

TO:- Planning Committee

Councillor Mark Evans , Councillor Bob Cope , Councillor Helen Adams , Councillor Jeff Ashley , Councillor Barry Bond M.B.E. , Councillor Gary Burnett , Councillor Val Chapman , Councillor Philip Davis , Councillor Robert Duncan , Councillor Sam Harper-Wallis , Councillor Rita Heseltine , Councillor Diane Holmes , Councillor Victor Kelly , Councillor Kath Perry M.B.E. , Councillor Robert Reade , Councillor Gregory Spruce , Councillor Christopher Steel , Councillor Wendy Sutton

Notice is hereby given that a meeting of the Planning Committee will be held as detailed below for the purpose of transacting the business set out below.

Date: Tuesday, 20 June 2023

Time: 18:30

Venue: Council Chamber Community Hub, Wolverhampton Road, Codsall, South Staffordshire, WV8 1PX



D. Heywood
Chief Executive

A G E N D A

Part I – Public Session

- | | | |
|----------|---|-----------------|
| 1 | Minutes
To approve the minutes of the Planning Committee meeting of 25 April 2023. | 1 - 4 |
| 2 | Apologies

To receive any apologies for non-attendance. | |
| 3 | Declarations of Interest

To receive any declarations of interest. | |
| 4 | Determination of Planning Applications
Report of the Development Team Manager | 5 - 52 |
| 5 | Monthly Update Report
Report of Lead Planning Manager | 53 - 120 |

RECORDING

Please note that this meeting will be recorded.

Any person wishing to speak must confirm their intention to speak in writing to Development Management by 5pm on the Thursday before Planning Committee

- E-mail: SpeakingatPlanningCommittee@sstaffs.gov.uk
- Telephone: (01902 696000)
- Write to: Development Management Team
South Staffordshire Council
Wolverhampton Road
Codsall
WV8 1PX

PUBLIC ACCESS TO AGENDA AND REPORTS

Spare paper copies of committee agenda and reports are no longer available. Therefore should any member of the public wish to view the agenda or report(s) for this meeting, please go to www.sstaffs.gov.uk/council-democracy.

Minutes of the meeting of the **Planning Committee** South Staffordshire Council held in the Council Chamber Community Hub, Wolverhampton Road, Codsall, South Staffordshire, WV8 1PX on Tuesday, 25 April 2023 at 18:30

Present:-

Councillor Penny Allen, Councillor Len Bates, Councillor Jo Chapman, Councillor Brian Cox, Councillor Mark Evans, Councillor Rita Heseltine, Councillor Diane Holmes, Councillor Michael Lawrence, Councillor Kath Perry, Councillor Robert Reade, Councillor Ian Sadler, Councillor Victoria Wilson

44 MINUTES OF THE PREVIOUS MEETING HELD ON 28 MARCH 2023

RESOLVED: that the minutes of the Planning Committee held on 28 March 2023 be approved and signed by the Chairman subject to the inclusion of Cllr P Allen's apologies.

45 APOLOGIES

Apologies were received from Councillors B Bond, B Cope, P Davies, and W Sutton.

46 DECLARATIONS OF INTEREST

Councillor Sadler declared a non-pecuniary interest in application 22/00083/FUL and 22/00084/LBC and left the chamber for consideration of these items.

47 DETERMINATION OF PLANNING APPLICATIONS

The Committee received the report of the Development Management Manager, together with information and details received after the agenda was prepared.

22/00083/FUL – PATSHULL PARK HOTEL GOLF AND COUNTRY CLUB, PATSHULL PARK, BURNHILL GREEN, WV6 7HR - APPLICANT – HARLASTON (PACKINGTON) LTD – PARISH – PATTINGHAM AND PATSULL.

Robert Mercer (Applicant) spoke in support of the application.

A statement was read out against the application on behalf of Sally Tildesley and Louise McFadzean.

Councillor Mason (Ward Member) spoke in support of the application.

Councillor Allen spoke in support of the application as it proposed a sustainable use for the site and would enable people to access and enjoy the park and landmark.

Councillor Allen proposed a motion for approval:

To delegate approval to the Team Manager in conjunction with the

Chairman of the Planning Committee subject to conditions including:

- Introducing permanent rights of way through the parkland in consultation with Staffordshire County Council
- Opening up of pedestrian and vehicular access to St Marys Church
- Provision of a satisfactory Travel Management Plan
- No planning permission to be released until public rights of way are provided
- If public rights of way are not secured within a 12 month period then the matter is referred back to the Planning Committee

Councillor Reade seconded the proposal.

The Chairman said it was a matter of balancing a sustainable tourism opportunity with the need to preserve a heritage asset.

Councillor Evens spoke against the application.

The motion was carried.

RESOLVED: That APPROVAL be delegated to the Team Manager in conjunction with the Chairman of the Planning Committee subject to conditions to be determined.

22/00084/LBC – PATSULL PARK HOTEL GOLF AND COUNTRY CLUB, PATSULL PARK, BURNHILL GREEN, WV6 7HR – APPLICANT – HARLASTON (PACKINGTON) LTD - PARISH – PATTINGHAM AND PATSULL.

