

Dear Members

Planning Committee

A meeting of the Planning Committee will be held on **Wednesday 19 November 2025** 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 Governance

PLANNING COMMITTEE - 19 NOVEMBER 2025

Chairman - Councillor A Nixon

Vice-Chairman - Councillor S N Spencer

AGENDA

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

Details of Delegated applications will be circulated separately to Members.

	Page Nos
5 Planning Applications	3 - 50
6 Planning Appeals	51 - 85
7 Enforcement Matters	-

MEMBERSHIP

Chairman - Councillor A Nixon

B M Cross	A R McNaughton
P C Edgeller	A Nixon
A D Hobbs	M Phillips
J Hood	A J Sandiford
R A James	S N Spencer
R Kenney	

ITEM NO 5

ITEM NO 5

PLANNING COMMITTEE - 19 NOVEMBER 2025

Ward Interest - Nil

Planning Applications

Report of Head of Economic Development and Planning

Purpose of Report

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

		Page Nos
24/40076/FUL	Rear Of The Surgery, Wharf Road, Gnosall	4 - 28
The development raises unusual issues of planning policy		
Officer Contact - Sian Wright, Deputy Development Management Manager Telephone 01785 619528		
24/39044/FUL	Walton Bank, Stafford Road	29 - 50
This application has been called in by Councillor P Jones		
Officer Contact - Sian Wright, Deputy Development Management Manager Telephone 01785 619528		

Previous Consideration

Nil

Background Papers

Planning application files are available for Members to inspect, by prior arrangement, in the Development Management Section. The applications including the background papers, information and correspondence received during the consideration of the application, consultation replies, neighbour representations are scanned and are available to view on the Council website.

Application:	24/40076/FUL
Case Officer:	Steven Owen
Date Registered:	26 February 2025
Target Decision Date:	28 May 2025
Extended To:	-
Address:	Rear Of The Surgery, Wharf Road, Gnosall, Stafford, Staffordshire
Ward:	Gnosall And Woodseaves
Parish:	Gnosall
Proposal:	Hybrid application seeking outline planning permission for the erection of 19 dwellings with all matters reserved except for means of access and detailed permission for the conversion of a barn into a dwelling
Applicant:	Ms Carole Pickin
Recommendation:	Refuse

REASON FOR REFERRAL TO COMMITTEE

The development raises unusual issues of planning policy within the meaning of paragraph 3.7.1 (ii) of the Scheme of Delegation.

Context

The Site

The application development site comprises a 10,800sqm field within the key service village of Gnosall. The site is designated Green Infrastructure within the Plan for Stafford Borough policies map and is identified as Green Infrastructure within the Gnosall Neighbourhood Plan Map 10 titled; '*Local Green Space (Protected)*'.

The site contains grassland, tall foliage, trees, hedgerow and scrub. The site is bound by hedgerow/trees and a stone wall along Wharf Road. The site has gated access on Newport Road which provide vehicle and pedestrian access. The site contains a two-storey brick and tile barn which stands in the north-east corner.

The site shares its northern boundary with Newport Road and its southern boundary with Wharf Road and The Rank. The sites western and eastern boundaries are shared with neighbouring dwellings, a fish and chip shop and the Gnosall fire station. The nearest neighbouring dwellinghouse (White Rock) abuts the sites southern boundary.

The site also falls within the follow designations:

- Cannock Chase Special Area of Conservation 15km bufferzone
- Flood Zone 1
- Green Great Crested Newt Habitat Zone.

The Site History

There is no relevant planning history for this site.

The Development Proposal

This application seeks outline planning permission for the erection of 19 dwellinghouses, with all matters reserved except for means of access and detailed permission for the conversion of the sites barn into a dwellinghouse.

An indicative site plan has been submitted with the application which shows a proposed site layout. The site plan indicates the possible location of the dwellinghouses, gardens, landscaping, play area and pond.

Officer Assessment - Key Considerations

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

In this case the material planning considerations include:

- 1) The principle of the development type within Green Infrastructure and Gnosall while lacking a 5-year land supply.
- 2) The resulting impact upon the area's amenity.
- 3) The development's drainage strategy and the effect on flood risk.
- 4) The resulting effect upon ecology and Biodiversity Net Gain.

The assessment of each of these material considerations is detailed within the subsequent sections of this report. The report concludes with a planning balance and a recommendation.

1. Principle of Development

Special Area of Conservation

- 1.1 The NPPF sets out a presumption in favour of sustainable development, this is echoed in Spatial Principle 1 of The Plan for Stafford Borough (TPSB). Paragraph 12 of the NPPF states that:

“The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making...”

However, paragraph 195 states:

“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment as concluded that the plan or project will not adversely affect the integrity of the habitats site.”

- 1.2 In this case the site falls within the catchment of the Cannock Chase SAC, therefore it is necessary for the development to demonstrate it has satisfied the Habitats and Species Regulations in that the integrity of the SACs will not be adversely affected, having regard to avoidance or mitigation measures.
- 1.3 An appropriate assessment has been undertaken and it has been concluded that the developments impact upon the SAC can be adequately mitigated subject to the standard SAC payment. This issue is addressed later under section 4 of this report. Consequently, the presumption in favour of sustainable development can still apply in this case.

The Sites Green Infrastructure Designation

- 1.4 The application proposes new housing development on land which is designated as Green Infrastructure and sits well within the settlement of Gnosall.
- 1.5 The NPPF defines Green Infrastructure as:

‘A network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity.’

1.6 TPSB also defines Green Infrastructure as:

'A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits to local communities.'

1.7 According to paragraph 005 of the *'Natural Environment'* guidance provided by The Planning Practice Guidance (PPG), Green Infrastructure is an important natural capital asset which can enhance wellbeing, outdoor recreation and access, enhances biodiversity, urban cooling and the management of flood risks. These benefits are known as ecosystem services.

1.8 In this case the Green Infrastructure comprises an open area of grass land containing vegetation, hedges and trees. The grass and vegetation is providing habitat for insects, small mammals and birds. Although the site is not currently publicly accessible, its pleasant appearance still contributes to the villages visual amenity and Gnosall's rural sense of place. The Green Infrastructure is therefore delivering the environmental and quality of life benefits described by the NPPF and TPSB.

Local Housing Need and the presumption in favour of sustainable development

1.9 Following the publication of the NPPF in December 2024, and with its new mandatory housing targets, Stafford Borough does not currently have a 5-year housing land supply. This new methodology has resulted in the Local Housing Need target for Stafford Borough increasing from 358 dwellings per year to 749 dwellings per year. This increase has resulted in a reduction of the 5-year land supply to 3.37 years, based on year end data at 31 March 2025. Consequently Paragraph 11 of the NPPF applies which states:

'Plans and decisions should apply a presumption in favour of sustainable development...

...For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'*

- 1.10 Consideration has been given to paragraph 11 and the need to apply the presumption in favour of sustainable development. Within that consideration weight has been given to the local housing need and the sites designation as Green Infrastructure. Ultimately it has been concluded that the loss of designated Green Infrastructure, and the lack of safe access, would significantly and demonstrably outweigh the benefits of the housing. This consideration is finely balanced, and the reasoning is outlined below.

Interpreting Paragraph 11

- 1.11 Comments have been received from the Council's Strategic Planning and Placemaking team (Forward Planning) which advises the new methodology for calculating housing need has resulted in the Local Housing Need target for Stafford Borough increasing.
- 1.12 The advice acknowledges the proposed housing development is located on land designated as Green Infrastructure. However, it also states footnote 7 of NPPF paragraph 11d i) does not make reference to green infrastructure, and therefore the presumption in favour of sustainable development also needs to be applied due to not having a 5-year housing land supply. As a result, it is advised that Policy N4, which protects Green Infrastructure, carries less weight in relation to new housing development but should continue to be protected, enhanced and expanded where possible. The advice concludes that planning consent should be granted, subject to other material considerations.
- 1.13 Weight has been given to the advice received from the Strategic Planning and Placemaking team and its interpretation of paragraph 11d i). However, the advice does not consider the whole of paragraph 11d which in section ii) states development can also be refused if a development's adverse impact outweighs its benefits when assessed against the policies within the NPPF as a whole.
- 1.14 Footnote 9 of section ii) specifically mentions paragraphs 66 and 84 of chapter 5 (Delivering a sufficient supply of homes) ; 91 of chapter 7 (Ensuring the vitality of town centres) ; 110 and 115 of chapter 9 (Promoting sustainable transport); 129 of chapter 11 (Making effective use of land); and 135 and 139 of chapter 12 (Achieving well-designed places).

- 1.15 Paragraphs 66 and 84 focus on the mixture of house types and the avoidance of isolated homes in countryside. Paragraph 91 doesn't apply in this case. Paragraph 110 and 115 refers to the need for sustainable transport, as well as safe and suitable access. Paragraph 129 focuses on making efficient use of land through - in part - taking account of an areas prevailing character and setting (including residential gardens), and securing well-designed, attractive and healthy places. Paragraph 135 states the following:

'Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

- 1.16 Paragraph 139 states, 'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design as detailed within the National Design Guide'.
- 1.17 Applying the above paragraphs which are relevant in this case, the benefit of the proposed dwellings has been balanced against the need to secure sustainable travel, safe access, and a well-designed place.

Sustainable travel and safe access

- 1.18 The application seeks outline planning consent for the developments access arrangement. The application proposes two vehicle accesses, one using the existing access on Newport Road, and a driveway access for two plots on Wharf Road.
- 1.19 The Highway Authority has advised that the proposal only includes 0/6m of footways for pedestrians along the south side of Newport Road. To secure sufficient pedestrian access, 2m footways will be required along the site frontage to connect to the existing footways and bus stop.
- 1.20 Within the site, due to the number of dwellings proposed, a segregated footway is required.
- 1.21 The Highway Authority has also advised that there are no details of the access points for the two dwellings on Wharf Road. Visibility splays for this access will be required.
- 1.22 Overall the Highway Authority have recommended the application should be refused for the following reasons:
 - 1) The proposals fail to demonstrate how the site can be safely accessed by sustainable travel, and as a consequence would result in an increase of pedestrian/vehicle conflict resulting in increased highway danger
 - 2) The proposals fail to provide sufficient information on the vehicular access points off Wharf Road to allow an informed decision to be made
- 1.23 The application has been submitted with insufficient information which secures safe access and sufficient parking provision. The lack of a sufficient footway along Newport Road fails to provide sufficient pedestrian links to sustainable transport options. The indicative layout is therefore contrary to Policy T2 of TPSB and paragraphs 110, 115 and 116 of the NPPF. The application is therefore unacceptable with regards to parking, access and highway safety.

Securing a well-designed place

- 1.24 The existing site is designated Green Infrastructure and comprises a green and open space set within the rural village. The site is clearly visible along Wharf Road and some of The Rank. There are some obscured vantages along Newport Road due to the site's hedgerow and trees. Overall, the site significantly contributes to the positive character and rural quality of the settlement.

- 1.25 TPSB Policy N1 sets out design criteria including the requirement for design and layout to take account of residential amenity and local context and have high design standards.
- 1.26 Policy 6 of the Gnosall Neighbourhood Plan states new development will be supported when it retains wildlife habitats and retains trees, shrubs and hedges that contribute to local character.
- 1.27 Paragraph 12.27 of the TPSB states the protection and enhancement of biodiversity and open spaces should be seen as integral to sustainable development through the development of an overall Green Infrastructure network of green spaces.
- 1.28 Policy N4 of TPBS (The Natural Environment and Green Infrastructure) is one of the most important policies in the consideration of this application and it remains up-to-date despite the lack of a five year land supply. N4 states;

'the Borough's green infrastructure network, as defined on the Policies Map, will be protected, enhanced and expanded:

- g. Networks of open spaces for formal and informal recreation, natural corridors, access routes and watercourses will be enhanced and created, where those networks:*
- i. protect the setting of landscape, heritage and natural (biodiversity and geodiversity) assets;*
 - ii. reverse habitat fragmentation due to having suffered past loss and degradation;*
 - iii. provide recreational opportunities for new and existing communities;*
 - iv. provide open breaks between neighbouring residential areas and business developments....*

[...]

k. All new developments will:

- i. Be set within a well designed and maintained attractive green setting, demonstrated through a detailed management plan where appropriate;*
- ii. Provide a variety of spaces to meet the needs of people and nature;*
- iii. Provide safe opportunities for sustainable transport;*

iv. Refer to the Staffordshire Ecological Record to ensure natural habitats and species in the locality are protected.'

- 1.29 In this instance, the site forms part of a wider Green Infrastructure network, which is currently providing valuable ecosystem services such as biodiversity support and urban cooling. The Green Infrastructure is also providing a visual and physical break between residential areas. Its green and open character is contributing meaningfully to Gnosall's sense of place.
- 1.30 In terms of the developments visual impact, the protected area of Green Infrastructure would be replaced with 19 dwellinghouses, associated hardstanding and enclosed gardens. The loss of Green Infrastructure would fail to add to the overall quality of the area. The loss of green open space would diminish the rural and natural character of the site.
- 1.31 Feedback from neighbouring residents highlights the site's natural and pleasant appearance, which is highly valued and seen as beneficial to their wellbeing. The proposed development would result in the near-total loss of this Green Infrastructure, with no equivalent replacement. The loss of designated Green Infrastructure would significantly degrade the local environmental quality and have a harmful impact on the community. The proposal fundamentally conflicts with policy N4 which seeks to protect and enhance the designated site.
- 1.32 Although the layout of the development is a reserved matter an indicative layout plan has been provided which details of proposed dwellings. The Design Advisor has made the following comments on that indicative layout:

'[The Green Infrastructures] loss to development would invariably exert an urbanising and potentially detrimental impact on the wider character and quality of the settlement. This aspect of the proposals should therefore be afforded tangible and appropriate weight in reaching the planning balance in the decision making process and although it is acknowledged that Stafford Borough Council does not currently have the nationally required 5 year supply of allocated housing land, and so it may be reasonable to give significant weight to the delivery of additional housing (even in inappropriate locations) in the decision making process; 19 dwellings is a relatively small number in relation to the overall shortfall of new houses across the Borough and would therefore not be a significant contribution to alleviating it. It would be unfortunate if meeting the housing shortfall is simply applied as an over-arching imperative that overwhelms every other qualitative consideration of the planning and development process.'

1.33 The Design Advisor has also made the following comments:

- *How would the existing banking to the sites southwestern boundary be incorporated as useable space within the rear gardens of plots 9-14?*
- *The separation between plot 14 and the existing dwelling behind it doesn't look as though it's achieving the required 21m offset.*
- *Here appears to be substantial existing trees along parts of the southwestern and northwestern boundaries of the site (which contribute significantly to the intrinsic character of the site and wider locality), how would these be preserved within the layout to ensure they do not have a detrimental impact on the amenity value of the rear gardens of the units abutting them, and how would their retention be ensured.*
- *Although no elevations have been provided from the illustrated layout, all the dwellings look identical. While the overall character of this area of the settlement contains many, more modern repetitive house types, the wider settlement is more characterised by a broadly eclectic mix of typologies, scales and architectural styles and it is recommended that any subsequent, more detailed application takes its inspiration and lead from this more varied characteristic of the wider settlement rather than imposing a further relatively banal and too cohesive an approach to architectural style, form, massing and materiality.*
- *The design for the conversion of the barn appears broadly acceptable as it largely maintains the architectural integrity of the structure. However, there are no details provided for the new-build garage, and it is recommended that its detail design closely follows and is related to the architectural form and materiality of the existing barn.*
- *It is noted that the layout is essentially a cul-de-sac development that does not provide any connectivity to streets and/or places abutting it and specifically Wharf Road. It is advised that at least a pedestrian/cycle path connection is incorporated into the layout and that its route is well related to the developments internal street scenes and is well over-looked by the principle active frontages of any proposed dwellings.*
- *While the inclusion of some on-site public open space is positive, its location is poorly related to the development layout and would be a more positive contribution to the internal quality of place if it was sited more centrally to the layout, perhaps where plot 19 currently sits.*

- 1.34 Overall, the proposed development would adversely harm the landscape character, rural appearance, and the distinctive natural quality of the site and its setting. The loss of designated Green Infrastructure, and its replacement with 19 dwellinghouses is not sympathetic to the visual context and quality of the area. The development is therefore not well-designed and would fail to comply with Policy N1 of TPSB, Policy 6 of the Gnosall Neighbourhood Plan, and NPPF paragraph 135. The application is not acceptable with regards to design.

The barn conversion

- 1.35 This is a hybrid application for outline consent for 19 dwellinghouses, and full planning permission for the residential conversion of a barn into a dwellinghouse. The principle of developing this building is different from the outline proposal. The building is an existing structure located within a settlement. There are no policies within the local or neighbourhood plan which prevent the conversion of this building in principle, and subject to all other material planning consideration. However, replacing designated Green Infrastructure with residential garden remains unacceptable in principle for the reasons detailed above.
- 1.36 In this case the conversion would be acceptable in terms of its visual impact, subject to conditions securing matching external materials. The barns conversion would provide sufficient access to light and privacy for occupiers and neighbouring residents. However, no private garden space can be provided due to the loss of Green Infrastructure. In addition, although sufficient parking provision would be provided, the Highway Authority has objected to the proposed access and internal movement arrangement.
- 1.37 Given the proposal is for 19 dwellinghouses and the barn conversion, the developments total impact must be considered as one. Although the barns conversion is acceptable in principle, and its visual impact can be appropriately secured, the loss of Green Infrastructure for residential curtilage is unacceptable, and the lack of sufficient vehicle access is also unacceptable.

