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, 19 February 2020 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.

I. Cameron

Head of Law and Administration
PLANNING COMMITTEE - 19 FEBRUARY 2020

Chairman - Councillor R M Sutherland
Vice-Chairman - Councillor A S Harp

A G E N D A

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

Details of Delegated applications are/will be set out in Section 6 of Digest No 265 due to be published on 6 March 2020.

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MEMBERSHIP

Chairman - Councillor R M Sutherland

B M Cross  W J Kemp
M G Dodson  A Nixon
A P Edgeller  A N Pearce
A S Harp  M Phillips
A D Hobbs  R M Sutherland
J Hood

(Substitutes - F Beatty, A T A Godfrey, P W Jones, R Kenney)
PLANNING COMMITTEE - 19 FEBRUARY 2020

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:-

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<td>Dans Motorcycle Showroom, The Fillybrooks, Stone</td>
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<td>This application was called in by Councillor J Hood</td>
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<td>Officer Contact - Richard Wood, Development Lead Telephone 01785 619324</td>
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<td>19/31489/FUL</td>
<td>Land East of Stan Robinson Ltd Lane by Ladfordfields Industrial Estate, Ladfordfields</td>
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<td>This application was called in by Councillor M J Winnington</td>
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<tr>
<td></td>
<td>Officer Contact - Nicholas Lawrence, Deputy Development Manager - Telephone 01785 619732</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

The application has been called in by Ward Councillor J Hood for the following reason:

“I wish to support and call in planning application 19/31091/FUL construction block work and timber service workshop and open hand car wash facility with jet washers including welfare shelter Dans Motorcycle showroom, the Fillybrooks Stone. The workshop and car wash is carefully designed to be in keeping with the surrounding area of the business and is sympathetic to its setting. The proposed application is within the Green Belt and in my opinion conforms to NPPF 2019 Green Belt Policy and Very Special Circumstances therefore I support the planning application.”

Context

The site lies within the North Staffordshire Green Belt (GB) on the west side of, and fronting, the A34, just south of the Whitebridge Lane/Newcastle Road roundabouts. Woodland borders the site on the three other sides. Motorcycles and cars are sold from the site. The view has previously been taken that no material change of use of the existing showroom building has occurred with this sales mix since it gained planning permission. There is an existing ancillary workshop to the rear of the showroom.
The new workshop building would be located to the rear of the existing showroom, on land at about 1.2m lower than its floor. It is shown with a single sloping roof, maximum 7.5m, and minimum 5.1m high at the rear. It would be 11m long, 7.9m wide and two metal roller shutter doors are shown on the south side. Finishes would tanalised timber cladding over blockwork and a green grass roof with four rooflight windows.

The car wash facility would include an open sided, timber framed shelter for staff and equipment with a plastic moulded membrane roof.. The shelter would be 8m long, 4m wide and a maximum of 3.35m high located at the rear of the existing parking area on the south side. A 2m high green mesh fence with gates would form an enclosed compound in conjunction with existing fencing. Vehicles would enter through one side of the gated access to the compound and follow a looping route around the site via the wheeled jet washers to be located on the south side and hand drying/finishing areas, and exiting through the other side of the gated access.

Both the workshop and the car wash would use the existing access from the A34.

Hours of operation would be 09.30 to 17.30 Mondays to Saturdays and 09.30 to 17.00 on Sundays and Bank Holidays. It is proposed that there would be 2 full-time employees and 1 part-time.

The applicant's agent has submitted the following as very special circumstances to support the proposals:-

"The workshop requirement is driven from a health and safety and employee welfare perspective. The current workshop is inadequate to allow proper servicing and a full range of repairs to be carried out to support the existing car sales business. The service workshop is cramped and does not allow for the use of hydraulic ramps meaning that the team mechanic is having to service vehicles lying on his back using a mechanic's creeper.

The car wash area of the proposals will introduce a use that is no more intensive in terms of impact on openness than the existing use of car storage and car sales. It is complimentary to the existing car sales and means cars will not need to be taken off-site for any specialist washing and valeting services.

Both the car wash facility and the workshop are required to balance the viability of the overall business operation of the site for car sales. The successful retention of the current business will we believe secure the best long-term maintenance and upkeep of the site where the current operators maintain a good relationship with the neighbours that will ensure the protection and upkeep of the boundary with Trent Wood.

Secured by a planning consent with appropriate opening hours and any requisite condition, the car wash facility will provide a more stable business model to the community of Stone than some of the more transient and less regulated businesses in other parts of the town."
The submitted VIA (Visual Impact Assessment) clearly demonstrates that the visual impact of the proposed development would be minimal. Only from very close in passing views would visibility of the car wash proposals be visible and the workshop proposal is obscured from nearly every perspective. Overall it is concluded landscape enhancement would provide a positive visual impact.

The submitted Highway, Access and Road Safety statement demonstrates a clear rational to the layout design of the scheme as shown on the block plan and layout drawings that can be achieved without negative impact on the openness of the Green Belt.

There is clearly some grounds to regard the site as both previously developed land and as limited infill within the context of the site boundary and there is nothing in policy to limit this to a consideration for only residential development."

Officer Assessment- Key Considerations

1. The principle of the development

The site lies within the North Staffordshire Green Belt (GB) and Spatial Principle 7 and Policy E2 of The Plan for Stafford Borough (TPSB) refer proposals in the GB to the provisions in the National Planning Policy Framework (NPPF).

The construction of the new buildings shown in the application does not fall within the exceptions defined in paragraphs 145 and 146 of the NPPF. The construction of those new buildings would further reduce the openness of the GB and urbanise its appearance. These elements of the development would therefore be inappropriate.

The applicant's agent suggests that the development could be acceptable as limited infilling or the partial redevelopment of previously developed land under paragraph 145 (g) of the NPPF. However, this is subject to the proviso in that paragraph that there should be no greater impact on the openness of the GB than the existing development. As the development would result in a net increase in new buildings and the further urbanisation of the appearance of the GB, this clearly would not be the case.

The material change of use of part of the site to a car wash would not be inappropriate in the GB if it preserved its openness and did not conflict with the purposes of including land within it. However, more specifically the new shelter and the new workshop would reduce the openness of the site and be features of an urban character. Paragraph 133 of the NPPF states that the fundamental aim of GB policy is to prevent urban sprawl by keeping land permanently open. Paragraph 134 also states that two of the five purposes of the GB is to check the unrestricted sprawl of large built-up areas and to assist in safeguarding the countryside from encroachment. The proposals would however conflict with these aims.
Paragraph 143 of the NPPF further states that inappropriate development is, by definition, harmful to the GB and should not be approved except in very special circumstances. However, paragraph 144 stresses that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the GB. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

It is consequently considered that very special circumstances have not been demonstrated by the applicant to outweigh the harm to the GB. The existing vehicle showroom and its rear workshop extension were considered acceptable partly because they would, in combination, result in buildings only 3 square metres greater in floor space that the area covered by the previous petrol station canopy on the site. It was subsequently considered that there would not be a significant impact on the openness or character of the GB. However, the workshop and shelter now proposed would add a further 119 square metres of floorspace and be the additional equivalent of about 46% of the built volume of the existing showroom. This would constitute considerable, extra building on this vulnerable rural fringe location in the GB, which would reduce and detract from its open character.

Visual impact assessment

The submitted Visual Impact Assessment includes 13 photographs that are representative of the main public viewpoints. These would be from the south round through to the east, and through to the north as private woodland wraps around the site from the north round through to the west, and through to the south.

The assessment states:

"...the most prominent positions have been used to present visual evidence and locations for photographs have sought positions where the public have the easiest access. It is notable that with the proximity of a major highway and the context of the woodland envelope in private ownership and without public access this is limited. Most views would only be attainable from limited pedestrian use on the east side of Fillybrooks and from car passengers traversing the A34 (impact on car drivers is limited in that this is a location where multiple junctions have to be negotiated).

It is recognised that photographs have been taken in July 2019 were on the whole trees and other vegetation exhibit good foliage cover. The surrounding hedges, trees to the highway and grass verges are however well kept so there is no additional barrier to visibility afforded in this respect related to the timing of the assessment."
The assessment concludes:-

"The visual assessment clearly demonstrates that the visual impact of the proposed development would be minimal. Only from very close in passing views would visibility of the car wash proposals be visible and the workshop proposal is obscured from nearly every perspective. Overall landscape enhancement would provide a positive visual impact."

