/LKM/B (Lighting).

# 21/34623/FUL Darlaston Inn Darlaston Roundabout at Junction with A51 North, Darlaston



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 PLANNING COMMITTEE – 7 SEPTEMBER 2022
 

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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
21/34793/FUL Delegated Refusal	Jodiwell Church Lane Croxton	Proposed replacement of existing two bay implement, equipment and hay barn store with a new three bay implement, equipment and hay barn store building.

#### Decided Appeals

Application Reference	Location	Proposal
21/35123/HOU Appeal Dismissed	55 Porlock Avenue Weeping Cross Stafford	Proposed two storey side and single storey rear domestic extension with extended dropped kerb.
21/34026/HOU Appeal Allowed Costs Dismissed	23 Burton Manor Road Stafford	Upgrade of conservatory using existing base
21/35006/HOU Appeal Dismissed	Waterstone Barn Lower Heamies Farm Lower Heamies Lane	Aluminium veranda with glass roof panels (11m wide x 3.5m deep) attach to side of house
21/34152/ANX Appeal Dismissed	Grange Barn Broad Hill Beffcote	Demolish existing timber double garage, replace with new double garage and granny annexe

#### Previous Consideration

Nil

V1 26/08/22 11.17

**Background Papers**

File available in the Development Management Section

**Officer Contact**

John Holmes, Development Manager Tel 01785 619302



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## Appeal Decision

Site visit made on 26 July 2022

**by D J Barnes MBA BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Housing, Communities and Local Government**

**Decision date: 17 August 2022.**

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**Appeal Ref: APP/Y3425/D/22/3300128**

**55 Porlock Avenue, Weeping Cross, Stafford ST17 0HS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Peter Harman against the decision of Stafford Borough Council.
  - The application Ref 21/35123/HOU, dated 21 October 2021, was refused by notice dated 10 March 2022.
  - The development proposed is the erection of a two storey side domestic extension.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. It is considered that the main issue is the effect of the proposed development on the character and appearance of the streetscene.

### Reasons

3. The proposed development includes the erection of a 2-storey side extension to a 2-storey semi-detached dwelling located within a primarily residential area. The streetscene along Porlock Avenue is predominantly pairs of 2-storey semi-detached dwellings which are set back from the footways to the rear of front gardens which are landscaped and used for off-street parking. This siting of the pairs of semi-detached dwellings provides a distinctive rhythm to the character and appearance of the streetscene.
4. Originally, there would have been gaps between the 2-storey side elevations of the pairs of semi-detached dwellings. However, some of these gaps have been eroded whether by single storey garages at ground floor level or by 2-storey side extensions. This situation applies between the appeal property and the 2-storey extension erected to the side of No. 57. However, a physical gap is generally still retained, even if it is only at first floor level, between the pairs of semi-detached dwellings. These full or partial gaps contribute positively to the character and appearance of the streetscene.
5. As identified by the appellant, an exception is the absence of a gap between Nos. 27 and 29 where 2-storey side extensions abut one another. No detailed planning history of these side extensions has been provided. However, the lack of a physical and visual gap causes a physical and visual terracing effect between these 2 pairs of semi-detached dwellings. This terracing effect has a detrimental impact on the character and appearance of the streetscene of the

type referred to in the Council's *Design Supplementary Planning Document* (SPD).

6. The proposed development includes the erection of a 2-storey side extension which would occupy the remaining gap between the property and No. 57. Although its height would be lower than the ridge of the host property and the front elevation at first floor level would be set back from the host property's front elevation, in combination with the side addition to No. 57 the appeal scheme would result in a harmful terracing effect contrary to the SPD's design guidance contained.
7. This terracing effect would not be sufficiently mitigated by the proposed extension's ground floor front elevation being set back from the front elevation of the 2-storey addition to the side of No. 57 which projects forward of this neighbouring property's original elevation. Accordingly, the appeal scheme would not make a positive contribution to the rhythm, character and appearance of the streetscene.
8. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the streetscene and, as such, it would conflict with Policy N1(g) and (h) of The Plan for Stafford Borough. Amongst other matters, these policy criteria require development to be of high design quality which respects local context and character. Accordingly, it is concluded that this appeal should be dismissed.