Section Conclusion

- 1.38 The proposal would not provide safe and suitable access, and replacing designated Green Infrastructure with 19 dwellinghouses would adversely urbanise the rural character and natural quality of the site and its setting. The development is therefore contrary to TPSB and contrary to the paragraphs listed within Footnote 9 of NPPF paragraph 11d ii).

- 1.39 When applying the 'tilted balance' and the presumption in favour of sustainable development, it has been concluded that - on balance - the development fails to provide safe access and is not well-designed. In this case, the benefits of 19 dwellinghouses to the boroughs housing need are significantly and demonstrably outweighed by its adverse impacts. The application therefore does not constitute sustainable development. Consequently, the proposal is contrary to the NPPF, the Stafford Borough Local Plan (TPSB), and the Gnosall Neighbourhood Plan. The application is unacceptable in principle.

Polices and Guidance:

National Planning Policy Framework, December 2024 (NPPF)

Paragraphs 11, 66, 84, 91, 110, 115, 116, 129, 135, 139 and 195

The Plan for Stafford Borough (TPSB) 2011-2031

Policies SP1 (Presumption in Favour of Sustainable Development), SP2 (Stafford Borough Housing and Employment Requirements), SP3 (Sustainable Settlement Hierarchy), SP7 (Supporting the Location of New Development), C3 (Specialist Housing) Policies N1 (Design), N4 (The Natural Environmental and Green Infrastructure), N8 (Landscape Character) Policies T1 (Transport), T2 (Parking and Manoeuvring Facilities), Appendix B – Car Parking Standards

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

SP3 (Sustainable Settlement Hierarchy), SP7 (Supporting the Location of New Development), SB1 (Settlement Boundaries)

Gnosall Neighbourhood Plan

Policy 3 (Housing Provision 2011-2031), Policy 4 (Dwelling, Barn and Farm Building Conversions), Policy 5 (Support for Creative and Innovative infill development), Policy 6 (Support for Good Design), Policy 7 (Settlement boundary), Map 10: Local Green Space (Protected)

2. Amenity

Policy Context

- 2.1 Policy N1 requires the design and layout of development to take account of noise and light implications and amenity of adjacent residential areas. The Design SPD provides guidance on amenity standards and separation distances.

- 2.2 The NPPF states in Paragraph 196 that planning decisions should ensure that a site is suitable for its proposed use taking into account its ground conditions, land stability, and contamination. This includes risks arising from natural hazards and former uses.
- 2.3 The NPPF also states in Paragraph 198, that planning decisions should ensure new development is appropriate for its location taking into account its likely effects. The NPPF mentions several effects to consider including pollution, living conditions, the natural environment, noise resulting from the development, tranquillity, light pollution, and any cumulative effect upon amenity.
- 2.4 The Environmental Protection Act (EPA) establishes a mechanism for local authorities to investigate 'statutory nuisances'. These nuisances can include noise and artificial light. The EPA is separate from the Town and County Planning Act legislation and is enforced via the Councils Environmental Health Team.
- 2.5 Paragraph 201 of the NPPF states the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions. Where these are subject to separate pollution control regimes, planning decisions should assume that these regimes will operate effectively. The EPA can be considered one such regime.
- 2.6 Notwithstanding the EPA, consideration has still been given to whether the proposed development is an appropriate use of land, and how the finished proposal would impact residential well-being through disturbance or nuisance material to planning.

Assessment

- 2.7 The existing Green Infrastructure enhances the residential areas amenity value. The undeveloped nature of the site provides a pleasant appearance and tranquil character which is enjoyed by local residents. Its amenity value and sense of openness provides an obvious social benefit and is clearly important to the local community. Its loss would have an adverse impact upon the amenity of neighbouring residents
- 2.8 The applicant has provided a noise assessment which recommends mitigation measures to protect future occupants from adverse noise. The Environmental Health Team have recommended that those measures be conditioned if planning permission is approved.

- 2.9 The noise and disturbance associated with the construction could be mitigated with standard construction phase conditions which – among other provisions – restricts the hours of construction to weekday work hours and further limits work on weekends/bank holidays. Subject to these standard conditions, the development should not result in unreasonable construction noise and disturbance.
- 2.10 The application has been submitted with all matters reserved accept access. The indicative layout shows plot 14 measuring 8.5m from the rear of the neighbouring house. The Council's Design SPD guidance requires a minimum of 21m.
- 2.11 While this would typically constitute a reason for refusal on an application for full planning permission, this application seeks outline permission. As layout is a reserved matter, procedurally it cannot form a reason for this application's refusal. Dwelling separation distances would however form a material consideration in any subsequent reserved matters application.

Section Conclusion

- 2.12 While the development would provide sufficient amenity for future occupants, the proposal would come at the expense of visual amenity for existing residents. The proposed loss of green infrastructure would harm the well-being of the existing community. The development is therefore contrary to policy N1 of TPSB and is unacceptable regarding residential amenity.

Polices and Guidance:

National Planning Policy Framework, December 2024 (NPPF)

Paragraph 135

The Plan for Stafford Borough (TPSB) 2011-2031

Policy N1 (Design)

Supplementary Planning Document (SPD) – Design

Gnosall Neighbourhood Plan

Policy 3 (Housing Provision 2011-2031), Policy 4 (Dwelling, Barn and Farm Building Conversions), Policy 5 (Support for Creative and Innovative infill development), Policy 6 (Support for Good Design), Policy 7 (Settlement boundary), Map 10: Local Green Space (Protected)

3. Flooding and Drainage

Policy Context

- 3.1 TPSB Policy N2 requires developments to provide sustainable drainage systems and provide adequate arrangements for foul sewage.

Assessment

- 3.2 Although the site is located within the Flood Zone 1, the Lead Local Flood Authority has advised that there is a significant risk of surface water flooding in the south of the site and surrounding roads. According to the LLFA this flooding is caused by excessive water trying to enter the culvert.
- 3.3 Within their comments, the LLFA has advised that there is significant work required to understand the flood risk mechanisms in the areas which are giving rise to frequent and demonstratable flooding. A survey of the culvert and robust mitigation measures are required.
- 3.4 Severn-Trent Water has raised no objection to the development subject to a plan for the disposal of foul and surface water.

Section Conclusion

- 3.5 Insufficient information has been submitted with the application to secure a sustainable drainage system and foul water drainage. The development is therefore contrary to policy N2. However, in this case, layout and drainage is a reserved matter and cannot constitute a reason for the outline applications refusal.

Polices and Guidance:

National Planning Policy Framework, December 2024 (NPPF):

Sections 14 and 15

The Plan for Stafford Borough:

N2 (Climate Change)

Gnosall Neighbourhood Plan

Policy 6 (Support for Good Design),

4. Ecology and Landscaping

Policy Context

- 4.1 TPSB Policy N4 states that the natural environment will be protected and that new development where damage to the natural environment is unavoidable must provide appropriate mitigation.
- 4.2 Policy N1 requires development to retain significant biodiversity and landscaping features and create new biodiversity areas.
- 4.3 Policy N5 states the highest level of protect will be given to European Sites, with new development only permitted where;
 - a) There will be no adverse effect on the integrity of any European site, or
 - b) If adverse effects are identified, it can be demonstrated that the proposed mitigation measures show that there will be no adverse effect on the integrity of any European site; or
 - c) if it cannot be ascertained that no adverse effect on integrity will result, the proposed development will only be able to proceed where there is no alternative solution and there are imperative reasons of overriding public interest.

Assessment

- 4.4 The site is within 15km of the Cannock Chase Special Area of Conservation; however, the impact could be sufficiently mitigated via the standard SAC contribution. Natural England have raised no objection to the development subject to the SAC contribution being secured. In this case, due to the refusal recommendation, the SAC contribution hasn't been secured. The SAC contribution should be secured if this application is approved contrary to the recommendation.
- 4.5 Due to its scale and impact, the site is not exempt from national Biodiversity Net Gain requirements. The submitted BNG metric details a 70.03% loss of onsite biodiversity. This fails to meet the +10% net gain requirement.
- 4.6 Separate from BNG, the Council's Biodiversity Officer has advised that bat and bird nesting boxes should be added to the site.
- 4.7 The development site contains several trees which provide amenity and support the Green Infrastructures natural habitat. The trees are not covered by a Tree Protection Order. No tree survey or arboricultural report has been submitted with the application. This would typically form a reason for refusing the application. However, due to the layout of the development being a reserved matter, the absence of tree information is not a reason for refusal in this case.
- 4.8 The Naturespace Newt Officer has raised no objection to the development subject to a standard informative.

Section Conclusion

- 4.9 The development would fail to meet the statutory BNG requirement and the application has been submitted with insufficient tree information. Although the lack of tree information would not constitute a reason for refusing this outline application, the loss of onsite biodiversity conflicts with the Environment Act. The conflict with the Environment Act is a material consideration at outline stage and can constitute a reason for refusal. The application is contrary to policy N4 of TPSB as well as national BNG requirements. The application is therefore unacceptable regarding its impact upon ecology.

Polices and Guidance:

Environment Act 2021

National Planning Policy Framework, December 2024 (NPPF)

Section 15, Paragraphs 192-195

The Plan for Stafford Borough

Policies N1 (Design), N2 (Climate Change), N4 (The Natural Environment and Green Infrastructure), N5 (Sites of European, National and Local Nature Conservation Importance) N6 (Cannock Chase Special Area of Conservation (SAC))

Gnosall Neighbourhood Plan

Policy 5 (Support for Creative and Innovative infill development), Policy 6 (Support for Good Design), Map 10: Local Green Space (Protected)

5. Financial Contributions

- 5.1 Requests for financial contributions have been received from the County Council Schools Organisation Team and the Borough Councils own Sports and Outdoor Leisure Team. The County Council has requested a £171,968 contribution (Cost per place £42,992 x 4 places required by development = £171,968). The Leisure Team has requested £17,395.90 capital with £2,262.05 towards maintenance for offsite provision (£915.57 capital cost and £119.06 maintenance per dwelling).
- 5.2 Additionally the Council's Health and Housing Team has advised the development is required to deliver 40% affordable housing according to Policy C2. This equates to 7 affordable homes. The Health and Housing Team has also advised that the affordable housing provision should be delivered as 80% social rent and 20% intermediate affordable housing.

- 5.3 Typically these financial and housing requirement would be secured by planning obligation prior to determination. However, due to the recommendation to refuse this application, the obligations have not been secured. If permission is granted these obligations should be secured prior to determination.

Polices and Guidance:

The Plan for Stafford Borough

Policies C2 (Affordable Housing), C7 (Open space, Sport and Recreation), Policy I1 (infrastructure Delivery Policy)

Conclusion

This application seeks outline planning permission for 19 dwellings and the domestic conversion of a barn on an area of designated Green Infrastructure within the settlement of Gnosall.

The presumption in favour of sustainable development does apply in this case due to Stafford Borough not having a 5-year housing land supply. However, it has been concluded on balance that the lack of safe and sufficient access, and the loss of designated Green Infrastructure, means the development is not well-designed and conflicts with the NPPF policies listed within Footprint 8 of Paragraph 11. The adverse impacts of the proposal outweigh the developments benefits to the housing supply. The development would fail to accord with polices T1, T2, N1 and N4 of The Plan for Stafford Borough, policies 5 and 6 of the Gnosall Neighbourhood Plan, as well as NPPF Paragraphs 110, 115, 116, 129 and 135. Therefore, the proposal constitutes unsustainable development and is unacceptable in principle.

The application has been submitted with a BNG metric which has calculated a 70.03% net loss of biodiversity. This is contrary to the statutory requirement for development to result in a 10% net gain of biodiversity. The development is therefore contrary to the Environment Act 2021.

In addition to the above, the proposed indicative layout would fail to accord with local amenity policies and there's insufficient drainage and tree information. However, the application only seeks outline permission with the development layout and drainage a reserved matter. The application therefore cannot be reasonably refused due to conflict with amenity, tree and drainage policy.

For the material reasons outlined above, it is recommended that the application for outline permission is refused due to it constituting unsustainable development and failing to provide 10% BNG.

Consultation Response (Summarised):

Forward Planning:

Recommends approval

Comments received 12 August 2025:

'The proposed new housing development is classified as 'major' development and is located on land designated as Green Infrastructure at Gnosall as the existing settlement. However, after assessing this application against paragraph 11 of NPPF and the 5 year housing land position it is considered that planning consent should be granted, subject to other material considerations.'

Highway Authority:

Objection due to the proposal failing to demonstrate safe access.

9 May 2025 Comments (summarised):

'This application should be refused for the following reasons: -

Reason

- 1) The proposals fail to demonstrate how the site can be safely accessed by sustainable travel, and as a consequence would result in an increase of pedestrian/vehicle conflict resulting in increased highway danger*
- 2) The proposals fail to provide sufficient information on the vehicular access points off Wharf Road to allow an informed decision to be made.'*

Police:

Concerns raised regarding the site access and safe vehicle/pedestrian movements.

27 March 2025 Comments (summarised):

'The location for the proposed site is mentioned as Land off Wharf Road, whoever access to the proposed site will be off Newport Road; it may be time consuming to join Newport Road in the morning commuting hours, due to the high flow of traffic.

The access road will have limited visibility due to the bends in the existing roads. This may pose a health and safety risk. What road safety measures are proposed along the approaching roads for the safety of pedestrians and vehicles.

Will pedestrian access be possible directly off Wharf Road and The Rank?

No travel plan has not been provided within this application. The A518 along Stafford Road and Newport Road is always busy during the commuter hours, as drivers use the A518 to connect to Shropshire, especially if they wish to avoid the M6, A5, and A449. It would be useful to understand how busy Wharf Road and the nearby roads are especially during the busy commuter hours including the school hours, and what if any the addition of a potential 36 cars may have on the local roads.

I note a number of objections received from the local residents regarding the flood road at by the access site for this proposal. The Flood Risk Assessment mentions Pluvial/Overland flow findings which are below the 300mm high risk levels, and estimated flood depths of up to 500mm on the southern east of the site. Further clarification is sort regarding the flooding levels for the site.

Residential layout design should consider the carefully consider the parking bays, and the availability of visitor parking, especially as people visiting the chip shop next door, may find it more convenient to park on this side road rather than the busy Newport Road.'

Design Advisor:

Concerns raised regarding the design, layout and loss of green infrastructure.

Comments received May 2025 (summarised):

'Prior to articulating any concerns and/or queries regarding the developments specific design issues, it is worth noting that a principle design consideration of how acceptable this development is, in respect to the loss of a site which is designated within the Gnosall Neighbourhood Plan as green infrastructure. While Gnosall sits within a relatively rural landscape, its urbanised area is not intrinsically characterised by open green space, and so the current site (while perhaps not utilised as a publicly accessible amenity space) nonetheless makes a significantly positive contribution to the existing character and townscape qualities of the settlement. Its loss to development would invariably exert an urbanising and potentially detrimental impact on the wider character and quality of the settlement. This aspect of the proposals should therefore be afforded tangible and appropriate weight in reaching the planning balance in the decision making process and although it is acknowledged that Stafford Borough Council does not currently have the nationally required 5 year supply of allocated housing land, and so it may be reasonable to give significant weight to the delivery of additional housing (even in inappropriate locations) in the decision making process; 19 dwellings is a relatively small number in relation to the overall shortfall of new houses across the Borough and would therefore not be a significant contribution to alleviating it. It would be unfortunate if meeting the housing shortfall is simply applied as an over-arching

imperative that overwhelms every other qualitative consideration of the planning and development process.

In respect to the schemes specific design, as the application is only seeking detailed permission for the access to the site, the conversion of the existing barn into a dwelling and the broader principle of providing 19 new dwellings on the site (with all other matters being reserved) there is little to be gained at attempting to provide a detailed design critique of the proposals as these would be covered in subsequent applications.'

Biodiversity:

Bat and bird boxes required. Hedgehog highways should be installed. The development fails to meet the 10% BNG requirement.

Comments received 27 March 2025 (summarised):

'A Biodiversity Statement by C W Ecology, (December 2024), and a completed Full Metric have been submitted in relation to the statutory BNG requirements. The statement and Metric show the development proposals result in a 70.03% decrease in area habitat value between the baseline and post-development value.

Further information is required on how the BNG requirement will be achieved.'

Severn-Trent Water:

No objection, subject to surface and foul water plan conditions.

Housing Standards:

No objection.

Environmental Health:

No objection subject to a conditions.

Natural England:

No objection subject to securing appropriate mitigation.

Cadent Gas:

No objection, subject to informative.

Schools Organisation Team:

No objection, subject to s106 agreement securing £171,968 contribution.

Lead Local Flood Authority:

Significant work required to understand the flood risk mechanisms in the area and the needed mitigation.

Leisure:

No objection subject to £17,395.90 and £2,262.05 financial contributions towards open space

Newt Officer:

No objections subject to informative.

Parish Council:

Concerns raised relating to safe access/egress, the protection of trees, and flood risk.

