

Dear Members

Planning Committee

A meeting of the Planning Committee will be held on **Wednesday, 23 March 2022** at **6.30pm** in the **Craddock Room, Civic Centre, Riverside, Stafford** to deal with the business as set out on the agenda.

Please note that this meeting will be recorded.

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



Head of Law and Administration

PLANNING COMMITTEE - 23 MARCH 2022

Chairman - Councillor B M Cross
Vice-Chairman - Councillor E G R Jones

A G E N D A

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

Details of Delegated applications will be circulated separately to Members.

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MEMBERSHIP

Chairman - Councillor B M Cross

A G Cooper	P W Jones
B M Cross	W J Kemp
A P Edgeller	B McKeown
A D Hobbs	G P K Pardesi
J Hood	M Phillips
E G R Jones	

(Substitutes - F Beatty, A T A Godfrey, R Kenney, C V Trowbridge)

ITEM NO 5

ITEM NO 5

PLANNING COMMITTEE – 23 MARCH 2022

Ward Interest - Nil

Enforcement Matters

Report of Head of Development

Purpose of Report

To consider the following reports.

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(b) WKS2/00096/EN20 Land at Redhill Road, Stone	8 - 12
(c) ART4/00202/EN21 49 Tunley Street, Stone	13 - 16

Previous Consideration

Nil

Background Papers

File available in the Development Management Section

Officer Contact

John Holmes, Development Manager Tel 01785 619302

ITEM NO 5(a)

ITEM NO 5(a)

PLANNING COMMITTEE - 23 MARCH 2022

Ward - St Michael's and Stonefield

WKS3/00187/EN21 15 Old Road, Stone

Report of Head Development and Head of Law and Administration

Purpose of Report

To consider the erection of a raised structure approximately 3.66m high attached to a garden shed which provides a privacy screen to block views from a neighbouring property which has been erected without the benefit of planning permission.

1 Detail

- 1.1 A report was received in Planning Enforcement on 8 September 2021 regarding the erection of a structure attached to the shed to the rear of 15 Old Road, Stone.
- 1.2 Properties 11 to 17 (odd) Old Road have staggered rear gardens resulting in the view from their rear first floor windows looking at their neighbours' garden as well as their own.
- 1.3 At an initial site visit in September 2021, the owners of the property were not available and the structure was only viewed from the complainants' property.
- 1.4 A second visit was carried out on 8 October 2021, where measurements of the privacy screen were taken. The owners said that the structure had been erected as their neighbour at No.13 works from home in the rear bedroom which overlooks their garden and they wanted to be able to use their garden with privacy. They also alleged that No.13 had cameras inside the rear bedroom looking down onto their garden. No.15 were advised that cameras inside a property are not enforceable by SBC.
- 1.5 The property owners were written to on 26 October 2021 advising them that the privacy screen is too high to be permitted development and it either needed to be removed or planning permission sought.
- 1.6 The owners emailed on 10 November 2021 advising that the structure had been lowered and they were planning to plant a tree in its place.
- 1.7 The Complainant emailed on the same day to say that the original structure had been removed and had been replaced with a larger structure.

- 1.8 The owners were contacted by email on 12 November 2021 asking for clarity regarding the structure and were also asked for clarification regarding the planting of the tree and were contacted again on 24 November 2021 asking for an update.
- 1.9 The complainant emailed on 20 December 2021 to say that a third version of the privacy board had now been erected. This has been measured and is 3.66m high.
- 1.10 On the same day the owner emailed Enforcement asking how to submit a planning application and the costs involved and were provided with an email response with link on 21 December 2021.
- 1.11 The owners were written to on 11 January 2022 asking for removal of the structure or a submitted planning application by 25 January 2022. No application has been received and at the time of writing the structure remains in place.
- 1.12 The structure has been erected to the rear of the property, and because the owners' and complainants' property form part of a row of terraced housing the structure is not visible from the front of the property and has no impact on the streetscene. Whilst the structure undoubtedly has an impact on the outlook and light to a window in the complainant's property, it does not have a wider impact on the amenity of the area.

2 Policies

- 2.1 The Plan for Stafford Borough - Policy Spatial Principle 1 - Presumption in favour of sustainable development; Policy N1 - Design, and of the Plan for Stafford Borough.
- 2.2 National Planning Policy Framework (NPPF);
Section 4; Decision Making - Paragraph 59 (enforcement),

3 Conclusion

- 3.1 The structure is not mobile as it is fixed to a shed, and is therefore considered to be a permanent structure.
- 3.2 As a permanent structure which exceeds 2.5m within 2m of the boundary of the curtilage, planning permission is required for the retention of the structure.
- 3.3 The owners have been given guidance to either remove the structure, lower the height of the structure, or submit a planning application for the retention of the structure.
- 3.4 The structure has been erected to the rear of the property, thus having limited impact other than to the complainant. Whilst that in itself does not mean that it is not expedient to take enforcement action, paragraph 59 of the NPPF advises that local planning authorities should act proportionately in

responding to suspected breaches of planning control. As such there will be circumstances where the impact of an unauthorised development on a single person or property is such that it is expedient to take enforcement action. However in this case it is considered that the main impact is on outlook, with the impact on daylight being limited, as such it is not considered expedient to take enforcement action.

