Dear Members

Planning Committee

A meeting of the Planning Committee will be held in the Craddock Room, Civic Suite, Civic Centre, Riverside, Stafford on Wednesday, 6 November 2019 at 6.30pm to deal with the business as set out on the agenda.

Please note that this meeting will be recorded.

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

Interim Head of Law and Administration
PLANNING COMMITTEE - 6 NOVEMBER 2019

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

A G E N D A

1 Minutes
2 Apologies
3 Declaration of Member's Interests/Lobbying
4 Delegated Applications
Details of Delegated applications will be set out in Section 6 of Digest No 261 due to be published on 8 November 2019

Page Nos

5 Planning Applications 3 - 27
6 Planning Appeals 28 - 36
7 Enforcement Matters 37 - 38

MEMBERSHIP

Chairman - Councillor R M Sutherland

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

(Substitutes - F Beatty, A T A Godfrey, P W Jones, R Kenney)
Planning Applications

Report of Head of Development

Purpose of Report

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

<table>
<thead>
<tr>
<th>Application</th>
<th>Description</th>
<th>Page Nos</th>
</tr>
</thead>
<tbody>
<tr>
<td>19/30264/COU</td>
<td>Former Telephone Exchange Building, Badnall Wharf, Cold Meece</td>
<td>4 - 12</td>
</tr>
</tbody>
</table>

This application was called in by Councillor P W Jones

Officer Contact - Richard Wood, Development Lead
- Telephone 01785 619324

<table>
<thead>
<tr>
<th>Application</th>
<th>Description</th>
<th>Page Nos</th>
</tr>
</thead>
<tbody>
<tr>
<td>19/31008/COU</td>
<td>Coton Farm, Newport Road, Gnosall, ST20 0EQ</td>
<td>13 - 27</td>
</tr>
</tbody>
</table>

This application was called in by Councillor P M M Farrington

Officer Contact - Richard Wood, Development Lead
- Telephone 01785 619324

Previous Consideration

Nil

Background Papers

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

The application has been called in by Ward Councillor P W Jones for the following reasons:-

"The proposed development fails to make adequate provision for the turning of vehicles within the site curtilage resulting in the increase in the likelihood of highway danger due to drivers having to manoeuvre into Swynnerton Road. Application drawings give insufficient information to discover where the foul water will be disposed of ".

Context

The site lies in open countryside about 1 km south-west of Cold Meece. The former telephone exchange building is shown to be converted to a day room with a bathroom and kitchen. Space forward of the building is shown for the siting of two caravans which would be occupied by 2 adults and 3 children, and would constitute 1 pitch. The site is currently enclosed by an approximately 1.6m high green mesh fence at the front and to the sides. The access to the site is also gated. The side of a steel building or container on adjoining land lies along the rear boundary.

Other submitted plans show how the caravans and vehicles can be manoeuved in and out of the site clear of the highway.

The submitted layout plan includes provision for a Klargesteer Bio Disc below ground waste water treatment facility on an area of open space of about 52 sq m to the rear of the site.
The agent has submitted the following in support of the application:-

“My Client Mr L Smith has lived his whole life as a gypsies traveller. With his family (wife and 3 children) he will travel the UK and has stayed on both unauthorised and authorised traveller sites. Most recently my client has tried to find a site within Stafford Borough. However, there is only one allocated site within the Borough at St Albans Road which they are not able to stay at. The closest to this site is located at Tamworth, which is still an unauthorised site at this time and they have been unable to get back onto (it). My client and his family has currently had to go back over to Newark, (the) Tolney Lane traveller site.

My client has 3 children and wishes to be located on a site where there is some degree of permanence where the children can attend school for a fixed period of time. My client and his wife have identified that access to schools and healthcare are there top priorities. …due to the increasing pressures on the travelling community my client wishes for his children to attend a school and receive the education he hasn’t had. My client has had the opportunity to purchase the land which forms the existing telephone exchange building. Whilst we have planning permission for the conversion of the building the positioning of the caravans on the site will be also be required. This will allow for them to resume there lifestyle should they need to at a later date.”

A public right of way exists on the access road to Railway Cottages to the east of the site but would not be affected by the proposals.

**Officer Assessment – Key Considerations**

1. **Policy**

   **National policy**

   **The policies**

   Under the scope of paragraph 61 of the National Planning Policy Framework (February 2019), this type of housing application should be considered within the context of national policy for traveller sites which is currently formed by Planning Policy for Traveller Sites (August 2015). It requires that local planning authorities make their own assessment of need for the purposes of planning (paragraph 4 a) and seeks to promote more private traveller site provision (paragraph 4 e). It further aims in paragraph 4 h to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate supply. Paragraph 4 k states that local planning authorities should have due regard to the protection of local amenity and local environment.

   Paragraph 14 under Policy C states that when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.
Policy H, paragraph 24 also requires that the following matters are considered in the decision-taking process which include, inter alia:-

a) the existing level of local provision and need for sites
b) the availability (or lack) of alternative accommodation for the applicants
c) other personal circumstances of the applicant …
e) that they should determine applications for sites from any travellers and not just those with local connections

Paragraph 25 under Policy H also states:- “Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan…”

Paragraph 26 of Policy H further states:-

“When considering applications, local planning authorities should attach weight to the following matters:

a) effective use of previously developed (brownfield), untidy or derelict land
b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.”

The Plan for Stafford Borough

The site is outside of a Settlement Boundary as defined in Spatial Principle (SP) 3 of The Plan for Stafford Borough (TPSB) and in the countryside. However, Policy C6 Provision for Gypsies, Travellers and Travelling Showpeople of TPSB addresses this proposal specifically and states:-

“Proposals for development to meet the needs of Gypsies and Travellers will be permitted where they comply with national policy in the Planning for Traveller Sites document or successor publications and the following criteria:

a. The intended occupants of the site comply with the definition of Gypsies and Travellers or Travelling Showpeople;

b. The development of the site minimises the potential impact on the surrounding landscape, environment, heritage assets and biodiversity;

c. Good design and layout based on Government guidance in 'Designing Gypsy and Traveller Sites' or successor documents. Matters to address include pitch sizes, the adequacy of facilities, services and amenities, the utility of outside space for leisure, recreation and for any essential employment related activities;
d. The site does not compromise Green Belt or the Cannock Chase Area of Outstanding Natural Beauty designations;

e. The site has good safe access to the public highway system; adequate space for parking, turning and servicing on site;

f. Adequate disposal of foul effluent ensures that there is no reduction in water quality within the catchment.”

The written statement to Policy C6 of TPSB refers to a needs assessment undertaken in 2013 which identified a need to provide a total of 44 new pitches over the plan period to 2031. Section 5 of TPSB Part 2 refers to a needs assessment undertaken in 2015 which identified a need for 43 pitches up to 2027. Planning permission 13/19256/FUL was granted for the provision of 36 permanent gypsy pitches on land off St Albans Road, Stafford in 2014 and these are under construction. Consequently there is a shortfall of 7 pitches. Section 5 continues that as it is anticipated that these 7 pitches would be provided through windfall sites to 2031, no further allocations are to be made.