*D J Barnes*

INSPECTOR



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## Appeal Decision

Site visit made on 26 July 2022

**by D J Barnes MBA BSc(Hons) DipTP MRTPI**

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

**Decision date: 17 August 2022.**

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**Appeal Ref: APP/Y3425/D/22/3300267**  
**23 Burton Manor Road, Stafford ST17 9QJ**

- 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 Mrs Fiona Russell against the decision of Stafford Borough Council.
  - The application Ref 21/34026/HOU, dated 14 March 2021, was refused by notice dated 16 March 2022.
  - The development proposed is described as being the upgrade of a conservatory using the existing base.
- 

### Decision

1. The appeal is allowed and planning permission is granted to upgrade of a conservatory using the existing base at 23 Burton Manor Road, Stafford ST17 9QJ in accordance with the terms of the application, Ref 21/34026/HOU, dated 14 March 2021, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; 2021:44:01A; 2021:44:02A; Detail View of Double Doors; Detail View of Opening and Non Opening (Fixed Window); 60mm Window Frame – Fixed; 60mm Window Frame – Opening and 75mm Door Frame – Opening.
  - 3) The materials to be used in the construction of the external surfaces of the walls of the development hereby permitted shall match those used in the existing building.

### Application for Costs

2. An application for costs was made by Mrs Fiona Russell against Stafford Borough Council. This application is the subject of a separate Decision.

### Main Issue

3. It is considered that the main issue is the effect of the proposed development on the character and appearance of the surrounding area.

### Reasons

4. The appeal property is a semi-detached dwelling constructed in the mid-1920s situated within the Burton Manor Village Conservation Area where there is a statutory duty to pay special attention to the desirability of preserving or

- enhancing the character or appearance of that area. This duty is echoed in Policies N1 and N9 of The Plan for Stafford Borough (LP), including that the design of development must have regard to the local context, including heritage assets. Further, the potential loss of, or harm to, the significance of a heritage asset, including its setting, will require clear justification taking into account, amongst other matters, materials.
5. The Council's *Burton Manor Village Conservation Area Character Appraisal* (the Appraisal) identifies that the area's heritage significance is principally associated with it being an example of a model housing scheme adopting 'Garden City' ideals. There is a formal layout pattern book of house or bungalow types with a uniformity of materials and Arts and Crafts details. The streetscene includes large front gardens usually with front walls, which together with street trees and green spaces, provide a spacious and verdant character and appearance. The landscape gardens also positively contribute to this character and appearance.
  6. The appeal property is a semi-detached dwelling sited at a road junction and faces towards an area of formal open space. By reason of siting and scale, this pair of semi-detached dwellings is a prominent feature within the streetscene. From Burton Manor Road, the rear elevations of these dwellings can be glimpsed, including parts of the existing single storey uPVC conservatories.
  7. When standing in the property's garden, there are other rear additions to the neighbouring dwellings, including uPVC conservatories of varying designs and sizes. The planning histories of some of these additions have been provided. However, this appeal has been determined on its own circumstances rather than reliance being placed upon other approved or refused similar proposals within the Conservation Area.
  8. The proposed development includes the replacement, on the same footprint, of the property's existing uPVC conservatory by a new uPVC conservatory of a different design. The existing conservatory was erected as permitted development prior to the designation of the Conservation Area and its existence attracts substantial weight in the determination of this appeal. The evidence indicates that the Article 4 Direction limiting some permitted development rights does not apply to the rear of dwellings.
  9. By reason of planning permission being required, it is necessary to assess the appeal scheme against the policies of the development plan, including LP Policies N1 and N9, and the statutory duty associated with proposals in Conservation Areas. In making such an assessment it is also appropriate to consider the effect of the existing and proposed conservatories on the character and appearance of the Conservation Area.
  10. Within the Appraisal, there is no specific guidance concerning the design of conservatories. There is reference to changes to windows and doors but this section is focused on the openings within the dwellings rather than being specifically concerned with the design and appearance of conservatories. The Council's *Design Supplementary Planning Document* (SPD) includes a section about design within conservation areas but this also does not specifically refer to conservatories.
  11. In this case, the appeal scheme would replace a conservatory of a similar scale which, although erected under permitted development, exists and existed when