**Officer review of visual assessment**

It is considered that views from the viewpoints would in effect be two panoramas for pedestrians on the east side footpath of the A34 and drivers travelling north; one from the south-east round through to the east to a point opposite the existing showroom, and the second from there round through to the north-east. Whilst views directly from the east would have the proposed workshop screened by the existing showroom, this would not be the case in views from the north-east and south-east. The substantial height and mass of the mono-pitched roof workshop would make it quite noticeable from these locations, and from where the space to the rear of the showroom can be currently seen.

The proposed shelter, although smaller than the proposed workshop, would also be seen in views from the east across the A34. Vehicles using the car wash would also be visible but these would have a similar impact to the current use of this part of the site for vehicle parking.

Furthermore, there would be little space for effective landscape enhancement on the frontage to offset the views of the proposed buildings and equipment.

**Officer conclusion on the principle of development**

Overall, planning permission should be refused on GB Grounds.

Policies and Guidance:-

National Planning Policy Framework
Paragraphs 143, 144, 145, 146

The Plan for Stafford Borough
Spatial Principle P7 - Supporting the Location of New Development
Policy E2 - Sustainable Rural Development.
2. Highways and parking

A Highways, Access and Road Safety Statement accompanies the application and explains that:-
- The A34 at this location is a dual carriageway and has a speed limit of 50 mph.
- The north side of the site has its own access.
- Traffic is slowed on the approaches to the site by the junction with Cauldon Way about 120m to the south and no vehicles travelling south on the A34 can attempt a right turn.
- Traffic generation for the car wash would result in about five additional vehicles entering and exiting the site per hour on average.
- There is unrestricted visibility to the south of about 150m.

12 parking spaces were originally shown for the new showroom although the policy requirement was just 8. Since then, external vehicle sales displays have commenced on the north and south sides of the showroom and much of the proposed car wash and workshop sites are currently used informally for customer and employee parking. The parking standards of TPSB require 7 spaces for the new workshop and the car wash would require 5 queuing spaces. The submitted parking layout shows 39 parking spaces which includes for vehicles displayed for sale and those of customers and employees. However, 2 spaces would obstruct the access to the proposed workshop and have not been counted. Taking into account the 8 original spaces for the showroom, and TPSB requirement for 1 customer space per 10 outside vehicle sales spaces, the layout would provide the requirements for the showroom, the new workshop, the car wash facility and 12 outside vehicle sales spaces. The 4 spaces shown within the carwash compound have also not been counted as they are likely to have access restricted by the proposed fencing and gates.

The Highway Authority raises no objection to the transport study or the parking arrangements subject to a condition to restrict the number of external vehicles displayed for sale to 12 if permission was to be granted.

Policies and Guidance:-

National Planning Policy Framework
Paragraphs 108, 109

The Plan for Stafford Borough
Policy T1 Transport
Policy T2 Parking and Manoeuvring Facilities
Appendix B Parking Standards

3. Amenity

The condition recommended by the Environmental Health Officer to secure a noise assessment would be added to consent if a grant of permission was proposed. The application is not of a significant type nor in a location to require the statutory consultation of the Environment Agency. Drainage would be covered under other legislation.
Policies and Guidance:-

National Planning Policy Framework
Paragraphs 170, 180

The Plan for Stafford Borough
Policy N1 Design

4. Planning balance and conclusion

Whilst the development would involve the creation of a new business element and three jobs, it is not considered that these economic objectives override the adverse impact that would result on the GB, nor the fundamental aim of GB policy in paragraph 133 of the NPPF of preventing urban sprawl by keeping land permanently open. Planning permission should therefore be refused.

Consultations

Highway Authority:
Surgery 3 February 2020 - No objection subject to a condition to restrict the number of external vehicles displayed for sale to 12.

Tree Officer:
Observations would be available at the meeting

Environmental Health Officer:
No objection subject to a condition to require a noise assessment and any recommended mitigation measures to safeguard the amenities of adjacent residential occupiers.
Also recommend consultation with the Environment Agency regarding conditions relating to drainage and protection of water resources.

Stone Town Council:
13 September 2019
No objections

7 January 2020
Expiry date for response 21 January 2020. No reply received.

Neighbours:
13 notified; 2 replies/representations received. The material issues are summarised below:-
- Dangerous access to car wash
- Usage of car wash understated
- Noise and disturbance from car wash
- Too many car washes in area
- Mitigation measures for car wash needed if approved.
Site Notice:
Expiry date 18 October 2019

**Relevant Planning History**

04/01981/FUL - Take down existing service station and construct new motorcycle showroom/workshop - approved 19 April 2004; built.

05/04847/FUL - Extension to existing garage to form workshop, toilets and workshop - approved 21 September 2005; built.

06/07161/COU - To sell food from existing kitchen to staff and customers - approved 26 January 2007 - restricted to staff and customers of Dans Motorcycles only.

**Recommendation**

Refuse due to the following reason:

1. The site lies within the North Staffordshire Green Belt where the shelter and workshop building would be visible in views from the east, north-east and south-east and would consequently lead to a reduction in the openness of the Green Belt and its further urbanisation. The proposal would therefore constitute inappropriate development which by definition is harmful to the Green Belt for which very special circumstances have not been demonstrated to outweigh such harm. The proposed development is therefore contrary to paragraphs 143, 144, 145 and 146 of the National Planning Policy Framework and Policy E2 of The Plan for Stafford Borough.
**Application** 19/31489/FUL  
**Case Officer** Sian Wright  
**Date Registered** 20 November 2019  
**Target Decision Date** 15 January 2019  
**Extended To** 21 February 2020  
**Address** Land East of Stan Robinson LTD Lane by Ladfordfields Industrial Estate Ladfordfields Stafford  
**Ward** Seighford And Church Eaton  
**Parish** Seighford  
**Proposal** Proposed HGV/trailer park with attenuation pond and landscaping.  
**Applicant** Stan Robinson Group LTD  
**Recommendation** Approve, subject to conditions

**REASON FOR REFERRAL TO COMMITTEE**

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

"On the grounds of massing and impact on street scene"

**Context**

This application relates to the Stan Robinson operations located on the northern part of Ladfordfields Industrial estate (the Industrial Estate). More specifically the application site (the Site) relates to an area of open farmland, approximately 1.80 hectares in area (excluding the access), immediately north-east of the existing operational land of the Applicant. The site is set back by some 250 metres from the B5405 from which access is gained.

The site is at a lower level than the main part of the industrial estate and a new ramp is proposed to link the two land levels. The site is bounded by open farmland to the north and east with “Cocktails Gorse” located just east of the proposed development site with Gamesley Brook just north of the site.
The proposal will provide an expansion for the parking of the Applicant’s current fleet of 63 HGV’s/trailers and the development is sought to alleviate congestion, highway safety associated with the restricted area of the applicant and thereby and provide operational efficiency and improve highway safety.

The Applicant’s business usually operates 24 hours a day over 5½ days per week. (typically from 3am Monday to noon on Saturday). Supporting information indicates that the site will see approximately 100 vehicle movements per day which equates to 4 per hour.

In addition to the proposed parking yard a permanent flood attenuation pond is proposed to the east of the site along with a landscaped area along the north eastern edge and to the east of the site. Palisade fence 1.80 metres in height is proposed to the boundaries with the existing yard areas and a 1.10 metres high post and netting stock fence to the field boundary and pond area. No buildings are proposed on the development site. A lighting scheme also forms part of the submission.

With regard to designations; the Site is within the strategic employment land identified in The Plan for Stafford Borough 2011-2013 (the Plan) and specifically within the identified boundary of the Industrial Estate as identified by Inset Map 3 to part 2 of the Plan. In addition, the site is within flood zone 1 and is immediately adjacent to flood zones 2 and 3.

The application is supported by the following documents:-

Design and Access Statement
Planning Statement
Technical Note
Flood Risk Assessment
Extended Phase 1 Habitat Survey Report
Great Crested Newt Initial assessment Survey and habitat suitability index Susie Duke dated Aug 2018 Report/Job No: R 755~1
Lighting report

Officer Assessment – Key Considerations

Principle of the proposed development

The Industrial Estate is one of 6 such identified areas within policy E3 of the Plan, which sets out a series of appropriate uses that will be supported in principle provided that there are no adverse impacts on the surrounding environment, nearby residents or transport networks. Appropriate uses include storage and distribution.