Policy E2 of TPSB can support the sustainable re-use of existing buildings for appropriate uses. The day room use is considered to be acceptable similarly to the previous permission for the use of that building as a dwelling.

Eccleshall Neighbourhood Plan

This plan has no policies for traveller sites.

Officer assessment of policy criteria

The site is previously developed land, would clearly be a windfall gypsy and traveller site, and would not be within the Green Belt or the Cannock Chase Area of outstanding Natural Beauty.

The applicant has submitted a sworn statement that he and his family are of the travelling community. His agent has also confirmed that his client meets the definition of travellers in Annex 1 of the national policy. A condition would restrict the occupation of the caravans and day room to gypsies or travellers so defined.

The guidance Designing Gypsy and Traveller Sites stated in Policy C6 has been revoked.

The site would be small and it is not considered that the use would significantly or adversely impact on the character of the countryside. It would also not dominate the nearest settled community which is considered to be the Railway Cottages about 40m to the north. A condition on a consent would limit the number of caravans to two as proposed in the application. Another condition would also restrict external lighting without a written permission.

The site is currently enclosed by mainly wire mesh fencing and a condition on a consent would remove permitted development rights for the erection of other means of enclosure that may be solid and form an undesirable visual barrier. The existing site enclosure could be improved and whilst there would be little space within the site for significant planting, another condition would secure details of a landscaping scheme for it including the boundary enclosure.
No heritage or biodiversity interests would be detrimentally affected.

The area shown to the rear of the main pitches would be slightly larger than the 50 sq m suggested as minimum private amenity space for a 2-bed dwelling in Guideline 3 of the Supplementary Planning Document on residential design. Whilst the area is also shown to accommodate the waste treatment unit, it would not be large and would normally be substantially buried below ground, not needing to protrude above surface level. Sufficient garden space is therefore considered to be shown. A condition limiting the number of occupants to that stated would prevent the over-intensive residential use of the site.

The Environmental Health Officer does not object to the waste water treatment facility and a condition on a consent would require its provision before the caravans are first occupied. He also raises no issues with regard to nearby residential amenity.

Sufficient vehicle parking and caravan manoeuvring space is shown which allows safe access to the site clear of the highway. The Highway Authority raises no objection and its suggested conditions would be added to a consent.

In relation to access to facilities and services, this was not an issue when the previous consent for the dwelling use on the site was granted, and it is considered that an objection should not now be raised in these similar circumstances.

Policies and Guidance:-

National Planning Policy Framework
Paragraph 61

Planning Policy for Traveller Sites

The Plan for Stafford Borough:
Policy C6 Provision for Gypsies, Travellers and Travelling Showpeople
Policy E2 Sustainable Rural Development
Policy T1 Transport
Policy T2 Parking and Manoeuvring Facilities

Supplementary Planning Document – Residential Design

Conclusion

The proposals are considered to satisfactorily meet the planning policy criteria for traveller sites and permission should be granted.

Consultations

Highway Authority:
No objection subject to conditions to secure the provision of the access, parking, servicing, turning areas and visibility splays shown on the approved plans before the development is brought into use.
Environmental Health Officer:
No objection.

Parish Council:
- Object
- National and local policies do not allow development when other objections are valid.
- Insufficient information on foul water disposal
- Lack of turning space results in highway danger

Neighbours:
(12 notified) 5 representations/replies received from 4 addresses and a petition from the occupiers of 11 addresses objecting. The material issues are summarised as follows:-

- No overriding need for this site
- Site is outside of a settlement boundary and remote from services
- Over intensive use of site beyond use of existing building
- Net Borough shortfall of 7 pitches should be found in more appropriate locations
- Adverse impact on countryside
- Dangerous access to main road
- Limited garden and amenity space
- Lack of effective drainage
- Huge impact on area
- Incongruous features in the landscape

Site Notice
Expiry date 14 June 2019

Advert
Expiry date 5 June 2019

Other representations

Cadent:
No record of any gas apparatus in the immediate vicinity of the site. No objection.

Relevant planning history

18/28413/FUL – Conversion of telephone exchange building to form dwelling house - approved 4 December 2018; not implemented.

Recommendation

Approve, subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. The approved plans are drawing nos. 002; 003; 004B; 005B and 006. The caravans shall only be sited as shown on the approved plans.

3. No more than two caravans shall be sited on the land and the site shall only be occupied by 2 adults and 3 children.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 or as it may be amended, no fences, walls or other means of enclosure shall be erected without the written permission of the local planning authority.

5. The caravans and day room shall not be first used until a landscaping scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall include the means of boundary enclosure to the site. Thereafter, the approved hard landscape features including the means of boundary enclosure shall be constructed before the caravans and day room are brought into use and retained. The approved planting shall be carried out within eight months of the caravans and day room being brought into use. Any plants which die, are removed or become diseased within 5 years of the date of planting shall be replaced in the next planting season.

6. The caravans and day room shall only be used or occupied by those persons defined in paragraph 1 of Annex 1 of "Planning policy for traveller sites" (August 2015) as gypsies or travellers.

7. The caravans and day room shall not be first used until the waste water treatment facility shown on the approved plans and as detailed in the submitted specification has been installed and thereafter it shall be retained.

8. The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plans.

9. The development hereby permitted shall not be brought into use until the visibility splays shown on approved plan have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

10. No means of external illumination shall be constructed without the written permission of the local planning authority.

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

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

2. To define the permission.
3. To define the permission.

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

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

6. Planning permission is granted on the basis of the recognised need for this site (Planning policy for traveller sites - August 2015 and Policy C6 of The Plan for Stafford Borough).

7. To safeguard from harm from water pollution (Paragraph 180 of the National Planning Policy Framework).

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

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

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

Informative(s)

1. The Local Planning Authority consider the proposal to be a sustainable form of development and therefore it complies with the provisions of the National Planning Policy Framework.
<table>
<thead>
<tr>
<th>Application</th>
<th>19/31008/COU</th>
<th>Case Officer</th>
<th>Ed Handley</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date Registered</td>
<td>16 August 2019</td>
<td>Target Decision Date</td>
<td>11 October 2019</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Extended To</td>
<td>-</td>
</tr>
<tr>
<td>Address</td>
<td>Coton Farm</td>
<td>Ward</td>
<td>Gnosall and Woodseaves</td>
</tr>
<tr>
<td></td>
<td>Newport Road</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Gnosall</td>
<td>Parish</td>
<td>Gnosall</td>
</tr>
<tr>
<td>Proposal</td>
<td>Proposed refurbishment and change of use of existing outbuilding to form livery stabling and dog grooming salon (not kennels). Change of use of land in connection with equestrian use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Applicant</td>
<td>Miss S Ward-Best</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recommendation</td>
<td>Approve, subject to conditions</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**REASON FOR REFERRAL TO COMMITTEE**

This application has been called in by Councillor P M M Farrington (Ward Member for Gnosall and Woodseaves) for the following reasons:-

To enable the committee to consider the impact on neighbouring properties because of the increase in traffic, having regard to the narrowness of the surrounding lanes, a single track access with a lack of passing places, danger to pedestrians and other road users (e.g. horse riders) in a rural area and if granted, the imposition of suitable conditions as to use (e.g. times of day and at weekends).