the Conservation Area was designated. Although the profile of uPVC windows would be wider than timber frames and there is an absence of glazing bars, the proposed design includes windows which would be smaller in size than the existing glazed panels. This change to the fenestration would represent an improvement in the design and appearance of the current conservatory. The appearance of the appeal scheme, whether the glimpsed views from Burton Manor Road or those from neighbouring dwellings, would not be materially different from those that currently exist. Further, the siting and scale of the proposed conservatory would not detract from the verdant and spacious character and appearance of the Conservation Area

12. The proposed fenestration would not be a sufficient reason to assess that the appeal scheme would enhance the character and appearance of the Conservation Area. However, by reason of what currently exists, the proposed conservatory would have a neutral effect on the heritage significance of the Conservation Area, in particular it would preserve the 'Garden City' ideals.
13. For the reasons given, it is concluded that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area and, as such, it would not conflict with LP Policies N1 and N9. Further, the planning circumstances of this appeal would not lead to an unwelcome precedent being established for the erection of other conservatories within the Conservation Area.

### **Conditions**

14. The Council has suggested several conditions in the event this appeal succeeds which have been assessed against the tests in the National Planning Policy Framework and the Planning Practice Guidance. For reasons of clarity, a condition is required that the proposed development is erected in accordance with the submitted drawings, including the design and appearance of the fenestration.
15. A condition has been suggested that the appeal scheme is erected in materials which match those of the host property but this should be limited to the walls rather than including the uPVC frame which is the subject of detailed drawings. This approach would remove the need for the approval of the facing brickwork suggested as a condition by the Conservation Officer.

### **Conclusion**

16. Accordingly, and for the reasons given, it is concluded that this appeal should be allowed.

*D J Barnes*

INSPECTOR



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## Costs Decision

Site visit made on 26 July 2022

by **D J Barnes MBA BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022.

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### **Costs application in relation to Appeal Ref: APP/Y3425/D/22/3300267 23 Burton Manor Road, Stafford ST17 9QJ**

- 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 Mrs Fiona Russell for a full award of costs against Stafford Borough Council.
  - The appeal was against the refusal of planning permission for what is described as being the upgrade of a conservatory using the existing base.
- 

### **Decision**

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

### **Reasons**

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appellant's claim for an award of costs is principally based upon the existence of the current conservatory erected as permitted development and the weight given to this structure; the absence of any proper assessment of the significance of the designated heritage asset being reflected in the sole reason for refusal; the lack of any specific design guidance for conservatories in the Council's *Burton Manor Village Conservation Area Character Appraisal* (the Appraisal); other schemes which have been approved and the potential for further details about the design of the appeal scheme being secured by a suitable condition.
4. In response, the Council confirmed that the erection of the proposed conservatory was not objectionable in principle and the Article 4 Direction affecting the Conservation Area was not a consideration in determining the appeal application.
5. The Council identified that because the proposed conservatory required planning permission it is was appropriate to assess the proposal against the policies of the development plan and relevant guidance. In the Council's judgement, the current conservatory being erected under what was previously permitted development meant it should be given no weight in the determination of the application.
6. The Council claims that the impact of the proposal on the heritage significance of the Burton Manor Conservation Area was considered, including taking into account other schemes. Although reference was only made to 2 schemes in