Weight to the acceptance of the principle of the proposed development is also set out under policy E4 of the Plan, in seeking to deliver 6 hectares of employment land at the Industrial Estate to support economic activity. As with Policy E3, due regard is had to the same broad issues, albeit additional detail is given with regard to flood risk and surface water management; landscaping; and the protection of nature conservation.
At the national level paragraphs 83 and 84 of the National Planning Policy Framework (February 2019) (the Framework) encourages the sustainable growth and expansion of all types of businesses in rural areas, whilst seeking to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads.

Therefore under the scope policies E3 and E4 of the Plan, and the aforementioned paragraphs of the Framework, the proposed development in acceptable in principle subject to the identified considerations of the surrounding environment, nearby residents or transport networks.

Policies and Guidance:-

National Planning Policy Framework
Planning Practice Guidance

The Plan for Stafford Borough Parts 1 and 2

Policies
SP1 Presumption in Favour of Sustainable Development
SP3 Sustainable Settlement Hierarchy
SP5 Employment Growth Distribution
SP6 Achieving Rural Sustainability
SP7 Supporting the Location of New Development
E1 Local Economy
E2 Sustainable Rural Development
E4 Raleigh Hall & Ladfordfields Recognised Industrial Estates.
RIE1 Recognised Industrial Estate Boundaries

Impact upon the character and appearance of the area

As noted above, the Site is within the designated boundary of the industrial Estate that permits industrial expansion and consequently it is accepted that any development, including that proposed, will visually alter the character of the area.

In terms of character, there are two ‘character areas’; namely, the existing industrial estate; and, secondly the surrounding open farmland.

The immediate character of the site is defined by the activities and buildings associated within the Industrial Estate. As the Site is within a designated industrial estate, there is a recognition that any such use has a character, functional and causal relationship to the surrounding industrial operations and this aspect of the character is carried through with the nature of the proposed development. Allowing for the proposal (i.e. principally a parking area associated with an existing activity ) and in particular that no buildings are proposed it is considered that the scheme accords with the existing character of the industrial Estate.
In terms of the wider context; the positioning of the parking area from the boundaries and the consequential landscaping and attenuation pond, particularly along the north and eastern boundaries will help to soften and screen the overall impact of the proposed development on the surrounding area. The net effect will be to create a series of natural field boundaries that reflect this characteristic of the surrounding farmland. It is therefore considered that the proposed development will not harm the wider area.

Overall, it is considered that the proposed development will not harm the character and appearance of the area and therefore accords with the provisions of the Plan and national guidance.

Policies and Guidance:-

National Planning Policy Framework
Paragraphs: 124, 127, 128 & 130

The Plan for Stafford Borough
Policies: N1 Design; N8 Landscape Character
Supplementary Planning Document (SPD) – Design

Residential amenity

The nearest residential dwellings are Ladford Pool Farm and Ladford House. These properties are located over 150m west of the application site. The submitted design statement confirms that both properties are owned by the applicant.

Notwithstanding ownership matter a lighting report was submitted with the application. Lighting columns are proposed to the perimeter of the site and two in the centre to provide adequate lighting. The Parish Council have raised concerns about the proposed lighting claiming that it will cause light pollution and that the lighting columns should be reduced in height. The Environmental Health Officer is however satisfied that the lighting scheme is acceptable.

The lighting proposal is not considered to be excessive and given the distance of the site to the nearest residential properties it is not considered that it would result in any significant harm to residential amenity.

The Plan for Stafford Borough
Policies: N1 Design
Supplementary Planning Document (SPD) - Design

Access and parking

The proposal would be accessed from the highway, through the existing site and via the proposed access ramp.

With regard to parking; the proposal will provide additional parking provision for 63 HGV’s/trailers. The Applicant has confirmed that the proposal will not generate additional vehicle movements for the existing business. The Applicant also confirms that most
vehicles would come and go from the proposed parking area on a daily basis however, the vehicles are the same as currently operating from the existing site.

The Highway Authority (HA) do not raise any objections on highway grounds subject to a condition to ensure that the parking and turning areas are provided in accordance with the proposed site plan. The advice from the HA states that their advice on based on the understanding that there will be no increase in vehicle trips associated with the proposal.

Policies and Guidance:-

National Planning Policy Framework
Paragraphs: 105 & 106

The Plan for Stafford Borough
Policies: T1 Transport; T2 Parking and Manoeuvring Facilities; Appendix B – Car Parking Standards

Ecology and Trees

An ecology report supports the application in addition to a Great Crested Newt Initial assessment survey.

The ecology report makes recommendations relating to great crested newts, nesting birds, retention of mature trees and hedgerows, a minimum 5m buffer zone to be maintained between the site and the Gamesley Brook.

Initially the Biodiversity Officer commented that there was insufficient information relating to Great Crested Newts however a further supporting survey was submitted which addressed the matters raised by the Biodiversity Officer. Having reviewed the further documentation, the Biodiversity Officer raises no objections overall to the proposal subject to the recommendations in the ecology report being implemented. It is also recommended that the attenuation pond should have ecological functionality which should include appropriate native planting.

The proposal shows one tree to be removed. The Tree Officer comments that the tree proposed for removal is an early mature Oak and comments that the tree is of moderate amenity value but appears to have developed a less than optimal form. Furthermore, it is noted that whilst the tree is not without merit, it does warrant being a prohibitive constraint to development and therefore raises no objections.

It is considered that the proposal accords with Policy E4 (iii) of the Plan.

Policies and Guidance:-

National Planning Policy Framework (NPPF): – Section 15: Conserving and enhancing the natural environment

The Plan for Stafford Borough - Policy N4 The Natural Environment and Green Infrastructure, E4
Flood Risk/Surface Water Drainage

A flood risk assessment (FRA) supports the application. As noted above, the Site is located within Flood Zone 1 which has the lowest probability of flooding. The report states that the site is unlikely to flood except in extreme conditions. The proposed use is classified as less vulnerable which is an appropriate use for flood zone 1.

The executive summary to the FRA states that providing the recommendations made in the FRA are instigated, flood risk from all sources would be minimised, the consequences of flooding are acceptable, and that the development would be in accordance with the requirements of the Framework. It also states that the FRA demonstrates that the proposed development would be operated with minimal risk from flooding, would not increase flood risk elsewhere and is compliant with the requirements of the Framework.

The Environment Agency do not raise any comments.

The Lead Local Flood Authority do not raise any objections subject to a condition requiring the detailed surface water drainage design to be submitted.

Subject to an appropriate condition the proposal complies with Policy E4 (ii) of the Plan and to national guidance.

Policies and Guidance:-

National Planning Policy Framework (NPPF): Section 14: Meeting the challenge of climate change, flooding and coastal change

The Plan for Stafford Borough : SP7 Supporting the Location of New Development, Policy N2 Climate Change

Concluding Comments and the Planning Balance

The application site is identified as strategic employment land and therefore the principal of expansion to the existing industrial estate is acceptable. There are no objections raised by consultees. Whilst the Parish Council raise objections it should be noted that no additional traffic will be generated by the proposal and that the Environmental Health Officer is satisfied with the lighting proposals. In this instance it is not possible to request contributions via a s106 agreement.

The call in reason relates to massing and impact upon the street scene. The application proposes a parking area, no buildings are proposed. In terms of street scene, the site is well distanced back from the road and would form an appropriate expansion of the existing site.
Consultations

Highway Authority: No objections subject to a condition to ensure that parking and turning areas are provided.

Parish Council:
Seighford Parish Council wish to object to the above application on the following grounds:
1. Traffic – the Council believes the additional HGV traffic generated will cause issues on local roads which are not adequate for their size.
2. Light pollution – the Council feel that this development will cause light pollution on large areas of the countryside. They would ask, in the event the application is considered for approval, for conditions or mitigation to be considered such as screening or masking and the potential lowering of the height of the light posts.
3. The Parish Council request that it is considered that this development should have to make contributions such as S106 funds in order to improve issues in the area.
Suggested schemes include: Widening of the footpath between Great Bridgeford and Creswell, road repairs and a potential pelican crossing outside the village hall in Great Bridgeford.

Environment Agency: No comments

Lead Local Flood Authority: No objections subject to a condition requiring a detailed surface water drainage design to be submitted.

Environmental Health Officer: Lighting proposal is acceptable.