**Context**

**Application site**

The application site totals some 2.35ha in area incorporating a number of outbuildings and land associated with Coton Farm. Coton Farm is located to the west of Gnosall and south of the A518.

The site comprises a small group of traditional brick and tile farm buildings, together with more modern additions, which surrounds a concrete yard and surrounding land. The subject building is an attractive traditional brick and tile barn with a two-storey element, a more recently built lean-to with corrugated sheet roof and a lean-to greenhouse. The building appears generally to be in a sound state of repair.

The site is accessed via a single track lane (Cotton Banks Lanes – D4576) which leads onto Newport Road (A518) some 300m to the north of the site.
The site is not subject to any land designations and whilst it is within the impact zone of a Site of Special Scientific Interest the proposal does not require consultation with Natural England.

Proposed development

In brief, planning permission is sought for the conversion of an existing rural building to provide a commercial dog grooming salon, three livery stables and one private stable, together with the change of use of an area of land covering some 2.2ha to be used for grazing in conjunction with the livery stables.

The existing lean-to greenhouse on the southwest elevation of the building would be demolished and the brick lean-to on the northeast elevation would be underpinned. Two roof lights are proposed, as are a number of alterations to openings, as follows:

Northeast elevation:
- Blocking up existing opening and fix timber door closed;
- Widen existing window; and
- Glazing the two-storey opening and retention of timber doors.

Southwest elevation:
- Block up part of three doors to provide windows with provision of timber infill panel below;
- Opening up of three windows to provide doors with timber stable doors.

Southeast elevation:
- New door in opening.

At the time of the officer’s site visit the large detached glasshouse to the southwest of the building had been removed from the site.

Officer Assessment – Key Considerations

1. Principle of the proposed development

The site is within the open countryside where the appropriate re-use of redundant buildings is promoted through Spatial Principle (SP) 6 and policy E2. Furthermore, the diversification of the agricultural economy is considered to be acceptable in principle.

It appears that agricultural activity at Coton Farm ceased before the time of the last sale of the property which was completed in January 2019, however agricultural operations could continue without the express permission of the Local Planning Authority. Whilst the proposed change of use for the grazing of livery horses would not prejudice any viable agricultural operations, it is also considered that it would have the same visual impact on the surrounding area as pastoral farming, subject to a restrictive condition relating to equestrian equipment.

Policy 1 (home-working) of the Gnosall Neighbourhood Plan (GNP) supports the development of small-scale home-based businesses, subject to a number of criteria being satisfied. Criterion (b) of Policy 1 requires that the operation of a business is contained within the existing curtilage of a premises. Whilst the building which is the subject of this proposed conversion scheme is not considered to be within the residential curtilage of
Coton Farmhouse, it is a rural building within the former farm yard of Coton Farm which is closely associated with the dwelling. In this context it is not considered that the proposal should be refused on the grounds of policy 1 (b) of the GNP.

Furthermore, Policy 2 (rural diversification) of the GNP supports the sustainable growth and expansion of businesses and enterprise in rural areas, through the conversion of existing buildings.

The proposed use and conversion of the building is considered to be acceptable in principle, subject to the provisions of Policy E2 of The Plan for Stafford Borough and Policy 1 of the GNP being satisfied as set out in section 2 below, as well as other material considerations.

Policies and Guidance:-

National Planning Policy Framework
Paragraphs: 7, 8, 10, & 11

The Plan for Stafford Borough
Policies: SP1 Presumption in favour of sustainable development; SP3 Stafford Borough sustainable settlement hierarchy; SP6 Achieving rural sustainability; SP7 Supporting the location of new development; E2 Sustainable rural development

The Plan for Stafford Borough: Part 2
Policies: SB1 Settlement boundaries

Gnosall Neighbourhood Plan:
Policies: 1 Home-working; 2 Rural diversification; 7 Settlement boundary

2. Sustainable rural development – Re use of rural buildings

Policy E2 provides for the re-use of rural buildings for appropriate use, subject to the following criteria being met:

a. The proposal comprises an economic use, thereby prioritising suitable commercial re-use.

b. The proposal does not comprise the alteration or replacement of a residential property.

c. The applicant states that the site is a former farm and during the officer’s site visit (12 September 2019) there was no evidence to suggest otherwise. Therefore, it is not considered that the proposal would result in any implications with regard to any viable uses.

d. On the basis of the information provided by C2C Consulting Engineers Ltd, within the supporting structural report (ref: 190341, revision A), it is considered that the building is generally structurally sound. Paragraph 4.1 states that “subsequent to a scheme of remedial works... the barn is suitable and capable of retention and conversion for the uses proposed”. The proposal has been amended and now...
involves the retention of the lean-to on the north elevation which would require underpinning with a new flat slab raft and concrete nibs to support the existing walls. It is therefore considered that the building is structurally sound and capable of conversion without the need for extension or significant alteration or rebuilding.

e. The form, bulk and general design of the building is in keeping with its rural location and the scheme would retain the general character of the building. It is not considered that the proposed development would harm the character of the countryside or its landscape setting.

f. Whilst the building is in the open countryside the site is well related to a number of farms and dwellings in Coton and lies 665m from the settlement boundary of Gnosall, which is accessed along the A518, the major route between Stafford and Newport.

g. The supporting information and photographs indicate that the building could be converted without significant alterations which would harm the character of the traditional rural building.

h. The proposal does not involve any extension to the building and it is considered that the building is large enough to be converted without the need for additional buildings, new extensions, or significant alterations.

i. As outlined in section 6, the development would not result in any harm to protected species or habitats on the site and through the imposition of appropriate conditions habitat mitigation and enhancement could be provided for.

The proposal is therefore considered to be in accordance with policy E2 of the Plan for Stafford Borough.

It is considered that any approval should be subject to a condition to define the permission in that it should only be for the conversion of the building and not its rebuilding or for any significant alterations. Furthermore, a condition should be attached to secure a method statement for the appropriate protection of the building with regard to stability during conversion works.

It is also considered that in complying with criterion a, c, e, and g of policy E2 the proposal is in accordance with policy 1 of the Gnosall Neighbourhood Plan which requires, amongst other things, that rural character would not be harmed and that the operation of the business would not require substantial external modification of the premises.

Policies and Guidance:-

The Plan for Stafford Borough
Policies: E2 Sustainable rural development

Gnosall Neighbourhood Plan
Policies: 1 Home-working; 2 Rural diversification
3. Character and appearance

Policy 6 of the GNP provides support for development demonstrating good design and in particular seeks to ensure that local architectural distinctiveness is reinforced, that traditional materials consistent with the local built vernacular are used, and that an integrated and attractive development can be achieved.