- the Planning Officer's report, details of other schemes were included as part of the Council's Cost Rebuttal Statement but, at least in part, the absence of such details can be attributed to the householder appeal procedure not allowing for the submission of further evidence from a Council. The appellant responded to this additional information as part of the application for an award of costs rather than the appeal process itself.
7. As part of the appeal application, the Conservation Officer provided comments about the design of the proposed conservatory, including the choice of materials and the absence of finer details for the frame. The Council also refer the application being for full planning permission and the details being provided by the appellant for assessment in response to the Conservation Officer's comments. The appellant could have chosen not to submit such details and sought a condition.
  8. There is a difference of interpretation of the design guidance on replacement windows and doors contained in the Appraisal. However, this difference of interpretation of the design guidance would not have led the Council to a different judgement concerning the use of uPVC as an external material rather than timber frame.
  9. The different weight being given by the Council and me in my appeal decision to the current conservatory in the assessment of the proposed development is a matter of planning judgement. The need to assess the proposed conservatory against relevant development plan policies did arise because the proposal was the subject of a planning application.
  10. Further, and although a different conclusion has been reached, the Council's reason for refusal and the reasoning as to why an assessment was made about the proposed uPVC frame causing less than substantial harm to the heritage significance of the Conservation Area is adequately explained.
  11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated and that a full award of costs is not justified.

*D J Barnes*

INSPECTOR



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# Appeal Decision

Site visit made on 28 June 2022 by G Sibley MPLAN MRTPI

## Decision by Louise Nurser BA (Hons) Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2022

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### Appeal Ref: APP/Y3425/D/22/3297582

### Waterstone Barn, Lower Heamies Farm, Chebsey, Stafford ST21 6ND

- 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 Dr Louis Lotter against the decision of Stafford Borough Council.
  - The application Ref 21/35006/HOU, dated 11 August 2021, was refused by notice dated 22 March 2022.
  - The development proposed is aluminium veranda with glass roof panels (11m wide x 3.5m deep) attached to side of house.
- 

### Decision

1. The appeal is dismissed

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Preliminary Matter

3. The description of the development proposed on the application form included the reasons for the works proposed and in the interest of clarity I have taken the description from the appeal form, which was also, for the most part, repeated on the Decision Notice. This replicated what was written on the application form but omitted the reasoning and as such I am satisfied that no party would be prejudiced by this.

### Main Issue

4. The effect of the proposal upon the character and appearance of the host building and the surrounding area.

### Reasons for the Recommendation

5. The barn is situated at the end of a group of conjoined agricultural buildings that have been converted into residential dwellings and are built around a central courtyard. The former agricultural buildings have retained many of the original features. The buildings have a narrow linear form, although there are single storey additions that extend out from the main bulk of the buildings. Where these additions are not brick built, they are typically a brown colour similar to the windows and doors across the converted buildings. Overall, whilst clearly in residential use, the converted former agricultural buildings have retained their agrarian character and appearance.

6. Policy E2 of the Plan for Stafford Borough (PSB) (Adopted 2014) has a number of requirements and those alongside and Policy N1 of the PSB require development to ensure that the form, bulk and general design is in keeping with its surroundings and not harm the historic fabric or character of any traditional buildings or historic farmsteads. As noted above the converted farmstead buildings have retained their agrarian character and appearance.
7. The veranda would be constructed from aluminium and the appellant has suggested a condition that would require this to be powder coated with brown paint to replicate the colour of the patio doors on this flank wall. The veranda would have a slim frame and would be open to the elements with glass roof panels. It would also extend out from the flank wall of the dwelling and as a result, it would not detract from the linear form of the building. Given the limited size of the proposal it would not appear as a disproportionate addition to the dwelling or the associated plot.
8. The buildings are clearly in residential use and small concessions to this use are evident across the wider historic farmstead. Consequently, minor domestic additions that do not detract from the overall agrarian character and appearance of these buildings would not necessarily appear alien in this context. Nevertheless, the proposed aluminium frame would be an intrusively urban material and even if painted brown, this material would contrast poorly with the tradition brick-built barn. Where a modern metal addition has been added to another of the converted barns, it was much smaller in scale than the proposal and thus its impact more localised. Moreover, that appeal was determined prior to the adoption of the PSB and as such was determined in a different policy context.
9. While the veranda would be relatively well screened by the existing building, surrounding boundary treatment and the closeboard timber fence, it would still be visible, and its alien appearance and specifically the proposed materials, would jar awkwardly with the traditional farm building. This would ultimately fail to respect the historic fabric and interest of the wider farmstead. Given the very limited scale of the proposal in relation to the landscape designation as a whole, any harmful impact upon the wider landscape and the associated landscape designation would be very limited.
10. Therefore, whilst the scale of the proposal would be proportionate, the design and materials proposed would add an overly domesticated addition to the host dwelling which harm the character and appearance of the host building and the surrounding area. Consequently, it would not comply with PSB Policy E2 or N1. The proposal would also not accord with the Design Supplementary Planning Document (2018) which states that extensions and alterations should be considered holistically with the original/main building to avoid awkward jarring of materials and forms. Finally, the proposal would conflict with the general design policies of the National Planning Policy Framework (Framework) and the intention to create high quality, beautiful and sustainable buildings.