Biodiversity Officer:
Policies that affect this proposed development:
NPPF (Section 15)
Government Circular 06/05: Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System.
Stafford Borough Council Biodiversity Strategy

Protected Species
Susie Duke undertook an Extended Phase 1 Habitat Survey during July 2018. The survey made the following recommendations that should be carried out as stated.

Great Crested Newts
The survey report recommends a Habitat Suitability Index (HSI) is undertaken of the nearby pond as it is within 100m of the proposed development site and suitable habitat is present. If the HSI survey indicates the potential for newts to be present then a full survey will be required between mid-March and mid-June. There is currently therefore, insufficient information with the application.

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

Habitats
Mature trees and hedgerows should be retained on site where possible. Any losses must be compensated for with appropriate native species.
A minimum 5m buffer zone must be maintained between the site and the Gamesley Brook.
The attenuation pond should have ecological functionality – and this should include appropriate native planting.

A further response from the Biodiversity Officer was received on 19th December stating the following:
The GCN survey found a low probability of newts being present. No further action is required.

Police Architectural Liaison Officer:
Advice given in relation to the entrance, perimeter fencing, landscaping, lighting, alarm system & CCTV system.

Neighbours (11 consulted): No letters of representation received.

Site notice expiry date: 27.12.2019

Newsletter advert expiry date: N/A

Relevant Planning History
19/29988/PAA - Proposed Development - Pre-Application Advice Given

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: 1803801-T-010 rev H
drawing no: 1803801-T-011 rev H
drawing no: 1803801-T-012 rev C
drawing no: 1803801-T-015 rev G
drawing no: 1803801-T-016 rev B
drawing no: 1803801-T-019A rev C
drawing no: 1803801-T-019B rev C
drawing no: 1803801-T-101 rev A
3. A detailed surface water drainage design shall be submitted to and approved in writing by the Local Planning Authority and shall be undertaken in complete accordance with the agreed details. The approved drainage shall be carried out in accordance with the approved details and implemented prior to any works other than the construction of the access ramp, being commenced. The design must be in accordance with the overall strategy and principles set out in the application submission. The design must demonstrate:
- Surface water drainage system(s) designed in accordance with national and local standards, including the non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015).
- SuDS design to provide adequate water quality treatment, in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria.
- Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. Site layout and levels should provide safe exceedance routes and adequate access for maintenance.
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure continued performance of the system for the lifetime of the development. This should include a schedule of required maintenance activities and frequencies, and the contact details for the organisation responsible for carrying out these duties.

4. All works shall be undertaken in accordance with the recommendations set out in the following reports by Susie Duke:

Extended Phase 1 Habitat Survey (Job No: R 755~0 July 2018)
Great Crested Newt Initial assessment Survey and habitat suitability index (Job No: R 755~1 August 2018)

5. Prior to first use of the development hereby approved the parking and turning areas shall be provided as per the approved plan entitled "Proposed Site Plan" no 1803801-T-015 Rev G and surfaced in a bound material. The parking and turning areas shall thereafter be retained at all times for their designated purposes.

6. Prior to any works other than the construction of the access ramp, a detailed landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be implemented in accordance with the approved details and implemented within 9 months of the proposed use commencing.
The reasons for the Council’s decision to approve the development subject to the above conditions are:

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

2. To define the permission.

3. To ensure the provision of adequate drainage facilities and to prevent the pollution of any adjacent watercourses, wells and aquifers. (Policy N2 of The Plan for Stafford Borough).

4. In order to ensure that the development does not result in damage or harm to legally protected species or their habitat/roost. to comply with Policy N5 of the Plan for Stafford Borough 2011-2031 and paragraph 175 of the National Planning Policy Framework (February 2019).

5. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).

6. To enhance the appearance of the development and to comply with Policies N1 and N8 of The Plan for Stafford Borough 2011-2031.

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.
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.

Decided Appeals

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Previous Consideration

Nil

Background Papers

File available in the Development Management Section

Officer Contact

John Holmes, Development Manager, Tel 01785 619302
Appeal Decision
Site visit made on 19 November 2019

by D. Szymanski, BSc (Hons) MA, MRPI
an Inspector appointed by the Secretary of State

Decision date: 9th December 2019

Appeal Ref: APP/Y3425/W/19/3230807
Land to rear of Brampton, The Butts, Little Haywood, Stafford, ST18 0TR

- 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 M Green against the decision of Stafford Borough Council.
- The application Ref: 18/28148/FUL dated 12 April 2018, was refused by notice dated 7 March 2019.
- The development proposed is erection of 4-bedroomed detached bungalow & detached garage.

Decision
1. The appeal is dismissed.

Procedural Matter
2. A completed and signed Section 106 Unilateral Undertaking has been submitted by the appellant. It seeks to secure the status of the appeal site and proposed dwelling, as a self-build and custom build house. I return to this matter later.

Background and Main Issues
3. The Council’s single reason for refusing the proposed development cited the location of the appeal site outside the boundaries of nearby settlements. It explained that the appellant had failed to demonstrate that the dwelling could not be located within a defined settlement, or, the house is required to meet a specific need identified through a Parish based needs assessment. The statements of the parties have provided substantive evidence in relation to the accessibility of the appeal site, and the effects of the development on the character and appearance of the area. Against this background I consider the main issues to be:
   - whether the proposed development would be an appropriate form of development having regard to national and local policies on the location and type of housing;
   - whether the proposed development would be in a suitable location, having regard to the accessibility of goods and services; and,
   - the effect of the proposed development upon the character and appearance of the area.

https://www.gov.uk/planning-inspectorate
Reasons

Housing policies

4. The Butts is a private road of six generously sized detached houses outside the settlement boundaries of and between the Key Service Villages (KSVs) of Little Haywood and Great Haywood, designated settlements in the adopted Colwich Neighbourhood Development Plan (2016) (the CNDP) and The Plan for Stafford Borough: Part 2 (2017) (the PSB2). Being outside the designated settlement boundaries, means the appeal site is on land designated in the countryside as defined in adopted development plan documents. I have noted the appellant’s views that the site should not be classed open countryside due to the relationship with the neighbouring built development and it constitutes previously developed land. However, the nature and location of the site and surroundings is such that it is more related to the rural character of its surroundings than that of the closest designated settlements.

5. The appeal site is a driveway and what is understood to be a former back garden associated with an adjacent dwelling (Brampton) before being severed from it by the sale of Brampton a number of years ago. It is bound by residential properties on two sides; Brampton to the south-west and Cleeve to the north-west. To the north and east it is enclosed by a hedgerow from modestly sized hedgerow lined grass fields.

6. Spatial Principle 3 (SP3) of the Plan for Stafford Borough 2011 – 2031 (June 2014) (the PSB) sets out a hierarchy of settlements as the basis for establishing the future sustainable pattern of growth and facilities. It requires the majority of future development to be delivered through the Sustainable Settlement Hierarchy, of which KSVs are 3rd in the hierarchy. Whilst not completely precluding development outside settlements in the hierarchy, Spatial Principle 4 (SP4) of the PSB envisages only around 8% of housing (800 of 10,000 dwellings) will be provided outside them. Spatial Principle 7 (SP7) of the PSB supports development of an appropriate scale and nature to secure the sustainability of the settlement within its boundaries. Outside these boundaries housing proposals should be consistent with the objectives of Spatial Principle 6 (SP6), Policy E2 and C5 of PSB.

7. Policy C5 of the PSB amongst other things, requires new residential development must demonstrate it cannot be accommodated within the settlement hierarchy. Proposals must be accompanied by Parish based Local Housing Needs Assessment, and an appraisal of the scheme, to prove it meets defined needs. It must be of a high quality design that reflects the setting, form, and character of the locality and the surrounding landscape.

8. Having regard to defined local needs, the dwelling proposes annex type accommodation for an elderly disabled relative of the appellant. I am advised both future occupants have been local to the area for several years, although I have not been offered substantive evidence they reside in the Parish. Additionally, the proposal is not accompanied by a Parish based Local Housing Needs Assessment.