The existing building is a relatively attractive traditional brick and tile barn with a two-storey element, a more recently built lean-to with corrugated sheet roof and a lean-to greenhouse of poor quality. The building does not appear to be used for agricultural purposes but appears to generally be in a sound state of repair.

The building forms part of a small group which was historically the farmstead of Coton Farm which surrounds a concrete yard.

The surrounding area is generally characterised by irregular field boundaries with small clusters of buildings and farmsteads. The field boundaries comprise hedgerows with a significant number of trees.

It is considered that the demolition of the attached lean-to greenhouse would result in the improvement of the appearance of the building as a whole.

The conversion scheme would retain the character of the building and would not result in the introduction of any domesticating paraphernalia.

The external space around the north of the building would be retained for vehicular parking whilst the stables would open onto the land to the south. However, it is unclear how this area would be treated and therefore a landscaping scheme, including means of enclosure, can be secured via a condition. The landscaping scheme should also include details of any secondary separation of the grazing fields relating to individual livery stables and any areas (and structures) to be used for mucking out the stables. Furthermore, it is considered that permitted development rights should be removed for means of enclosure to ensure that further separation of the fields does not erode the character of this rural area.

The proposed alterations to the building, as set out in the context of this report, are considered to be acceptable.

Should the application be approved it is considered that conditions to secure the following should be attached in order to safeguard the character of this traditional rural building:
- Facing materials (bricks and roof tiles) to match the existing (size, colour, and texture);
- Rainwater goods to be cast metal with a black finish;
- Joinery to be painted timber with details to be approved;
- Roof lights to be flush with, or recessed from, roof slope and with black finish; and
- All redundant ventilation holes within the brickwork to be filled with blue bricks recessed from the external face of the masonry by a minimum of 50mm.

With regard to the proposed change of use of the land, it is not considered that there would be any adverse impact on the character of the surrounding area as it is likely that the use of the land for grazing horses would be very similar visually to pastoral farming. A
condition should however be attached to any approval to ensure that the land is not used for the siting of jumps, field shelters, horse fences, or other associated equestrian paraphernalia in order to retain this character.

It is considered that the proposal complies with the provisions of Policy 6 of the GNP where applicable to the conversion of existing rural building.

It is noted that one interested party makes reference to the potential historic significance of the building however there is nothing on the site which appears on the Staffordshire Historic Environment Record.

Policies and Guidance:-

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

The Plan for Stafford Borough
Policies: N1 Design; N8 Landscape character; N9 Historic environment
Supplementary Planning Document (SPD) – Design

Gnosall Neighbourhood Plan
Policy: 6 Support for good design

4. Residential amenity

It is not considered that the proposed conversion of the building would result in any adverse impacts on visual amenity or privacy, provided that the proposal remains in the same occupation as the dwelling to Coton Farm.

There is however potential for nuisance to be caused through noise and smells from the proposed dog grooming salon and stables, as well as vehicular movement relating to the commercial uses. In terms of privacy however it is considered that concerns in this regard would be resolved should the commercial use be tied to the owner/occupier of the dwelling.

Therefore, due to the proximity of the building to the dwelling, Coton Farm, it is considered that a condition should be attached to any approval to ensure that the site is not subdivided and sold or sub-let and that it is operated by the owner/occupier.

It is not considered likely that the proposed change use of agricultural land for the grazing of horses would raise any implications with regard to amenity in terms of nuisance from noise, odour, dust.

On this basis it is considered that the proposal complies with Policy 1 of the GNP. Whilst the livery business would necessitate the use of land outside of the curtilage of the building it is not considered that the grazing of horses on this land would impact on the character and appearance of the area, or the amenity of the occupants of neighbouring properties to an extent that would justify the refusal of the application.
Other than reference on the application forms the supporting documents contain no detail of any external lighting. Since lighting is likely to be necessary to facilitate the equestrian activities in winter months a condition should therefore be attached to any approval secure details of any lighting.

Policies and Guidance:-

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

Gnosall Neighbourhood Plan
Policies: 1 Home working

5. Access and parking

The site is accessed off a lane (Cotton Bank Lanes, D4576) which leads to Newport Road (A518) 310m to the north.

Whilst there is a public right of way (Gnosall 48) running to the west of the site (north to south) it runs outside of the application site and it is not considered that the proposal would result in any adverse harm to views from this right of way with.

The site comprises the existing dwelling of Coton Farm, two outbuildings associated with the former farm yard (open fronted timber building and brick building with mono-pitched roof), the building which is the subject of this application as well as an area of land covering 2.2ha which is to be used for grazing in conjunction with the livery stables. The building would be converted to provide a dog grooming salon with associated office and storage above, three livery stables, and one private stable.

No additional field access is proposed as the land to be used for grazing would be accessed via the existing access and yard at Coton Farm.

On the basis of the plans submitted under 19/30392/HOU, approved in May 2019, the dwelling has three bedrooms which requires parking provision for two vehicles under local plan parking standards.

It is reasonable to conclude that each of the private livery stables would require one parking space. The private stable would not require any additional parking provision given its siting within the farmyard associated with the dwelling.

The third element of the site would be the dog grooming salon and the applicant states that there would be no employees, and attendance would be strictly via appointment only. Should the business be tied to the occupancy of the dwelling it is considered that the remaining four spaces shown on the site plan would be more than sufficient.

The Highway Authority raise no objection to the proposal, subject to conditions to ensure that no equestrian events are held at the site (the land to be used for grazing purposes only), and to ensure the provision and retention of car parking, servicing, and turning areas. It is noted that the site was previously a working farm which would have generated
a reasonable level of traffic and that the small number of additional vehicles associated
with the proposed dog grooming salon and livery stables is not likely to result in any
significant impact on the surrounding highway network. Furthermore, the Highway
Authority state that there are natural passing places on the approach to Coton Farm which
could accommodate additional traffic.

On this basis it is considered that the proposal complies with Policy 1 of the GNP.

Policies and Guidance:-

National Planning Policy Framework
Paragraphs: 98, 105 & 106

The Plan for Stafford Borough
Policies: T1 Transport; T2 Parking and manoeuvring facilities; Appendix B – Car parking
standards

Gnosall Neighbourhood Plan
Policies: 1 Home working; 6 Support for good design

6. Other

The proposal comprises the change of use of a building which appears suitable for
accommodating protected species. The application is therefore supported by a report by
S. Christopher Smith.

S. Christopher Smith undertook a survey for bats & birds during June 2019 which found
evidence of roosting bats and nesting birds within the building. On the basis of this
information the Council’s Biodiversity Officer raises no objection subject to conditions to
ensure that the recommendations of this report are carried out. The recommendations
include:
- The provision of a Woodcrete bat box on each gable end of the two-storey building;
- A method of working for all contractors on site; and
- In the event that bats are found works must cease and an ecologist must be contacted.

Furthermore, the Biodiversity Officer recommends conditions to secure the provision of
four swallow cup nesting boxes to be installed in suitable locations on the outbuildings and
a method statement to ensure the protection/avoidance of nesting birds.

