Dear Members

Planning Committee

A meeting of the Planning Committee will be held in the Craddock Room, Civic Suite, Civic Centre, Riverside, Stafford on Wednesday, 4 July 2018 at 6.30pm 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.R. Well

Head of Law and Administration
AGENDA

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

Details of Delegated applications will be set out in Section 6 of Digest No. 244 due to be published on 6 July 2018

MEMBERSHIP

Chairman Councillor R M Sutherland

C A Baron   W J Kemp
G R Collier  D B Price
B M Cross    J K Price
I E Davies   G O Rowlands
M G Dodson   R M Sutherland
A S Harp     C V Trowbridge
E G R Jones

(Substitutes - F Beatty, R J Draper, A P Edgeller, J Hood, S Learoyd)
ITEM NO 5

PLANNING COMMITTEE - 4 JULY 2018

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 APPENDICES:-

<table>
<thead>
<tr>
<th>Application No</th>
<th>Description</th>
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<tbody>
<tr>
<td>18/28509/HOU</td>
<td>78 Cannock Road, Stafford ST17 0QQ</td>
<td>5 - 11</td>
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<td>This application was called in by Councillor J A Barron</td>
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<td></td>
<td>Officer Contact - Sarah Poxon, Development Lead (Small Scale) - Telephone 01785 619507</td>
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<tr>
<td>18/27927/FUL</td>
<td>Land at Alexandra Street, Stone, Staffordshire</td>
<td>12 - 21</td>
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<td>This application was called in by Councillor J W Farnham</td>
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<td></td>
<td>Officer Contact - Richard Wood - Development Lead (Large Scale) - Telephone 01785 619324</td>
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<tr>
<td>18/28273/HOU</td>
<td>16 Westover Drive, Stone, Staffordshire ST15 8TT</td>
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<td>This application was called in by Councillor G R Collier</td>
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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.
REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor J A Barron (Ward Member for Weeping Cross & Wildwood) for the following reasons:-

1. Overbearing impact on the neighbouring properties.
2. Not in keeping with the character and appearance of the area.
4. Extensive alterations already carried out without planning permission.
5. Very little improvement to the last refused Planning application.

Context

The property is a detached house situated in Stafford.

The application is a revised scheme to a previous application that was refused on amenity grounds. It was considered that the previous proposal would, by means of an unacceptable increase in massing on the southern side boundary and to the rear of the northern side boundary as a result of the proposed two-storey side and rear extension elements, lead to an unacceptable level of loss of light and outlook to the side facing ground floor principal windows contained within the side elevations of the adjacent neighbours to both sides.

This revised scheme proposes a single story side extension and a single storey rear extension to provide a dining room, kitchen, utility room and study.

The first floor elements to the side and rear have been removed from the scheme, with the proposed single storey extension being built around the existing 2 storey flat roofed rear extension.
Officer Assessment – Key Considerations

1. Character and Appearance

The siting, design and massing of the proposal are considered acceptable.

The proposed rear elements would not be readily seen from public vantage points. The proposed single storey side extension would not be overly prominent when viewed from the highway and other public vantage points.

The proposal would be constructed of matching materials.

The proposal would reduce the gap between the applicant property and no.80 Cannock Road to approximately 5m. The existing gap between the applicant property and no.76 Cannock Road would remain at approximately 3.4m. Given the single storey nature of the proposal and the remaining separation distance to the side, it is not considered that the proposal would result in visual ‘terracing’.

A stand-alone single storey extension to this side of similar dimensions could be built under permitted development rights.

Policies and Guidance:-
National Planning Policy Framework – Paragraphs 56, 57, 58, 59, 60, 61 & 64
The Plan for Stafford Borough – Policy N1 Design
Supplementary Planning Document (SPD) – Design

2. Amenity

The proposal has been assessed against the Council’s Design Supplementary Planning Document (SPD) 2018 in context of residential amenity.

The proposal would not result in any unacceptable breaches of the Council’s Design Supplementary Planning Document (SPD) 2018 in context of residential amenity.

The proposal would not result in any breaches of SPD guidance (25 degree rule) to the south eastern side, where the side elevation of this neighbour contains a ground floor principal dining room window. In context of distances to windows, the proposal would not meet the recommended SPD distance of 8m. However, the proposal would remove an existing opposition between principal windows at ground floor level, which would result in a betterment to privacy at this level (the proposed ground floor windows to this side are non-principal) and privacy would be further protected by existing boundary treatments. A stand-alone single storey extension to this side of similar dimensions could also be built under permitted development rights.

Also to this side, internal re-organisations at first floor level would result in the creation of a 4th bedroom with a side facing principal window which is the only source of light and outlook to this room. This room is shown on the existing plans as part of bedroom 2, which has a main principal window to the rear elevation and a non-principal window (high level and under 1m wide) the side elevation. It is this side facing window that would be enlarged
to become the principal window to bedroom 4, and would oppose the side of the adjacent
neighbour at a distance of 7.4m (pre-set situation). This would be in a breach of SPD 21m
distance between principal windows guidance resulting in a potential for overlooking (into
the neighbour’s side facing ground floor principal kitchen window). Consideration has
been given to the following:
The opposition would be between ground and first floor levels whereby any views into
respective windows would be at a vertical angle, thus minimising the potential for
overlooking. It is unlikely that this window would significantly overlook the rear amenity
area to the neighbour, given the angle of view and intervening structures
The SPD does not support new windows close to boundaries, however, it is noted here
that this is a pre-set situation where the window would be an enlarged window in the
existing side wall.
In summary, given the circumstances and for the avoidance of doubt, it is considered
reasonable to condition this window to be fitted with and retained/maintained with obscure
glazing to ensure the privacy of respective occupiers is protected.

In terms of light and outlook for the window to bedroom 4, there would be no breaches of
the vertical 25 degree line rule. As such, although the outlook to this window would not be
ideal, sufficient light to it would be available.

To the north western side, there would be no direct opposition of this neighbour’s side
facing ground floor kitchen principal windows as a result of the single story rear extension.
There is an existing breach of SDP guidance in respect of these windows (existing
separation distance of approximately 3.4m to the side between the respective dwellings)
and it is not considered that the proposed rear single storey element would impact on this
neighbour’s amenity to such an extent as to warrant a refusal. The rear extension to this
side would have a flat roof which would help to minimise any impacts. Again,
consideration has been given to the fact that a stand alone single storey extension to the
rear of similar dimensions could also be built under permitted development rights. Also to
this side, the proposal would include a new first floor ensuite window in the existing side
wall. This is shown on the plans to be obscure glazed. This is considered acceptable.

Policies and Guidance:-
National Planning Policy Framework – paragraph 17
The Plan for Stafford Borough – Policy N1 Design
Supplementary Planning Document (SPD) - Design

3. Parking

The existing house has 3 bedrooms. The house as extended would have 4 bedroom thus
requiring 3 on-site parking spaces to satisfy local plan parking standard. The proposed
extension would impact on the existing parking provision/access to the garage, however,
the proposed parking arrangements show in excess of the required 3 spaces being made
available to the site frontage.

Policies and Guidance:-
National Planning Policy Framework – paragraph 39
The Plan for Stafford Borough – Policies T1 Transport, T2 Parking and Manoeuvring
Facilities, Appendix B – Car Parking Standards
4. Other

There is no evidence to suggest that extensive alterations have already been carried out without planning permission. Any previous alterations, which are not considered extensive, would appear to have been carried under a previous permission or permitted development rights.

Neighbour comments have been noted and are addressed in the relevant parts of the report and as below:

The neighbour appears to have misunderstood the application of the 45 degree rule, as exemplified in the diagram under Appendix 2 of the SPD Design.

Side drives/yards are not normally considered to be a main amenity area, unless they are the only amenity area.

The patio area behind the garage is under cover and therefore overlooking would be highly unlikely.

5. Conclusion

The revised proposal is considered to be acceptable in terms of its design and scale and is not considered to have an adverse impact on the character or appearance of the surrounding area, parking and access, or amenity, subject to appropriate conditions.