9. The appellant proposes a self-build dwelling to be secured by a legal agreement that is before me. In terms of justifying its location outside a sustainable settlement, the appellant highlights the absence of self-build and custom build dwelling policies in the development plan. The appellant asserts that the
Council cannot demonstrate an adequate number of self-build and custom build plots, contrary to paragraph 61 of the National Planning Policy Framework (2019) (the Framework). Paragraph 61 highlights the requirement for Councils to keep a register of those seeking serviced plots to self-build and custom build their own homes¹ and reflect needs in planning policies. Councils must grant sufficient permissions for serviced plots to meet demand as evidenced by the entries on the register within 3 years of the base period².

10. By March 2018 there had been 31 entries on the Council’s register, and 34 single dwelling plots permitted. I note the opposing views as to whether the 34 single plots constitute serviced plots to satisfy those on the register. In principle such plots are capable of meeting the broad description in the Planning Practice Guidance, as there is no requirement for such plots to be secured by planning obligation or condition. I have not been provided with evidence of how many of these plots have been for self-build and custom build dwellings. Consequently, there is no definitive evidence that demonstrates the degree to which the Council has or has not met the demand on its register.

11. The potential lack of self-build plots does not in itself demonstrate why the development cannot be located within one of the sustainable settlement boundaries in the Borough as required by Policy C5. However, in-light of the doubts over the provision made by the Council to meet self-build and custom build needs on its register, this proposed single self-build plot secured by a planning obligation, is therefore given moderate weight.

12. Accordingly, the proposed development is contrary to SP3 and SP4 of the PSB, by reason of undermining the planned approach to the distribution of housing in the PSB. This seeks to locate the majority of development within the boundaries of settlements in the sustainable settlement hierarchy to establish the future sustainable pattern of growth and facilities. The development is also contrary to Policy C5, SP7 and Policy E2 of the PSB, as it has not demonstrated it cannot be accommodated within the settlement hierarchy and is not accompanied by Parish based Local Housing Needs Assessment.

13. In reaching the findings above I note the contents of appeal decision refs APP/C1570/A/14/2223280, APP/G2435/W/18/3214451 and APP/G2435/Q/18/3214498 supplied by the appellant. Appeal reference APP/C1570/A/14/2223280 was for a much larger development than the current appeal, being for 22 self-build and custom build dwellings. That decision pre-dates the current Framework and the Council could not demonstrate a 5-year housing land supply. Therefore, it is significantly different to the circumstances and proposal before me. In the latter two decisions in allowing 30 self-build plots, the Inspector opined it was unreasonable to include any of the single dwelling permissions within the calculation of self-build and custom permissions in that District, although I am not aware of the detailed nature of the evidence before the Inspector in that regard.

14. The appellant has stated that in the cases of APP/G2435/W/18/3214451 and APP/G2435/Q/18/3214498 the Council could demonstrate a 5-year housing land supply. A factor weighing strongly in favour of the development subject of those two appeal decisions was that the Inspector found the proposal would meet the majority of district demand by delivering 30 serviced self-build or

¹ Section 1 of the Self Build and Custom Housebuilding Act 2015
² Section 2 and 2A of the Self Build and Custom Housebuilding Act 2015

https://www.gov.uk/planning-inspectorate
custom build plots in a comprehensively planned manner on a sustainably located site. The number of plots and location also resulted in the Inspector giving substantial weight to economic benefits of 30 dwellings supporting local facilities, services and businesses. As the proposal before me is for the supply of a single dwelling, there are clear differences between those proposals and the proposal before me.

15. In Ref: APP/X2220/W/17/3176895 the Inspector opined the lack of policy provision for self-build and custom build housing in the development plan and the contents of the annual monitoring report, engaged paragraph 14 of the previous iteration of the Framework (now paragraph 11). That decision related to a single storey dwelling with the ground floor level partly dug out and the Inspector found that the development did not affect the AONB in an adverse way. The adverse impacts principally related to the conflict with planning policies which seek to direct development to inside development boundaries. I will set out my findings on other development plan policies for this appeal relating to character and appearance, and accessibility, below.

16. In the appeal before me, there are no relevant development plan policies in respect of meeting the housing needs of those who wish to build their own homes. Consequently, paragraph 11 of the Framework is engaged and this is a matter and I shall return to later in this decision.

Accessibility

17. In setting out the sustainable settlement hierarchy and the sustainability merits of some settlements, paragraph 6.31 of the accompanying text to SP3 highlights that the KSVs of Little Haywood, Great Haywood and Colwich have a range of community facilities, although there is limited employment provision. Facilities in Great Haywood are between approximately 1 – 1.3km from the appeal site and include a school, church, village hall, health centre, pharmacy, a pub, a small supermarket. The nearest facilities in Little Haywood start at approximately 400m from the appeal site, but are more limited – namely, two pubs, a B & B, general store, and a hairdresser. There are some limited facilities and services further away, for example a playground and a mechanical garage, as well as a farm shop and cafe associated with the nearby canal.

18. There is a lit footpath to both villages on the opposite side of Main Road to the appeal site. However, given the distance to the facilities and the range and nature of the facilities very few trips to the facilities would be by walking and cycling. In particular for trips to services and facilities to Great Haywood and beyond, walking and cycling are not likely to be an attractive or convenient regular mode of transport for those that are able to do so, particularly in the colder and wetter months. There are bus stops in either direction on Main Road, but I have not been provided with information on the frequency of these.

19. Furthermore, as the facilities within Little and Great Haywood and Colwich appear very limited, trips to other service centres are likely to be frequently required. Therefore, occupants of the new dwelling would tend to rely upon a motor vehicle for accessing most routine services and facilities, which would soon add up to a significant number of vehicular miles per year. While this is not necessarily unusual in rural locations, it would nevertheless be in conflict with a core planning principle of the Framework which encourages development to take place where the fullest use of walking, cycling and public transport can be made.
20. Therefore, the proposed development is not supported by paragraphs 8 and 78 of the National Planning Policy Framework (the Framework) (2019) which seeks sustainable development through (amongst other things) services that are accessible, using natural resources prudently and minimising pollution. For these reasons there would also be a degree of conflict with the aims of SP3 and SP4 of the PSB.

**Character and appearance**

21. The area of countryside between Little and Great Haywood is relatively narrow, but maintains separation between the settlements, which can be appreciated when viewed from the public rights of way to the north of the site, particularly from Colwich 46, which also allows some visibility of the appeal site. This means the countryside between the villages is particularly sensitive to change from incremental developments. The appeal site is composed of mostly open grassland with a small concrete slab and part of a wall. The appeal site is characteristic of the adjoining modest tree and hedgerow lined fields, contributing to the character and appearance of the area by its verdant and largely undeveloped nature.

22. The proposed new ‘T’ shaped dwelling would introduce a substantial built development notably visible above the hedgerow. It would include a main ridge spanning most of the width of the site (maximum dimensions of the dwelling would be approximately 15m wide by 10.85m deep and 7m high), as well as a detached double garage (approximately 8.3m wide by 5.2m deep and 5.5m high).

23. The introduction of the substantially sized dwelling, garage patio and paved areas would result in some further encroachment of development into the countryside and have a notable urbanising effect, reducing the openness of the countryside in this location. It would also be highly visible above the hedgerow from fields to the north and east, and from parts of a footpath to the north (Colwich 46). This increase in development would be harmful to the character and appearance of the site and wider area.

24. For the reasons above, the development would conflict with SP7 of the PSB which requires proposals promote protection and enhancement of environmental assets and character and are consistent with SP6 of the PSB, which requires proposals help to conserve or improve the rural environment. This requirement is reflected by Policy E2 of the PSB.

**Planning balance**

25. The Council can currently demonstrate a 5-year housing land supply and I consider the housing policies for Stafford Borough are be up-to-date in this regard. I have found the development conflicts with the development plan in respect of the policies for the location of housing, accessibility of development, and character and appearance. However, as set out earlier in this decision, there are no relevant development plan policies in respect of self-build and custom build dwellings, therefore paragraph 11 of the Framework is engaged.

26. By providing a single dwelling that would contribute to meeting the need for self-build and custom build plot secured by a planning obligation, and providing an annex for an elderly person, I attach moderate weight to this benefit. This
would contribute to the objective of support strong, vibrant and healthy communities.

27. The development would result in a small temporary economic benefit during construction, and a small sustained benefit to the local economy through ongoing spend once the dwelling is occupied. However, there would be adverse impacts from the development in respect of undermining the planned approach to the distribution of housing, undermining sustainable transport objectives and harm to the character and appearance of the area. This harm attracts significant weight, such that it significantly and demonstrably outweighs the benefits of the development when assessed against the policies in the Framework as a whole.