Whilst the other recommended conditions are considered to be reasonable it is considered
that nesting birds are more effectively protected under separate legislation and an
informative can be attached to any approval to bring this matter to the attention of the
applicant.

Policies and Guidance:-

National Planning Policy Framework
Paragraphs: 8, 118, 149, 150, 170, 174, 175, 176 & 177
The Plan for Stafford Borough
Policies: N2 Climate change; N4 The natural environment & green infrastructure; N5 Sites of European, national & local nature conservation importance
Gnosall Neighbourhood Plan
Policies: 6 Support for good design

7. Conclusion

The proposed use and associated conversion scheme is considered to comprises an appropriate operation for this rural area and would not result in any undue harm to the character of the area.

Furthermore, it is considered that the conversion scheme would retain the rural character of this traditional building.

Subject to a number of conditions relating to use, character of the building, amenity, highway matters and biodiversity it is considered that the proposal is acceptable.

Consultations

Highway Authority:
(Comments dated 1 October 2019):
No objection to change of use of land provided that this is for grazing only and not for any equestrian events.
The site was originally a working farm, generating farm traffic. It is not considered that the small number of additional vehicles would have a severe impact on the highway and it is noted that there are already existing natural passing places to accommodate any additional traffic.
(Comments dated 10 September 2019):
No objection, subject to a condition to secure the provision of the parking, servicing, and turning areas.

Biodiversity Officer:
S. Christopher Smith undertook a survey for bats & birds during June 2019 which found evidence of roosting bats and nesting birds within the buildings. No objection, subject to conditions to ensure that the recommendations of this report are carried out, including:
- Woodcrete bat box to be installed on each gable end of the two-storey building;
- A method of working for all contractors on site; and
- In the event that bats are found works must cease and an ecologist be contacted.
A condition to secure the provision of four swallow cup nesting boxes should be installed in suitable locations on outbuildings.
A method statement to ensure the protection/avoidance of nesting birds should also be secured by condition.

Environmental Health Officer:
No objection, subject to a condition to restrict the hours of works and associated deliveries.
Gnosall Parish Council:
(Comments dated 23 October 2019):
No objection. The statement on drawing 1622-300-B addresses the previous concerns provided that these statements are secured by condition.
(Comments dated 24 September 2019):
Objection to the proposed livery stable due to impact on residential amenity and character of the area caused by increased traffic generation on single track lane with no passing places and the use of horse boxes and trailers.
No objection to the proposed dog grooming salon, providing comments made by the highway authority are adhered to (reference made to Gnosall Neighbourhood Plan policy 1 (a) (b) and (c); policy 2).

Neighbours
(8 consulted): Ten representations received in objection from eight households, raising the following points:
- Increased traffic on single track road with no passing places;
- Increased conflict between vehicles and pedestrians;
- Passing places should be provided on Coton End Lane;
- The barn is possibly of significant historic interest – it may be a Roman garrison;
- The applicant has verbally hinted at an intention to consider boarding dogs;
- An enclosed area of agricultural land may be used as a dog exercise area;
- There are no details of where dogs would be secured following grooming sessions;
- Any dogs held on site may result in increased noise; and
- There is no reference of waste management with regard to horses or dogs.

Site notice expiry date: 3 October 2019

Relevant Planning History
19/30392/HOU – Proposed rear ground floor extension and first floor dormer extension/roof alteration – Approved 31 May 2019

Recommendation
Approve, subject to the following conditions:

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

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

   1622-300-C
   1622-320-D
3. This permission is for the renovation and refurbishment of the property as described in the application documents and does not grant or imply permission for its rebuilding or replacement wholly or in part except as specifically authorised by this permission.

4. Before any works of demolition, repair, or refurbishment are undertaken the applicant shall secure the stability and safety of those parts of the buildings which are to remain in accordance with details of a Method Statement to be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

5. The development hereby approved shall not be brought into use unless and until the existing lean-to greenhouse (shown as number 5 on the 1:200 'Site Plan As Proposed' on drawing 1622-300-C) has been demolished.

6. The dog grooming salon and livery stables shall be operated by the owner/occupiers of Coton Farm only, and shall not be sold off or sub-let as a separate business.

7. The land to be used in association with the livery stables shall be used for grazing and exercise purposes only and shall not be used for any equestrian competitions or commercial horse training purposes.

8. No horse fences, jumps, exercise equipment, or field shelters shall be erected or stored on the site.

9. Notwithstanding any description/details of external materials in the application documents the external brick and roof tiles to be used in association with the repair and conversion of the building(s) shall match the existing in regard to their size, texture and colour unless otherwise approved in writing by the Local Planning Authority.

10. Notwithstanding any description/details within the application documents, all rainwater goods shall be of cast metal and have a black finish unless otherwise first approved in writing by the Local Planning Authority.

11. Notwithstanding any description/details within the application documents, no windows or doors shall be replaced or installed unless and until a schedule of window and door joinery has been submitted to and approved in writing by the local planning authority. The schedule shall include elevations at a scale of 1:10 or 1:20, and sections at a scale of 1:1 or 1:2 to include profiles of glazing bars, recess within opening, and any sills. The doors/windows shall thereafter be constructed and installed in accordance with the approved details.

12. All new windows and doors shall be of timber and shall be painted with a black finish unless otherwise first approved in writing by the Local Planning Authority.
13. Notwithstanding any description/details within the application documents, no roof lights shall be replaced or installed unless and until details have first been submitted to and approved in writing by the local planning authority. The details shall include design, materials, colour, and recess within the opening(s).

14. Before the development is first brought into use all redundant ventilation holes within the brickwork of the building shall be filled with blue bricks to be recessed from the external face of the masonry by a minimum of 50mm.

15. The parking, servicing, and turning areas shown on drawing 1622-300-C shall be retained for the life of the development.

16. No external means of illumination, including security lights, shall be installed without the prior written consent of the Local Planning Authority.

17. Details of a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include all surfacing materials, means of enclosure including livery separation and muck-out areas. The approved landscaping scheme shall thereafter be provided within six months of the development first being brought into use.

18. All works shall be in accordance with the provisions and recommendations of the protected species survey report by S. Christopher Smith (dated June 2019) and shall include:
   - The provision of one woodcrete bat box to be installed on the each gable end of the two-storey building;
   - A method of working for all contractors on site; and
   - In the event that bats are found works must cease and an ecologist be contacted.

19. Before the development is first brought into use four swallow cup nesting boxes shall be installed on buildings within the application site in accordance with details which shall first be submitted to and approved in writing by the local planning authority.

20. The dog grooming salon shall only operate between the hours of 9:00am and 5:00pm Monday to Friday; 9:00am and 2:00pm on Saturdays; and not at all on Sundays, bank, and public holidays, unless otherwise first approved in writing by the Local Planning Authority.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any other subsequent equivalent order, no development within Schedule 2, Part 2, Class A (gates, fences, walls etc) shall be carried out without the prior approval of the Local Planning Authority.
The reasons for the Council’s decision to approve the development subject to the above conditions are:

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

2. To define the permission.

3. The significant rebuilding of this rural building during its conversion would be contrary to policy E2 of the Plan for Stafford Borough.