Consultations

Neighbours (6 consulted):
2 representations received from one address point: Material planning considerations summarised below:

Objections:
- Narrowing of gap would impact on light and outlook to principal dining room window and impact on privacy to rear amenity area.
- Increase in window size to 4th bedroom would have direct view into dining room and rear amenity area. Breach of SPD distances between principal windows.
- Proposed utility window would have a direct view into dining room and courtyard area (amenity area) which is private space. SPD does not support windows close to boundaries.
- No 78. Already in breach of 25 degree rule and any increased in width will have effect on light to the dining room window. A minimum distance cannot be met with any planned extension, new or adjusted existing windows.
- Neighbour believes previous reasons for refusal on grounds of massing and impact on light to the principal window are still an issue.
- No single storey extensions ion the immediate area, therefore proposal not in keeping with the neighbourhood.
- Neighbour has extracted various parts of the SPD/made comments on extracts ANNEX A)
- ANNEX B – believes that the proposal breaches the 45 degree rule to both side and rear.
- Diagrams have been submitted in support of comments.
- Photos have been submitted in support of comments.

Site Notice:
None

Relevant Planning History

00/39101/FUL Extension at rear to form extended kitchen. Approved.
18/28061/HOU Ground and first storey side and rear extension. Refused 05.04.2018.

Recommendation

Approve, subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

2. This permission relates to the originally submitted details and specification and to the following drawings, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence:-

   Drawing no. 18.1843.PL001
   Drawing no. 18.1843.PL002
   Drawing no. 18.1843.PL008
   Drawing no. 18.1843.PL009
   Drawing no. 18.1843.PL010
   Drawing no. 18.1843.PL011
   Drawing no. 18.1843.PL012
   Drawing no. 18.1843.PL021

3. Notwithstanding any details/description in the application documents, the first floor bedroom window shown to the proposed south eastern side elevation shall be fitted with obscure glazing before the development is brought into use and shall thereafter be retained and maintained as such.

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

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. To define the permission.

3. To protect the privacy of respective occupiers (Policy N1 e of The Plan for Stafford Borough).
Informative(s)

1 The Local Planning Authority consider the proposal to be a sustainable form of development and therefore complies with the provisions of the National Planning Policy Framework.
18/28509/HOU
78 Cannock Road
Stafford
**Application** 18/27927/FUL  
**Case Officer:** Ed Handley  
**Date Registered** 14 February 2018  
**Target Decision Date** 11 April 2018  
**Address** Land at Alexandra Street  
**Ward** St Michaels and Stonefield  
**Parish** Stone Town  
**Proposal** Proposed new detached dwelling on vacant site  
**Applicant** Mr Mark Roberts  
**Recommendation** Approve, subject to conditions

**REASON FOR REFERRAL TO COMMITTEE**

This application has been called in by Councillor J W Farnham (Ward Member for St Michaels and Stonefield) for the following reasons:-

“The effect on the neighbouring property (2 Meaford Avenue) and the impact on the character of the area”.

**Context**

The application site comprises part of the rear garden of 51 Alexandra Street which is situated at the head of Meaford Avenue and measures 221sqm in area, inclusive of proposed parking provision for 51 Alexandra Street.

Outline permission was granted for three dwellings on land adjacent to No.51 Alexandra Street, including this site, in 2012 and 2015 under 12/17310/OUT and 15/23122/OUT respectively. Both permissions approved access and layout only.

Alexandra Street comprises terraced houses set on or close to the back of the footpath. Meaford Avenue is similar in character although there is some variation between rows on each side of the street.

The application is for a three bedroom detached dwelling with an integral garage. There would be a first floor element above the garage which would not project the full depth of the dwelling.

Maximum dimensions measure 8.0m (width) x 8.0m (depth) x 8.0m (height). The eaves height would be 5.3m, equal to the adjacent property at 2 Meaford Avenue.
1. **Principle of Development**

51 Alexandra Street is located within the settlement boundary for Stone as defined in The Plan for Stafford Borough Part 2.

Under the provisions of Spatial Principle 4 the majority of residential development within the Borough is to be focussed within Stafford (70%) and Stone (10%).

Furthermore, there is an extant outline permission for three dwellings on land adjacent to No.51, which includes the site which is the subject of this application.

Therefore, the principle of development is considered to be acceptable subject to other considerations being satisfied.

**Policies and Guidance:**

- National Planning Policy Framework: Paragraphs 9, 14, 17
- The Plan for Stafford Borough: SP3 Sustainable Settlement Hierarchy, SP7 Supporting the Location of New Development

2. **Character & Appearance**

The surrounding area has a relatively dense built form, generally comprising terraced dwellings.

The proposed dwelling would sit at the end of a row of dwellings on Meaford Avenue and would not be prominent within the street scene of Alexandra Street with being set back into the site. Furthermore, it is anticipated that the potential development of two further dwellings, approved under 15/23122/OUT, would screen the proposal in views from Alexandra Street.

The dwellings on the southwest side of Meaford Avenue are all set back from the highway by approximately 4.0m with some having staggered front elevations. The proposed dwelling would be set back from the highway by 6.0m roughly on the same line as the recessed side element of the adjacent property, 2 Meaford Avenue.

Given the staggered elevations of the adjacent row of dwellings, and that the proposed dwelling would sit at the head of the street it is not considered that this slight set back would result in any undue harm to the character of the area.

The dwellings in the immediate vicinity are varied in style having pitched or hipped roofs together with materials comprising brick or render, or a mix of the two.

The proposed dwelling would have two stories and includes an integral garage. It would have a pitched roof with front and rear gables and a hipped element to the side, above the garage, adjacent to 2 Meaford Avenue. The lower section of the dwelling would comprise
facing brick with a soldier and stretcher course separating this from a rendered upper section. The roof would be tiled.

The dual-style of roof and the use of facing brick and render would result in a dwelling of similar character to the surrounding dwellings whilst finer detailing such as exposed rafter ends, and brick coursing would mimic the adjacent terraced row of four dwellings (2-8 Meaford Avenue).

It is considered that the proposal would result in a dwelling of similar proportions to the adjacent property and that it would not result in any undue harm to the character and appearance of the area.

Given the size of the plot it is considered reasonable to remove permitted development rights in regard to extensions, alterations and outbuildings in order to protect the character of the area and to ensure that no undue harm would result to the amenity of the occupiers of neighbouring properties.

Policies and Guidance:-

National Planning Policy Framework:
Paragraphs 56, 57, 58, 59, 60, 61 & 64

The Plan for Stafford Borough:
Policies N1 Design, N8 Landscape Character

Design Supplementary Planning Document 2018

3. **Amenity**

Despite concerns raised by the Ward Member and the occupier of the adjacent property, it is not considered that there would be any adverse harm in regard to amenity.

Although the proposed dwelling would project 3.6m beyond the rear of No.2, given the separation distance of 3.2m it is not considered that any significant harm to outlook from No.2 would result. Furthermore, there would be no facing windows as there are no windows to the side of No.2 and there would be no windows to the side of the proposed dwelling.

It is acknowledged that the layout plans submitted during the consideration of 15/23122/OUT showed a garage to the side of this plot, adjacent to the boundary with No.2. However, scale and appearance were not considered at that stage and therefore no weight can be given to the approved scheme with regard to its form and massing.

The two-storey element of the proposed dwelling would be 0.7m from the boundary at its closest point and given its short depth it is not considered that the proposal would result in an undue overbearing impact on the neighbouring property.

Whilst the proposal may block out some sunlight to the garden of No.2 in the mornings it has to be acknowledged that an extant outline consent exists for a two-storey dwelling on this site.
The urban form of the surrounding area is relatively dense, notwithstanding the long rear gardens southeast of Berkeley Street. In this regard it is not unusual for development to be on or in very close proximity to boundaries.

Outlook from the proposed dwelling is considered to be acceptable. Although the front-facing kitchen window would look onto Meaford Avenue at a distance of only 4.8m this is a situation common in this locality given the historic arrangement of terraced properties fronting the highway.

The rear garden would have an area of 63sqm, slightly below that recommended in Guideline 3 in the Council's Design Supplementary Planning Document, however taking into account land to the side of the dwelling which could be incorporated into the garden space this area would be over 65sqm. It is not considered that the refusal of this application could be justified on the basis of the garden area.

The Environmental Health Officer raises no objection, subject to a number of conditions. It is considered appropriate to attach conditions to restrict hours of works and associated deliveries; to prevent noise nuisance during development; and to ensure that no burning of materials is carried out on the site during development. However, it is considered that other concerns are more appropriately controlled under separate legislation.

Policies and Guidance:-

The Plan for Stafford Borough:
Policies N1 Design

Design - Supplementary Planning Document 2018

4. Parking

The proposal would provide in a three-bedroom dwelling which would require two spaces to satisfy Local Plan parking standards.

There would be a single integral garage and space in front of this to park an additional vehicle thereby satisfying Local Plan parking standards.