### **Other Matters**

11. The proposal would provide cover for the patio doors which the appellant notes are prone to leaking which could lead to the frames being damaged. However, there is no substantive evidence that the proposal as devised would be the only scheme that could achieve this benefit. Moreover, whilst the proposal would

- provide a covered outdoor space for the enjoyment of the property this would be a private benefit for the appellant.
12. There are several appeal decisions that have permitted extensions to the other buildings within the wider farmstead; however, those appeals were determined prior to the most recent revision to the Framework and in one instance prior to the adoption of the PSB. Therefore, there has been a change in the policy context which has led to a different decision in this instance.
  13. Given that the Dutch Barn identified in Figures 8 and 9 of the appellant's Statement of Case has been demolished its relevance to the proposed scheme is effectively null and void. It no longer has any effect upon the landscape or the rural setting of this site for the proposal to be compared against.
  14. The size and location of the proposed veranda would not harm the living conditions of the neighbouring occupants and the Council came to the same conclusion. Nevertheless, this would not overcome the identified harm.
  15. The proposed veranda would be located a significant distance from the Public Right of Way (PRoW) and would not hinder or block the public from exercising their public rights safely.

### **Conclusion and Recommendation**

16. The proposal would not accord with the development plan with respect of the character and appearance of the host building and the surrounding area and there are no material considerations that indicate that the appeal should be determined other than in accordance with it. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*G Sibley*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

*Louise Nurser*

INSPECTOR

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# Appeal Decision

Site visit made on 12 July 2022 by Mr Sibley

## Decision by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2022

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### Appeal Ref: APP/Y3425/D/22/3300565

### Grange Barn, Broadhill, Gnosall, Stafford ST20 0ED

- 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 Mrs E Murray against the decision of Stafford Borough Council.
  - The application Ref 21/34152/ANX, dated 26 March 2021, was refused by notice dated 16 March 2022.
  - The development proposed is demolish existing timber double garage, replace with new double garage and granny annexe.
- 

### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issue

3. The effect of the proposal upon the character and appearance of the host dwelling and the former farmstead; and whether the personal circumstances of the appellant would outweigh any harm in respect of the proposed development.

### Reasons for the Recommendation

#### *Character and appearance*

4. Grange Barn is one of a pair of conjoined agricultural buildings that have been converted into residential dwellings. The two dwellings form an 'L' shape, and each dwelling has a narrow linear form. The buildings have retained their original form and many of their features, including the decorative brick detailing below the eaves of the roof and above some of the windows and doors. Whilst clearly in residential use, the converted buildings retain much of their traditional agrarian character and appearance.
5. Lindore Farm is located to the south of these barns and is built from similar materials but is substantially larger than the barns, indicating its historical role as the principal building on the former farmstead. There are smaller outbuildings located around the farmstead, and these are generally brick built. A modern timber garage has been erected on the site of the proposed