4. The significant rebuilding of this rural building during its conversion would be contrary to policy E2 of the Plan for Stafford Borough.

5. To define the permission.

6. To prevent the use of the premises for purposes which would detract from the amenities of the occupiers of nearby residential properties. (Policy N1e of The Plan for Stafford Borough).

7. To prevent the use of the premises for purposes which could have a detrimental effect on highway safety. (Policy T1 of The Plan for Stafford Borough).

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

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

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

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

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

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

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

15. To ensure the provision of adequate off-street facilities in the interests of the convenience and safety of users of the highway. (Policy T2d of The Plan for Stafford Borough).
16. To safeguard the amenities of the area (Policy N1e of The Plan for Stafford Borough).

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

18. In order to ensure that the development does not result in damage or harm to legally protected species or their habitat/roost. (Paragraph 170 of the National Planning Policy Framework).

19. In order to ensure that the development results in a net gain in biodiversity. (Paragraph 170 of the National Planning Policy Framework).

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

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

Informative(s)

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

2. This permission does not grant or imply consent for any overnight kennelling of dogs.

3. The applicant's attention is drawn to the protected status of nesting birds and the requirement that they are not disrupted during the nesting season (March to August).
Ward Interest - Nil

Planning Appeals

Report of Head of Development

Purpose of Report

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

Notified Appeals

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Location</th>
<th>Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>19/30637/COU</td>
<td>Land North Of Fairbanks Cottage The Green Chebsey</td>
<td>Change of use of agricultural building to residential with minor alterations, formation of a domestic curtilage with erection of fence and hedge-planting, formation of a parking area, plus demolition of pole barn</td>
</tr>
<tr>
<td>Delegated Refusal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>WKS3/00163/EN16</td>
<td>Hillside, Milford Road</td>
<td>Erection of Conservatory</td>
</tr>
<tr>
<td>WKS2/00142/EN18</td>
<td>Former Bird and Hand Pub, Hilderstone</td>
<td>Erection of car port/garage</td>
</tr>
</tbody>
</table>

Decided Appeals

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Location</th>
<th>Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>19/30516/FUL</td>
<td>The Orchard Abbeylands Weston</td>
<td>Removal of condition 11 on application 15/22092/FUL</td>
</tr>
<tr>
<td>Appeal Dismissed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19/30278/HOU</td>
<td>18 Oakridge Way Weeping Cross Stafford</td>
<td>Proposed rear first floor extension, rear single storey extension and side two storey extension to dwelling</td>
</tr>
<tr>
<td>Appeal Allowed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19/30114/HOU</td>
<td>The Dale Fairoak Bank Fairoak</td>
<td>Two storey front, side and rear extension.</td>
</tr>
</tbody>
</table>
Previous Consideration
Nil

Background Papers
File available in the Development Management Section

Officer Contact
Mr John Holmes, Development Manager, 01785 619302
Appeal Decision

Site visit made on 16 September 2019

by Ben Plenty BSc (Hons) DipTP MRTPI
an Inspector appointed by the Secretary of State

Decision date: 18th October 2019

Appeal Ref: APP/Y3425/W/19/3232359
The Orchard, Abbeylands, Weston, Stafford ST18 0DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Granville Falshaw, on behalf of Falshaw Homes Limited, against the decision of Stafford Borough Council.
- The application Ref 19/30516/FUL, dated 2 May 2019, was refused by notice dated 18 June 2019.
- The application sought planning permission for Retrospective amendments to permission 12/17152/FUL for the development of 4 detached dwellings with garages, without complying with a condition attached to planning permission Ref 15/22092/FUL, dated 20 November 2018.
- The condition in dispute is No 11 which states that: Within 3 months of the date of this permission the gate within the southern boundary of the site shall be removed and replaced with a solid non-opening panel(s). The non-opening panel(s) shall thereafter be retained, and no other openings shall be created within the southern boundary of the site.
- The reason given for the condition is: In the interest of highway safety to pedestrians. (Policy T2 of the Plan for Stafford Borough).

Decision

1. The appeal is dismissed.

Procedural matters

2. An appeal was allowed on the site in 2012¹ for the erection of ten dwellings. Furthermore, consent was granted in 2013² for 4 detached dwellings. A further submission was granted in 2018 to regularise the development following the realignment of some dwellings during construction. These decisions were approved subject to the provision and retention of a pedestrian access onto Furlong Close. This has been secured by a Legal Agreement³ and condition, the Agreement was required as the applicant does not own the land through the adjacent 'Abbeylands Apartments' site. The condition was originally applied to place a timeframe on its first provision. Separately, condition 11 required the closure of an alternative footpath access onto Green Road.

¹ Planning Appeal Reference: APP/Y3425/A/11/2163763
² Planning Application Reference: 12/17152/FUL
³ Legal Agreement in connection with application 15/22092/FUL- 16 November 2018

https://www.gov.uk/planning-inspectorate
Main Issue

3. The main issue is whether condition 11 is reasonable and necessary in the interests of highway safety in regard to policies of the Development Plan and The National Planning Policy Framework (The Framework).

Reasons

4. The footpath, the subject of this appeal, connects the site directly to Green Road. The footpath is narrow, runs between two gardens and then turns through two tight 90-degree corners. The gate at the exit of the estate is spring loaded and the path provides steps down onto the second part of the footpath. The lower part of the pathway is unsurfaced and would be difficult to navigate in poor weather. It would also be difficult to use for cyclists or people with prams and wheelchair users due to its awkward terrain.

5. The access onto Green Road is on a side of the highway that does not benefit from a footpath. However, there is a footpath on the southern side of the highway. Consequently, many dwellings on the north side of Green Road do not have immediate access to a footway with residents having to cross the road to walk on a footway. Green Road has the appearance of a quiet village highway, with streetlights and a feeling of intimacy. The highway is relatively narrow and includes many driveways and cul-de-sac entrances. As such motorists and pedestrians would need to employ particular care and attention when using this highway due to its characteristics.

6. Policy T2 of the Plan for Stafford Borough 2014 (DP) states that development should not materially impair highway safety. The Framework further informs that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety. The footway link runs between existing dwellings that have access onto the path. Furthermore, the occupiers of Abbeyland Cottage and 1 Green Lane have driveway access from the path. The access onto Green Road is relatively wide. Adjacent boundaries are sufficiently low to allow a pedestrian to take in a wide view of the highway before entering it. Moreover, the road is straight for a substantial distance and flat. These features aid visibility of the highway from the access.

7. Therefore, whilst I have found the pathway to be awkward and impractical, the use of it would be no less safe than the existing pedestrian access points serving residential properties from the northside of the highway. Accordingly, the use of the footpath and access would not significantly affect highway safety and condition 11 is therefore neither necessary nor reasonable. Therefore, without the condition the proposal would still comply with policy T2 of the DP, which seeks development that would have a safe and adequate means of access.