The Highway Authority raise no objection subject to conditions.

There is an existing vehicular access to the site from Meaford Avenue which currently serves 51 Alexandra Street and which under permission 15/23122/OUT continued to serve this purpose.

It is considered appropriate to attach conditions to any approval to secure the provision of the access, the parking areas and the retention of the garage for the parking of vehicles. Furthermore, with regard to permission 15/23122/OUT a condition regarding the access remaining ungated should also be attached.
The scheme also involves the provision of two parking spaces for the benefit of the occupiers of 51 Alexandra Street as this was previously secured by condition on 15/23122/OUT and was linked to the development of this plot.

The owner of 51 Alexandra Street has confirmed that the proposed parking arrangements are acceptable and that there is an obligation on the applicant to provide parking space prior to the erection of any dwelling on this site following the sale of the land.

Policies and Guidance:

National Planning Policy Framework:
Paragraph 39

The Plan for Stafford Borough:
Policies T1 Transport, T2 Parking and Manoeuvring Facilities, Parking Standards Guidance

5. Other

Since the approval of 15/23122/OUT the site has been cleared. It was previously considered that the tree quality within the site was low and any loss of trees could be mitigated for within a landscaping scheme. There is a Tulip tree of some quality outside of the site, however on the basis of the arboricultural report submitted to support application 15/23122/OUT the root protection area would be wholly outside of the application site. The Tree Officer raises no objection on the basis that the proposal would not result in the loss of any arboricultural asset of significant value.

Policies and Guidance:

National Planning Policy Framework:
Section 11

The Plan for Stafford Borough:
Policy N4 The Natural Environment and Green Infrastructure

6. Conclusion

The proposal is considered to be acceptable given the location of the site within the settlement boundary of Stone. Furthermore, it is not considered that the proposal would result in any undue harm to the occupiers of adjacent residential properties, to the safety and convenience of users of the highway or to any arboricultural assets of significant value.

Consultations

Highway Authority:
(Comments dated 1 June 2018):
No objection, subject to conditions to secure the following:
- Provision of the access to the site;
- Provision of access and parking areas; and
Retention of garage for parking of motor vehicles and cycles.
(Comments dated 28 March 2018):
No objection, subject to conditions to secure the following:
- Provision of the access to the site;
- Provision of access and parking areas; and
- Retention of garage for parking of motor vehicles and cycles.

Tree Officer:
No objection.

Environmental Health Officer:
No objection, subject to conditions to secure the following:
- Restriction of hours of works and associated deliveries;
- Only inaudible equipment (at boundary of adjacent residential properties) to be left running outside of allowed working hours;
- Provision of damping down and road sweeping facilities;
- No burning on site during development;

Stone Town Parish Council:
Objection.
- The garage would be overbearing; and
- Contrary to the NPPF.

Neighbours:
(7 consulted): One representation received in objection, raising the following points:
- Additional first floor above to what was previously considered to be acceptable (2012 and 2015 applications);
- Harm to character of area (not on building line);
- Overbearing on boundary of 2 Meaford Avenue.

Relevant Planning History

12/17310/OUT – Proposed residential development consisting of three dwellings - Approved 16 November 2012

15/23122/OUT – Proposed residential development consisting of three dwellings – Approved 4 December 2015

Recommendation

Approve, subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

2. This permission relates to the originally submitted details and specification and to the following drawings, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence:-
3. Before the development is commenced details of the finished floor levels of the proposed building(s) including their relationship to the levels of the highway and existing site and adjacent development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

4. Notwithstanding any description/details of external materials in the application documents, no development shall be commenced until precise details or samples of the materials to be used in the construction of the external wall(s) and roof(s) of the building(s) have been submitted to and approved in writing by the Local Planning Authority.

5. Details of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented within 8 months of the first occupation of the dwelling.

6. Within 2 months of the dwelling first being occupied all walls, retaining walls, fences, and other means of enclosure shall be erected in complete accordance with details to first be submitted to and approved in writing by the Local Planning Authority and shall thereafter be retained as such.

7. The development shall not be brought into use until the access and parking area(s) have been provided in accordance with drawing N1012 01 revision B and shall thereafter be retained as such for the lifetime of the development.

8. The integral garage shall be retained for the parking of motor vehicles and cycles. It shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority.

9. The vehicular access shall remain ungated.

10. All construction works, including demolition and associated deliveries to the site shall only take place between the hours of 8.00am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays.

11. Any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings.

12. There shall be no burning on site during development.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any other
subsequent equivalent order, no development within the following classes of development shall be carried out without the prior approval of the Local Planning Authority:
- Schedule 2, Part 1, Class A - enlargement, improvement or other alteration
- Schedule 2, Part 1, Class B - additions etc to the roof
- Schedule 2, Part 1, Class D - porches
- Schedule 2, Part 1, Class E - buildings etc incidental to the enjoyment of the dwellinghouse
- Schedule 2, Part 2, Class A - gates, fences, walls etc

14. Any tree, hedge or shrub planted as part of a landscaping scheme (or replacement tree/hedge) on the site and which dies or is lost through any cause during a period of five years from the date of first planting shall be replaced in the next planting season.

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

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. To define the permission.

3. To safeguard the character and appearance of the area (Policy N1h of The Plan for Stafford Borough).

4. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).

5. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).

6. To ensure an adequate level of privacy for occupiers of adjacent residential properties (Policy N1e and Stafford Borough Council Space About Dwellings Guidance).

7. To ensure the provision of adequate off-street facilities in the interests of the convenience and safety of users of the highway. (Policy T2d of The Plan for Stafford Borough).

8. To ensure the provision of adequate off-street facilities in the interests of the convenience and safety of users of the highway. (Policy T2d of The Plan for Stafford Borough).

9. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
10. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).

11. To safeguard the occupiers of nearby residential properties from undue noise. (Policy N1e of The Plan for Stafford Borough).

12. To safeguard occupiers of nearby residential properties from nuisance caused by fumes, smoke and smells (Policy N1e of The Plan for Stafford Borough).

13. In order to ensure adequate amenity space is available to the proposed dwelling and that future development does not result in harm to the residential amenity of the occupiers of either the proposed dwelling or the adjacent properties due to the restricted depth of the rear garden (Policy N1 of The Plan for Stafford Borough).

14. To enable the Local Planning Authority to consider the scheme of development and the landscaping proposals in relation to the existing trees and hedges. (Policy N4 of The Plan for Stafford Borough).

Informative(s)

1 The Local Planning Authority consider the proposal to be a sustainable form of development and that it complies with the provisions of the National Planning Policy Framework.
18/27927/FUL
Land At Alexandra Street
Stone
Application 18/28273/HOU  
Case Officer Joseph Barrow

Date Registered 9 April 2018  
Target Decision Date Extended To 4 June 2018 6 July 2018

Address 16 Westover Drive Stone ST15 8TT  
Ward St. Michael’s & Stonefield

Parish Stone Town

Proposal Single storey extension to entrance hall and single storey orangery extension to living space at rear of property.

Applicant Mr J Birchill

Recommendation Approve, subject to conditions

REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor G R Collier (Ward Member for St. Michael’s & Stonefield) for the following reasons:-

‘Gross overbearing and over massing to neighbouring properties.’

Context

16 Westover Drive is a detached property on a housing development granted permission in 2003. The applicant property was extended through planning permission granted in 2007, with a first floor element constructed over the original garage element.

The Westover Drive development is located to the north of houses on Parkhouse Drive. These Parkhouse Drive properties are built on a split level into the hill which slopes down from the Westover Drive development. 16 Westover Drive shares a boundary with numbers 10 and 17 Parkhouse Drive. The difference in ground level between the two properties is approximately 2.5m, consisting of 1.5m from no 10 to its rear boundary and 1.0m from that boundary to the floor level of no 16.

Officer Assessment – Key Considerations

1. Character & Appearance

The existing property is an L-shaped two storey dwelling. It is designed in a uniform manner, with the red brick of the Westover Drive development used throughout, and the existing first floor extension designed in a way so as to be in the same style as the original house and in matching materials. This contributes to an existing scenario with additional massing that is visible to the neighbours on Parkhouse Drive.
This proposal consists of two elements;
- A porch entrance hall with roof lantern, located on the inside corner of the L-shape building, and;
- A wraparound single storey, flat roofed, rear and side extension situated on the outside corner of the L-shape. This element projects approximately 3m from the south (side) elevation of the property, and approximately 5.5m from the east (rear) elevation of the property. The east elevation of the proposal itself will measure approximately 12m, with the south elevation measuring approximately 8.8m.