- garage/annexe building (hereafter referred to as the annexe), but the Council indicates that planning permission was not granted for this.
6. The Council refers to section (h) of Policy E2 of the Plan for Stafford Borough (PSB) (Adopted 2014) which seeks to ensure that a building is large enough to be converted without the need for additional buildings, new extensions or significant alteration. Grange Barn has already been converted to a residential dwelling and the proposal is for an ancillary building and does not seek to make the host building capable of conversion. Accordingly, subsection (h) of the policy is not directly relevant to this proposal.
  7. Grange Barn and the attached barn are physically connected and as a result, the scale of the two buildings is intrinsically linked. Accordingly, the scale of any associated outbuilding would be viewed alongside the pair of converted barns. The proposed annexe would be similar in width to the host dwelling, but shorter in length. Grange Barn is a two-storey building with windows located on the first floor alongside sky lights within the roof. In comparison, the proposed annexe would only have openings on the ground floor of the building as well as sky lights within the roof. This would emphasise the smaller scale of the annexe in comparison to the host dwelling.
  8. The building would consequently be subordinate in scale to the host dwelling and would be a limited addition to the overall amount of built form associated with the wider group of buildings. Accordingly, the scale of the proposal would not appear out of character with the host dwelling or the former farmstead group.
  9. The annexe would be built using similar materials to the host dwelling and would include decorative brick detailing below the eaves and a brick soldier course above the doors. These elements would visually link the annexe with the dwelling. This, alongside the siting of the annexe to the rear of Grange Barn as well as using a shared vehicular access, would highlight the ancillary use of the annexe in relation to Grange Barn as the principal dwelling.
  10. The openings in Grange Barn are generally white painted timber windows and doors and whilst there are large areas of glazing in place of what would have been the original barn doors, these are within timber casements. In comparison, the utilitarian design and scale of the roller shutter garage door on the proposed annexe would appear alien within this group of former farm buildings. Moreover, the large number of windows and other openings and the porch canopy would give the building a domestic and suburban appearance, that would fail to respect the traditional and agrarian character of the surrounding buildings.
  11. Given the siting of the proposal, the garage door, porch canopy and other openings would be clearly visible when viewing the annexe alongside the converted buildings. The building would also be visible from the public right of way that passes near to the site and would appear incongruous alongside this group of converted traditional buildings.
  12. Therefore, whilst the scale and siting of the proposal would not appear out of character with the host dwelling, the annexe would fail to respect the traditional and agrarian character and appearance of the converted buildings. Consequently, the proposal would be contrary to Policy E2 of the PSB insofar as it states that development within the rural areas must be of a high-quality

design and should not harm the historic fabric or character of any traditional building or historic farmstead.

13. Moreover, the proposal would conflict with Policy N1 which states that designs must have regard to the local context. Whilst not referred to in the reasons for refusal, the Gnosall Neighbourhood Plan (made 2015) forms part of the development plan. Policy 6 of the NP expects new development proposals to be well designed and to respond to local context and the form of surrounding buildings. Moreover, the proposal also would not accord with the aim of the National Planning Policy Framework (The Framework) to ensure development creates high quality, beautiful and sustainable buildings and places and is sympathetic to local character and history.