8. However, a more practical pedestrian access has been provided through Furlong Close. This appears to be both safer and accessible to all. This access has been established through previously approved development as necessary to the development and secured with a Legal Agreement. The access provides a useful link from the site to the main village without walking alongside the very busy A518. Therefore, notwithstanding the estate’s frontage access, the footpath via Furlong Close is necessary as an alternative pedestrian route.
9. There is no evidence to illustrate that ownership has changed since the legal agreement was entered into in 2018. Furthermore, there is no mechanism within the appeal submission to ensure that the access can be secured in perpetuity. A condition would not be sufficient as no change to land ownership has been brought to my attention and therefore a legal mechanism would still be necessary. Without an Agreement any approval would take a retrograde position and disregard previous reasonable planning decisions taken on the site.

**Other matters**

10. Representations have identified that the access onto Green Road is safe and useful. I concur but find the alternative access through Furlong Close to be a preferred and a safer route for the reasons stated above.

11. Concerns have been raised in representations, that the access is less safe and would discourage the use of Furlong Close. It is also suggested that the use of the footpath puts it in conflict with cars using the adjacent two driveways. However, the low frequency of use and slow speeds associated with this action would limit this risk. Concerns have also been raised in regard to enabling access by burglars. However, there is no compelling evidence to illustrate that this would occur as a direct result of the increased use of the footpath. It has the appearance of a private access route to passing members of the public.

12. Abbeylands is a grade II listed building and St Andrews Church is Grade II*. I have a statutory duty\(^4\) to have special regard to the desirability to preserve the setting of a listed building. Due to its distance and the nature of the proposal, the variation to the consent would have no discernible effect on the setting of these heritage assets. As such the proposal would preserve the significance of these nearby listed buildings.

**Conclusion**

13. For the above reasons the appeal is dismissed.

*Ben Plenty*

INSPECTOR

---

\(^4\) section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990
Appeal Decision
Site visit made on 1 October 2019

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

Decision date: 23 October 2019

Appeal Ref: APP/Y3425/W/19/3229887
18 Oakridge Way, Weeping Cross, Stafford ST17 0PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr & Mrs P Mellor against the decision of Stafford Borough Council.
- The application Ref 19/30278/HOU, dated 15 March 2019, was approved on 14 May 2019 and planning permission was granted subject to conditions.
- The development permitted is proposed rear first floor extension, rear single storey extension and side two storey extension to dwelling.
- The condition in dispute is No 3 which states that: Notwithstanding the details and specifications submitted, the bi-fold doors on the north-west facing side elevation of the sunroom extension shall be glazed with obscure glass/privacy glass, and thereafter retained as such for the life of the development.
- The reason given for the condition is: To ensure an adequate level of privacy for occupants of adjacent residential properties (Policy N1e and Stafford Borough Council Space About Dwellings Guidance).

Decision

1. The appeal is allowed and the planning permission Ref 19/30278/HOU for proposed rear first floor extension, rear single storey extension and side two storey extension to dwelling at 18 Oakridge Way, Weeping Cross, Stafford ST17 0PS granted on 14 May 2019 by Stafford Borough Council, is varied by deleting condition 3.

Background and Main Issue

2. Planning permission had previously been granted for various extensions to the dwelling. The appeal proposals seek permission to carry out the development without complying with condition 3 which requires obscure/privacy glass to be used on the north-west elevation of the sunroom extension. The main issue in this case is whether condition 3 of planning application Ref 19/30278/HOU is reasonable and necessary in the interest of the living conditions of the occupiers of 16 Oakridge Way.

Reasons

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

https://www.gov.uk/planning-inspectorate
4. In accordance with the PPG a key question in respect of whether a condition is necessary, is that it must not be imposed unless there is a definite planning reason for it, i.e. it is needed to make the development acceptable in planning terms.

5. The Council Officer’s report states that the disputed condition is required due to the bi-fold doors looking toward the patio area of No16, and that as the fence is only 1.6m high, there could be a privacy breach and the use of obscure glazing would mitigate against this.

6. On my site visit, I noted the presence of the fencing which mitigates against a loss of privacy, but there is also vegetation planting on the side of No16, which is higher than the boundary fencing. Whilst this cannot be retained, or controlled by any conditions, it also assists in mitigating against the effect of the loss of privacy alleged if the extension were to be constructed.

7. I found that viewing the relationship between the two properties across the boundary from various positions where the bi-fold doors would be situated did not create a situation where I could consider any loss of privacy to be of a significant enough level to cause harm to the living conditions of the occupiers of No16.

8. For the reasons outlined above, I conclude that the disputed condition is not reasonable or necessary from a privacy point of view. Therefore, the deletion of condition 3 of planning application 19/30278/HOU would not lead to a material conflict with Policy N1(e) of the Plan for Stafford Borough (adopted 2014) which requires design and layout to take account of, amongst other matters, the amenities of adjacent residential areas, as well as the Space about Dwellings guidance.

Conclusion

9. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should succeed. I will vary the planning permission by deleting the disputed condition.

Paul Cooper
INSPECTOR
Appeal Decision

Site visit made on 24 September 2019

by Jonathan Edwards BSc(Hons) DipTP MRTPI
an Inspector appointed by the Secretary of State

Decision date: 26 September 2019

Appeal Ref: APP/Y3425/D/19/3232956
The Dale, Fairoak Bank, Fairoak, Stafford ST21 6PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Ben Gray against the decision of Stafford Borough Council.
- The application Ref 19/30114/HOU, dated 16 February 2019, was refused by notice dated 29 April 2019.
- The development proposed is two storey front, side and rear extension.

Decision

1. The appeal is allowed and planning permission is granted for two storey front, side and rear extension at The Dale, Fairoak Bank, Fairoak, Stafford ST21 6PN in accordance with the terms of the application, Ref 19/30114/HOU, dated 16 February 2019, subject to the following conditions:

   1) The development hereby permitted shall begin not later than 3 years from the date of this decision.


   3) No development above ground floor slab level shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Main Issue

2. The effect on the character and appearance of the host building and the surrounding area.

Reasons

3. The Dale is a 4 bedroom 2 storey high house with a side extension in a large plot away from the road. Rising land levels to the north and east and nearby groups of mature trees give the appeal site a sense of rural seclusion.

4. The proposed development includes the demolition of the existing extension to allow the erection of a new 2 storey side extension that would project out
significantly beyond the front and rear elevations of the main part of the house. The scheme also includes a single storey porch/garden room extension to the front which would connect to a new canopy along the side.

5. Part C of policy C5 of the adopted Plan for Stafford Borough 2014 (PSB) is referred to in the Council’s refusal reasons. This states that in the countryside, extensions should not result in additions of more than 70% to a dwelling as originally built, unless the design and appearance of the proposed dwelling is proportionate to the type and character of the existing dwelling and surrounding countryside. The proposed development would clearly fail to comply with the 70% figure and so it follows to consider whether the resulting building would be proportionate to the existing house and its surroundings.