Other Matters

28. The proposal would result in a net increase in residential dwellings within the 0–8km zone of influence for the Cannock Chase Special Area of Conservation (CCSAC). The Council has provided me with a Habitat Regulation Assessment (HRA) Screening Matrix and Appropriate Assessment Statement which concludes any likely significant effects can be avoided or mitigated by financial contributions from developments of 10 or greater new dwellings from within in the 0-8km zone of payment. However, in light of my findings on the main issues above, it is not necessary to look at this matter in detail, given the proposal is unacceptable for other reasons.

29. The Highway Authority initially objected to the proposals due to the increased use of a substandard access onto Main Road. Subsequently the objection was withdrawn subject to conditions to secure access, parking, servicing and turning areas to be provided in accordance with the approved plans, were planning permission to be granted. I have noted various representations cite highway matters as grounds that the development should not be permitted, however from my observations on site and the evidence before me, I have no reason to disagree with the Highway Authority’s opinion.

30. Land ownership and the provision of services have been raised by the appellant and as concerns in representations objecting to the development. Planning permission is separate from and does not override any private legal rights, for example in terms of land ownership. Whilst I note the concerns raised, there is no substantive evidence before me that would lead me to believe the appellant cannot secure adequate access and services on the site.

31. The appellant has set out various benefits of the development and compliance with various aspects of Policies N1, N8 C5, SP1 and SP7 of the PSB, including, the relationship and proximity to existing dwellings, the re-use of previously developed land, the lack of harm to heritage assets, nature conservation interests, green infrastructure, and the design of the development. However, this does not override the harm I have found above.

Conclusion

32. Overall, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. Therefore, in the context of paragraph 11 of the Framework, the proposal would not represent sustainable
development and I consider that the balance of considerations is against the appeal proposal.

33. I have found the proposal to be harmful to the character and appearance of the site and wider area in conflict with SP6, SP7 and Policy E2 of the PSB. The proposal would result in harm having regard to paragraphs 8 and 78 of the Framework which seeks sustainable development through services that are accessible, using natural resources prudently and minimising pollution. For this reason, and by undermining the planned approach to the distribution of housing in the PSB, there would be conflict with Policies SP3 and SP4 of the PSB. Additionally, the proposal is contrary to SP7, Policies C5 and E2 as it has not demonstrated it cannot be accommodated within the settlement hierarchy and is not accompanied by Parish based Local Housing Needs Assessment.

34. There are no considerations before me of sufficient weight to outweigh the totality of the harm arising nor the conflict with the development plan as a whole. Consequently, there is nothing that would indicate a decision other than in accordance with the development plan would be appropriate.

35. For the reasons set out above, the appeal is dismissed.

Dan Szymanski
INSPECTOR
Appeal Decision
Site visit made on 19 November 2019

by D. Szymanski, BSc (Hons) MA, MRTPi
an Inspector appointed by the Secretary of State

Decision date: 17th December 2019

Appeal Ref: APP/Y3425/W/19/3226685
Broughall Grange, Woodside Road, Gnosall, Stafford, ST20 0JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for approval of details required by a condition of an outline planning permission.
- The appeal is made by F and P A Tomkinson against Stafford Borough Council.
- The application Ref: 18/28053/REM dated 14 February 2018, sought approval of details pursuant to condition No. 1 of outline planning permission Ref: 16/25263/OUT which was granted on 10 February 2017.
- The development proposed is construction of a permanent agricultural workers dwelling.
- The details for which approval is sought are: vehicular access, layout of the site, the scale of the buildings, the appearance of the buildings including materials, landscaping.

Decision

1. The appeal is allowed, and the reserved matters are approved, namely the details of the vehicular access, layout of the site, the scale of the buildings, the appearance of the building, and landscaping, submitted in pursuance of condition No. 1 attached to planning permission Ref: 16/25263/OUT dated 10 February 2017, subject to the following conditions:

   1) This approval of reserved matters in respect of access, appearance, landscaping, layout and scale is granted pursuant to outline planning permission 16/25263/OUT. The approved development shall comply in all respects with the terms of that outline permission and the conditions imposed on it, except where a condition on this approved reserved matters consent takes precedent.

   2) The development hereby permitted shall be carried out in accordance with the following approved drawing nos. RFR/BG/2018/1/a amendments a; RFR/BG/2018/2 amendments a; RFR/BG/2018/3 amendments a; RFR/BG/2018/4/a amendments a.

   3) Before any above ground construction works are commenced, samples of the materials to be used in the construction of the external wall(s) and roof(s) of the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details unless alternative materials are otherwise first approved in writing by the Local Planning Authority.
4) The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plans.

5) Landscape and planting works shall be undertaken in accordance with the details shown in drawing RFR/BG/2018/4/a amendments a, and shall be carried out within eight months of the first occupation of the dwelling, unless an alternative timescale for implementation has been previously agreed in writing with the Local Planning Authority.

6) Notwithstanding the approved maintenance details indicated on plan ref RFR/BG/2018/4/a amendments a, any plants or trees that are removed or die or become seriously damaged or diseased within a period of 5 years from the date of planting, shall be replaced with others of similar size and species in the next planting season, unless the Local Planning Authority gives written agreement to any variation.

Application for costs

2. An application for costs was made by F and P A TOMKINSON against Stafford Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The appeal form and application for costs was initially made in the name of Richard Tomkinson. However, it was confirmed in an email by the appellant’s agent dated 22 November 2019 that the appellant is F and P A TOMKINSON, therefore I have used this in the banner heading above.

4. There are differences between the address set out in the appellant’s appeal form and those set out in the costs application. As the address from the appeal form was also that used in the Council’s decision notice, I have used it in the Costs decision.

5. This appeal is against a failure by the Council to give notice within the prescribed period of a decision on an application to approve reserved matters. This appeal was validated on 17 April 2019. The Council produced a delegated report for the application (which appears undated) and a decision dated 17 April 2019. The decision notice by the Council purports to grant permission for the application, subject to seven planning conditions. However, when the appeal is validated the jurisdiction for determining the application is removed from the Council. Therefore, the decision notice issued by the Council does not constitute a planning permission.

6. I have treated the Council’s report and decision notice as the basis of the decision the Council would have made, had it been empowered to do so. Following the issue of the Council’s report and decision notice the appellant has stated that they are unhappy with the conditions attached to the reserved matters approval, in particular condition 7. Suggested condition 7 seeks to withdraw permitted development rights from the new dwelling, under classes A – E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (herein the GPDO). The Council’s decision notice indicates that the condition is necessary to protect the character and appearance of the area. I have drawn on the delegated report and reason for condition to inform the main issue in this appeal.
Main Issue

7. The main issue is whether the Council’s suggested condition no. 7 is reasonable or necessary in the interests of the character and appearance of the area.

Reasons

8. The appeal site is located in the open countryside in a landscape of agricultural fields lined by mature hedgerows and trees, punctuated by occasional cottages and groups of farm buildings. The village of Gnosall is approximately 640m to the south although there is no inter-visibility due to the intervening topography and vegetation. The site is off an access track, being part of an open grass field next to the existing temporary agricultural workers dwelling. The field is relatively open, but the site is largely screened from the wider area by mature tree belts and hedgerows, considerably restricting any medium distance views.

9. The proposed dwelling and parking area would be sited towards the front of the plot and be enclosed by proposed tree and hedgerow planting. It would have three bedrooms, with a floor space of approximately 232 square metres and a ridge height of around 9.3m. The number and function of rooms are reasonable for a three bedroom dwelling, and whilst they might be generously proportioned, the accommodation appears reasonable. In the Council’s delegated report, they state it would sit comfortably on the plot and appear of a comparable scale to other nearby detached countryside dwellings, concluding the scale of the dwelling would be acceptable.

10. The Council has suggested a condition removing five classes of permitted development, relating to alterations to the dwelling and certain other buildings and enclosures. The reason for the condition sets out that disproportionate extensions and incidental buildings would be detrimental to the character and appearance of the site and its surrounds, citing Policies E2 and N1 of The Plan for Stafford Borough 2011 – 2031 (June 2014) (the PSB).

11. Paragraph 53 of the National Planning Policy Framework (2019) (the Framework) states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. The Planning Practice Guidance advises that conditions restricting the future use of permitted development rights, or changes of use, are unlikely to pass the tests of reasonableness or necessity (paragraph 21a-017-20190723).