The new porch element projects approximately 2m from the existing front elevation, and means that the entrance to the dwelling sits forward of the front elevation as opposed to being set back as it is now. The scale of this element is wholly acceptable, with a 1m square flat roof lantern installed. This element is subservient and uses matching materials. Overall the porch element is found to be acceptable in terms of its character and appearance.

The larger element is a wraparound extension, projecting both south and east. The part of the proposal which projects beyond the existing south elevation is stepped down below existing ground level by approximately 0.5m, with the overall height also reflecting that drop.

The plans have been amended to reduce the width of the side study element on its western side by 0.5m, and the rear extension has been reduced in depth by 0.5m, with a drop in height of the southern section of the extension by 0.5m, and the removal of roof lanterns on this section also. In addition a proposal to increase the fence height has been deleted, and it is proposed to retain the existing fence at 1.8m high.

It is not felt that the dimensions of the scheme proposed represent over development of the site. This proposal would be the first increase in footprint to 16 Westover Drive since its construction, and the site is comfortably large enough to accommodate such a proposal. Additionally the proposal is wholly subservient to the host dwelling in its single storey design, and the setting down of part of the proposal introduces a visual break in the massing.

The proposed materials are facing brick to match the existing dwelling with grey aluminium joinery. These materials are found to be acceptable for this scheme.

Concerns were raised about the proposal being overbearing on the neighbours in Parkhouse Drive. A temporary frame was erected showing the extent of a previous iteration of this scheme. With the revised plans now submitted and the information provided as part of the proposal it is felt that only a small portion of the proposal would be visible from numbers 10 and 17 Parkhouse Drive. This is due to the setting down of the rear and side extension, as well as the removal of the roof lanterns on this southernmost section.

Note: Photos were taken as part of this assessment showing the temporary frame. This frame outlines the scope of the scheme before amendments, and therefore the frame’s position is misleading, and should be disregarded when viewing the applicable photos.
Furthermore, the proposal is sited behind an existing 1.8m high close board fence boundary treatment. This fence provides adequate screening of the extension and as such proposals to increase the fence height were deleted to avoid the fence itself being overbearing in its own right.

Aside from this fence, the boundary between 16 Westover Drive and numbers 10 and 17 Parkhouse Drive has a variety of trees and shrubs providing additional screening of the applicant property. This proposal also details the planting of three additional deciduous trees across the extent of the facing elevation, helping to provide visual breaks in the massing of the scheme.

Considering the subservience of the scheme proposed, the existing adequate boundary treatment and positive additions to that by way of further trees, only a small portion of the side and rear extension is likely to be visible from the neighbouring properties on Parkhouse Drive. This section that will be visible is unlikely to significantly increase the harm to the properties on Parkhouse Drive over and above the existing scenario.

On planning balance it is felt that any additional harm to the character and appearance of the surrounding area as a result of the extensions proposed is minimal and therefore not reason enough for refusal.

Policies and Guidance:-
National Planning Policy Framework – paragraphs 56, 57, 58, 59, 60, 61 & 64
The Plan for Stafford Borough – Policies N1 Design, N8 Landscape Character
Supplementary Planning Document (SPD) – Design

2. Amenity

In terms of visual amenity no element of the proposed scheme creates a self-inflicted breach of the Local Planning Authority’s (LPA) Supplementary Planning Document (SPD) Design.

The primary point for assessment in respect of neighbours’ visual amenity is Guideline 6c of the SPD Design: Distances between Windows requiring a minimum distance of 8 metres from a principal window when the facing wall forms part of a single storey structure.

Guideline 6c is applied to this case with the caveat that the land levels involved make any south projecting extension more impactful on properties on Parkhouse Drive – consequently it would be desirable for the distance to be significantly greater than the 8 metres outlined in Guideline 6c.

A principal window is defined in Appendix 2 of the SPD Design as ‘the main or secondary window of more than 1m in width or two smaller windows of less than 1m but within a metre of each other to the same room, being a:
- Living room
- Dining room
- Kitchen
- Bedrooms’.
The side and rear extension which projects south and east, by this definition, only has principal windows which face east. The south facing elevation contains four windows, one of less than 1m in width and therefore not principal which is recessed in to the structure itself, creating an external alcove, one serves a study and can therefore not be defined as a principal window, and the other two which serve the ‘living area’ are less than 1m in width, and more than 1 metre apart so also are not defined as principal.

In any case, the distance along a direct outlook between the dining room of 10 Parkhouse Drive and the proposed extension is approximately 15.6m. The shortest distance between the proposed extension and a neighbouring principal window is approximately 13.8m at an angle of approximately 13 degrees from a direct outlook out of 17 Parkhouse Drive’s dining room. Both of these distances satisfy the requirement of Guideline 6c. Given the land level changes involved it may be felt that Guideline 6b should be applied as the proposal may be perceived to exceed one storey in height. In this scenario, a minimum distance of 12m is required. This requirement is also satisfied with the assessed minimum distance between the proposal and an impacted principal window being approximately 13.8m.

The existing boundary treatment is 1.8m in height and this is an appropriate height to screen most of the proposed development. If the land was level the top 70cm would be visible over the fence, with the remaining 2.3m concealed. With the land level change being as significant as it is, the portion of the extension screened by the boundary treatment will increase by way of the altered perspective. It is therefore felt that the existing boundary treatment is suitable to mitigate against any privacy and overlooking concerns.

Considering the above, there is no technical breach of the LPA’s amenity guidance and policies due to appropriate distances, the setting down of the proposal, adequate screening, and absence of facing principal windows.

Concerns have been raised in relation to overshadowing. Considering the orientation of the properties with the proposal being to the north east of number 17 Parkhouse Drive, and more due north of number 10 Parkhouse Drive, any loss of light from the proposed extension is only likely in the summer months. Furthermore, with the lower ground level proposed, any additional light lost as a result of the proposed extension is unlikely to significantly increase the harm caused by the dwelling in terms of overshadowing.

The objectors also felt that the introduction of additional trees is a harmful addition to the area. It is acknowledged that these trees would obscure some light, however given the orientation of the properties in relation to the sun this impact is found to be acceptable when balanced against the role the new trees play in disrupting the massing of the extension and the existing dwelling.

Further concerns were also raised in relation to the introduction of the extra glazing and associated additional lighting. This is found to be acceptable due to the existing boundary treatment and the wholly residential nature of the development.

On balance this proposal is not found to significantly harm the visual amenity of any neighbouring dwellings over and above the existing scenario. It is recommended therefore that the scheme is not refused on amenity grounds.
3. Parking

The proposal does not reduce parking provision, nor increase parking requirement, subsequently the current situation remains acceptable.

4. Other

With the presence of a Tree Protection Order (TPO) tree on site the LPA’s Tree Officer was consulted in relation to the protection of the tree during construction. The submitted information is found to be acceptable. This tree is on the north boundary and is not directly affected by the proposal.

Additionally options were explored throughout the assessment to increase the height of the boundary treatment. These options have now been removed from the scheme, thus returning the boundary treatment to a civil matter.

5. Conclusion

Overall the proposal itself is appropriately designed with visual breaks in massing created through varying land and roof levels and the creation of an external alcove. The materials proposed are suitable and help integrate the new elements into the host dwelling. The existing massing of the dwelling is noted, however a scheme of this subservient nature does not create significant additional harm over and above the current scenario. Furthermore the proposal includes a landscaping scheme which plays a role in disrupting this massing, therefore improving the existing scenario slightly visually.

The scheme complies with LPA policy and guidance in relation to visual amenity, and maintains appropriate parking provision. Appropriate measures are also used to mitigate against any harm to the TPO tree on site.

On balance it is recommended that planning permission be granted, subject to conditions.
Consultations

Tree Officer:
03.05.2018: No objection

Parish Council:
01.05.2018: No objection

Neighbours (9 consulted on original plans):
2 responses from 2 households – Material planning considerations summarised below:
- Overdevelopment – design not sympathetic to neighbouring properties or at an appropriate scale,
- Land level differences greatly exaggerating the impact of the proposal,
- Loss of light due to overshadowing and increased massing,
- Close proximity of the proposal,
- Privacy and overlooking concerns,
- Concerns relating to the proposed chimney,
- Impact on natural environment,
- Unacceptable levels of artificial light produced by the development, and,
- The land level sloping away to the east meaning that more of the development is visible from number 10 Parkhouse Drive than may be apparent.