Neighbours:

68 representations: Material planning considerations summarised below -

- The existing site benefits the environment.
- The site limits flooding on Wharf Road and adjacent properties.
- The site and surrounding roads flood.
- The development would increase flood risk.
- The sites access lacks visibility.
- Gnosall is overpopulated and lacks resources and health services.
- Gnosall does not need new houses.
- Construction would cause traffic issues.
- Local amenities and services are already stretched (Schools/dentist/GP).
- The surrounding roads are very busy with existing traffic.
- The site should be used for woodland or nature.
- Gnosall has very limited grassed areas.
- Developing the site would increase flood risk.

- The ground is at risk of subsidence.
- The new development would cause noise/light disturbance and reduce access to daylight.
- No additional supporting infrastructure proposed.
- Development of the site would remove Gnosall's air ambulance landing zone.
- The site is a greenfield area that contributes to the villages character and proves ecological benefits.
- Only 6 out of 19 proposed dwellings would be affordable accommodation.
- Development would cause additional traffic congestion.
- The site does not have safe access.
- The development would adversely harm bats
- Great crested newts are within the site.
- The site has unstable land.
- The site could contain archaeological artifacts.
- Too many homes are proposed.
- The development would provide needed homes.
- The development would bring redevelopment.
- The site is close to the main a518 and bus services.
- Future occupiers would not have sufficient privacy due to existing dwellings siting on higher land.
- The development would harm habitat and wildlife.

Site Notice expiry date: 28 March 2025

Newsletter Advert expiry date: 9 April 2025

Relevant Planning History

No relevant planning history

Recommendation

Refuse for the following reasons:

1. The proposed development fails to include safe means of site access by sustainable modes of travel. As a result, it would lead to an unacceptable increase in highway safety risks due to potential conflicts between pedestrians and vehicles. Furthermore, the application does not provide sufficient information regarding the proposed vehicle access point from Wharf Road to ensure a safe and suitable means of access. Consequently, the proposal is contrary to Policies T1 and T2 of the Plan for Stafford Borough, as well as paragraphs 110, 115, and 116 of the National Planning Policy Framework (NPPF). The unacceptable risk to the safe and efficient operation of the public highway significantly and demonstrably outweighs the benefits of the proposed housing provision. Therefore, the development does not constitute sustainable development in accordance with para 11 of the NPPF.
2. The development fails to deliver a well-designed proposal due to the complete loss of designated Green Infrastructure, which currently provides a wide range of environmental, visual, and amenity benefits for the local community. The proposals urbanising effect would significantly harm the rural character and natural quality of the Green Infrastructure, thereby eroding Gnosall's distinct sense of place. As a result, the proposal is contrary to Policies N1 and N4 of the Plan for Stafford Borough, as well as paragraphs 129 and 135 of the National Planning Policy Framework (NPPF). The adverse impact on the character and appearance of the site and its setting significantly and demonstrably outweighs the benefits of the proposed housing provision. Therefore, the development does not constitute sustainable development in accordance with para 11 of the NPPF.
3. The development would result in a 70.03% net loss of onsite biodiversity and therefore fails to meet the 10% net gain of biodiversity required by the Environment Act 2021.

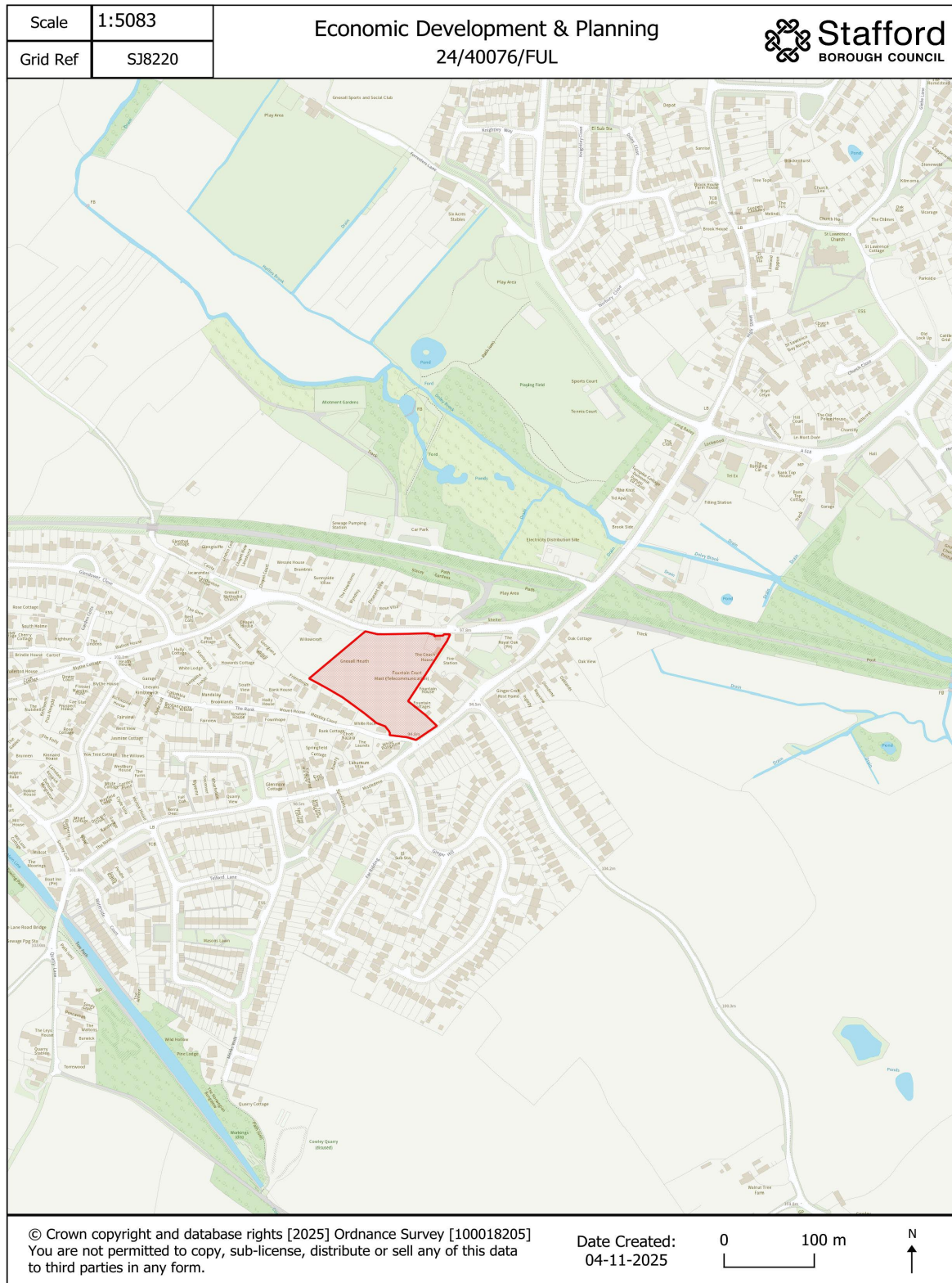
Informatives

- 1 In dealing with this application, Stafford Borough Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the period for determining the application, having regard to the policies of the development plan, paragraph 38 of the National Planning Policy Framework 2024 and other material planning considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development.

24/40076/FUL

Rear Of The Surgery Wharf Road

Gnosall



Application: 24/39044/FUL
Case Officer: Hannah Cross
Date Registered: 22 April 2024
Target Decision Date: 17 June 2024
Extended To: -
Address: Walton Bank, Stafford Road, Walton, Eccleshall, Stafford
Ward: Eccleshall
Parish: Eccleshall
Proposal: Variation of condition 5 on application 23/37150/FUL (retrospective)
Applicant: Mr J Holt
Recommendation: Approve subject to conditions

REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor P Jones (Ward Member for Eccleshall) for the following reasons:-

There is no evidence provided that supports this course of action. The Council's planning officers are also aware that residents have submitted evidence that not only is the noise still a significant problem but that the condition is being breached. In my opinion it must have been obvious from the outset that the work to be carried out by this business could not do so and adhere to the condition.

DEFERRAL AT PLANNING COMMITTEE 16 JULY 2025

The Planning Committee decided to defer the application at a meeting on 16 July 2025, on the basis insufficient information was considered to be submitted surrounding the noise impact of the development. It was requested that a further noise impact assessment be undertaken using the same parameters as the submitted Noise Impact Assessment (NIA) but with the roller shutter doors to unit 5 closed for comparison.

Subsequently a letter has been submitted by Noise Consultants *Noise Air* which states that this request is unwarranted as the submitted NIA is both *robust and precautionary*. It is advised that the NIA *employs worst-case values for both background and specific sound levels, ensuring that the evaluation reflects the highest plausible impact*. Furthermore it is stated that the current analysis already represents a scenario more severe than typical site operations and its outcome is indicative of a low impact.

A statement has also been submitted by the agents for the application to state that Planning Committee's request for an additional noise impact assessment to be carried out is neither reasonable nor proportionate in planning terms given the extensive and robust evidence already submitted and accepted by the relevant technical consultees.

1.0 Context

Application site

- 1.1 The site comprises a group of former agricultural buildings which have since been converted to B2 (industrial) and storage and distribution use (B8). The site is located in a rural location with the parish of Eccleshall, and is accessed via a long private driveway off the A5013 adopted highway.

Background

- 1.2 Planning permission was granted retrospectively by Planning Committee on 17 January 2024 under application 23/37150/FUL for the use of the units for B2 and B8 use (industrial/ storage and distribution). Unit 5, being the subject of this application, was approved for use by a vehicle repairs and modification business, Roadspeed Developments. This permission was granted subject to a number a conditions, one being condition 5, the subject of this application, which reads as follows:

The roller shutter doors at unit 5 shall remain in a closed position when any work on cars is taking place. No works shall be undertaken outside of this unit at any time.

- 1.3 This condition was deemed necessary at the time given the findings of the noise impact assessment submitted as part of 23/37150/FUL, reference P6571-R1-V3 dated 15 September 2023.

The proposal

- 1.4 Unit 5 remains occupied by Roadspeed Developments and the application seeks the retrospective variation of condition 5 to allow for the roller shutter doors at Unit 5 to be kept open while works on cars are being carried out. It is stated that the doors are required to be opened for safety and ventilation reasons. The application initially proposed removal of the condition in its entirety, however following comments received by Regulatory Services it is now proposed to vary the condition so the second part of the condition, which prohibits works from being carried out outside of the unit, is retained.
- 1.5 It is stated within the planning statement submitted under the current application that the noise impact assessment submitted under 23/37150/FUL did not accurately reflect typical day-to-day activities at the site. It is stated that at this time Noise Air requested that the tenant at unit 5 make as much noise as possible and turn on all his equipment at the same time at its highest volume, and that at the date of assessment, the grain dryer in the neighbouring agricultural building was on constantly. It is stated that in light of this, Noise Air carried out a second assessment which the applicant considers is a more accurate representative of the typical operations at the site.
- 1.6 The application is supported by this new noise impact assessment Ref: P6571-R1-V5 dated 14 March 2024. This document was initially indexed as 'high security' in error and therefore was unable to be viewed by the public. The document has since been made viewable to members of the public and neighbouring occupiers have been re-consulted on the information.
- 1.7 This application is retrospective and follows an enforcement investigation COND2/00019/EN24.

Officer Assessment - Key Considerations

In this case the key material consideration with the application is the impact of the proposal upon residential amenity.

2.0 Residential amenity

- 2.1 Policy N1 of TPSB requires the design and layout of development to take account of noise and light implications and amenity of adjacent residential areas.
- 2.2 There is a cluster of residential dwellings located to the north of the site. The proposal has received a number of objections and comments following consultations with the neighbours in respect of noise emanating from Unit 5.

- 2.3 Many of these comments raise objections surrounding the principle of the industrial use of this unit. As above, the use of the building has been approved and is unchanged from the previous submission. As such the only consideration with this application is whether the variation of condition 5, as proposed, is acceptable.
- 2.4 The noise impact assessment undertaken by Noise Air dated 14 March 2024 is considered. This concludes that the excess of rating level above the existing background sound level is +3dB(A) and indicates a low impact at the nearest noise sensitive receptors. The agent for the application has confirmed that this assessment (and the previous) was carried out with roller shutter doors open.
- 2.5 Regulatory Services have been consulted on this information and have provided the following comments:

I have read and noted the conclusions and findings of the Noise Impact Assessment (Report Ref: P-6571-R1-V5) submitted in support of the application and agree with its methodology and its conclusions that the impact upon those residential properties closest to the application site is low.

This opinion is further supported by recent unannounced visits to the site (with handheld noise monitoring equipment) which showed that the levels of noise encountered by residents from the operations of Road Speed Developments (RSD) are acceptable when compared to the levels attributable to passing (heavy) traffic on the A5013 to the north of the site and the residential properties. This opinion is further reinforced by the fact the roller shutter door was open at all times during these observation visits (in contravention of this existing condition but helping to prove its invalidity).

No objection is made to the removal of the first sentence of the condition - however, I would still advise that carrying out works outside the units on site is undesirable and could result in statutory noise nuisance complaints should works be undertaken outside the RSD buildings.

Ahead of the planning committee meeting on 16 July 2025, these comments were elaborated on to give further insight on the Environmental Health Officer's own findings and observations on site (see consultations section below which sets this out in full).

- 2.6 Whilst not the subject of this application, condition 6 was also attached to permission granted under 23/37150/FUL which required submission of a noise management plan within 2 months of the permission. This was submitted within 2 months of the decision under a discharge of conditions application, 24/38914/DCON. As a discharge of conditions application this was not subject to public consultation. The noise management plan was supported by a noise impact assessment, ref: P6571-R1-V5 dated 14 March 2024, being the same report submitted under this application.
- 2.7 Under 24/38914/DCON it is was considered by Regulatory Services that the noise impact assessment submitted to support the application was not accurate, and the noise management plan was subsequently refused on this basis on 20 June 2024.
- 2.8 Since the determination of this application, Regulatory Services have carried out unannounced visits to the site and undertaken their own assessment in terms of noise, and now consider the results of the noise impact assessment submitted to be accurate.
- 2.9 Taking account of the latest noise impact assessment together with the Regulatory Services comments, the variation of condition 5 proposed, which would allow for works to be carried out with the roller shutter doors open, but would prohibit any works taking place outside of unit 5, is on balance, considered acceptable in terms of its impact upon residential amenity.
- 2.10 For the avoidance of doubt, this is not to say that the proposal does/would not have an impact upon noise emanating from the site, but that the impact of proposal, when taking account site context, including the levels of noise attributable to passing (heavy) traffic on the A5013 to the north of the site as referred to by the EHO, would not be harmful to an extent which would warrant refusal of the application.
- 2.11 Furthermore, given the findings of the noise impact assessment and the comments of the EHO, a condition requiring roller shutters to be kept closed would not meet the tests of a planning condition as set out in Paragraph 57 of the NPPF, in that the condition would not be necessary for the proposal to be considered acceptable. The comments surrounding the safety and ventilation of occupiers of the unit are also noted and this raises the question as to whether this part of the condition is reasonable when considering the working conditions of occupiers. As per Paragraph 57 of the NPPF, a planning condition is required to be reasonable.
- 2.12 Following refusal of application 24/38914/DCON, although the findings of the NIA are now accepted, there remains no approved noise management plan, and this does not form part of the current application. It is therefore necessary to re-attach condition 6 on any new permission granted, albeit altered to reflect the current proposal.

- 2.13 As per the previous application conditions to restrict the operating hours of the site (condition 4), and external lighting (condition 2) should be attached in the interests of neighbour amenity.
- 2.14 In all, and subject conditions, it is considered the proposal is acceptable in terms residential amenity.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 57, 135

The Plan for Stafford Borough

3.0 Other matters

- 3.1 As a Section 73 application whereby the original planning permission was granted prior to biodiversity net gain legislation coming into effect, this application is exempt from statutory biodiversity net gain requirements.
- 3.2 Neighbour comments raise concerns surrounding the impact of the proposal upon property prices. This is not a material planning consideration. Neighbour comments raise other potential enforcement matters with the wider site. These matters do not form the subject of this application, and can be dealt with as a separate enforcement matter.

Conclusion

The proposal, taking account of the submitted noise impact assessment and the comments of Regulatory Services, on balance, is considered acceptable in terms of its impact upon residential amenity and it is recommended planning permission be granted subject to conditions.

Consultations

Eccleshall Parish Council:

Comments dated 5 June 2025:

Objection

It is requested that noise monitoring equipment is sited in the area to obtain a more comprehensive set of data for evaluation.

It was also noted that no detail of the noise management plan has been provided.

Comments dated 20 February 2025:

- Continues to object.
- No conclusions or further information from site visit on 7 November 2024 by EHO
- Condition 6 still not discharged by SBC

Comments dated 16 May 2024:

- Objection: There is no evidence provided that supports this course of action. The council is also aware that residents have submitted evidence that not only is the noise still a significant problem but that the condition is being breached.

Neighbours: (25 written responses received in total, all objections, raising the following material considerations):

- Noise as a result of doors being opened having an adverse impact upon residential amenity
- Removal / variation of condition 5 has/would have an adverse impact upon living conditions of neighbouring residents
- Photographs submitted showing roller shutter door open
- Concerns that Condition 5 is already being breached
- Noise management plan not been made available to residents
- Concern surrounding the industrial use of the site

It is noted videos and audio recordings have also been submitted by neighbouring residents, and these have been considered, however cannot be uploaded to the application due to their file format.