12. I note the Council’s views in respect of character and appearance and conflict with Policies E2 and N1 of the PSB. However, there is little further explanation of how each of the classes would result in either an excessively sized dwelling or outbuildings, to such a degree, they would be harmful to the character and appearance of the site or wider area. The Council’s delegated report acknowledges that substantial dwellings are not unusual in the countryside, and those I noted in the wider area appeared similarly sized.

13. Whilst the appeal site is part of an open field, medium and long term visibility is very limited. Any alterations would be largely screened from the wider landscape by existing trees and hedgerows and the topography of the land. Furthermore, within a few years it is likely the landscaping proposals accepted by the Council, would soften the appearance of the site, including from the adjacent Public footpath No. 27 of Gnosall.
14. For the reasons set out above, by not applying suggested condition 7, I find that there would not be conflict with Policies E2 and N1 of the PSB. These amongst other things and in combination expect development to respect and protect the natural landscape, the built character, and preserve and enhance the character of the area. In its delegated report the Council has made reference to Policy N8 of the PSB. However, in the absence of any evidence to the contrary, I find no conflict with this policy by allowing the development without attaching the suggested condition. Therefore, it is not demonstrated that there is a clear justification for suggested condition 7 as required by paragraph 53 Framework. Nor do I find the imposition of the condition reasonable or necessary as set out in the Planning Practice Guidance.

Other Matters

15. The appellant sought reserved matters approval for the appearance of the dwelling including the external materials. It would be of traditional construction including brickwork walls and a tiled roof, however, the bricks and tiles to be used are not specified in the information before me. Therefore, whilst the general design and appearance is considered acceptable, in the absence of these details, and as proposed by the Council, a condition is necessary to agree the external brickwork and roof tiles. Having considered the Council’s views, I consider the scale of the dwelling is acceptable.

16. The access would be via an existing access constituted of a wide concrete apron with good visibility serving the existing egg production unit. The layout of the site would be traditional in its nature, with the dwelling addressing the track, parking to the front, and a patio and garden area to the rear. The landscaping proposals provide for a limited number of trees and a comprehensive hedgerow surrounding the site comprising a conservation hedge mix of native species. The Council appears satisfied at the proposals in regard of these other reserved matters, and I have no reason to disagree.

17. The appeal site lies within the 8–15km zone of influence for the Cannock Chase Special Area of Conservation (CCSAC). The Council has come to the view that the appeal scheme would result in a net increase of residential dwellings within the zone of influence and undertaken and submitted a Habitat Regulation Assessment (HRA) Screening Matrix and Appropriate Assessment Statement. The Council concluded that subject to mitigation, there will be no adverse effect on the integrity of the CCSAC.

18. The Cannock Chase SAC Partnership has agreed Strategic Access Management and Monitoring Measures (SAMMM) with Natural England which requires mitigation payment per net residential dwelling from all new development within the 0-8km ‘zone of payment’. Within Stafford Borough mitigation payments will only be sought from developments both within the 0-8km ‘zone of payment’ and which will deliver 10 or greater (net) new dwellings. Therefore, mitigation is secured by development of 10 dwellings or more. The Council has also consulted Natural England who has confirmed they have no objection to the proposal.

19. Notwithstanding the above, as this proposal is to discharge reserved matters and outline planning permission has already been granted, the principle is established, and a planning permission is already in place for a dwelling on the appeal site. Therefore, there would be no adverse effect on the integrity of the site as a consequence of approving the reserve matters.
20. It is understood that initially, the line of public footpath No. 27 of Gnosall cut across the south-eastern corner of the site of the outline permission. The subsequently amended layout excludes the south-east corner from the domestic curtilage so the right of way runs outside the boundary hedge with no need to divert the footpath.

**Conditions**

21. The appellant expressed that they were unhappy with the Council’s suggested conditions. I have considered the conditions set out in the Council’s decision notice having regard to paragraphs 54 and 55 of the Framework and advice contained in the Planning Practice Guidance. Where appropriate I have amended the wording to more closely align with the Planning Practice Guidance.

22. Conditions are required to ensure that the development is carried out in accordance with the approved plans and the outline permission, which are necessary for the avoidance of doubt and in the interests of certainty. I have omitted the Council’s reference in proposed condition 2 to implementation in accordance with the approved plans ‘...as required by other conditions of this consent and those of outline permission 16/25263/OUT’, as these requirements are implicit in the other conditions of this consent, and reference to the outline permission has already been referred to in condition 1.

23. In the interest of visual amenity, I attach conditions in relation to external materials. In the interests of ensuring the implementation of the proposed off-road car parking, it is necessary to impose a condition requiring the provision of the parking spaces in accordance with the approved plans. In the interests of the character and appearance of the area it is necessary to secure the implementation and maintenance of the landscaping scheme.

24. The Council is of the view that the proximity to Public footpath No. 27 of Gnosall merits an informative to draw attention to the existence of the footpath, that planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path network, and the need to apply to divert the right of way under Section 257 of the Town and Country Planning Act 1990. The plans before me do not show any alteration to the footpath no 27 and any damage to the right of way would be addressed under other separate legislation. Therefore, the suggested informative is not considered necessary having regard to the Planning Practice Guidance.

**Conclusion**

25. For the reasons given above, I conclude that the appeal should succeed.

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*Dan Szymanski*

INSPECTOR
Costs Decision
Site visit made on 19 November 2019

by D. Szymanski, BSc (Hons) MA, MRPI
an Inspector appointed by the Secretary of State

Decision date: 17th December 2019

Costs application in relation to Appeal Ref: APP/Y3425/W/19/3226685
Broughall Grange, Woodside Road, Gnosall, Stafford, ST20 0JA

- 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 F and P A TOMKINSON for a full award of costs against Stafford Borough Council.
- The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on application Ref: 18/28053/REM for the approval of reserved matters under outline permission Ref: 16/25263/OUT for the construction of a permanent agricultural workers dwelling.

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Paragraph 16-030-20140306 of the Planning Practice Guidance (the PPG) advises that, irrespective of the outcome of the appeal, costs may only 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. Paragraph 16-049-20140306 of the PPG states that Local Planning Authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications. Examples include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.

4. The application for reserved matters is understood to have been submitted to the Council on 15 February 2018, with the appeal being lodged on 12 April 2019. The appeal was confirmed as valid on 17 April 2019 which is the same date on the Council’s decision notice. The appellant has provided me with extracts and written records of correspondence and conversations with the Council over the approximately 14 months that the reserved matters application was under consideration. Some of these extracts and written records appear undated, hence I am unaware of the precise sequence and timing of all the correspondence.

5. The evidence before me shows that correspondence in respect of the reserved matters between the two parties, primarily centres around the scale of the
dwelling, whether it is to accommodate an agricultural worker or manager, and the affordability of the dwelling (should it need to be marketed at an affordable price to another agricultural worker in the future). These are recurring matters in correspondence between the parties.

6. In its delegated report and costs rebuttal the Council confirms that it acknowledges the policy requirements in paragraph 79 of the National Planning Policy Framework (2019) (the Framework), in reaching the conclusion the reserved matters are acceptable. In particular, paragraph 79 only requires a planning judgement as to the need for an agricultural worker dwelling, and not the scale of the dwelling or whether it is economically viable. The Council could have imposed a limit upon the level of floorspace at the outline stage, yet it chose not to.

7. The appellant ultimately provided a report by David Collier Rural Planning dated 28 December 2018 to the Council. This set out matters including the intention of the farm manager to live on site, national and local planning policies on farm dwelling size, other appeal decisions, and other farm workers’ dwellings approved by the Council. The evidence provided should have been sufficient for the Council to reach a decision on the concerns it had raised before the appeal was submitted, whether or not they were justified by planning policy or caselaw. I have been offered little substantive evidence by the Council to justify the length of time taken to issue its decision on the application, particularly since the submission of the report 28 December 2018 and the subsequent correspondence by the appellant’s agent dated 20 February 2019, 18 March 2019 and 20 March 2019.

8. The Council appears to have delayed the determination of a reserved matters application accompanied by adequate information, that should have been permitted, having regard to its accordance with the development plan and national planning policies.