(9 reconsulted on amendments):
2 responses from 2 households – Material planning considerations summarised below:
- Overdevelopment of the applicant dwelling,
- Unacceptable massing of the property,
- Loss of light by way of the new planting scheme,
- Proximity concerns with associated issues arising from this in terms of light and noise,
- Inappropriate fence height,
- Impact of the land sloping away to the east with the proposal’s ground level being levelled off. Exaggerates the height of the proposal, and,
- Increased light pollution.

Site Notice:
Expiry date: 10.05.2018

Relevant Planning History

- 03/01604/FUL – Erection of 20 No. dwellings with garages/parking spaces. Demolition of existing house and construction of associated roads and sewers. – Permitted 26.03.2004
- 07/08256/FUL – First floor extension and internal alterations. – Permitted 13.06.2007

Recommendation

Approve, subject to the following conditions:

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

Location plan
Proposed ground floor layout - Revision C
Proposed roof plan at scale 1:50 - Revision C
Proposed west elevation at scale 1:50 - Revision C
Proposed north elevation at scale 1:50 - Revision C
Proposed east elevation at scale 1:50 - Revision C
Proposed south elevation at scale 1:50 - Revision B
Proposed south elevation with landscape proposals overlaid - Revision B
BS5837 Tree Survey & Arboricultural Impact - 07.04.2018
Drawing No. BS5837 Sheets 1 & 2

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

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. To define the permission.

Informative(s)

1. The Local Planning Authority considers the proposal to form a sustainable form of development and that it complies with the provisions of the National Planning Policy Framework.
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

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<tr>
<th>Application Reference</th>
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<td>17/27646/HOU</td>
<td>4 Mill Farm Barns Mill Street Stone</td>
<td>Proposed single storey extension to rear, and raised decking</td>
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<td>Delegated Refusal</td>
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<tr>
<td>18/27945/HOU</td>
<td>3 Mount Crescent Stone ST15 8LR</td>
<td>First floor rear extension, removal of rear ground floor door and window and replacement with French doors and replacement window to side elevation</td>
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<tr>
<td>Delegated Refusal</td>
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<tr>
<td>17/25759/OUT</td>
<td>Land Between Blackies Lane And Saddler Avenue Aston Lodge</td>
<td>Application for outline planning permission for up to 20 affordable dwellings.</td>
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<tr>
<td>Committee Refusal</td>
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Decided Appeals

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<tr>
<td>17/26114/LBC</td>
<td>The Cottage Norbury Park House Norbury Road</td>
<td>Retention of ten circular openings</td>
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<tr>
<td>Appeal Allowed</td>
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<td>Trent Drive</td>
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<td>17/26018/FUL</td>
<td>Stables</td>
<td>Appeal Dismissed</td>
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<td></td>
<td>Outwoods Bank</td>
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</tbody>
</table>

**Previous Consideration**

Nil

**Background Papers**

File available in the Development Management Section

**Officer Contact**

Mr John Holmes, Development Manager Tel 01785 619302
Appeal Decision

Site visit made on 22 May 2018

by A J Mageean BA (Hons) BPI PhD MRTPI
an Inspector appointed by the Secretary of State

Decision date: 19 June 2018

Appeal Ref: APP/Y3425/Y/18/3194046
Norbury Park, Norbury, Stafford ST20 0PP

• The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
• The appeal is made by Norbury Park Estate against the decision of Stafford Borough Council.
• The application Ref 17/26114/LBC, dated 10 April 2017, was refused by notice dated 20 July 2017.
• The works proposed are retention of 10 circular openings.

Decision

1. The appeal is allowed and listed building consent is granted for retention of 10 circular openings at Norbury Park, Norbury, Stafford ST20 0PP in accordance with the terms of the application Ref 17/26114/LBC dated 10 April 2017 and the plans submitted with it.

Background and Main Issue

2. The appeal building, known as Long Barn, is part of a complex of historic farm buildings associated with Norbury Park, a Grade II listed former farmhouse. As such it is not a matter of contention that the appeal building is within the curtilage of the listed building and, due to its age and relationship with the former farmhouse, should also be considered as listed.

3. The conversion of Long Barn in 2015 to its present use involved a number of physical alterations which took place without listed building consent. I understand that most of these works have been regularised through retrospective applications\(^1\), though the insertion of 10 circular first floor windows on the south-west, north-east and north-west elevations of the barn remain the point of contention between the parties and the subject of this appeal.

4. The main issue is therefore the effect of the works on the special architectural or historic interest of the listed building.

Reasons

5. Norbury Park and its associated outbuildings date from around 1750. It is located within the estate of Norbury Manor, originally a deer park, and is around 1km to the north west of the Manor itself, a scheduled ancient...
monument. There is little information about the development or use of Norbury Park or its outbuildings. However, it is suggested that Long Barn was a threshing barn, probably with upper level storage for crops, and I have no reason to doubt this assumption.

6. The farmhouse itself is a red brick part two/three storey building, whose primary architectural interest is in its formal and handsome south western elevation. Overall this building reflects the robust domestic architectural style of the period. The buildings arranged around the courtyard to the rear are of more modest appearance, as fitting for their functional agricultural purposes. Nevertheless in terms of location, layout, massing and materials they complement the principle building, clearly demonstrating the typically subervient relationship of farm buildings to the farmhouse. Furthermore, the historic function of this grouping is reflected in the open nature of the surrounding agricultural land.

7. Whilst the farm and its outbuildings are of some historical special interest by virtue of their connection with the wider estate, the main interest and heritage significance of the listed building is in its architectural coherence as a reasonably well preserved example of typical 18th Century local vernacular, and also the balanced composition formed with the adjacent structures and their setting.

8. Significant alterations and additions to this complex of buildings have taken place, most notably through the restoration works undertaken in 2011. This included the addition of ‘Stable Block G’, which I understand replaced three modern agricultural buildings that previously covered much of the courtyard. This building now forms the south eastern side of the courtyard. It appears as a complementary addition in terms of form, style and materials, connecting the principle building to Long Barn.

9. Turning to consider the appeal works specifically, I understand that prior to the 2015 conversion of Long Barn there were relatively few window openings, as would be expected in a building of agricultural origin. The parties agree that in order to assist in the functioning of the building for its new purpose new window openings were required. In this context Historic England guidance on new openings which advises that ‘in many cases it is probably best to follow existing patterns on the building or other similar farm buildings’ is of relevance.

10. There were few upper level openings in Long Barn prior to its conversion, though at least one square opening was in place. Directly to the south west the building known as Small Barn has what appears to be an original eaves level circular opening, or ‘pitching eye’, within a gable dormer. I understand that this opening, which is edged with blue engineering bricks, has been used as the basis for the design of the Long Barn windows.

11. Of less direct relevance are the brief details of other examples of historic barns in mid-Staffordshire, which have what appear to be both original pitching eyes and more contemporary circular windows. As the context and circumstances of these cases are not provided, such comparisons cannot be regarded as setting precedents, particularly when dealing with sensitive heritage assets.

12. The circular windows on the north eastern and south western elevations of Long Barn do to some degree erode the modest functionality of the original appearance of this structure, particularly noting their number and the resulting regularity of the pattern created. However, noting the fact that the principle of new openings in these locations has been accepted in connection with the adaptive re-use of this building, the original robust appearance of this building would be altered whether square or circular openings were introduced. Furthermore, whilst circular openings on this scale are a step away from the origins of this building, their design has sought to respond to the local cue present on the adjacent building.

13. Long Barn is the furthest building away from the farmhouse. When the appeal works are considered in terms of the contribution of Long Barn to this grouping, it remains sub-servient to the main building. Furthermore, in the local views of Long Barn in and around this complex the appeal works do not significantly alter the architectural composition or balance of this group or harm the setting of the listed building overall.

14. Sections 16(2) and 66(1) of the Act require that when considering whether to grant listed building consent for any works affecting a listed building or its setting, special regard must be had to the desirability of preserving or enhancing the building or its setting, or any features of architectural or historic interest it possesses. Paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to its conservation.

15. In this case I find that the circular windows would be reasonably discrete additions when considered in the context of the nature and form of the listed building and its setting. I therefore find that the special architectural interest and heritage significance of the listed building has not been harmed by these works. For these reasons the appeal works also comply with Policy N9 of The Plan for Stafford (adopted 2014), which requires development proposals to conserve and protect the significance of heritage assets by avoiding the unnecessary loss of historic fabric and detail of significance. The works have been carried out and so no conditions are necessary.