Regulatory Services:Further comments dated 16 July 2025:

Further to our Teams conversation please find a summary of the three visits to site I made in relation to this application and the objection comments from nearby residents. The readings and observations were all made from the point I was able to demonstrate to you during our conversation yesterday (I am unable to produce a plan/map to illustrate - apologies).

The visits were carried out on 10 April 2025, 15 April 2025 and 28 May 2025.

Observations from 10 April 2025:

On site @ 2.35pm - roller shutter door open (and never closed during entire visit)

Used handheld SLM to take instantaneous readings of noise levels from complainant side of curved boundary wall approx 15/20m (and level with the front facade of RSD building). Location was approx 20m from The Willows and other occupied properties on the residential site north of the "industrial estate".

- General (background) noise level 45-50dB (i.e. when all extraneous noise ceased - no traffic, birdsong or noise from operations at RSD)
- Some welding/grinding noise (for a few seconds) 52-58dB (heard twice during the period on site)
- Loud(ish) exhaust sound (for 3/5 seconds duration) 62dB (vehicle arriving at site)
- Heavy traffic passing on A5013 (75m distant to the north) 60-68dB (discernible every few minutes at this level)
- Birdsong 42-46dB (a lot of birdsong due to nearby copse of trees)
- Airplane passing overhead 54-56dB
- Left site @ 3.05pm

Observations from 15 April 2025:

On site @ 2.25pm - roller shutter door open (and never closed during entire visit)

Used handheld SLM to take instantaneous readings of noise levels from complainant side of curved boundary wall approx 15/20m (and level with the front facade of RSD building). Location was approx 20m from The Willows and other occupied properties on the residential site north of the "industrial estate".

- General (background) noise level 43-48dB (i.e. when all extraneous noise ceased - no traffic, birdsong or noise from operations at RSD)
- "Clanging" (sounded like exhaust pipe being dropped/hit) from inside RSD building) 56dB (occurred once)
- Power-tool being used (for a few seconds - occurred once during visit) 60-62dB
- Heavy traffic passing on A5013 (75m distant to the north) 59-66dB (discernible every few minutes at this level)
- Birdsong 50-52dB (and almost constant - at loudest reached 60dB)
- Audible passing train 55-57dB

- Left site @ 3.05pm

Observations from 28 May 2025:

On site @ 10.55am - roller shutter door open (and never closed during entire visit)

Used handheld SLM to take instantaneous readings of noise levels from complainant side of curved boundary wall approx 15/20m (and level with the front facade of RSD building). Location was approx 20m from The Willows and other occupied properties on the residential site north of the "industrial estate".

- General (background) noise level 46-50dB (i.e. when all extraneous noise ceased - no traffic, birdsong or noise from operations at RSD)
- RSD employees/customer chatter outside roller door 50-53dB (for a 4/5 minutes)
- Power-tool being used inside RSD building (for a few seconds) 58-60dB (occurred twice during visit)
- Heavy traffic passing on A5013 (75m distant to the north) 60-66dB (discernible every few minutes at this level)
- Birdsong 50-54dB (at loudest reached 58dB)
- Audible passing train 54-56dB
- Left site @ 11.30m

Comments dated 24 April 2025

I have read and noted the conclusions and findings of the Noise Impact Assessment (Report Ref: P-6571-R1-V5) submitted in support of the application and agree with its methodology and its conclusions that the impact upon those residential properties closest to the application site is low.

This opinion is further supported by recent unannounced visits to the site (with handheld noise monitoring equipment) which showed that the levels of noise encountered by residents from the operations of Road Speed Developments (RSD) are acceptable when compared to the levels attributable to passing (heavy) traffic on the A5013 to the north of the site and the residential properties. This opinion is further reinforced by the fact the roller shutter door was open at all times during these observation visits (in contravention of this existing condition but helping to prove its invalidity).

No objection is made to the removal of the first sentence of the condition - however, I would still advise that carrying out works outside the units on site is undesirable and could result in statutory noise nuisance complaints should works be undertaken outside the RSD buildings.

Site Notice Expiry: 4 July 2024

Relevant Planning History

00/39277/FUL - Change of Use of Redundant Farm Building To Dwelling and Alterations To Farmhouse To Form Additional Dwelling approved 6 September 2000.

03/01368/COU - Conversion of existing redundant farm building into dwelling 'The Willows'

04/02404/COU for change of use of bays 1-3 of existing building to use for light fabrication and associated storage approved 12 September 2004.

06/05930/COU for change of use of existing machinery shed / workshop to light industrial and storage from agricultural maintenance and storage approved 10 April 2006.

23/37150/FUL - Retrospective planning application for a change of use from agricultural buildings to B2 car repairs and storage and distribution – Permitted 19 January 2024

24/38914/DCON - Discharge of condition 6 on 23/37150/FUL – Refused 20 June 2024

Recommendation

Approve subject to the following conditions:

1. The development authorised by this permission shall be carried out in complete accordance with the approved drawings and specification listed below:
 - Site plan Walton Bank Farm as amended 22 December 2023 (submitted under 23/37150/FUL)
 - Drawing Number A3 Floor plans Units 1-7 received 15 June 2023 (submitted under 23/37150/FUL)
 - Design and Access statement (submitted under 23/37150/FUL)
2. All external lighting shall be low lumen down lighting and directed so as not to light up the sky above or any boundary hedges or adjacent properties.
3. The approved development shall be used for the purposes of car repairs, light fabrication and storage, and for no other use including any use within class B2 of the Town and Country Planning (Use Classes) Order 1987 as amended.
4. Notwithstanding any description/details in the application documents, the hours of operation of the uses hereby approved shall be restricted to:-
 - 08.00 am to 18:00 pm Monday to Friday inclusive;

- 08.00am to 14.00pm on Saturdays;
- Not at all on Sundays, Bank Holidays and other public holidays.

5. No works shall be undertaken outside of unit 5 at any time.
6. Within 2 months of the date of the planning permission a Noise Management Plan shall be submitted to the local planning authority, this shall include the following criteria;
 - Name of person(s) responsible for implementation of the Noise Management Plan;
 - Strict speed limits for staff / visitor vehicles;
 - Details of operations and activities permitted to be undertaken at the development site;
 - Vehicles should not be permitted to be left idling at the development site;
 - Any reversing beacons at the development site should be of 'white noise' type rather than traditional;
 - Clear complaints procedure outlining how complaints should be investigated and what remedial action should be taken and who is responsible for complaint investigation; and,
 - Documented record of all complaints should be maintained and made available to the LPA if requested.

From the date that the Noise Management Plan is agreed in writing by the local planning authority it shall be complied with in its entirety for the lifetime of the development.

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

1. To define the permission.
2. In the interests of residential amenity and to prevent light spillage into the wider landscape in compliance with TPSB policies N1 and N8.
3. To define the permission.
4. To safeguard the occupiers of nearby residential properties from undue noise.
5. To safeguard the occupiers of nearby residential properties from undue noise.
6. To safeguard the occupiers of nearby residential properties from undue noise.

Informatives

- 1 In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015, as amended, and the National Planning Policy Framework 2024, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.

**Copy of the officers report from when it was previously heard at Planning
Committee on 16 July 2025**

Application:	24/39044/FUL
Case Officer:	Hannah Cross
Date Registered:	22 April 2024
Target Decision Date:	17 June 2024
Extended To:	-
Address:	Walton Bank, Stafford Road, Walton, Eccleshall, Stafford
Ward:	Eccleshall
Parish:	Eccleshall
Proposal:	Variation of condition 5 on application 23/37150/FUL (retrospective)
Applicant:	Mr J Holt
Recommendation:	Approve subject to conditions

REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor P Jones (Ward Member for Eccleshall) for the following reasons:-

There is no evidence provided that supports this course of action. The Council's planning officers are also aware that residents have submitted evidence that not only is the noise still a significant problem but that the condition is being breached. In my opinion it must have been obvious from the outset that the work to be carried out by this business could not do so and adhere to the condition.

1.0 Context

Application site

- 1.1 The site comprises a group of former agricultural buildings which have since been converted to B2 (industrial) and storage and distribution use (B8). The site is located in a rural location with the parish of Eccleshall, and is accessed via a long private driveway off the A5013 adopted highway.

Background

- 1.2 Planning permission was granted retrospectively by Planning Committee on 17 January 2024 under application 23/37150/FUL for the use of the units for B2 and B8 use (industrial/ storage and distribution). Unit 5, being the subject of this application, was approved for use by a vehicle repairs and modification business, Roadspeed Developments. This permission was granted subject to a number of conditions, one being condition 5, the subject of this application, which reads as follows:

The roller shutter doors at unit 5 shall remain in a closed position during the business hours of operation. No works shall be undertaken outside of this unit at any time.

- 1.3 This condition was deemed necessary at the time given the findings of the noise impact assessment submitted as part of 23/37150/FUL, reference P6571-R1-V3 dated 15 September 2023.

The proposal

- 1.4 Unit 5 remains occupied by Roadspeed Developments and the application seeks the retrospective variation of condition 5 to allow for the roller shutter doors at Unit 5 to be kept open while works on cars are being carried out. It is stated that the doors are required to be opened for safety and ventilation reasons. The application initially proposed removal of the condition in its entirety, however following comments received by Regulatory Services it is now proposed to vary the condition so the second part of the condition, which prohibits works from being carried out outside of the unit, is retained.
- 1.5 It is stated within the planning statement submitted under the current application that the noise impact assessment submitted under 23/37150/FUL did not accurately reflect typical day-to-day activities at the site. It is stated that at this time Noise Air requested that the tenant at unit 5 make as much noise as possible and turn on all his equipment at the same time at its highest volume, and that at the date of assessment, the grain dryer in the neighbouring agricultural building was on constantly. It is stated that in light of this, Noise Air carried out a second assessment which the applicant considers is a more accurate representative of the typical operations at the site.
- 1.6 The application is supported by this new noise impact assessment Ref: P6571-R1-V5 dated 14 March 2024. This document was initially indexed as 'high security' in error and therefore was unable to be viewed by the public. The document has since been made viewable to members of the public and neighbouring occupiers have been re-consulted on the information.

- 1.7 This application is retrospective and follows an enforcement investigation COND2/00019/EN24.

Officer Assessment - Key Considerations

In this case the key material consideration with the application is the impact of the proposal upon residential amenity.

2.0 Residential amenity

- 2.1 Policy N1 of TPSB requires the design and layout of development to take account of noise and light implications and amenity of adjacent residential areas.
- 2.2 There is a cluster of residential dwellings located to the north of the site. The proposal has received a number of objections and comments following consultations with the neighbours in respect of noise emanating from Unit 5.
- 2.3 Many of these comments raise objections surrounding the principle of the industrial use of this unit. As above, the use of the building has been approved and is unchanged from the previous submission. As such the only consideration with this application is whether the variation of condition 5, as proposed, is acceptable.
- 2.4 The noise impact assessment undertaken by Noise Air dated 14 March 2024 is considered. This concludes that the excess of rating level above the existing background sound level is +3dB(A) and indicates a low impact at the nearest noise sensitive receptors. The agent for the application has confirmed that this assessment (and the previous) was carried out with roller shutter doors open.
- 2.5 Regulatory Services have been consulted on this information and have provided the following comments:

I have read and noted the conclusions and findings of the Noise Impact Assessment (Report Ref: P-6571-R1-V5) submitted in support of the application and agree with its methodology and its conclusions that the impact upon those residential properties closest to the application site is low.

This opinion is further supported by recent unannounced visits to the site (with handheld noise monitoring equipment) which showed that the levels of noise encountered by residents from the operations of Road Speed Developments (RSD) are acceptable when compared to the levels attributable to passing (heavy) traffic on the A5013 to the north of the site and the residential properties. This opinion is further reinforced by the fact the roller shutter door was open at all times during these observation visits (in contravention of this existing condition but helping to prove its invalidity).

No objection is made to the removal of the first sentence of the condition - however, I would still advise that carrying out works outside the units on site is undesirable and could result in statutory noise nuisance complaints should works be undertaken outside the RSD buildings.

- 2.6 Whilst not the subject of this application, condition 6 was also attached to permission granted under 23/37150/FUL which required submission of a noise management plan within 2 months of the permission. This was submitted within 2 months of the decision under a discharge of conditions application, 24/38914/DCON. As a discharge of conditions application this was not subject to public consultation. The noise management plan was supported by a noise impact assessment, ref: P6571-R1-V5 dated 14 March 2024, being the same report submitted under this application.
- 2.7 Under 24/38914/DCON it was considered by Regulatory Services that the noise impact assessment submitted to support the application was not accurate, and the noise management plan was subsequently refused on this basis on 20 June 2024.
- 2.8 Since the determination of this application, Regulatory Services have carried out unannounced visits to the site and undertaken their own assessment in terms of noise, and now consider the results of the noise impact assessment submitted to be accurate.
- 2.9 Taking account of the latest noise impact assessment together with the Regulatory Services comments, the variation of condition 5 proposed, which would allow for works to be carried out with the roller shutter doors open, but would prohibit any works taking place outside of unit 5, is on balance, considered acceptable in terms of its impact upon residential amenity.
- 2.10 For the avoidance of doubt, this is not to say that the proposal does/would not have an impact upon noise emanating from the site, but that the impact of proposal, when taking account site context, including the levels of noise attributable to passing (heavy) traffic on the A5013 to the north of the site as referred to by the EHO, would not be harmful to an extent which would warrant refusal of the application.
- 2.11 Furthermore, given the findings of the noise impact assessment and the comments of the EHO, a condition requiring roller shutters to be kept closed would not meet the tests of a planning condition as set out in Paragraph 57 of the NPPF, in that the condition would not be necessary for the proposal to be considered acceptable. The comments surrounding the safety and ventilation of occupiers of the unit are also noted and this raises the question as to whether this part of the condition is reasonable when considering the working conditions of occupiers. As per Paragraph 57 of the NPPF, a planning condition is required to be reasonable.

- 2.12 Following refusal of application 24/38914/DCON, although the findings of the NIA are now accepted, there remains no approved noise management plan, and this does not form part of the current application. It is therefore necessary to re-attach condition 6 on any new permission granted.
- 2.13 As per the previous application conditions to restrict the operating hours of the site (condition 4), and external lighting (condition 2) should be attached in the interests of neighbour amenity.
- 2.14 In all, and subject conditions, it is considered the proposal is acceptable in terms residential amenity.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 57, 135

The Plan for Stafford Borough

3.0 Other matters

- 3.1 As a Section 73 application whereby the original planning permission was granted prior to biodiversity net gain legislation coming into effect, this application is exempt from statutory biodiversity net gain requirements.
- 3.2 Neighbour comments raise concerns surrounding the impact of the proposal upon property prices. This is not a material planning consideration. Neighbour comments raise other potential enforcement matters with the wider site. These matters do not form the subject of this application, and can be dealt with as a separate enforcement matter.

Conclusion

The proposal, taking account of the submitted noise impact assessment and the comments of Regulatory Services, on balance, is considered acceptable in terms of its impact upon residential amenity and it is recommended planning permission be granted subject to conditions.

Consultations

Eccleshall Parish Council:

Comments dated 5 June 2025:

Objection

It is requested that noise monitoring equipment is sited in the area to obtain a more comprehensive set of data for evaluation.

It was also noted that no detail of the noise management plan has been provided.

Comments dated 20 February 2025:

- Continues to object.
- No conclusions or further information from site visit on 7 November 2024 by EHO
- Condition 6 still not discharged by SBC

Comments dated 16 May 2024:

- Objection . There is no evidence provided that supports this course of action. The council is also aware that residents have submitted evidence that not only is the noise still a significant problem but that the condition is being breached.

Neighbours: (24 written responses received in total, all objections, raising the following material considerations):

- Noise as a result of doors being opened having an adverse impact upon residential amenity
- Removal / variation of condition 5 has/would have an adverse impact upon living conditions of neighbouring residents
- Photographs submitted showing roller shutter door open
- Concerns that Condition 5 is already being breached
- Noise management plan not been made available to residents
- Concern surrounding the industrial use of the site

It is noted videos and audio recordings have also been submitted by neighbouring residents, and these have been considered, however cannot be uploaded to the application due to their file format.

Regulatory Services:

I have read and noted the conclusions and findings of the Noise Impact Assessment (Report Ref: P-6571-R1-V5) submitted in support of the application and agree with its methodology and its conclusions that the impact upon those residential properties closest to the application site is low.

This opinion is further supported by recent unannounced visits to the site (with handheld noise monitoring equipment) which showed that the levels of noise encountered by residents from the operations of Road Speed Developments (RSD) are acceptable when compared to the levels attributable to passing (heavy) traffic on the A5013 to the north of the site and the residential properties. This opinion is further reinforced by the fact the roller shutter door was open at all times during these observation visits (in contravention of this existing condition but helping to prove its invalidity).

No objection is made to the removal of the first sentence of the condition - however, I would still advise that carrying out works outside the units on site is undesirable and could result in statutory noise nuisance complaints should works be undertaken outside the RSD buildings.