6. Since this appeal was lodged, the Council has granted planning permission for the 2 storey side extension element of the appeal proposal. As this is a recent permission, there is a greater than a theoretical possibility the side extension would be constructed regardless as to my decision. This fallback position is a significant consideration in my assessment of the appeal.

7. The single storey elements of the appeal proposal are lower and significantly smaller than the 2 storey extension. Whilst resulting in a cumulative increase in the size of the dwelling, the single storey elements would be comparatively small, so the appeal proposal would not be disproportionately larger than the scheme already permitted by the Council. The site is secluded and would be large enough to accommodate the appeal proposal without causing any significant impact on the rural appearance of the area. Therefore, whilst representing a marked increase in the size of the existing dwelling, the proposal would not cause any adverse impact on the character or appearance of the house or its surroundings over and above the extensions already approved by the Council.

8. For the reasons outlined above, I conclude that the development would not be harmful to the character and appearance of the host building and the surrounding area. Consequently, and in this regard, it would accord with policy C5 of the PSB which, amongst other things, looks to ensure extensions do not have an adverse impact on the character of properties or their surroundings.

Conditions

9. I have considered the conditions put forward by the Council. A condition detailing the plans is necessary to ensure the development is carried out in accordance with the approved plans and for the avoidance of doubt. A condition that requires the submission and approval of external materials is also needed in order to ensure the satisfactory appearance of the development.

Conclusion

10. For these reasons, I allow the appeal as set out in the formal decision above.

Jonathan Edwards
INSPECTOR

---

1 Stafford Borough Council planning permission ref. no. 19/30958/HOU, dated 19 September 2019.

https://www.gov.uk/planning-inspectorate
Ward Interest - Nil

Enforcement Matters

Report of Head of Development

Purpose of Report
To consider the following reports.

Page Nos
(a) Quarterly Enforcement Report 38

Previous Consideration
Nil

Background Papers
File available in the Development Management Section

Officer Contact
John Holmes, Development Manager Tel 01785 619302
### Quarterly Enforcement Report

<table>
<thead>
<tr>
<th>Reference</th>
<th>Location</th>
<th>Unauthorised Works/Use</th>
<th>Action Authorised</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>USE/00065/EN08</td>
<td>Spot Acre, Hilderstone Road, Spot Acre</td>
<td>Use of land for traveller site.</td>
<td>04 March 2015</td>
<td>Occupiers notified by letter on 11 September 2019 to leave site by 15 November 2019 and restore the land within a further 3 months.</td>
</tr>
<tr>
<td>COND2/00257/EN15</td>
<td>Cold Norton, Norton Bridge, Stone</td>
<td>Non compliance with landscaping scheme</td>
<td>28th October 2017</td>
<td>Works undertaken to the bund and inspected by enforcement on 7 October 2019 but not compliant with Breach of Conditions Notice. Legal advised to commence further prosecution proceedings.</td>
</tr>
<tr>
<td>COND2/00360/EN16</td>
<td>Church View Seighford</td>
<td>Drive</td>
<td>06 December 2017</td>
<td>Track removed from land as required in Enforcement notice. Awaiting transfer of open space as per S106 agreement.</td>
</tr>
<tr>
<td>WKS2/00380/EN16</td>
<td>The Old Stores, Newport Rd, Woodseaves</td>
<td>Drive, wall, gates and patio.</td>
<td>06 December 2017</td>
<td>Owner advised of measures required to comply with enforcement request meeting arrange with owner on 22 October 2019.</td>
</tr>
<tr>
<td>COND/00277/EN16</td>
<td>The Stables, Outwoods Bank, Outwoods</td>
<td>Siting of a mobile home for use during stable conversion.</td>
<td>03 January 2018</td>
<td>Enforcement appeal received inspectors site visit scheduled for 13 November 2019</td>
</tr>
<tr>
<td>WKS/00163/EN16</td>
<td>Hillside Milford Rd Stafford</td>
<td>Conservatory</td>
<td>28 March 2018</td>
<td>Appeal received awaiting start date.</td>
</tr>
<tr>
<td>WKS2/00048/EN17</td>
<td>92 St Georges Parkway, Stafford</td>
<td>Container</td>
<td>17 October 2018</td>
<td>Container removed. NFA.</td>
</tr>
<tr>
<td>COND/00083/EN18</td>
<td>Woodland View Cottage, Ranton</td>
<td>Menage</td>
<td>15 August 2018</td>
<td>Breach of Conditions Notice served. Enforcement ongoing site visits to check continued compliance.</td>
</tr>
<tr>
<td>WKS/00259/EN18</td>
<td>Bird in Hand Car Park, Sharpley</td>
<td>Barn</td>
<td>28 November 2018</td>
<td>Owner advises that work started to comply with approved planning permission.</td>
</tr>
<tr>
<td>WKS2/00142/EN18</td>
<td>Bird in Hand Car Park, Sharpley</td>
<td>Car Port</td>
<td>28 November 2018</td>
<td>Appeal received awaiting start date from Inspector.</td>
</tr>
<tr>
<td>WKS2/00086/EN18</td>
<td>64 Foregate Street Stafford</td>
<td>Cladding</td>
<td>30 January 2019</td>
<td>Agent advised that application will be submitted by 22 November 2019.</td>
</tr>
<tr>
<td>ADV/00252/EN18</td>
<td>19 High Street Stone</td>
<td>Advert</td>
<td>20 February 2019</td>
<td>Signage removed, however trough light remains and enforcement working with owner to achieve full compliance. Owner advised that light should be removed by 18 October 2019.</td>
</tr>
<tr>
<td>USE/00258/EN17</td>
<td>The Stables Wheatlow Brookes Road Garshall Green</td>
<td>Mobile Home &amp; Barn</td>
<td>13 March 2019</td>
<td>Enforcement Notice served for Mobile home and Barn removal.</td>
</tr>
<tr>
<td>USE/00226/EN18</td>
<td>Land adjacent to the former Lakeside Tavern Meaford</td>
<td>Tipping of rubble.</td>
<td>13 March 2019</td>
<td>Tennant evicted and unauthorised work removed. NFA</td>
</tr>
<tr>
<td>COND2/00098/EN15</td>
<td>Stafford Castle Newport Rd Stafford</td>
<td>Waste importation</td>
<td>Delegated</td>
<td>Top soil being deposited and contouring being undertaken. Other Agencies currently investigating and SBC aiding those investigations. Meeting arranged with site contractors for 15 October 2019.</td>
</tr>
<tr>
<td>COND2/00098/EN15</td>
<td>Stafford Castle Newport Rd Stafford</td>
<td>Tree Damage</td>
<td>Delegated</td>
<td>Tree protection in place. Passed to Tree officer re damage to trees.</td>
</tr>
<tr>
<td>USE/00130/EN19</td>
<td>Land Rear of 25 Alexandra Rd Stafford</td>
<td>Business use of garage</td>
<td>14 August 2019</td>
<td>Tenant evicted from garage letting, Enforcement site visit 18 September 2019 confirming that the repair of garden machinery had ceased. NFA</td>
</tr>
</tbody>
</table>