16. For the reasons stated I conclude that the appeal should be allowed.

AJ Mageean
INSPECTOR

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3 Planning (Listed Buildings and Conservation Areas) Act 1990

https://www.gov.uk/planning-inspectorate
Appeal Decision

Inquiry held on 12 June 2018
Site visit made on 12 June 2018

by Pete Drew BSc (Hons), Dip TP (Dist) MRTP

an Inspector appointed by the Secretary of State

Decision date: 15 June 2018

Appeal Ref: APP/Y3425/C/17/3173977
Land at Heathcroft Paddock, Land off Ingestre Park Road, Ingestre, Stafford, Staffordshire ST18 0PZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 [hereinafter “the Act”] as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mrs Samantha Davies-Rowley against an enforcement notice issued by Stafford Borough Council.
- The enforcement notice, reference AK/013582, was issued on 24 March 2017.
- The breach of planning control as alleged in the notice is: *Without planning permission, change of use of the land, from land for agricultural use to use for a domestic garden.*
- The requirements of the notice are: (i) Stop using the land as a domestic garden; (ii) Remove from the land the dog kennel, brick barbeque, children’s swing and slides, decking, summer house and the garden furniture and restore the land back to its condition before the breach took place.
- The period for compliance with both of these requirements is three months.
- The appeal was lodged on the grounds set out in section 174(2) (a), (b), (c), (d) and (f) of the Act, but see further below.

Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the Act for the development already carried out, namely the change of use of the land to use for a domestic garden on land at Heathcroft Paddock, Land off Ingestre Park Road, Ingestre, Stafford, Staffordshire ST18 0PZ referred to in the enforcement notice, subject to the following condition:

   1. The area of land hereby permitted, edged red on the enforcement notice plan, shall be used solely as an ancillary use to the wider landholding that was granted planning permission for four stables, tack room, haybarn and hardcore winter standing under application No 03/00478/FUL.

Procedural matters

2. In advance of the Inquiry a legal opinion was submitted on behalf of the Appellant that gave reasons to support a claim that the enforcement notice might be a nullity. However in my pre-Inquiry note I gave a preliminary indication as to why I did not agree. Specifically, having regard to section 172(1)(b) of the Act, I find it difficult to conclude that there is no reason. At face value, whilst the Council’s rationale should have been expressed much better, this is not a case where there has been a failure to specify a reason.

3. In this context the Appellant’s opening submissions unambiguously say: “...the Appellant has nothing further to add and accepts the finding (albeit expressed
as a preliminary view) in the pre-Inquiry note\(^1\). In all the circumstances I am satisfied that the notice is not a nullity, but I repeat the thrust of what I said at the Inquiry that there would be merit in approaching the drafting of any future enforcement action more rigorously having regard to relevant regulations\(^2\).

4. Following the opening submissions and prior to any witnesses being called the Council sought an adjournment. The upshot was what I shall call the Additional Statement of Common Ground [Document 2]\(^3\). It says: "The Appellant agrees that grounds (b), (c) and (d) are withdrawn, subject to the below. The parties agree that the appeal succeeds pursuant to ground (a)..."\(^4\). Whilst this cannot be binding on the Secretary of State I nevertheless propose to proceed on the basis of the agreement between the main parties by turning first to ground (a).

**Ground (a): Main issue**

5. I consider that the main issue is the effect of the change of use on the character and appearance of the area, including whether, at a minimum, it preserves the character or appearance of the Ingestre Conservation Area.

**Planning policy**

6. The reason for issue of the enforcement notice refers to: "...Policies [sic] SP7 of the Stafford Borough Local Plan 2001". Paragraph 2.42 of Mr Timothy’s proof of evidence sets out why he has interpreted this reference to be to The Plan for Stafford Borough 2011-2031 [LP], which was adopted in June 2014. I think that is a sensible interpretation and having regard to the duty in section 38(6) of the Planning and Compulsory Purchase Act 2004 I intend to proceed on this basis. Despite the absence of any reference to LP Policies E2 and N1, I hope it is fair to say the Appellant agreed at the Inquiry that I should apply the duty in relation to those policies as well.

**Reasons: Character and appearance**

7. The Statement of Common Ground records that the appeal site “comprises of some 1.4 hectares”, but the 2003 planning application form confirms that this area relates to the wider landholding, including the stables and paddocks. The area of land that is the subject of the notice is a much smaller area within the wider landholding that the plan entitled “Garden dimension”\(^5\) shows to extend to a maximum extent of 29.85 m x 25.10 m. Within this the area edged red excludes the tractor shed and hay barn. It is agreed the dog kennel and BBQ, within the area edged red, were erected more than 10-years before the date of issue of the notice\(^6\). The summer house and decked area lie to the rear, west, of the hay barn, such that it is relatively inconspicuous, even when seen in private views; no public vantage-points have been drawn to my attention. In any event the allegation informs the terms of the deemed planning application and it is thus merely for the change of use of the land to a domestic garden.

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\(^1\) Source of quote: paragraph 2, Document 1.

\(^2\) Regulation 4 of The Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002, insofar as it says: "An enforcement notice issued under section 172 of the Planning Act shall specify— (a) the reasons why the local planning authority consider it expedient to issue the notice; (b) all policies and proposals in the development plan which are relevant to the decision to issue an enforcement notice...".

\(^3\) In advance of the Inquiry the main parties had already agreed a Statement of Common Ground, which is dated 15 May 2018.

\(^4\) Source of quote: paragraphs 1 and 2, Document 2.

\(^5\) In the bundle at Appendix 6 to Mr Timothy’s proof of evidence.

\(^6\) As I indicated in my pre-Inquiry note, it must follow, even on the Council’s case, that the condition of the land before the breach [which must have taken place after the material date in order for the ground (f) to fail to be considered] was land with these features already in existence. In short, even if the Council’s objective was within section 173(4)(a) of the Act, the requirement to remove these structures would have been excessive in my view.
8. The appeal site sits within a gently undulating pastoral landscape. Whilst the Statement of Common Ground records that there are a number of domestic gardens in the vicinity, these appear to be exclusively attached to houses. In that context the deemed application would be uncharacteristic of the area. However the use appears to have been conducted in close association with the permitted equestrian activities on the landholding and the small area on which it takes place is intimately associated with the group of existing buildings. Moreover the parties agree that a condition should be imposed to ensure that the area concerned is used for purposes ancillary to the permitted use. Subject to the imposition of such a condition I find that the use would be acceptable in the particular, and somewhat unusual, circumstances of this appeal.

9. In terms of its appearance Mr Timothy says that the site is physically contained to the north east by the stable block, to the north west by the tractor shed, and that there are hedgerows along these boundaries that restrict views; I agree. The Statement of Common Ground records that Ingestre Park Road, at least in the vicinity of the deemed application site, is a private road. On that basis the nearest public right of way with views towards the appeal site appears to be to the north east of the site, in the vicinity of the River Trent, at a distance of approximately 0.5 km. When viewed from such a public vantage-point, at this distance, the use would barely be perceived in the wider landscape. Given the established planting around the landholding there would be no harm. My site visit confirmed that views from the classified road that serves Ingestre do not extend past the group of dwellings at the junction to include the appeal site.

10. The Council has belatedly alleged a conflict with LP Policy E2 (d), which requires all development, thus including change of use, to respect and protect the natural landscape and the built vernacular character of the area. Noting again the terms of the deemed application I fail to see how it could be said that a change of use could fail to comply with the area’s built vernacular character. Subject to the agreed condition and the existing planting around the site, the use would respect and protect the natural landscape.

11. The Council also appears to allege a conflict with LP Policy N1, but the relevant section of its proof does not clearly explain how it would be breached. The only relevant provisions appear to be criteria (b), which requires the use to be designed, sited and grouped in order to provide access for all, and (p), which requires car parking to be discreetly located. I find both criteria would be met.

12. This takes one back to LP Policy SP7. Although I acknowledge that the site is outside of a settlement boundary, paraphrasing paragraph 6.16 of the Council’s proof, it appears to be acknowledged that development would be suitable if it accords with LP Policies E2 and N1. Whilst I have reviewed the only criteria that appear to be pertinent, namely ii), iii) and iv), I find no breach thereof. For these reasons, subject to the imposition of a planning condition, I find that the change of use would comply with LP Policies SP7, E2 and N1.