Site Notice Expiry: 4 July 2024

Relevant Planning History

00/39277/FUL - Change of Use of Redundant Farm Building To Dwelling and Alterations To Farmhouse To Form Additional Dwelling approved 6 September 2000.

03/01368/COU - Conversion of existing redundant farm building into dwelling 'The Willows'

04/02404/COU for change of use of bays 1-3 of existing building to use for light fabrication and associated storage approved 12 September 2004.

06/05930/COU for change of use of existing machinery shed / workshop to light industrial and storage from agricultural maintenance and storage approved 10 April 2006.

23/37150/FUL - Retrospective planning application for a change of use from agricultural buildings to B2 car repairs and storage and distribution – Permitted 19 January 2024

24/38914/DCON - Discharge of condition 6 on 23/37150/FUL – Refused 20 June 2024

Recommendation

Approve subject to the following conditions:

1. The development authorised by this permission shall be carried out in complete accordance with the approved drawings and specification listed below:
 - Site plan Walton Bank Farm as amended 22 December 2023 (submitted under 23/37150/FUL)
 - Drawing Number A3 Floor plans Units 1-7 received 15 June 2023 (submitted under 23/37150/FUL)

- Design and Access statement (submitted under 23/37150/FUL)
2. All external lighting shall be low lumen down lighting and directed so as not to light up the sky above or any boundary hedges or adjacent properties.
 3. The approved development shall be used for the purposes of car repairs, light fabrication and storage, and for no other use including any use within class B2 of the Town and Country Planning (Use Classes) Order 1987 as amended.
 4. Notwithstanding any description/details in the application documents, the hours of operation of the uses hereby approved shall be restricted to:-
 - 08.00 am to 18:00 pm Monday to Friday inclusive;
 - 08.00am to 14.00pm on Saturdays;
 - Not at all on Sundays, Bank Holidays and other public holidays.
 5. No works shall be undertaken outside of unit 5 at any time.
 6. Within 2 months of the date of the planning permission a Noise Management Plan shall be submitted to the local planning authority, this shall include the following criteria;
 - Name of person(s) responsible for implementation of the Noise Management Plan;
 - Permitted hours of operations at the site;
 - Strict speed limits for staff/ visitor vehicles;
 - Details of operations and activities permitted to be undertaken at the development site;
 - Vehicles should not be permitted to be left idling at the development site;
 - All doors and openings should be maintained in the closed position, when doors are required to be open, this should be reduced to as small a timeframe as possible;
 - Any reversing beacons at the development site should be of 'white noise' type rather than traditional;
 - Clear complaints procedure outlining how complaints should be investigated and what remedial action should be taken and who is responsible for complaint investigation; and,
 - Documented record of all complaints should be maintained and made available to the LPA if requested.

From the date that the Noise Management Plan is agreed in writing by the local planning authority it shall be complied with in its entirety for the lifetime of the development.

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

1. To define the permission.
2. In the interests of residential amenity and to prevent light spillage into the wider landscape in compliance with TPSB policies N1 and N8.
3. To define the permission.
4. To safeguard the occupiers of nearby residential properties from undue noise.
5. To safeguard the occupiers of nearby residential properties from undue noise.
6. To safeguard the occupiers of nearby residential properties from undue noise.

Informatives

- 1 In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015, as amended, and the National Planning Policy Framework 2024, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.

24/39044/FUL**Walton Bank****Stafford Road****Walton Eccleshall**

 PLANNING COMMITTEE - 19 NOVEMBER 2025

Ward Interest - Nil

Planning Appeals

Report of Head of Economic Development and Planning

Purpose of Report

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

Notified Appeals

Application Reference	Location	Proposal
25/40650/FUL Non determination	George Hill Court Fancy Walk Stafford	To replace the fencing currently at 1m high to a 1.8m fence to Wright Street and the walkway around the court
24/39886/FUL Delegated Refusal	Land At Trentham Retail Village Stone Road Tittensor	Retrospective full planning application for the temporary installation (18 months) of an Observation Wheel at the Trentham Estate
24/39699/ADV Delegated Refusal	139 Newport Road Stafford	6m x 3m digital portrait display
25/40170/FUL Delegated Refusal	Land South East Of Chase Lane Tittensor	Agricultural track to access agricultural building
25/40694/FUL Delegated Refusal	Former Garage Site Land Off Read Avenue Stafford	Residential development of five two storey dwellings
25/40322/HOU Delegated Approval Appeal against conditions	Old Mill House Barn Lane Weston Jones	Single storey rear extension

Decided Appeals

Application Reference	Location	Proposal
24/39159/LBC Appeal Dismissed	The Granary Weston Hall Weston Lane	Proposed single storey extension and 1.2m post and rail fence to front. (In conjunction with 24/39096/HOU).
24/39125/FUL Appeal Dismissed	Land Off A34 Opposite George And Dragon PH Stone Road	Creation of an Electric Vehicle Charging Hub comprising 31 charging bays equipped with solar panels and a substation (Sui Generis), picnic areas and a drive-through restaurant (Use Class E), with associated access, car and cycle parking, and landscaping.
24/39786/HOU Appeal Allowed	2 Hargreaves Lane Stafford	Alteration to front porch, ground floor rear extension, small first floor extension and general refurbishment
24/39412/LDC Appeal Dismissed	Camomile Watery Lane Stafford	Application for a Lawful Development Certificate-Existing. Confirmation that the use of a detached garage as an annexe is lawful.
24/39316/LDCPP Appeal Dismissed	18 Brocton Crescent Brocton	Lawful Development Certificate for the proposed use of the property as a residential care home (Class C2) for 2 young people supported by 2 members of care staff working on a shift basis (no material difference with the lawful use as a Class C3 dwelling).
24/39654/FUL Appeal Dismissed	The Wood Stallington Road Meir Heath	Retrospective application for change of use of land to private equestrian use, construction of stables, manege and erection of fencing

Application Reference	Location	Proposal
25/40598/HOU Appeal Dismissed	79 Baswich Crest Baswich	Retrospective approval for the partial retention of the rear dormer extension to the bungalow
24/39034/PAR Appeal Allowed Costs to SBC Refused	Barn A Moat Farm Church Lane	Proposed barn conversion
24/39037/PAR Appeal Allowed Costs to SBC Refused	Barn B Moat Farm Church Lane	Proposed barn conversion into 3 dwellings
24/39038/PAR Appeal Allowed Costs to SBC Refused	Barn C Moat Farm Church Lane	Proposed barn conversion

Previous Consideration

Nil

Background Papers

File available in the Development Management Section

Officer Contact

Sushil Birdi, Development and Policy Manager, 01543 464326



Appeal Decision

Site visit made on 15 July 2025

by **K Stephens BSc (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 July 2025

Appeal Ref: APP/Y3425/Y/24/3355628

The Granary, Weston Hall, Weston Lane, Bowers, Staffordshire ST21 6RF

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr and Mrs Finn against the decision of Stafford Borough Council.
 - The application Ref is 24/39159/LBC.
 - The works proposed were originally described as “Proposed single storey extension and 1.2m post and rail fence to front.”
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I see from the submitted evidence that a planning application was also determined by the Council, but an appeal to this was lodged out of time. For the avoidance of doubt, my considerations and conclusions relate solely to the application for listed building consent.
3. The Council considers The Granary is curtilage listed to Weston Hall, a Grade II listed building. The appellant expresses some doubt as to whether this is the case. However, limited evidence has been provided in this regard. Moreover, the appellant’s Heritage Statement has been submitted and proceeds on the basis that The Granary is curtilage listed. Furthermore, a listed building consent application was submitted to the Council and is the subject of this appeal. Consequently, I have determined the appeal on the basis that The Granary is curtilage listed. Hence by virtue of section 1(5)(b) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), The Granary shall be “treated as part of the listed building” of Weston Hall. Hence, having regard to the statutory duty set out in section 16(2) of the Act I shall have special regard to the desirability of preserving the [listed] building or its setting or any features of special architectural or historic interest which it possesses.
4. A combined planning and listed building consent application form was submitted with a description that includes the erection of a 1.2 metre high post and rail fence. However, the fence does not fall within the scope of works under section 7(1) of the Act and hence does not require listed building consent. For the avoidance of doubt I have confined my assessment in this appeal to the proposed single storey extension and associated works to facilitate that.
5. During the course of the appeal a revised National Planning Policy Framework (the Framework) was published in December 2024. However, as any policies in the Framework that are material to this decision have not fundamentally changed, I am

satisfied that neither party would be prejudiced by my consideration of the revised Framework in reaching my decision.

Main Issue

6. The main issue in this appeal is whether the proposed works would preserve the Grade II listed building, Weston Hall, or any features of special architectural or historic interest which it possesses.

Reasons

Special interest and significance of the heritage asset

7. Weston Hall is a Grade II listed building¹. According to the listing description and submitted evidence, the dwelling dates from about the 18th century, is 3 storeys and of red brick, with tiles and toothed eaves. It has some detailing to the windows and doors and inside it has massive, moulded stop-chamfered ceiling beams in the kitchen. The appellant's Heritage Statement suggests that the Hall was never really a 'Hall' in the true sense, but more an 18th century farmhouse renamed to gentrify it.
8. The Granary forms part of a larger brick and tile building and one of a number of former outbuildings to the rear of Weston Hall. The evidence suggests that the main part of the uninterrupted roof of the building is pre-1840. A long swept roof to the 'front' north-west elevation was added later, probably between 1840-1900. Nonetheless, the overall roofscape with the adjacent roof of Ewe Barn presents a striking and dominant feature of the property. The linear building has been converted into two dwellings (the appeal property and Ewe Barn), with limited external alterations and generally small window openings. The evidence suggests that the existing arched full height openings, now timber doors/windows, were probably added after 1840. Overall, the building's former agricultural use is still largely legible despite changes to the historical relationship with Weston Hall and subsequent residential conversion and creation of gardens and the presence of domestic paraphernalia.
9. From the evidence before me, I find the special interest and significance of Weston Hall, insofar as it relates to this appeal, is largely derived from a combination of its historic and architectural interest illustrating a rural vernacular dwelling with associated agricultural outbuildings in rural Staffordshire. The building's age, its vernacular design, use of traditional materials and construction and surviving historic fabric and features make important contributions in these regards. It also has group value with the other outbuildings, including The Granary, as an example of a rural farmstead with an associated range of former brick farm buildings. The Granary therefore contributes to the overall historic interest and significance of Weston Hall.

Appeal proposal and effects

10. The proposed works would involve the erection of a single storey flat roof extension to the 'front' of the building on the north-west elevation over what is currently an outside patio where there is a break in the swept roof slope. It would effectively 'infill' the gap and 'square' off the plan form of the building and would not project

¹ National Heritage List for England: list entry number 1189872

beyond the end of the building or beyond the existing front building line. The roof slope is already indented at this location and so the proposal would not interfere with this in the main.

11. The extension would have a flat roof with a projecting roof lantern, so as not to interfere with the existing first floor bedroom window above. However, the roof lantern introduces an unduly domestic addition to the relatively simple low-key range of former agricultural buildings that still retain an agrarian character. The extension would be faced in black stained hit-and-miss vertical timber cladding, intended as a deliberate contrast to the adjacent brick of the building. Whilst timber cladding is not necessarily out of place in agricultural settings, the contrast in materials, texture and colour in this instance would appear as an incongruous addition to this simple range of brick and tile buildings.
12. The side of the extension would be joined to the side of the main building by a small brick linked recess. Techniques such as this can be used to clearly indicate junctions between older and new building fabric, as indeed can the use of different materials. The contemporary design used in this proposal is relatively simple in its form and detailing and would be legible as a modern phase of intervention. However, the height of the front elevation of the extension and its flat roof would sit higher than the eaves of the swept roof. This would create an awkward junction, despite a nominal set back of the linking part.
13. The proposed extension would also introduce a large expanse of full-height glazing in the form of bi-fold doors across much of the elevation of the extension. The expanse and horizontal alignment of glazing would be at odds with the limited number of small door and window openings and would disrupt the solid-to-void ratio of the building. The existing building does have some full height timber doors/windows on the western 'front' elevation, but these occupy what appear to be historic openings with curved headers (even if they were added after the main building was built) and are set back from the main western elevation at the back of the patio area. The wide window in the side of the extension would also be out of proportion with the prevailing small-scale fenestration on the building.
14. As part of the proposed works, the existing full height doors/windows on the north-west elevation would be removed to create a more open-plan internal layout. A central pillar would remain as would some nibs at either end of the wall. However, I do not have plans showing how much of this wall would be removed, so it is not clear if the arched window heads would be retained for example. This could involve the irreversible removal of historic fabric from the older part of the building, albeit limited as most of the wall is timber glazed doors.
15. Drawing all the points together, whilst the floor area of the extension would be relatively modest and I have no reason to doubt the extension would be built to a high quality, it would be a visually uncomfortable and incongruous addition to the building. It would also create a more domestic appearance to the building, which would erode and undermine its agrarian past and use and its historic relationship with Weston Hall. This would in turn have a residual effect on Weston Hall and harm its special interest and significance.

Public benefits and heritage balance

16. The Framework identifies at paragraph 213 that any harm to, or loss of, significance of a designated heritage asset should require clear and convincing justification. In finding harm to the significance of a designated heritage asset, Framework paragraphs 214 and 215 require the magnitude of that harm to be assessed. Given the nature and extent of the proposed development and against the advice in the Framework and national Planning Practice Guidance (the PPG) I find the harm to the significance of the listed building would be 'less than substantial' and somewhere in the middle of that category. Nonetheless, a finding of less than substantial harm still carries considerable importance and weight.
17. In line with paragraph 215 of the Framework, less than substantial harm must be weighed against the public benefits of the works. Public benefits, as described in the PPG, can be anything that delivers economic, social or environmental objectives and do not have to be visible or publicly accessible. They can also include works to a listed private dwelling, for example, which secure its future as a designated heritage asset.
18. There would be some public benefits in the form of short-term economic benefits to the wider local economy from jobs and the supply chain during the construction phase of the extension. There would be some improvement to the energy and thermal efficiency of the building which would help reduce carbon emissions and climate change, which is supported by the Framework.
19. There would be some improvements to the standard and layout of living accommodation for the benefit of the appellants and their family, but this would be a largely private, not public, benefit. There is no substantive evidence before me to demonstrate that the proposed extension is necessary to secure the continued use of The Granary and that its use would cease if the appeal was dismissed. Clear and convincing justification for the harm to the asset's significance has not been provided.
20. Overall, the weight I ascribe to the limited public benefits is not sufficient to outweigh the considerable importance and weight I attach to the harm that would be caused to the significance of the listed building and the presumption in favour of preservation. Accordingly the proposal would fail to preserve a grade II listed building and would thus fail to satisfy the requirements of the Act and the provisions of the Framework
21. Listed building appeals are not subject to section 38(6) of the Planning and Compulsory Purchase Act 2004, and therefore development plan policies do not carry the same weight as when considering planning applications. Nevertheless, the Council refers to them and so the proposal would also conflict with Policy N9 of The Plan for Stafford Borough (2011-2031), which seeks, amongst other things, to ensure that proposals conserve and protect the significance of a heritage asset by avoiding the unnecessary loss of historic fabric and details of significance.

Conclusion

22. For the reasons given above, I conclude the appeal should be dismissed.

K. Stephens
INSPECTOR

Appeal Decision

Site visit made on 17 June 2025

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2025

Appeal Ref: APP/Y3425/W/25/3364648

Land Off A34 Opposite George & Dragon PH, Stone Road, Meaford, Staffordshire, ST15 0PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by George Developments Limited against the decision of Stafford Borough Council.
 - The application Ref is 24/39125/FUL.
 - The development proposed is creation of an Electric Vehicle Charging Hub comprising 31 charging bays equipped with solar panels and a substation (Sui Generis), picnic areas and a drive-through restaurant (Use Class E), with associated access, car and cycle parking, and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have had regard to the appellants plan reference SK01C which is little different to that considered by the Council at the application stage but takes on board the comments from the Road Safety Audit. The Council and interested parties have been able to provide comments during the course of the appeal and therefore parties will not be prejudiced by my consideration of the plan.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area and the setting of the Meaford Conservation Area;
 - whether the appeal site can be suitably and safely accessed by sustainable travel;
 - whether the proposal makes adequate provision for car parking; and
 - If the proposal is inappropriate development in the Green Belt, 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.