9. The Council could and should have determined the application prior to the appeal being lodged and has acted unreasonably by unnecessarily delaying the determination of the application. This appeal could have been avoided and the appellant has incurred unnecessary expense. Therefore, this demonstrates unreasonable behaviour on the part of the Council, and as a consequence, led to the appeal and to the appellant incurring unnecessary and wasted expense in the appeal process.

Costs Order

10. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Stafford Borough Council shall pay to F and P A TOMKINSON, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.

11. The applicant is now invited to submit to Stafford Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Dan Szymanski, INSPECTOR
Appeal Decision

Site visit made on 26 November 2019

by Paul Cooper  MSc MRTPI
an Inspector appointed by the Secretary of State

Decision date: 31 January 2020

Appeal Ref: APP/Y3425/W/19/3236880
Sternen, Meadow Lane, Little Haywood, Stafford ST18 0TT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr Craig McDonald against the decision of Stafford Borough Council.
- The application Ref 19/29964/HOU, dated 18 January 2019, was approved on 26 June 2019 and planning permission was granted subject to conditions.
- The development permitted is single storey extension to rear of dwelling and addition of trellis to existing fence increasing the overall height to 2.32m.
- The condition in dispute is No. 2 which states that: The extension hereby approved shall be rendered to match the existing dwellinghouse in both colour and texture within a period of 6 months of the date of this permission and thereafter retained as such for the life of the development.
- The reason given for the condition is: To safeguard the amenities of the area (Policy N1e of The Plan for Stafford Borough).

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development was changed by the Local Planning Authority from that set out on the application form. This was agreed by the appellant, and as such, I have used this for the description of development on the banner above.

Background and Main Issue

3. Planning permission had previously been granted for a single storey extension and the addition of a trellis. This was granted in June 2019 following an original approval from September 2018. From the evidence in front of me, it appears that the extension was constructed to a greater size than that approved and the 2019 application was submitted to regularise the extension. The original 2018 approval included a condition that facing materials should be submitted to the Council for approval, whilst the 2019 approval stated that the extension be rendered to match the main dwelling. This is the condition subject to the current appeal. The main issue in this case is whether condition 2 of planning application 19/29964/HOU is reasonable and necessary in the interests of the character and appearance of the area.
Reasons

4. Paragraph 55 of the National Planning Policy Framework (the Framework) states that 'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.' The Planning Practice Guidance (PPG) states that the 6 tests must all be satisfied each time a decision to grant planning permission subject to conditions is made.

5. In accordance with the PPG a key question in respect of whether a condition is necessary, is that it must not be imposed unless there is a definite planning reason for it, i.e. it is needed to make the development acceptable in planning terms.

6. On my site visit, and acknowledging that this was a snapshot in time during the winter months, the extension was visible from the street scene of Hawksmore Drive. The use of brick in the construction of the extension allows it to appear strident, when seen against the existing dwelling. I find that the extension is visually jarring with such a variation in the materials of construction and causes harm to the character and appearance of the area, which is generally traditional in methods of construction.

7. I have noted the comments of the appellant, who states that the extension would not be visible through the summer months, but this is reliant upon vegetation screening that is not in the control of the appellant, and therefore its continued benefit for screening purposes cannot be guaranteed. There will be some benefit from the additional screening of the trelliswork, but this would not be sufficient to overcome the harm that I have identified.

8. In addition, I have taken into consideration that the original approval did not seek the extension to be rendered as part of the conditions. However, a condition seeking the approval of facing materials was added, and this would have allowed the appropriate control regarding construction. Control was still evident in the original approval; it was more specific in the application subject to this appeal.

9. For the reasons outlined above, I conclude that the disputed condition is reasonable and necessary from a character and appearance point of view. As a result, the deletion of Condition 2 of planning application 19/29964/HOU would lead to a material conflict with Policy N1 e) of The Plan for Stafford Borough (2014) which requires design and layout to take account of the amenity of adjacent residential areas.

Conclusion

10. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR
Appeal Decision

Site visit made on 6 January 2020

by M Savage BSc (Hons) MCD MRTPI
an Inspector appointed by the Secretary of State

Decision date: 29 January 2020

Appeal Ref: APP/Y3425/C/19/3233762
The land at Former Bird in Hand Car Park, Cresswell Road, Hilderstone, Stafford

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mrs Dawn Banner against an enforcement notice issued by Stafford Borough Council.
- The enforcement notice was issued on 20 June 2019.
- The breach of planning control as alleged in the notice is without planning permission the erection of a three bay carport, in the approximate position marked with a cross on the attached plan.
- The requirements of the notice are:
  (i) Remove the building
  (ii) Remove from the land all building materials and rubble arising from compliance with the first requirement above, and restore the land to its condition before the breach took place..
- The period for compliance with the requirements is two months.
- The appeal is proceeding on the grounds set out in section 174(2)[a] of the Town and Country Planning Act 1990 as amended.

Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Background

2. Application 18/28990/FUL for the retention of three bay carport to provide covered parking for vehicles, to reduce impact visually of neighbouring metal sheds and containers, provide roosting for bats was refused by the Council on 4 October 2018.

Ground (a)

Main Issues

3. The site falls within an area of Green Belt. Accordingly, the main issues are:
   - Whether the proposal is inappropriate development within the Green Belt for the purposes of the Framework and development plan policy; and
   - Its effect on openness and the purposes of including land within it; and
   - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.
**Whether inappropriate Development in the Green Belt**

4. The National Planning Policy Framework (the ‘Framework’)(2019) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 145. Policy E2 of The Plan for Stafford Borough (PSB) 2011-2031\(^1\) sets out that within (the Green Belt) development is controlled in accordance with national guidance.

5. The appeal site is located in a prominent location on the corner of the junction with Cresswell Road and Moss Lane. Although there are other buildings in the vicinity of the car port, the area generally has a rural character typified by open fields bound by mature hedgerows.

6. The car port is an open fronted, single storey structure, constructed of timber with a slate style roof. It is not disputed that the land can be used for the parking of vehicles, which is permitted under planning permission reference 09/11677/FUL. However, whilst the carport has been erected wholly within the designated parking spaces, the permission only permits open parking.

7. The appellant has not alleged that the car port would fall under any of the exceptions set out within paragraph 145 of the Framework and in the absence of evidence to the contrary, I concur with the Council’s conclusion that the carport comprises inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and would therefore conflict with Policy E2 of the PSB and with the Framework.

**Openness**

8. A fundamental aim of the Green Belt policy in the Framework is to keep land permanently open. The car port occupies a prominent position which is clearly visible from the public highway. In spatial terms, the building occupies a space which was previously free of structures and as such I consider that the car port results in a loss of openness which, given its prominent location, harms the Green Belt and conflicts with the purposes of including land within it, contrary to the relevant expectations of the Framework.

**Whether Very Special Circumstances Exist**

9. The appellant asserts that the car port has been erected to protect vehicles from damage caused by from other vehicles travelling along the road and to deter thieves. However, I have no substantive evidence that the vehicles would be subject to theft if they were parked outside, nor am I persuaded that this is the only means of protecting the appellant’s vehicles from dust and dirt. The use of vehicle covers, for example, could help protect vehicles which are parked close to the highway.

10. The appellant has drawn my attention to other structures in the vicinity of the appeal building, as well as a site at Beech Tree Byrne, Moss Lane, where it is alleged planning permission was granted for a similar building. Whilst I acknowledge that there are other buildings in the vicinity of the appeal

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\(^1\) Adopted 2014
building, I have no substantive details of the examples cited and cannot be sure they are comparable to the appeal before me. Furthermore, I must consider the appeal on its own merits.

11. The appellant asserts that neighbours and Councillors have commented that the car port has tidied up the area and restricts views of other containers and sheds. However, the Council has other powers to control untidy land and as such I give very limited weight to any benefits in this regard.

Other Matters

12. The appellant has drawn my attention to matters relating to the Council’s processing of the application, including an allegation that a Councillor has a conflict of interest. However, in determining the ground (a) appeal I can only have regard to the planning merits of the case, so am unable to give any weight to this particular concern.

Conclusion

13. The Framework sets out the general presumption against inappropriate development within the Green Belt. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

14. The proposal is inappropriate development in the terms set out in the Framework and has led to a limited loss of openness to the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt.

15. The protection of vehicles from theft and risk of damage from the highway does not clearly outweigh the totality of the harm. Consequently, very special circumstances do not exist, and the proposal conflicts with Policy E2 of the Local Plan and the Framework.

16. Thus, for the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

M Savage

INSPECTOR