**Ingestre Conservation Area**

13. The Council’s reason[s] for issue of the enforcement notice make no reference to the Ingestre Conservation Area but, as decision maker, I have to discharge the duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 [hereinafter the LBCA Act]. In consideration thereof I attach substantial weight to the Ingestre Conservation Area Appraisal [CAA], which

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7 Otherwise referred to as “Trent Walk” or “Trent Drive” in some of the material before the Inquiry.
8 Dealing with ground (a), namely paragraphs 6.15-6.18, inclusive.

https://www.gov.uk/planning-inspectorate
appears to have been adopted in March 2015 following a public meeting and consultation\(^9\). Amongst other things the CAA identifies the hedgerow on the Ingestre Park Road frontage of the wider landholding to be an "important hedgerow"\(^{10}\) and vistas are identified from the hall grounds towards Trent Drive and in reverse\(^{11}\).

14. I have already given reasons for finding that the change of use would not harm the character and appearance of the area. That analysis is of relevance when considering the effect of the use on the Ingestre Conservation Area. It is agreed that the wider landholding is: "...used for equestrian activities"\(^{12}\) and the Council says the area has: "...a number of equine uses"\(^{13}\). In context that reference to ‘area’ appears to be a reference to Ingestre Conservation Area.

15. Whilst the Council claims that the general character of the Conservation Area is agricultural, the CAA does not say this. The clearest reference to agriculture is in paragraph 6.68 of the CAA, but that is a reference to its setting, not the Conservation Area itself. Section 6 of the CAA is entitled “Conservation Area Character” and subsection d “Open Spaces and Gardens”. If agriculture was a characteristic feature of this designated heritage asset I would have expected the CAA to say so here. The fact it does not, other than saying it is important to its setting, is significant. Given the Council’s acknowledgement that the designated area does have a number of equine uses\(^{14}\) and that the suggested condition would ensure the use would be ancillary to the permitted use, I can be satisfied that the character of the Conservation Area would be preserved.

16. Turning to appearance, in addition to my earlier analysis, the only vistas that I have identified to be of relevance in the CAA are to and from Trent Drive. In reaching this view I note paragraph 5.12 of the Statement of Common Ground, which records the absence of “Positive Views” in relation to the appeal site. My inspection confirmed that in the vista from the top of Trent Drive, the appeal site is screened by a dense hedgerow, including around 6 leylandii. Whilst I was unable to gain access to the grounds of Ingestre Hall to see the reverse view it appears to be a relatively expansive open view, within which the use of the appeal site would be seen in proximity to, and against the background of, the existing lawful equestrian buildings on the wider landholding. In these circumstances I can be satisfied that the use of the appeal site would preserve the appearance of the Conservation Area.

17. Paragraph 8.3 of the CAA refers to Policy N9 of what was described as the emerging LP and I note that paragraph 4.2 of the Statement of Common Ground says it is a relevant policy\(^{15}\). At no stage has the Council alleged a conflict with this policy, to the extent that I have not even been provided with a copy thereof. For the reasons given the development would respect the designated heritage asset, in compliance with LP Policy E2 (d). Whilst the Council has referred to paragraph 7.11 of the CAA insofar as it refers to “the scale, form and materials of new outbuildings”, the deemed application solely concerns the use of land. The Council could have included the summer house

\(^9\) See paragraphs 2.11 and 2.12 of the CAA.
\(^{10}\) Source of quote: key to Figure 51.
\(^{11}\) See Figure 52 and, in more detail, Figures 55 and 56. Whilst this is a point I would have liked to have verified with the Council’s witness, because in my version of the CAA these photographs are relatively small and of a poor quality [not an observation on the original], I believe the views to be shown in Figures 36 and 37, respectively.
\(^{12}\) Source of quote: paragraph 2.1 of the Statement of Common Ground.
\(^{13}\) Source of quote: paragraph 6.18 of the Council’s proof of evidence.
\(^{14}\) Confirmed by the reference in paragraph 6.18 of the CAA to: “…horse paddock”.
\(^{15}\) I shall assume for this purpose that the policy numbering did not change upon adoption.
in the allegation so that it was directed to use and building operations, but it chose not to do so. This quote is therefore irrelevant to the ground (a).

**Overall conclusion on the main issue following a review of other matters**

18. Paragraph 6.17 of the Council’s proof describes the appeal site as a separate planning unit but with the withdrawal of the ground (c) I express no view on that assertion. In any event, subject to imposition of the agreed condition, I can be satisfied that the site could not be used separately from the wider landholding, which paragraph 5.5 of the Statement of Common Ground agrees to be in the same occupation. Other chattels, such as the children’s swing and slides, might not be structures, and would be part and parcel of the use.

19. The Council’s proof does not refer to the National Planning Policy Framework ["the Framework"], but I have taken it into account. Amongst other things paragraph 129 requires a Local Planning Authority to identify and assess the particular significance of any heritage asset that may be affected by development. The fact that the Council made no reference to Ingestre Conservation Area in its reasons for issue of the notice is therefore telling. Having reviewed the CAA, including the summary of its special interest, the assessment of its character and its advice [section 8] I find the development would preserve, and therefore not harm, the significance of this designated heritage asset. In the circumstances I do not need to look for public benefits.

20. On the main issue I conclude that the change of use preserves the character and appearance of the area, including the Ingestre Conservation Area. As such I find no conflict with LP Policies SP7, E2 and N1 or the Framework, and I am satisfied that the duty in section 72(1) of the LBCA is met.

**Conditions**

21. The Additional Statement of Common Ground [Document 2] identifies 2 conditions which, subject to what I say below, have been agreed between the parties. In relation to the first I have found that a condition to ensure that the land is used ancillary to the use of the wider landholding is necessary in the interests of the character and appearance of the area. However I have revised the suggested wording in the interests of precision without detracting from the thrust of what has been agreed between the main parties in this respect.

22. The second condition that was sought by the Council was a blanket ban on all permitted development rights, but there are very few such rights that would apply to this relatively small area. In any event the Planning Practice Guidance says: “Conditions restricting the future use of permitted development rights ... will rarely pass the test of necessity and should only be used in exceptional circumstances. The scope of such conditions needs to be precisely defined, by reference to the relevant provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015, so that it is clear exactly which rights have been limited or withdrawn. ... [The] blanket removal of freedoms to carry out small scale ... alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity”\(^\text{16}\) [my emphasis]. The suggested wording fails this Guidance and in the circumstances I decline to impose the condition.

\(^{16}\) Source of quote: Paragraph: 017 Reference ID: 21a-017-20140306.

https://www.gov.uk/planning-inspectorate
23. Notwithstanding the above, the discussion at the Inquiry focussed on a more precise condition to remove the rights in Class A of Part 2 to Schedule 2 of the said Order. However, having subsequently inspected the land concerned, I am unconvinced that the tests of reasonableness and necessity would be met in this instance. Subject to the imposition of the first suggested condition this relatively small area would be intrinsically linked to the wider landholding and it appears to me that an inherent part of its attractiveness is the expansive view into the paddocks together with the interaction that is possible with the horses.

24. The Council appeared to be concerned that the ranch style fencing along that boundary might be replaced with tall close board type fencing but, even under subsequent ownership, I regard that prospect as highly unlikely. Even if that were proposed it is unlikely to be seen from any public vantage-point, would be largely hidden from the private road by the hedgerow, and in the vista towards the appeal site identified in Figure 55 of the CAA any such means of enclosure would be seen against the backdrop of the existing group of buildings. In these circumstances I find the modified condition, discussed at the Inquiry, would fail the 2 identified tests for conditions set out in paragraph 206 of the Framework.

25. My view that the second suggested condition is unnecessary is confirmed by reference to paragraph 8.10 of the CAA. It says: "An Article 4(1) Direction could be served by the local planning authority to ensure that certain walls and fences are subject to planning permission". That remains the position and no doubt if the Council chose to go down that route any Direction would apply to a more extensive area, which might have greater potential to impact on views from the grounds of Ingestre Hall, such as that shown in Figure 36 of the CAA.

26. The Council suggested 2 other conditions as part of a list attached to its Statement of Case, but it is significant that neither were repeated in the Additional Statement of Common Ground. The first sought to restrict domestic paraphernalia, but I have given reasons why items such as the slides and swings, if that is what is being alluded to, are part and parcel of the permitted use. In the alternative the term is too vague to be enforceable and would fail that test for conditions in paragraph 206 of the Framework. The second seeks to require the summer house and decking to be removed, but I repeat that the deemed application is merely for the use and since I intend to grant planning permission the requirement to remove it will fall once the notice is quashed. In any event paragraph 2.64 of Mr Timothy’s proof explains that it is also used in connection with the stables and wider landholding. In the circumstances I find the condition is not reasonable.