Reasons

Green Belt

4. Policy SP7 of the Plan for Stafford Borough 2011-2031 adopted 2014 (the Plan) states that development in the Green Belt should be consistent with national policies for the control of development. The National Planning Policy Framework (the Framework) outlines development which would not be inappropriate, one of which is local transport infrastructure which can demonstrate a requirement for a Green Belt location, and which preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
5. I accept that the electric vehicle charging facility could be considered as local transport infrastructure. The existing site is formed from an undeveloped open field. The provision of development on the site would inevitably therefore lead to a loss of spatial openness through the provision of the charging structures and the layout and construction of car parking as well as increased activity from the cars that would be visiting and parked on the appeal site.
6. Visually the development would be in the lower area of the appeal site and would be surrounded by hedges and trees. However, while I have had regard to the findings of the appellant's Landscape and Visual Impact Assessment (LVIA) in respect of the openness of the Green Belt as a whole, it would still be visible within the local landscape and consequently would not preserve the openness of the Green Belt as required by paragraph 154(h) of the Framework. I note that the appellant accepts in their Final Comments that they are not arguing that there is no adverse impact on the openness of the Green Belt.
7. In any case I am not convinced, on the evidence before me, that a drive through restaurant would constitute local transport infrastructure as part of a charging hub in this location. I accept that it would provide a facility for people to eat and drink at while waiting to charge their vehicle, given that it contains an indoor restaurant seating area. However, it is also a drive through facility not specifically targeted at users of the charging facility as they would need to wait for the cars to be charged rather than drive through. There is nothing persuasive to suggest the drive through restaurant is dependant on the provision of the charging points. Consequently, given its location near to several large settlements, it would in my view, attract customers solely to that facility rather than passing by on their journey.
8. Therefore, the drive through restaurant would be inappropriate development irrespective of my conclusions on the charging infrastructure. In support of this view, I note that the appeal decision¹ the appellant refers to was only for electric car charging spaces and did not include a drive through restaurant. There is little detail before me in the planning committee report for the planning application also brought to my attention². However, even if the whole of that development was considered to be transport infrastructure, that proposed a hub which included retail space, café space, office space/IT equipment, lounge area, fitness zone, children's area and toilet facilities to serve 50-60 charging points While that is more than proposed here, it is not by a significant amount and includes a lot more facilities. There is also no discussion regarding the impact on openness, which I have found the proposal would cause harm to. Neither therefore lend support to the appellant's position.

¹ APP/P1940/W/19/3232159

² 21/01515/FULL

9. Paragraph 155 of the Framework outlines circumstances where development in the Green Belt would also not be inappropriate where it utilises grey belt land. The Council accepts that the land is grey belt, and I concur with that view. It is not close to any large built-up area or town whether historic or not.
10. Therefore, the development would utilise grey belt and given the extent of the appeal site, were it to be developed it would not materially affect the ability of all of the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way in accordance with the Planning Policy Guidance³.
11. Paragraph 155b requires that there be a demonstrable unmet need for the type of development proposed. I note that while both parties consider that there is a need for charging points, the Council disputes that there is a need in this location, given the other facilities available relatively close by. Nonetheless, that is not the requirement of the Framework. The appellant provides compelling evidence that there is a demonstrable unmet need for charging points in the district. However, there is no substantive evidence before me to suggest that there is demonstrable unmet need for a drive through restaurant. Therefore, the proposal does not accord with paragraph 155b of the Framework and would be inappropriate development in conflict with Policy SP7 of the Plan.
12. I have already considered the impact on openness above.

Character and appearance

13. The appeal site sits within an area of flat or gently undulating pastoral farmland dissected by hedgerows and trees as well as larger areas of trees. The River Trent is close by. The appellants Landscape and Visual Impact Assessment (the LVIA) assesses the site as being as ordinary to poor landscape character with the wider landscape being good to ordinary and therefore has a low sensitivity to change. It is true there is nothing remarkable about this landscape, but it does form part of the rural character of the open countryside on this side of the road with little influence from built development visible.
14. The appeal site forms an undeveloped field on the west side of the A34. It is bound by hedge and trees and is surrounded by open countryside. It forms part of the green verdant open countryside in this area contributing to the rural character. Limited development is visible when viewing across the site from the roundabout to the east of the site. I acknowledge the presence of the A34, a busy dual carriageway. However, this does not diminish the essential rural nature of the land beyond, or the verdant nature of this part of the A34 where the built form does not dominate even if the built up area of the Green Belt is growing.
15. Meaford Conservation Area (the CA) covers the southern part of what was historically Meaford Park. Meaford Hall, a grade II* listed building is in the northeastern part of the CA but there is no visibility to the appeal site or any functional or historic link. The remaining small number of buildings, including the lodge to the Hall in the CA are located to the south, alongside the road and unified by a common architecture of nineteenth century Domestic-Revival buildings on the edge of the park. The significance of the CA is therefore drawn from the surviving architecture and features of the buildings and their relationship to open space. Most

³ Paragraph: 008 Reference ID: 64-008-20250225

of the CA is surrounded by open countryside reflecting its original setting, little altered except for the A34 and associated traffic infrastructure.

16. The appeal site is located on the opposite side of the A34. While therefore it is within the setting of the CA it is somewhat divorced from it by the intervening road and associated infrastructure. As such, while it does contribute to an understanding of the rural nature of the CA it does so in a small way especially given that most of the buildings are not particularly visible from the appeal site due to distance and intervening vegetation.
17. The proposal would inevitably change the landscape character of the appeal site and effectively create a large area of hardstanding to accommodate the high number of cars likely to be attracted to the proposal. However, existing hedgerows and trees would be retained and new planting proposed to mitigate the urbanising impact in the landscape. While the appellant suggests limited working hours, it is likely that charging points and a drive through restaurant would be open until late at night if not all through the night. As a result, there would also be lighting and signage and activity which would emphasise the development of the site significantly eroding its rural landscape character.
18. Views of the development from the immediate area would vary. The LVIA shows that mostly the development would be viewed within a strong rural context. However, dependent on the position of the receptor at some points, limited development would also be visible. The appellant's LVIA concludes that from a distance the proposal would have a neutral effect in the long term, and I would agree. The intervening landscape and vegetation would largely mean the development would not be visible in the wider landscape.
19. I note the Council's comments regarding the accuracy of the proposed street elevation. However, even using Views 1 and 2 supplied by the appellant it is evident that the proposal would be visible, and its rural character considerably eroded even incorporating low level development. While I note the appellant's comments regarding the muted nature of the development this could not be reasonably controlled. I also accept that signage would need to be approved by the Council. However, the whole point of signage is to advertise and draw attention to a facility. Consequently this, together with lighting would make the development more prominent. It would therefore have a moderate effect on the local appearance of the area, even with the proposed landscaping.
20. In conclusion, I have found that the proposal would be significantly harmful to landscape character and would have moderately harmful visual impacts. However, due to the distance, intervening vegetation and extent of the rural setting of the CA, with this site forming just one small part of it, I am satisfied it would not harm the setting and hence significance of the CA and therefore would comply with Policy N9 of the Plan regarding heritage assets.
21. Nonetheless for the reasons above, I conclude that the proposal would be harmful to the character and appearance of the area. It would therefore conflict with Policies N1 and N8 of the Plan which seek to ensure proposals are informed by and sympathetic to landscape character and quality and takes account of local character, context and landscape.

Highway safety

22. The charging points are, by definition, only likely to be accessed by cars and therefore there is no concern regarding the ability to safely access these by means other than the car.
23. The Highway Authority is particularly concerned about residents having to cross the A34, a busy dual carriageway, to access the drive through restaurant by foot or bicycle.
24. The appellant proposes an uncontrolled pedestrian crossing which would have a refuge in the centre of the dual carriageway. This is substantiated by reference to the use of data from two other drive through restaurant sites which concluded that the peak hourly demand would be just 9 pedestrians. The threshold for the provision of a traffic signal-controlled pedestrian crossing would be a peak hour flow of 21 pedestrians.
25. As part of the appeal submission the appellants revised their calculations and using just one restaurant in Corby closer to a residential area than the one proposed at the appeal site to a potential for 12-13 pedestrian movements per hour. This would still be below the threshold for a controlled crossing.
26. However, from the evidence before me the residents in Corby would not have to cross a dual carriageway, which if anything, would probably make it more attractive to residents there. Furthermore, most of the residents close to the proposal before me now would need to access the restaurant via an unsurfaced country footpath, a further disincentive to visit.
27. I am satisfied therefore that the figures used are relative comparators and an uncontrolled pedestrian crossing would be suitable, and the independent Road Safety Audit carried out on behalf of the appellant shows it would be safe.
28. However, the proposed pedestrian crossing would be to the north of the appeal site some distance from the restaurant, and I concur with the Council that the desire line is likely to be much closer to both the restaurant and the established residential area close to the roundabout. In my view it is unlikely that residents would walk from the residential area down to the proposed crossing and then back towards the restaurant, but instead would attempt to cross the road near to the roundabout when they reach the road. I note this view is shared by the Highway Authority. I saw at my site visit that this is a busy environment and that attempts to cross the road without a pedestrian crossing, whether controlled or not, would be unsafe.
29. I therefore consider that there would not be suitable access to the appeal site for all users which would result in harm to highway safety for pedestrians and cyclists attempting to access the restaurant. I also note that this would lead to conflict with paragraph 115 of the Framework also bringing it into conflict with paragraph 155c of the Framework regarding inappropriate development in the Green Belt.
30. For the reasons above, I conclude that the proposal would not be suitably accessed by sustainable travel modes leading to harm to highway safety. As a result, there would be conflict with Policy T2 of the Plan and paragraphs 115 and 116 of the Framework which require that development does not materially impair highway safety.

Parking

31. There would be a total of 65 parking spaces divided as 31 EV spaces, 32 standard parking spaces and 2 disabled spaces. I concur with the Council that the EV parking spaces cannot be relied upon to serve the restaurant. It is likely the two facilities would be run independently, and it is not unusual for the EV spaces to be restricted to electric vehicles only. While therefore there may be some shared usage this would be limited to electric or hybrid cars only.
32. The Council's adopted parking standards indicate a requirement for 46 parking spaces for the restaurant. The appellant has supplied analysis using TRICS data which shows that peak parking accumulation associated with fast food restaurants would be 25 vehicles, considering that some vehicles will use the drive through element only.
33. Surveys from three McDonalds sites have also been analysed which show average peak parking demand as Friday 21 vehicles and Saturday 26 vehicles. This evidence has not been disputed by any substantive evidence from the Council. From the evidence before me therefore it seems entirely reasonable that 32 parking spaces are provided for the drive through facility which would cope with the anticipated demand.
34. For the reasons above, I conclude that adequate provision for parking for the proposal would be provided. Therefore, there would be no conflict with Policy T2 or paragraph 112 of the Framework. These require that development must ensure adequate parking by taking account of the predicted traffic generation in relation to a reduction in parking standards.

Other Considerations

35. The proposal would be inappropriate development in the Green Belt and would have a moderate effect on openness. The Framework states that substantial weight should be given to any harm to the Green Belt including harm to the openness.
36. The proposal would also cause harm to the character and appearance of the area which attracts significant weight.
37. The proposal would provide environmental benefits through the provision of charging facilities, to improve the infrastructure for electric cars leading to a low carbon economy. Furthermore, there would be the creation of jobs and economic benefits during construction. These are significant considerations but would not be sufficient to clearly outweigh the harm to the Green Belt by inappropriateness and the other harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

38. The proposal would be in conflict with the development plan as a whole and the considerations I have identified above, including the Framework, would not outweigh that conflict. For the reasons given, the appeal is dismissed.

Zoe Raygen

INSPECTOR

Appeal Decision

Site visit made on 3 June 2025 by E Clifford BA (Hons) MA

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2025

Appeal Ref: APP/Y3425/D/25/3364441

2 Hargreaves Lane, Stafford, Staffordshire ST17 9AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Stephen Harvey against the decision of Stafford Borough Council.
 - The application Ref is 24/39786/HOU.
 - The development proposed is described as the refurbishment and extension to mid-century detached dwelling in large garden plot.
-

Decision

1. The appeal is allowed, and planning permission is granted for development described as the refurbishment and extension to mid-century detached dwelling in large garden plot at 2 Hargreaves Lane, Stafford, Staffordshire ST17 9AE in accordance with the terms of the application, ref 24/39786/HOU, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos: 2403_P_11 Rev A, 2403_P_12 Rev A, 2403_P_09 Rev A, 2403_P_08 Rev A, 2403_P_10 Rev A, 2403_P_13 Rev A, and 2403_P_07 Rev A.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal scheme. The main issue in regard to which is its effect on the character and appearance of the area.

Reasons for the Recommendation

3. The appeal building is a detached and relatively modern secluded bungalow in a leafy area, surrounded by other dwellings, some of which have been heavily extended. There is a quaint modesty to the building befitting of its age. It is finished in buff brick with a concrete tiled roof. A dormer is in the rear roof slope and there are some timber extensions/outbuildings to the side.
4. The use of timber is already a striking aspect of the property and the addition of the similar cladding to the proposed extension would strengthen the vertical emphasis that the existing timber provides. The change in its colour from brown to black would not be major. Given the density of the existing verdant boundary treatment and the variety in the street scene, the visual effect would be negligible.

5. The massing of the proposed development would significantly alter the overall bulk of the property. The front extension would house the relocated staircase and thus have a pitched roof, observing the character of the existing dwelling. Whilst much larger than the existing porch, it would remain subservient to the host dwelling and successfully read as an extension to the original. When viewed from the front of the property, the scale of the proposal would be indiscernible.
6. The large rear extension to the existing utility room would feature a combined mono-pitch and flat roof. The set back from the street would mean that this would be largely obscured. Whilst being composed of a number of different roof shapes and pitches, the rear element has been designed as a contemporary addition, as have the other alterations which utilise bold geometric shapes. This approach is therefore deliberate and would be read as part of the design of the alterations holistically. Taken as a whole, the changes would respect the scale and contextual modesty of the dwelling and would not dominate the generosity of the plot.
7. Due to the angle of the property and proposed development, and the proximity of the boundary, the lack of fenestration on the northeastern elevation would not easily be visible when viewing the property from either the front or rear. I therefore have no objections to it in the context of the main issue. Moreover, its treatment would tie in with the modern feel to the extensions as a whole. With this and the above in mind, the proposed development would not harm the character or appearance of the area. Such that it would comply with Policy N1 of The Plan for Stafford Borough (2014) which requires development to take into account local character and context amongst other things.

Conditions

8. The standard time condition and reference to the approved plans are necessary for enforcement purposes. There is sufficient detail on the plans to show the proposed external treatment which, as I have explained above, would be acceptable. No further conditions will be necessary.

Conclusion and Recommendation

9. For the reasons given above, the proposals would comply with the development plan. I therefore recommend the appeal is allowed.

E Clifford

APPEAL PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed, subject to the conditions set out above.

John Morrison

INSPECTOR

Appeal Decision

Site visit made on 15 August 2025

by **D Boffin BSc (Hons), DipTP, MRTPI, DipBldg Cons (RICS), IHBC**

an Inspector appointed by the Secretary of State

Decision date: 12TH September 2025

Appeal Ref: APP/Y3425/X/25/3359934

Camomile, Watery Lane, Stafford ST18 9EH

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) (1990 Act) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mrs Yvonne Passey against the decision of Stafford Borough Council.
 - The application ref: 24/39412/LDC, dated 24 July 2024, was refused by a notice dated 2 January 2025.
 - The application was made under section 191(1)(a) of the 1990 Act.
 - The use for which a LDC is sought is use of a detached double garage as an annexe.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the existing use, in the banner heading above, for which the LDC is sought, is taken from the Council's Decision Notice. However, that description does not specify what use 'an annexe' comprises. The application form indicates that the annexe was used previously as separate living accommodation and that since the appellant and her husband bought the property, they have used the annexe as an office. It is therefore not clear whether the LDC application has been made on the basis that a material change of use to a separate single dwellinghouse has occurred or that a material change of use has not occurred as the residential use/office use of the annexe is part and parcel and/or incidental to the residential use of the property known as Camomile. Four of the boxes under the '*grounds for application for a LDC*' section of the application form have been ticked, therefore that section of the form does not provide clarity on this issue.
3. Within the Council's Officer's Report, the Council assessed the LDC application based on whether '*on the balance of all probabilities that the detached garage has been used as an annexe in breach of condition 02 of planning permission 08/10321/FUL in excess of ten years*'. I find that approach to be incorrect as condition 02 of that planning permission relates to the development being carried out in complete accordance with the approved plans and specification and the reason for that condition is '*to define the permission*'.
4. In my judgement, there is nothing to suggest within the reason for the condition that it was intended to prohibit anything. This type of condition is applied to planning permissions to ensure that there is no doubt as to which plans are approved and that that development is constructed/laid out in accordance with those plans. In that sense the condition is an amplification of the description of the development. It gives certainty as to what has been approved as part of the planning permission.

The planning permission was for *'alterations and extensions, improvements to access and garage'*. There is no condition on that planning permission that specifically restricts the use of the garage.

5. Taking into account all of the above, I have determined this appeal on the basis of *'the existing use of the detached garage as a residential annexe'* and in my reasoning below I have taken into account the scenarios highlighted above.

Main Issue

6. The main issue is whether the Council's decision to refuse to grant an LDC is well-founded.

Reasons

7. In order for an LDC to be granted under section 191 of the 1990 Act, the burden of proof is with the appellant, and the appropriate test of the evidence is the balance of probabilities. The onus is firmly on the appellant to show that the use of the annexe was lawful at the time the application was made. The appellant's own evidence does not need to be corroborated by independent evidence in order to be accepted. If the Council has no evidence of its own, or from others, to contradict or otherwise make the appellant's version of events less than probable, there is no good reason to dismiss the appeal, provided their evidence alone is sufficiently precise and unambiguous.
8. Section 191(2) of the 1990 Act states that *'For the purposes of this Act uses and operations are lawful at any time if— (a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and (b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.'* In this case there is no evidence before me to indicate that there were any requirements of any enforcement notice in force on this site at the date of the LDC application.
9. Section 55(1) of the 1990 Act sets out that "development" means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. Section 55(2) sets out that certain operations or uses of land shall not be taken for the purposes of the 1990 Act to involve development of the land, including (a) the carrying out for the maintenance, improvement or other alteration of any building of works which – (i) affect only the interior of the building, or (ii) do not materially affect the external appearance of the building.
10. As stated previously, planning permission¹ (the 2008 permission) for *'alterations and extensions, improvements to access and garage'* was granted in August 2008. The Council's evidence indicates that in January 2009 an enforcement officer from the Council visited the site and a letter was sent in February 2009 that advised the development was in accordance with the approved plans and no breach in planning legislation was noted. As such, there is little to indicate that the operational development involved in the initial construction of the garage was in breach of condition 02 of the 2008 permission. It is also reasonable to consider that the

¹ Ref No: 08/10321/FUL

internal alterations to the garage would, more likely than not, have been carried out after the enforcement officer's visit in January 2009.