*Personal circumstances*

14. I have had due regard to the Human Rights Act 1998 (HRA) and to the Public Sector Equality Duty (PSED) under the Equality Act 2010. Age is a relevant protected characteristic to which the PSED applies. Article 8 of the HRA requires that decisions ensure respect for a person's private and family life, their home and their correspondence. In reaching my decision, I have kept these interests at the forefront of my mind. However, they are qualified rights and interference may be justified where it is in the public interest. The concept of proportionality is key.
15. The proposal would provide living accommodation for the appellant's parents to live close to the appellant's home to allow them to provide care without having to travel a long distance to the parents' current residence. No information has been submitted with regard to the level of care required, but it is noted that a level of assistance is required. The proposal would therefore address the appellant's parents' needs now and in the future. If the appeal is dismissed, the appellant's parents may have to move into Grange Barn itself or the appellant may have to move closer to their parents' current home. This would not be ideal for their parents evolving health concerns and this would result in some harm to someone with a protected characteristic.
16. It is appreciated that the appellant's parents' needs are likely to continue to evolve. However, whilst the appellant has said that Grange Barn would not be capable of providing living accommodation for their parents, no specialist accommodation is sought in the annexe that could not reasonably be integrated into a residential building, with living accommodation proposed over two floors. It has not, therefore, been demonstrated that this proposal, and the resulting harm, are necessary to meet the current or potential future needs of the appellant's parents. Whilst this reduces the weight that I can give to the personal circumstances of the appellant, those circumstances carry moderate weight in favour of the proposal.
17. Dismissing the appeal would interfere with the appellant's and their family's right to peaceful enjoyment of their possessions, and to a private and family life and home under Article 1 of the First Protocol and Article 8 of the HRA. However, these are qualified rights; interference with them in this instance would be in accordance with the law and in pursuance of a well-established and legitimate aim of the need for development to achieve high quality design to protect and enhance local character and distinctiveness.

18. Given the importance placed upon the need for development to achieve high-quality design to protect and enhance local character and distinctiveness in both the development plan and the Framework, in this case, the appellant's personal circumstances and the benefits to them and their parents would not outweigh the harm to character and appearance and the conflict with the development plan identified above. To ensure that the development would not harm character and appearance, I conclude that it would be proportionate and necessary to dismiss the appeal.

### **Other Matters**

19. Lindore Farm is a large, detached building and its appearance is significantly different from Grange Barn. Whilst an extension was granted for that dwelling, given the differences between the scale, appearance, and character of that building and the appeal property, the circumstances of the two sites are not directly comparable. Similarly, the circumstances of annexes or extensions permitted elsewhere would not necessarily be comparable with the appeal scheme, which I have assessed based on the specific circumstances of the appeal site and the details of the proposal before me.
20. The proposal would reduce the travelling distance for the appellant to provide care for their parents, and the annexe would incorporate sustainable construction and technologies which would be a limited benefit of the scheme. Additionally, the construction of the annexe would lead to benefits to the local economy, but given the scale of the proposal, I give this consideration very limited weight.
21. The proposal would allow the appellant's parents to move out of their current house which would potentially deliver an additional house onto the market. This would boost the supply of homes in accordance with the Government's aim set out in the Framework. I have not been made aware that the Council cannot identify a 5-year housing land supply and because this would only deliver a single dwelling, this would be a very limited benefit of the scheme.
22. Insofar as the site is within the garden of a dwelling outside of the built-up area, the proposal would be on previously developed land. However, as the extent to which the annexe would be within garden or agricultural land is disputed by the parties, this limits the weight I give in favour of the appeal arising from the use of previously developed land. Moreover, there is some uncertainty about the lawfulness of the existing timber garage on the site which limits the weight I give in favour of the appeal arising from the replacement of that building.

### **Conclusion and Recommendation**

23. I have had regard to the appellant's personal circumstances and the impact on them of my recommendation. Taken alongside the other considerations forwarded by the appellant, the PSED considerations would not outweigh the harm that the proposal would cause to the character and appearance of the host dwelling and the former farmstead and the conflict with the development plan in that regard. Therefore, having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*G Sibley*

APPEAL PLANNING OFFICER

**Inspector's Decision**

24. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree with the recommendation and shall dismiss the appeal.

*Sarah Housden*

INSPECTOR

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PLANNING COMMITTEE – 7 SEPTEMBER 2022

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**Ward Interest - Nil**

**Enforcement Matters**

*Report of Head of Development*

**Purpose of Report**

To consider the following reports.