4 Recommendations

- 4.1 That it is not expedient to take enforcement action to secure the reduction in height of the structure.

Background Papers and History

WKS3/00187/EN21- Unauthorised structure

Contact Officer

John Holmes - Development Manager - 01785 619302

WKS3/00187/EN21
15 Old Road, Stone



ITEM NO 5(b)

ITEM NO 5(b)

PLANNING COMMITTEE - 23 MARCH 2022

Ward - St Michael's and Stonefield

WKS2/00096/EN20 Land at Redhill Road, Stone

Report of Head Development and Head of Law and Administration

Purpose of Report

To consider the erection of a fence, approximately 38m in length and 1.8-1.9m in height, adjacent to Redhill Road which was erected without the benefit of planning permission.

1 Detail

- 1.1 A report was received in Planning Enforcement on 20 May 2020 regarding the erection of a fence adjacent to Redhill Road.
- 1.2 A site visit ascertained that the fence was in excess of 1.0m in height adjacent to the highway and as such required planning permission. A letter was sent to the owner of the land on 3 June 2020.
- 1.3 A site meeting was held between the owner and Enforcement officer on 11 June 2020, when it was explained that due to the fence being 1.8 metres in height and with the position of the fence being adjacent to the highway, planning permission is required if it is intended to retain the fence in its current position. It was further explained that if the fence was reduced to 1 metre in height, then it would be permitted development.
- 1.4 The owner advised that the fence was erected to stop trespassers using the land, and that he proposed to erect a further length of fence to continue along Redhill Road.
- 1.5 A planning application was received on 10 July 2020 for 'Retrospective application for the retention of existing fence and the erection of fence adjacent to Redhill Road', however, the application was invalid on receipt.
- 1.6 The planning application was called in to Planning Committee by Councillor I Fordham, and subsequently presented to Planning Committee on 26 May 2021. The application report acknowledged the permitted development rights of this section of land which allows for the erection of a fence of up to 1m in height adjacent to the highway or 2m when set back from the highway.

- 1.7 Whilst the application was on balance recommended for approval subject to conditions, the Committee resolved to refuse the application for the following reason:

Due to its excessive length and prominent location, the fence forms a hard and dominating feature which is harmful to the street scene and to the character of Moddershall Valley Conservation Area. Furthermore, due to its height and proximity to "Brook View", the fence also adversely impacts pedestrian safety. The proposal is therefore contrary to Policies N1 (h), N8, N9 (v) and T2 of The Plan for Stafford Borough.

- 1.8 The owner appealed against the Committee's decision, but the appeal was dismissed on 19 November 2021, with the Inspector concluding in paragraphs 10-13 of the appeal decision that:

"10. I acknowledge that the fencing does not unduly affect key views in and out of the CA when taking into consideration the existing planting along the embankment and the dramatic change in land levels. However, the fence positioned on a curve and its tall close board appearance would run for a considerable length along the road. Given its height, length and prominence, it would form a large, obtrusive and incongruous feature in the street scene at odds with the prevailing open character creating an unduly hard and urban edge to the verdant CA.

11. In light of the above I conclude the proposal would lead to less than substantial harm to the significance of the heritage asset. This harm should be weighed against the public benefits of the proposal, which I now turn to.

12. Based on the evidence before me no public benefits have been presented and taking into consideration the points above the harm to the CA would clearly outweigh the public benefits of the proposal. The proposed development would fail to preserve or enhance the character and appearance of the CA. It would also adversely affect the appearance of the street scene.

13. Subsequently, the proposal would be contrary to PSB Policy N1(h) which, amongst other things, requires new development to have regard to local context including heritage assets and to preserve and enhance the character of the area."

- 1.9 Following the appeal decision the fence remains in situation. The complainant disputes that permitted development rights apply in a conservation area, however there is no order to restrict the permitted development rights, so the situation remains that permitted development rights apply to this section of land which allows for the erection of a fence of up to 1m in height adjacent to the highway.

- 1.10 Therefore Committee need to consider whether it is expedient to take enforcement action to require the approximately 38m long fence to be reduced in height by 0.8-0.9m to a height not exceeding 1.0m.
- 1.11 Whilst the 0.8-0.9m reduction in height may not seem a large amount, it is approximately 45% of the fence, and the Inspector concludes that “the proposed development would fail to preserve or enhance the character and appearance of the CA. It would also adversely affect the appearance of the street scene”. Therefore it is considered that it is expedient to take enforcement action to require the approximately 38m long fence to be reduced in height by 0.8-0.9m to a height not exceeding 1.0m, to reduce the less than substantial harm to the significance of the heritage asset (the Conservation Area) and the harm to the appearance of the street scene.
- 1.12 On 10 February 2022 a planning application was received for ‘Erection of 1.8m High Black Powder Coated Steel Railings (Part Replacement of Existing Fence) and Replacement of Existing Galvanised Steel Gates with Timber Gates’. The application is currently being checked for validation. When valid the application will be subject to consultations and neighbour notification and will be determined on its merits. As the application is not understood to include retention of any part of the currently unauthorised fence, it is not considered necessary to defer consideration of enforcement action on the current fence pending determination of the application.