11. The electrical installation work certificate of compliance dated 19 May 2009 is for the new installation rewire or partial rewire of a dwellinghouse. Within the details of the installation section, it states 'all new circuits in renovated and extended house'. Moreover, the address is given as Camomile. I acknowledge that the handwritten note on the certificate indicates it relates to the annexe. However, for the reasons given above, it is more likely than not that this document relates to the main house and not the annexe.
12. The Building Regulations Compliance Certificate (BRCC) dated 10 July 2009 relates to the installation of a Baxi Potterton Duotec Boiler at Camomile and the gas safety record dated 29 June 2018 indicates that a Baxi Duotec boiler is located in an airing cupboard. It does not state where that airing cupboard is located yet it does state that a Biasicompact boiler is in the annexe. As such, it is reasonable to consider that the BRCC relates to the main house and not the annexe. Therefore, in respect of the internal alterations the submitted evidence is not precise and there is ambiguity regarding the specific date that those internal alterations were carried out. Nevertheless, those internal alterations would not have required the benefit of planning permission under section 55(2)(a)(i) of the 1990 Act.
13. A Building Regulations application for single storey, 2 storey side extensions, internal alterations, double garage and associated works was approved on 15 October 2008. A Final Certificate stating the whole of the works approved in that application had been completed was issued on 30 September 2010. Therefore, on the balance of probabilities, it is more likely than not, that the detached double garage had been substantially completed prior to 30 September 2010 and that at some time after January 2009 internal alterations were made to install the first floor, stairs, the kitchen and shower, wc and ensuite facilities.
14. It is not disputed that the primary use of Camomile is that of a single dwellinghouse. I have been provided with a layout of the appeal building, which shows that it is laid out with a kitchen, shower room, living area and bedroom/en-suite and therefore appears to have all the facilities required for day-to-day living. In essence, an 'annexe' will become a single dwellinghouse where it is self-contained with those facilities and its residential use has resulted in the creation of a separate planning unit. In caselaw the courts have held that the use of an outbuilding or annexe in the curtilage of an existing dwellinghouse for primary residential purposes does not involve a material change of use where it is used in conjunction with the host dwelling.
15. The appellant bought Camomile in November 2018 and has stated that the annexe has been in use as an office since they bought the property but go onto state that it has been in use as an office since 2007. They also state that the annexe was used as the previous owner's daughters living accommodation. A letter from a neighbouring landowner whose family owned Camomile prior to 2007 states that a Mr McAdam bought the property in 2007 and he obtained planning permission for the double garage. It goes onto indicate that the garage was built and shortly after converted to a 2-storey annexe in which Mr McAdams partner's daughter lived. He also states that since the appellant bought the property the annexe has been used as additional family accommodation and as an office.

16. It is not clear if utilities such as water and electricity are taken from the main house, the access from Watery Lane and a parking area are between the main house and the annexe building. The annexe appears to be within the curtilage of Camomile and there are no boundary treatments separating the annexe off from the main house. The appellant's evidence suggests that the annexe was occupied by the previous owner's partner's daughter. However, no specific details of when the annexe was occupied by that person have been provided. Moreover, even if there was a familial relationship between the occupants of the annexe and the main dwelling, there is little evidence before me to indicate whether the occupiers of them functioned as a single household or not. As such, the evidence relating to the previous owner's use of the annexe building is insufficiently precise and unambiguous to determine whether that use constituted a material change of use or not. Nor is it sufficiently precise to indicate, if there was a material change of use, when that material change of use occurred or whether that use was continuous during the previous ownership.
17. Furthermore, there is very little detail provided on how the appellant and her family have used the annexe building. The use of the annexe building as a home office is a use that can reasonably be considered to be incidental to the residential use of the main house. However, an office use may also entail the employment of staff who attend that office and in that instance planning permission may be required if a material change of use has occurred. In addition, there is no detail of what is meant by use as additional family accommodation. There are no statutory declarations from the appellants indicating the specific details of how the annexe has been used. As stated previously, if the residential use of the annexe by the appellant and their family has been incidental to and/or part and parcel of the residential use of Camomile then a material change of use would not have occurred and planning permission would not have been required for that use.
18. However, the onus of proof is on the appellant and in my judgement, the evidence before me is insufficiently precise and unambiguous to show on the balance of probabilities and as a matter of fact and degree that the existing use of the detached garage as a residential annexe is lawful for the purposes of section 191(2) of the 1990 Act. As with all LDC applications, it is open for fresh applications to be made if, for example, other evidence comes to light.

Conclusion

19. For the reasons given above, I conclude that the Council's refusal to grant a LDC for the existing use of the detached garage as a residential annexe is well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act.

D Boffin

INSPECTOR

Appeal Decision

Site visit made on 15 August 2025

by **D Boffin BSc (Hons), DipTP, MRTPI, DipBldg Cons (RICS), IHBC**

an Inspector appointed by the Secretary of State

Decision date: 12th September 2025

Appeal Ref: APP/Y3425/X/25/3361084

18 Brocton Crescent, Brocton, Stafford ST17 0SY

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) (the 1990 Act) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr A Byrne of ProCare Children against the decision of Stafford Borough Council.
 - The application ref 24/39316/LDCPP, originally dated 26 June 2024, was refused by a notice dated 9 January 2025.
 - The application was made under section 192(1)(a) of the 1990 Act.
 - The use for which a certificate of lawful use or development is sought is use as a residential care home (Class C2) for 2 young people & 2 members of staff working on a shift basis (no material difference from existing C3).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposed use was amended during the determination of the LDC application. Therefore, I have taken the description of the use, within the banner heading above, from the appeal form.
3. In order for a certificate of lawful use or development to be granted, the onus is on the appellant to show that the proposal would be lawful at the time the application was made. For proposed developments, an appellant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved. The appellant should make out their case to the standard of the balance of probabilities.

Main Issue

4. The main issue is whether the Council's decision to refuse to grant an LDC is well-founded.

Reasons

5. The appeal property is a two-storey detached dwellinghouse situated within a predominantly residential street but there are commercial uses including a petrol filling station nearby. The dwelling has recently been extended and now comprises a lounge, kitchen/dining area on the ground floor and four bedrooms and 2 bathrooms on the first floor. I noted at the site visit that the dwelling is currently undergoing refurbishment. Externally, there is a rear garden, a garage and a hard landscaped parking area to the front and side of the dwelling.

6. There is no dispute that the lawful use of the property is as a dwellinghouse falling within Class C3(a) of the Town and Country Planning (Use Classes) Order 1987 (UCO) as amended and that the proposed use would fall within Class C2 of the UCO. Nevertheless, whilst children cannot form a household without the presence of a resident caregiver, as held in *North Devon District Council vs FSS and Southern Childcare Ltd* [2003] EWHC 157 (Admin); [2003] JPL 1191 a change from C3(a) to C2 will not always be material. It will be a matter of fact and degree, depending upon the circumstances of the case in question.
7. The meaning of “development” as defined at section 55(1) of the 1990 Act includes the making of any material change in the use of any buildings or other land. Therefore, this case turns on whether the proposed use is a material change of use from the existing use as a dwellinghouse. As stated within the submitted appeal decision¹, at appendix EP3 of the appellant’s statement of case, *‘for a material change of use to have occurred, there must be some definable change in the character of the use from what has gone on previously. Caselaw has also held that in cases such as this, the correct comparison to be made is between the actual existing or previous known use and the proposed use. The Court rejected the argument that it was appropriate to compare a proposed use with a notional use within the same Use Class in deciding whether there would be a material change of use.’*
8. In respect of the proposed use the evidence before me indicates that there would be no external changes to the dwelling or the site. Two children would live at the property with 2 carers working on a shift basis and a manager would work between the hours of 08:00 and 16:00. The 2 carers would sleep at the property and each carer, and each child would have their own bedroom. The bedrooms would have thumbprint locks on each of the doors.
9. There would be a maximum of 4 cars parked at the site during the staff handover periods of 07:30 to 08:00 at the start/end of the 2 days on, 4 days off shift pattern for the carers. The manager’s car would also be present on site when they are working from the property. Trips to and from the site would be derived from transporting the children to and from school, shopping, activities and any appointments. It is also stated that the children would not drive vehicles themselves and that the children cared for would not have extensive health needs.
10. The hard landscaped parking area could accommodate up to 7 cars and there is a bus stop nearby. Ofsted inspections would take place every 12 months, appointments with healthcare professionals would take place elsewhere and visits by social workers may take place but the frequency of those visits is unknown. There may also be visits from family and friends but again the frequency would be dependent on each child’s circumstances. Nevertheless, the appellant had stated that these visits would more than likely be outside of the handover period and they would be staggered. The trips generated by the proposed use would therefore appear to be similar to that of a family with 2 or 3 children of school age.
11. There would be an element of unfamiliarity between the occupants of the appeal property and local residents due to the changeover of staff. However, I acknowledge that the proposal is for a small-scale children’s home and there

¹ Rf No: APP/P4605/X/23/3333826

would be a 48-hour shift system in place and as such the level of unfamiliarity associated with the proposed use would be low.

12. The appeal property does not appear to be currently in use as it is being refurbished. Moreover, there is no evidence to suggest that it has been in use since it has been extended. Whilst the property can now accommodate a large family there is no evidence before me as to the number of persons who last occupied the property as a single dwellinghouse. It could have been occupied by an elderly person living alone or a large family. As stated previously, caselaw has held that the correct comparison to be made is between the actual existing or previous known use and the proposed use.
13. The onus in this respect is firmly on the appellant as details of its actual use or last known use are what is needed to compare with what is proposed. As a result, the current evidence does not enable an evaluation to be undertaken of whether the proposed use would or would not be materially different from how the property was last used. Therefore, I am unable to conclude that the proposed use of the property would be lawful if instituted or begun at the time of the LDC application.
14. The appellant has drawn my attention to several other cases, including appeal decisions² and Council decisions³. The appellant has indicated that in those cases the Inspectors/Councils found that the proposed change of use was not material. I acknowledge that in some of those cases reference is made to a typical family or notional use by a large family. However, as highlighted above the caselaw indicates that the comparison must be made with the existing or last known use. Moreover, a grant of a LDC is dependent on the appellant demonstrating, on the balance of probability, that the proposed use or development would be lawful. Therefore, the proposal before me is determined on the basis of the specific evidence submitted with this case.
15. As stated above, the onus of proof rests with the appellant to demonstrate, on the balance of probabilities that the proposed use does not amount to a material change of use. That burden has not been discharged in a precise and unambiguous manner. As with all LDC applications, it is open for fresh applications to be made if, for example, additional evidence can be provided.

Conclusion

16. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for use as a residential care home (Class C2) for 2 young people & 2 members of staff working on a shift basis (no material difference from existing C3) is well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act.

D Boffin

INSPECTOR

² APP/K0615/X/05/2004825, APP/P9502/X/13/2205394, APP/K2420/X/11/2155849, APP/C5690/X/22/3299351, APP/P4605/X/23/3333826 and APP/P4415/X/24/3343437

³ Application No: 24/39537/LDCPP and Application No: 24/00540/PLD



Appeal Decision

Site visit made on 3 June 2025

by **N Bromley BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 July 2025

Appeal Ref: APP/Y3425/W/25/3361882

The Wood, Stallington Road, Meir Heath, Stoke-on-Trent, Staffordshire ST11 9QW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr. J. Iqbal against the decision of Stafford Borough Council.
 - The application Ref is 24/39654/FUL.
 - The development is for change of use of land to private equestrian use, construction of stables, construction of 20 x 40 metre manège, and erection of fencing."
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. I observed at the time of the site visit that the change of use of the land has occurred and is operational. The stable building has been erected and the manège has also been installed. For clarity, I have based my decision on the submitted plans. I have removed the term "retrospective application" from the development description in the banner heading above as this is not an act of development.

Background and Main Issues

3. The main parties have highlighted that the appeal site is located on Green Belt land. However, they agree that the appeal scheme would not constitute inappropriate development in the Green Belt. As such, it did not form a reason for refusal. I see no reason to disagree.
4. Consequently, the main issues raised by this appeal are the effect of the development:
 - on biodiversity; and
 - on protected trees.

Reasons

Biodiversity

5. The appeal site lies within the countryside and comprises land which is covered by a Woodland Tree Preservation Order - W1, no. 276 of 2003 (TPO). Habitats on the appeal site, and wider land, are identified as broad-leaved woodland and modified grassland.
6. As a retrospective application the appeal scheme is exempt from the statutory biodiversity net gain requirements set out in Schedule 7A of the Town and Country

Planning Act 1990 (as amended). Accordingly, the appeal scheme would not be subject to the mandatory 10% Biodiversity Net Gain (BNG) requirement. Nevertheless, there remains a requirement in the National Planning Policy Framework (the Framework) for providing net gains for biodiversity. In particular, paragraph 187 of the Framework sets out that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things, minimising impacts on and providing net gains for biodiversity.

7. Policy N4 of The Plan for Stafford Borough 2011-2031 (the Development Plan), amongst other things, also seeks to protect, conserve and enhance the natural environment and irreplaceable semi-natural habitats, such as ancient woodlands, and ancient or veteran trees.
8. While it is suggested that the development has resulted in the loss of protected trees, aerial photographs submitted by the appellant suggest that the land where the manège and stable are located was not covered by a large number of trees before development was carried out. Nonetheless, the track, manège and stable has inevitably resulted in harm and loss of habitats on the site and the adjacent woodland. The submitted Biodiversity Net Gain Supplementary Note (the BNG Note) also identifies that habitats on and adjacent to the site have been affected by overgrazing.
9. To compensate the harm and loss to habitats on the appeal site and wider woodland, the BNG Note identifies that 10% BNG can be achieved by the enhancement of the boundary woodland through planting, underplanting and through invasive weed removal within the grassland. The appellant suggests that this could be secured by a planning condition. However, the red line boundary of the appeal site is tightly drawn around the access track, stables and manège. As such, there appears to be limited opportunity for BNG to be delivered on the appeal site.
10. Furthermore, the development has also been carried out and a Grampian condition or other negatively worded planning condition to secure the necessary BNG, on land outside the appeal site, would not be possible. Particularly because the area of woodland does not appear to be within the appellants ownership. Indeed, it is not known whether the owner of that land would be agreeable to the requirements of a BNG condition, which would also need to include the future maintenance and management of BNG once implemented on the land.
11. Consequently, it has not been demonstrated that harm to biodiversity on the land can be suitably mitigated and the development can provide an enhancement to biodiversity, including BNG.
12. For the reasons outlined, and on the evidence before me, I conclude that the development is harmful to biodiversity. It is therefore contrary to Policy N4 of the Development Plan, and the requirements of the Framework.

Protected trees

13. The stables, manège and perimeter fencing are in close proximity to a number of TPO trees on or adjoining the site, which have a high amenity value.
14. The Arboricultural Report, dated 06 September 2024 (the report) identifies that the development encroaches into the root protection area (RPA) of eight trees on site.

Of the eight trees, two are Category B trees - Moderate quality trees with 20>40 years contribution. The Category B trees are located on the boundary with the neighbouring property, 107 Hilderstone Road.

15. The perimeter fencing has steel posts with mesh in between. The posts are located at the base of the trees. The posts only encroach into a small area of the RPA of the protected trees and damage to tree roots is likely to be limited. As such, the appellants Arboricultural Method Statement, dated 09 September 2024, recommends that the trees are monitored for decline for a period of five years.
16. The Council has not identified that the perimeter fence has caused damage to the trees and there is no substantive evidence before me that long-term adverse effects has been caused. Likewise, although the manège and stables encroach into the RPA of Category C trees - Low quality trees, all of the trees can be suitably monitored. Furthermore, despite the constrained size of the red line boundary there would be an opportunity for replacement tree planting on the appeal site. The five-year monitoring period and replacement tree planting could be secured by a suitably worded planning condition.
17. For the reasons given above, I conclude that the development does not harm protected trees. Therefore, it does not conflict with Policies N1, N4 and N8 of the Development Plan, which together and amongst other things, seek the retention of landscape features, and the protection of trees.

Other Matters

18. The appellant has also identified that the Council has raised no concerns with regard to the effect of the development on highway safety, the character and appearance of the area, and the living conditions of neighbouring properties. I see no reason to disagree with the parties on these matters.
19. While the development does not harm protected trees, it causes harm to biodiversity and conflicts with the development plan as a whole. The conflict with the development plan in this respect carries significant weight and I have found no other material circumstances that would outweigh that conflict.