**Overall conclusion**

27. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed. I shall quash the enforcement notice and grant planning permission on the application deemed to have been made under section 177(5) of the Act. In those circumstances the appeal on ground (f) does not fall to be considered.

*Pete Drew*
INSPECTOR
APPEARANCES

FOR THE APPELLANT:

Miss Nina Pindham Counsel, instructed by Christopher Timothy, Principal, CT Planning.

FOR THE LOCAL PLANNING AUTHORITY:

Killian Garvey Counsel, instructed by Aleisha Kaur, Stafford Borough Council.

Documents submitted at the Inquiry

1. Opening submissions on behalf of the Appellant.
Appeal Decision

Site visit made on 30 May 2018

by B Bowker  Mplan MRTPI

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

Decision date: 20th June 2018

Appeal Ref: APP/Y3425/W/18/3195350
Stables, Outwoods Bank, Outwoods, Newport TF10 9ED

- 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 Lilian Owens against the decision of Stafford Borough Council.
- The application Ref 17/26018/FUL, dated 26 July 2017, was refused by notice dated 19 September 2017.
- The development proposed is described as ‘conversion of an existing; masonry construction, stable block into a new residential dwelling, with temporary on site accommodation’.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

   - Whether the location of the proposed development would accord with planning policy requirements, including reference to whether future occupants of the proposed development would have acceptable access to local services;
   - Whether the appeal building would be capable of conversion without the need for significant alteration; and,
   - The effect of the proposal on the character and appearance of the surrounding area.

Reasons

Location

3. The appeal building is of blockwork construction with a metal sheet roof and is sited on a concrete slab. The site is reached via a public right of way/track. To the north and west of the site is Outwoods. During my site visit I also saw that a temporary form of accommodation (which forms part of the proposal) is at the site. Policy SP3 of The Plan for Stafford Borough (PSB) states that the majority of future development will be delivered through the Sustainable Settlement Hierarchy. However, Outwoods does not form part of the Sustainable Settlement Hierarchy. As such, for planning purposes, the site is located in the open countryside.
4. Policy E2 of the PSB states that within rural areas, developments that provide for the sustainable use and re-use of rural buildings for appropriate uses will be permitted subject to compliance with a list of criteria. Of relevance to this main issue, Policy E2 criterion f) seeks to ensure that the rural building in question is well related to an existing settlement and has access to local services and/or is close to a regular public transport service to settlements identified in Spatial Policy SP3.

5. During my site visit I observed that the site is on top of an embankment and as such is a significant height above Outwoods. I also saw that the built form of Outwoods is intervened by a wooded area and that the site is reached by a lengthy public footpath/track, which is ‘hard core’ surfaced at sections. In addition, the site is surrounded by countryside to the east and south. Taking the above into account I cannot agree with the appellant that the site is within the boundary of Outwoods and that the site access is similar to other properties in Outwoods. Consequently the site is not well related to Outwoods.

6. Outwoods does not contain any services or facilities. The nearest settlement that would provide future occupants local services is Newport, which based on the Council’s measurement is over 3km from the site and the appellant’s measurement, 2.5 miles. In addition, based on the Council’s measurement (not disputed), the nearest bus service to the site is 1.4km to the north at the A518. As the connecting road from the site to the A518 is unlit and without any footways future occupants would not be able to readily access services and facilities without the use of private vehicle. The commutable distance to larger settlements in the wider area as asserted by the appellant would not prevent the high likelihood of future occupants being dependent on private vehicular modes of transport. Therefore the site would not have acceptable access to local services, regular public transport services nor to settlements identified in Policy SP3, as required by Policy E2. Whilst rural buildings are often not located immediately adjacent to services, this would not justify the conflict of the proposal with Policy E2 criterion f).

7. Paragraph 55 of the National Planning Policy Framework (the Framework) states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting. In addition, a core principle of the Framework encourages the conversion of existing buildings. Whilst the appellant briefly refers to these sections of the Framework, no case is made on this basis. However, the weight afforded to the conflict of the proposal with PSB Policy E2 identified above would outweigh any potential positive weight available to the proposal by virtue of the noted sections of the Framework.

8. Therefore the location of the proposed development would not accord with planning policy requirements, including reference to the access of future occupants to local services. Consequently the proposal would be contrary to PSB Policy E2 criterion f), the requirements of which are set out above.

**Whether Capable of Conversion**

9. Of relevance, PSB Policy E2 criteria d) & h) seek to ensure that the sustainable use and re-use of rural buildings involve a building that is structurally sound,
capable of conversion and large enough without the need for significant alteration. A Structural Survey undertaken by MNC Design Services Ltd has been submitted in support of the proposal.

10. The survey states that the structure of the building appears to be in good condition and that it is suitable for conversion without any significant structural alterations. In addition, the appellant states that all insulation linings are internal and that the works would renew the existing roof. Concern is raised by neighbours regarding the suitability of the building for conversion and the submitted Structural Survey. However no substantive evidence is before me to contradict the evidence put forward by the appellant. In addition, based on the evidence before me, I cannot agree with the Council that the external cladding and replacement roof proposed comprise a significant alteration to the building. I also note that the appeal building would not be extended as part of the conversion. Nor would my findings in respect of this main issue prevent the Council from resisting proposals when the submitted evidence does not demonstrate compliance with PSB Policy E2 criteria d) & h).

11. Therefore the appeal building would be capable of conversion without the need for significant alterations. Consequently the proposal would accord with PSB Policy E2 criteria d) & h), the requirements of which are set out above.

**Character and Appearance**

12. Concern is raised regarding the use of timber cladding and the metal roof proposed. In addition, it is contended that the existing building has no architectural merit and that its external materials are not in keeping with its surroundings. Outwoods is characterised by a range of dwelling types with varied external roof and wall materials.

13. Whilst the existing building and the materials proposed differ to the range of materials at properties in the wider locality, the proposal is modest in scale and discrete in siting. In my view the wall and roof materials proposed would not be incongruous, in the context of the variety of materials at properties across Outwoods. Moreover the proposal would not be viewed directly alongside dwellings at Outwoods. The proposal would also in the main utilise existing openings, with additional openings proposed modest in extent. I also note that the Council raise no concern regarding the visual effect of the vehicular parking area, and in my view a limited effect would occur in this respect. As such the proposal would not result in material harm to local character and appearance. Taking the above into account, the proposal would represent good design and would reinforce local distinctiveness as sought by the Framework.

14. Therefore the proposal would not have a harmful effect on the character and appearance of the surrounding area. Consequently the proposal would meet the requirements of PSB Policy E2 criterion e) and Policy N1 criteria g) and h). Combined these policies seek to ensure that the form, bulk and general design of development is of a high standard that uses locally distinct materials in keeping with its surroundings that does not harm the character of the countryside and the landscape setting.

**Other Matters**

15. Concern is raised regarding the caravan at the site, which is associated with the proposal. However, the Council state that an enforcement investigation is
pending in this respect. As such this is a separate matter for the parties to address.

16. Whilst the adopted Gnosall Neighbourhood Plan (GNP) is cited by the Council in its Appeal Statement, it is not referred to in the decision notice. However, based on the references made by the Council, policies of the GNP would not be a determinative matter in the appeal decision. Moreover the harm identified in relation to PSB Policy E2 provides a sufficient basis to dismiss the appeal in its own right.

17. A number of benefits are associated with the proposal, which include its contribution of a bungalow form of dwelling to housing supply and use of brownfield site. The proposal would also incorporate renewable energy sources, an energy efficient design and would reuse an existing building. In addition I have identified no harm regarding the capability of the building for conversion, nor to local character and appearance. However an absence of harm in these respects can only be considered as neutral factors in the planning balance. In this case, the above noted benefits and factors would be outweighed by the harm of the proposal identified in relation to the first main issue.

18. Reference is made to development at Morton Farm, Morton Barns, Blacklake Farm and Marl Barn which include conversion proposals into residential and holiday accommodation. Reference is also made to development at Coley and at a farm on the outskirts of Outwoods towards the A41. However, based on the limited details before me, I am unable to make a meaningful comparison between the cited developments and the appeal proposal before me. Moreover I must determine the appeal before me on its own individual merits.

Conclusion

19. For the reasons given above, and having taken all matters raised into account, I conclude that the appeal should be dismissed.

B Bowker
INSPECTOR

2 Which of relevance to the main issues includes Policy 4, cited as being reflective of PSB Policy E2 and Policy 6 relating to good design.