2 Policies

- 2.1 The Plan for Stafford Borough - Policy N1 - Design, N8 Landscape Character and N9 Historic Environment of the Plan for Stafford Borough.
- 2.2 National Planning Policy Framework;
Section 4; Decision Making - Paragraph 59 (enforcement),
Section 12; Achieving well-designed places - Paragraphs 126, 130, 132, 134,
Section 16; Conserving and Enhancing the historic environment - Paragraphs 189, 195, 197, 199, 202, 203, 207

3 Conclusion

- 3.1 The fence, approximately 38m in length and 1.8-1.9m in height, adjacent to Redhill Road requires planning permission which has not been granted.
- 3.2 Permitted development rights exist for the erection of a fence not exceeding 1.0m in height adjacent to the highway.
- 3.3 It is expedient to take enforcement action to require the fence to be reduced in height by 0.8m to a height not exceeding 1.0m, to reduce the less than substantial harm to the significance of the heritage asset (the Conservation Area) and the harm to the appearance of the street scene.

4 Recommendations

- 4.1 That appropriate action be authorised to include all steps including the instigation of court proceedings and any work required to secure the reduction in height of the unauthorised fence to not more than 1.0m in height.

Background Papers and History

Planning application 20/32679/FUL (6 Mill Farm Barns)
Appeal Ref: APP/Y3425/D/21/3278427

Contact Officer

John Holmes - Development Manager - 01785 619302

WKS2/00096/EN20 **Land at Redhill Road** **Stone**



ITEM NO 5(c)

ITEM NO 5(c)

PLANNING COMMITTEE - 23 MARCH 2022

Ward - St Michael's and Stonefield

ART4/00202/EN21 – Unauthorised development in respect of 49 Tunley Street in the Stone Article 4 Direction Area and Stone Conservation Area

Report of Head of Development and Head of Law and Administration

Purpose of Report

To consider unauthorised development in respect of 49 Tunley Street in the Stone Article 4 Area / Stone Conservation Area undertaken without the benefit of planning permission.

Background and Detail

Background

1. The Stone Article 4 Direction Area was designated in 1996 and removed a series of permitted development rights (those developments that could be undertaken without the need for planning permission). The Article, in part, removed the permitted development rights in respect of the replacement of windows and doors.
2. The Stone Article 4 Direction Area is within the Stone Conservation Area.

Detail

3. A report was received by planning enforcement in respect of a replacement door and windows at 49 Tunley Street.

Planning Policy Framework and Material Considerations

The Plan for Stafford Borough 2011-2031

Policies

- N9 Historic Environment

National Guidance

- National Planning Policy Framework - paragraph 59
- Planning Practice Guidance

The Alleged Breaches of Planning Control

Windows and Front Door

4. A site visit and conversation with the owners of the property has established that only the front door has been recently replaced. The existing ground floor UPVC window frame has been painted black to match the colour of the new door. The window at first floor is a white UPVC window that has been installed for many years.
5. The Article 4 Direction has been in place for a significant period of time and during that period there has been the introduction of replacement doors and windows within the Article 4 area, including elsewhere on Tunley Street.
6. Policy N9 of the Plan for Stafford Borough 2011-2031 addresses the Historic Environment and seeks to conserve and protect Conservation Areas. This approach is passive neutral (if the development is no worse than currently exists then the proposal in principle is acceptable). This position is also reflected within the National Planning Policy Framework under the section - Conserving and enhancing the historic environment and the Guidance - Historic Environment.
7. Google Streetscene from 2009 shows white UPVC windows and a front door on the property, that have not previously benefitted from planning consent. As the windows have been in place for at least 12 years they are immune from enforcement action. The front door is the only new element which has been installed without the benefit of planning permission. It is considered that the development leads to less than substantial harm to the designated heritage asset (the Conservation Area).
8. In essence, the replacement door is reflective of the character and appearance of the area, and is more in keeping with the area than the former white UPVC door which it replaced. Therefore its retention does not conflict with the intent of policy N9 of the Plan, or national guidance.

Conclusion

9. In considering whether to pursue enforcement action, where not exempt, regard is had to paragraph 59 of the National Planning Policy Framework, which under the heading of Enforcement states 'Enforcement action is discretionary, and local planning authorities should act proportionately in response to suspected breaches of planning control'.
10. Whilst the identified property lies within the Stone Conservation Area and the Article 4 Direction Area, it is considered that the changes set out above, having regard to the character of the area are not sufficiently out of character that it would be in the public interest to pursue enforcement action.

Recommendation

11. It is not considered expedient to take enforcement action and it is therefore recommended that no further action is undertaken.

Contact Officer

John Holmes – Development Manager - Direct No 01785 619302

49 Tunley Street
Stone