Conclusion

20. For the reasons given above the appeal should be dismissed.

N Bromley

INSPECTOR



Appeal Decision

Site visit made on 13 October 2025

by **Andrew Dale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 October 2025

Appeal Ref. APP/Y3425/D/25/3371667

79 Baswich Crest, Baswich, Stafford ST17 0HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Deborah Instone against the decision of Stafford Borough Council.
 - The application ref. is 25/40598/HOU.
 - The development proposed is: "Rear dormer extensions to the existing chalet bungalow. Revised scheme".
-

Decision

1. The appeal is dismissed.

Preliminary matters and background

2. The description of the proposed development in the banner heading above is taken from the application form.
3. I observed at my site visit that the 2 proposed dormer extensions would in fact be situated on the south-facing side roof slope. The large single dormer extension that has already been constructed on this roof slope was refused by the Council under ref. 24/39797/HOU. A subsequent appeal against that decision was dismissed in March 2025 under ref. APP/Y3425/D/25/3358416.
4. No. 79 was originally built as a bungalow with rooms in the roof space. The appellant now understands that the dwelling is affected by a planning condition removing permitted development rights for extensions and additional windows and dormer windows because of the compact spatial relationship between the appeal property and its neighbours, 2 Tavistock Avenue being the closest.
5. The appeal scheme would involve creating a gap towards the centre of the current dormer extension so as to create 2 separate dormers, removing all 3 of the existing windows and introducing roof lights instead and colouring the cladding material white or in any other colour as may be agreed with the local planning authority.

Main issues

6. The main issues in this appeal are the effects of the proposed development upon the character and appearance of the locality and upon the living conditions of the occupiers of the neighbouring dwelling at 2 Tavistock Avenue, with particular reference to the potential for any overbearing effects.
-

Reasons

7. I have been referred to the Council's Design Supplementary Planning Document 2018 (SPD). The SPD is not policy in itself but it carries weight as a material consideration in decision making. The SPD asserts that roof extensions will be expected to be well proportioned, and designed to be sympathetic to the roof of the original dwelling. It says that roof dormers should be sympathetic in scale to the existing roof plan, and should not over dominate the host roof or appear overly box-like, or result in the dwelling appearing top-heavy.
8. I saw that the current dormer extends across much of the width and height of the bungalow's roof plane. The appellant indicates that the reduced scheme the subject of the appeal would retain about 66% of that dormer. However, looking at the plans, I find that about 80% of it would be retained. The subject additions would present themselves as sizeable, insufficiently subservient and bulky, box-like accretions which would visually dominate the side elevation and overall roofscape and harm the simplicity of form of the original building. The detailing would exacerbate these unfortunate effects. In particular, whatever its final colouring, the smooth-faced cladding material contrasts with the original roof tiles, whilst the absence of any side windows in traditional locations would also be rather incongruous.
9. The end result would be visually undesirable and noticeable in the wider residential surroundings. The dormers would be a visible part of the appeal property's roofscape in views from various vantage points on Baswich Crest and Tavistock Avenue. From those public vantage points, I am in no doubt that the subject roof additions would appear visually intrusive because of their dominance and lack of sympathy with the existing building and would harm the character and appearance of the area. There are many dormer windows in the locality, but the ones I could see appeared to be more modest in size when compared to their respective host roof slopes than those that would come about under this appeal scheme.
10. I find on the first main issue that the proposed development would harm the character and appearance of the locality. The scheme would not reach the high design standards sought by Policy N1 Design of The Plan for Stafford Borough 2011-2031 (PSB). Furthermore, the scheme eschews the detailed design guidance set out in the SPD. Good design is a cornerstone of the National Planning Policy Framework (the Framework) and a key aspect of sustainable development. I consider that the rear dormer extensions would not achieve a well-designed place.
11. The dormers would face towards the back garden of 2 Tavistock Avenue. Even though they would be wholly within the footprint of the original building, their separation distance from the common boundary with that adjacent dwelling would be little more than about 6.3m. The combination of the bulk and vertical extent of the dormer extensions in a location so close to both the common boundary and the neighbouring property would have an unacceptably overbearing effect on the occupiers there, as experienced in their outlooks from their rear private amenity space and rear windows. Whilst the absence of side windows in the dormers would overcome the previous issues around overlooking, it would tend to exaggerate their solid vertical massing and rather looming presence in the outlook from 2 Tavistock Avenue. That the appeal property stands on higher ground would also exacerbate the overbearing effect of the dormer extensions.

12. I find on the second main issue that the proposed development would harm the living conditions of the occupiers of the neighbouring dwelling at 2 Tavistock Avenue, with particular reference to the potential for overbearing effects. As the design and layout of the scheme would not take sufficient account of the amenity of an adjacent residential area, there would be conflict with the amenity objectives expressed within PSB Policy N1 Design, the SPD and the Framework.

Other material considerations

13. I saw that the dormers would provide more generous and useable first floor accommodation. I have also taken account of the absence of objections from local residents. Whilst I give weight to these other considerations, I have come to the view that they are not sufficient to outweigh the harm that I have described.
14. The Council had no objections in relation to highways and parking and found no adverse impact on the Cannock Chase Special Area of Conservation. I see no reason to disagree on those matters. Still, my findings on the main issues are decisive to the outcome of the appeal. There is conflict with the development plan. The harm cannot be mitigated by the imposition of planning conditions and it is not outweighed by other material considerations.

Conclusion

15. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should not succeed.

Andrew Dale

INSPECTOR



Appeal Decisions

Site visit made on 17 June 2025

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

an Inspector appointed by the Secretary of State

Decision date: 9 July 2025

Appeal A Ref: APP/Y3425/W/25/3359180

Barn A, Moat Farm, Church Lane, Gayton, Staffordshire ST18 0HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Harrowby Estates against the decision of Stafford Borough Council.
 - The application Ref is 24/39034/PAR.
 - The development proposed is change of use of agricultural building to a dwellinghouse (Class C3), and for building operations reasonably necessary for the conversion.
-

Appeal B Ref: APP/Y3425/W/25/3359181

Barn B, Moat Farm, Church Lane, Gayton, Staffordshire ST18 0HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Harrowby Estates against the decision of Stafford Borough Council.
 - The application Ref is 24/39037/PAR.
 - The development proposed is change of use of agricultural building to three dwellinghouses (Class C3), and for building operations reasonably necessary for the conversion.
-

Appeal C Ref: APP/Y3425/W/25/3359182

Barn C, Moat Farm, Church Lane, Gayton, Staffordshire ST18 0HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Harrowby Estates against the decision of Stafford Borough Council.
 - The application Ref is 24/39038/PAR.
 - The development proposed is change of use of agricultural building to a dwellinghouse (Class C3), and for building operations reasonably necessary for the conversion.
-

Decision

1. Appeals A, B and C are allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) for:
 - Appeal A – The change of use of agricultural building to a dwellinghouse (Class C3), and for building operations reasonably necessary for the conversion at Barn A, Moat Farm, Church Lane, Gayton, Staffordshire ST18 0HL in accordance with the application 24/39034/PAR subject to the condition that the development must be completed within a period of 3 years from the date of this decision in accordance with Paragraph Q.2(3) of the GPDO.
 - Appeal B – The change of use of agricultural building to three dwellinghouses (Class C3), and for building operations reasonably necessary for the conversion at Barn B, Moat Farm, Church Lane, Gayton, Staffordshire ST18 0HL in

accordance with the application 24/39037/PAR subject to the condition that the development must be completed within a period of 3 years from the date of this decision in accordance with Paragraph Q.2(3) of the GPDO.

- Appeal C - The change of use of agricultural building to a dwellinghouse (Class C3), and for building operations reasonably necessary for the conversion at Barn C, Moat Farm, Church Lane, Gayton, Staffordshire ST18 0HL in accordance with the application 24/39038/PAR subject to the condition that the development must be completed within a period of 3 years from the date of this decision in accordance with Paragraph Q.2(3) of the GPDO.

Applications for costs

2. Applications for costs associated with Appeals A, B and C were made by Harrowby Estates against Stafford Borough Council. These applications are the subject of a separate decision.
3. Applications for costs associated with the above appeals were also made by Stafford Borough Council against Harrowby Estates. These applications are the subject of a separation decision.

Preliminary Matters

4. I understand that Barns A, B and C are potentially covered by deemed consent following applications that were not determined within the proscribed time limits. I do not, however, have sufficient evidence before me to confirm that the schemes before me are the same as those previously granted deemed consent. I have, therefore, considered Barns A, B and C as not benefiting from extant permissions in my assessment below.

Main Issues

5. The main issues are:
 - Whether a vehicular access could be provided for Appeals A and B;
 - The highway impacts of each appeal; and,
 - The noise impacts of Appeals A and B on the living conditions of future occupiers at Barns A and B.

Reasons

Provision of Access

6. The submissions with Appeals A and B include a site outline that covers the other barns, parts of surrounding paddocks and the private road between Church Lane and Moat Farm. It is clear from the other submissions that this is not the proposed curtilage for Barns A and B which are shown elsewhere. As such, while the proposed vehicular access tracks would extend beyond their respective curtilages, they would still be within the associated appeal sites.
7. Appeals A, B and C all show separate, complete vehicular accesses that, irrespective of which appeals were to be allowed, would individually provide a route from a barn to Church Lane via an existing track. These accesses would,

should multiple appeals be allowed, override each other, but this does not mean that each appeal provides only a segment of the complete route.

8. The provision of a vehicular track is not covered by Schedule 2, Part 3, Class Q of the GPDO. However, Schedule 2, Part 2, Class B does permit the formation, laying out and construction of a means of access to a highway that is not a trunk road or classified road where it is required in connection with development permitted by any Class within Schedule 2.
9. The proposed accesses would be directly associated with and required by the conversion under Class Q. They would also sit within the appeal site area and would not connect to a trunk or classified road. As such it would be possible to provide accesses under Appeals A and B for their respective dwellings. Although the tracks would be useable by the proposed dwellings, the extent of the tracks outside of the curtilages would remain in the existing agricultural use.

Highway Impacts

10. Church Lane is a narrow road which, on the approach to the appeal site entrance, is bounded by hedgerows to either side. Although there are some properties, and the village hall, along this stretch of Church Lane, the main bulk of the village is beyond the junction to the appeal site. There are no pavements or street lights along Church Lane, or along the private road leading to the appeal site.
11. I note the Public Right of Way along the private road from Church Lane to Moat Farm. However, given the rural nature of the area it is unlikely that there would be more than a very limited level of pedestrian activity along this track or Church Lane. Any walking or cycling is likely to be focused on recreational journeys rather than to commute or reach services and facilities.
12. Appeals A and C would each provide 1 new dwelling while Appeal B would provide 3. Mindful that the appeal site is immediately adjacent to a settlement with a number of existing dwellings, a church and community hall, the increase associated with any of the appeals individually or collectively would not be significant. This is especially so given that the private road already serves four barns, a number of fields, and a large dwelling at Moat Farm. The proposed schemes would not, therefore, individually or collectively, affect highway safety as a result of increased traffic movements. This includes for pedestrians using Church Lane or the Public Right of Way.
13. Although Church Lane is covered by the national speed limit, both parties agree that the actual speeds of vehicles using the road are considerably lower. I am content that this lower speed would ensure that vehicles entering or exiting the shared track would not be at undue risk of conflict with those traveling along Church Lane. Moreover, while the private road may not allow vehicles to pass each other, the mouth of the junction could accommodate two vehicles. Similarly, the junction mouth serving the proposed tracks under Appeals A, B and C would also provide a passing place. Given the likely small number of movements associated with the proposals, this would be sufficient to protect highway safety.
14. Taken both individually and collectively, Appeals A, B and C would not result in any unacceptably harm to highway safety, including to pedestrians, stemming from the increased movement of vehicles and the intensified use of the junction.

Noise Impacts

15. Motor vehicles can result in disturbance to nearby properties through engine noise, especially when manoeuvring or reversing, the opening and closing of doors and from radios.
16. In the event that Appeals A and B were both allowed, and the associated conversions carried out, vehicles serving the dwelling at Barn A would travel past the side elevation of Barn B. Vehicles associated with the dwellings at Barn B would also manoeuvre and park to the front of the properties in Barn B. The future occupiers of the dwellings at Barn B would, therefore, be at risk of disturbance.
17. The proposed track serving Barn A would loop around the side of Barn B on three sides. It is, however, only the side elevation of Barn B where the track would be close to the building and windows. Given the separation distance, it is likely that some noise would be experienced in the proposed dwelling closest to the track. However, it would be transient and limited given the short length of this stretch and that it would serve only one dwelling. In light of the above, I find that any impact on Barn B from the use of the track serving Barn A would be modest and comparable to that expected where properties are close to each other. Any impact would also only occur where both Appeals A and B are both carried out.
18. The plans associated with Appeal B show the proposed parking closely located in front of the three dwelling. At such a close proximity the proposed parking would likely result in disturbance to future occupiers stemming from manoeuvring and parking. However, I am mindful that parking spaces close to properties and neighbours are not unusual and that any movements would be modest given the number of proposed properties. Moreover, the curtilage space serving the three properties contains sufficient space and, from the submitted plans, flexibility, for future occupiers to park further away from neighbouring properties. Appeal B would not, therefore, result in an unacceptable standard of living conditions for future occupiers.
19. Appeals A and B would not result in a poor standard of living conditions for the future occupiers of Barn B as a result of noise impacts.

Other Matters

20. I note concerns that hedgerows are being eroded by the heavy flow of traffic along the road network around the appeal site. I have not been provided with substantive evidence to demonstrate this and, moreover, find that the appeal appeals would not, alone or together, result in such an increase in traffic as to further damage these hedgerows.
21. The sustainability of the location for a conversion under Class Q is not one of the prior approval matters listed under Q2.(1) of the Class and so is not a determinative matter in this case.
22. No substantive evidence has been provided to demonstrate that the proposed dwellings could not be supplied with a sufficient level of electricity. I note resistance to improving the local network but this is not within the remit of this appeal.
23. With regard to the proposed conversions and their associated works, whether taken individually or collectively, the above appeals would not unacceptably affect

the rural, agricultural character and appearance of the surrounding area and landscape.

24. The appeal sites covering the above appeals are within Flood Zone 1 and are surrounded, primarily, by permeable surfaces. I do not, therefore, find that the proposed dwellings would be at any undue risk from flooding. I also have no reason to believe that suitable waste drainage could be provided as part of the conversion works to the three barns.
25. The appeal sites of the above appeals modestly encroach onto an Ancient Scheduled Monument. However, no development is proposed in this location. Historic England were consulted and provided no objections to the appeals. Having regard to my statutory duty, I am satisfied that the relationship of the appeal proposals to this heritage asset would have a neutral effect upon its setting. Harm to the significance of the nearby heritage asset would therefore not occur. It is noteworthy that the Council did not raise the impact on the nearby heritage asset as a concern in its decisions.

Conclusion

26. For the reasons given above, I conclude that Appeals A, B and C should be allowed and prior approval granted for each.

Samuel Watson

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/Y3425/W/25/3359180	Harrowby Estates
Appeal B	APP/Y3425/W/25/3359181	Harrowby Estates
Appeal C	APP/Y3425/W/25/3359182	Harrowby Estates



Costs Decision

Site visit made on 17 June 2025

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

an Inspector appointed by the Secretary of State

Decision date: 9 July 2025

Costs application in relation to:

Appeal A Ref: APP/Y3425/W/25/3359180

Barn A, Moat Farm, Church Lane, Gayton, Staffordshire ST18 0HL

- 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 Staffordshire Borough Council for a full award of costs against Harrowby Estates.
 - The appeal was against the refusal of planning permission for the change of use of agricultural building to a dwellinghouse (Class C3), and for building operations reasonably necessary for the conversion.
-

Appeal B Ref: APP/Y3425/W/25/3359181

Barn B, Moat Farm, Church Lane, Gayton, Staffordshire ST18 0HL

- 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 Stafford Borough Council for a full award of costs against Harrowby Estates.
 - The appeal was against the refusal of planning permission for the change of use of agricultural building to three dwellinghouses (Class C3), and for building operations reasonably necessary for the conversion.
-

Appeal C Ref: APP/Y3425/W/25/3359182

Barn C, Moat Farm, Church Lane, Gayton, Staffordshire ST18 0HL

- 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 Stafford Borough Council for a full award of costs against Harrowby Estates.
 - The appeal was against the refusal of planning permission for the change of use of agricultural building to a dwellinghouse (Class C3), and for building operations reasonably necessary for the conversion.
-

Decision

1. The applications for an award of costs are refused for Appeals A, B and C.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The Council submits that deemed consent was previously granted for the conversions of Barns A, B and C. They therefore consider that, by applying for and

then going to appeal against the refusal of the resubmitted schemes, the applicant acted unreasonably resulting in wasted expense for the Council.

4. As set out in the associated decision letter for Appeals A, B and C, I cannot be certain that the schemes before me are the same as those that were granted deemed consent following the Council's failure to determine them within the set time limits. That the Council refused Appeals A, B and C further brings their similarities in to question.
5. Irrespective of this, I find that it is not unreasonable for the applicant to wish to seek certainty over the deemed consents covering Barns A, B and C.
6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Samuel Watson

INSPECTOR