	<b>Page Nos</b>
(a) <b>MON/00045/EN21</b> Garages Rear of 43 Rowley Grove, Stafford ST17 9BL	<b>44 - 46</b>

**Previous Consideration**

Nil

**Background Papers**

File available in the Development Management Section

**Officer Contact**

John Holmes, Development Manager Tel 01785 619302

ITEM NO 7

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PLANNING COMMITTEE – 7 SEPTEMBER 2022

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**WARD - MANOR**

**MON/00045/EN21 - GARAGES TO THE REAR OF 43 ROWLEY GROVE,  
STAFFORD**

*Report of Head Development and Head of Law and Administration*

**Purpose of Report**

To consider enforcement action against the unauthorised use of garages to the rear of 43 Rowley Grove following the refusal of planning application 21/34626/COU - Retrospective application for change of use of triple garage to the rear to be used in connection with online motorcycle sales.

**1 Detail**

- 1.1 Report received in Planning Enforcement on 3 September 2020 regarding garage being used as a business at 43 Rowley Grove, Stafford.
- 1.2 The site was visited on several occasions. No evidence of a business being run from the premises as garages were locked and there were no customers visiting.
- 1.3 On 4 February 2021, the complainant was written to advising them that no business activity had been observed and no further action would be taken. Complainant asked to keep a log of any business activity and to contact Planning Enforcement again if the alleged business use continues.
- 1.4 A report was received in Planning Enforcement on 3 March 2021 regarding the motorbike business from the same complainant. As previously requested, the complainant provided a log of photographic evidence to support the enquiry.
- 1.5 Planning Enforcement Officer emailed the owner of the business on 3 March 2021 advising them to cease trading from the premises or submit a planning application for the change of use.
- 1.6 Planning application 21/34626/COU was received on 28 June 2021 but was not valid until 2 November 2021 - Retrospective application for change of use of triple garage to the rear to be used in connection with online motorcycle sales. The application was refused 20 June 2022 for the following reason:

*“It has not been sufficiently demonstrated that the proposed change of use of this detached domestic garage and associated land for the storage of*

*motorcycles for online sales can be operated in such a manner as to not impact adversely on the amenities of the residential area, in respect of noise and disturbance, and highway safety, resulting in the likelihood of the premises being used in an unacceptable manner. The proposal is therefore contrary to policies N1(e), E1(i) and T2 of the Plan for Stafford Borough.”*

- 1.7 Ward Member, Cllr Angela Loughran has expressed her concerns regarding the on-going use to the Planning Officer and Enforcement.

## **2 Policies**

- 2.1 The Plan for Stafford Borough - Policy N1 Design, Policy E1 Local Economy and Policy T2 Parking and Manoeuvring Facilities.
- 2.2 National Planning Policy Framework (NPPF); Section 4; Decision Making - Paragraph 59 (enforcement),

## **3 Conclusion**

- 3.1 Retrospective planning application was refused on the grounds of adversely impacting on the amenities of the local area, noise and disturbance and highway safety.
- 3.2 The continued use of the garages for the unauthorised use will adversely impact on the local area and cause noise and disturbance. It is therefore expedient to take enforcement action to require cessation of the unauthorised use.

## **4 Recommendations**

- 4.1 That appropriate action be authorised to include all steps including the instigation of court proceedings and any work required to secure the cessation of business use from the garages to the rear of 43 Rowley Grove, Stafford.

### **Background Papers and History** (relevant to case only)

86/19414/FUL	Double garage and garden wall - application permitted 19/11/86
89/24218/FUL	Garden wall with up and over door to concrete hardstanding to create an additional carport - application permitted 22.11.89
00/38764/FUL	Garage extension - application permitted 03/05/00
00/39931/FUL	Proposed garage extension - application permitted 29/01/01
21/34626/COU	Retrospective application for change of use of triple garage to the rear to be used in connection with online motorcycle sales - application refused 20/06/22

### **Contact Officer**

John Holmes - Development Manager - Direct No 01785 619302

**MON/00045/EN21**  
**Garages Rear of 43 Rowley Grove**  
**Stafford**  
**ST17 9BL**