Robert Mercer (Agent) – spoke in support of the application.

A statement against the application was read of on behalf of Paula Manning.

RESOLVED: That APPROVAL be delegated to the Team Manager in conjunction with the Chairman of the Planning Committee subject to conditions to be determined.

22/00670/VAR – FAIR HAVEN, SHAW HALL LANE, COVEN HEATH, WV10 7HE – APPLICANT – MR J CUNNINGHAM – PARISH – BREWOOD AND COVEN.

Councillor Holmes was supportive of the application.

RESOLVED: that the application be APPROVED Subject to Conditions and completion of Unilateral Undertaking for Cannock Chase SAC.

23/00024/FUL – TREE TOPS, SCHOOL LANE, COVEN, WV9 5AN – APPLICANT – MR B SAUNDERS - PARISH – BREWOOD AND COVEN

Rowan Chislett (Agent) spoke in support of the application.

A statement was read out from Councillor Sutton (local member) in which she acknowledged that land behind this proposed application was allocated for housing in the delayed Local Plan which would increase the development curtilage of Coven.

The Team Manager explained that within the Green Belt 'limited infill' is permitted within a village ribbon development where special circumstances can be demonstrated.

Councillor Reade supported the recommendation for refusal.

Councillor Holmes believed the proposal would be an improvement and proposed a motion for approval.

Councillor Perry seconded the motion.

The motion was lost.

RESOLVED: that the application be REFUSED.

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MONTHLY UPDATE REPORT

The Committee received the report of the Lead Planning Manager informing the committee on key matters including training; changes that impact on National Policy; any recent appeal decisions; relevant planning enforcement cases (quarterly); and latest data produced by the Ministry of Housing Communities and Local Government.

RESOLVED: That the Committee note the update report.

The Meeting ended at: 20:30

CHAIRMAN

SOUTH STAFFORDSHIRE COUNCIL**PLANNING COMMITTEE – 20 June 2023****DETERMINATION OF PLANNING APPLICATIONS****REPORT OF DEVELOPMENT MANAGEMENT TEAM MANAGER****PART A – SUMMARY REPORT****1. SUMMARY OF PROPOSALS**

To determine the planning applications as set out in the attached Appendix.

2. RECOMMENDATIONS

2.1 That the planning applications be determined.

3. SUMMARY IMPACT ASSESSMENT

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	The reasons for the recommendation for each application addresses issued pertaining to the Council's Plan.
	Has an Equality Impact Assessment (EqIA) been completed?	
	No	Determination of individual planning applications so not applicable- see below for equalities comment.
SCRUTINY POWERS APPLICABLE	No	
KEY DECISION	No	
TARGET COMPLETION/ DELIVERY DATE	N/A	
FINANCIAL IMPACT	No	Unless otherwise stated in the Appendix, there are no direct financial implications arising from this report.
LEGAL ISSUES	Yes	Town and Country Planning Act 1990 Planning (Listed Buildings and Conservation Areas) Act 1990 Planning (Consequential Provisions) Act 1990 Planning (Hazardous Substances) Act 1990 Planning and Compensation Act 1991 Planning and Compulsory Purchase Act 2004

OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	Equality and HRA impacts set out below.
IMPACT ON SPECIFIC WARDS	Yes	As set out in Appendix

PART B – ADDITIONAL INFORMATION

4. INFORMATION

All relevant information is contained within the Appendix.

Advice to Applicants and the Public

The recommendations and reports of the Development Management Team Manager contained in this schedule may, on occasions, be changed or updated as a result of any additional information received by the Local Planning Authority between the time of its preparation and the appropriate meeting of the Authority.

Where updates have been received before the Planning Committee's meeting, a written summary of these is published generally by 5pm on the day before the Committee Meeting. Please note that verbal updates may still be made at the meeting itself.

With regard to the individual application reports set out in the Appendix then unless otherwise specifically stated in the individual report the following general statements will apply.

Unless otherwise stated any dimensions quoted in the reports on applications are scaled from the submitted plans or Ordnance Survey maps.

Equality Act Duty

Unless otherwise stated all matters reported are not considered to have any adverse impact on equalities and the public sector equality duty under section 149 of the Equality Act 2010 has been considered. Any impact for an individual application will be addressed as part of the individual officer report on that application.

Human Rights Implications

If an objection has been received to the application then the proposals set out in this report are considered to be compatible with the Human Rights Act 1998.

The recommendation to approve the application aims to secure the proper planning of the area in the public interest. The potential interference with rights under Article 8 and Article 1 of the First Protocol has been considered and the recommendation is considered to strike an appropriate balance between the interests of the applicant and those of the occupants of neighbouring property and is therefore proportionate. The issues arising have been considered in detail

in the report and it is considered that, on balance, the proposals comply with Core Strategy and are appropriate.

If the application is recommended for refusal then the proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The recommendation to refuse accords with the policies of the Core Strategy and the applicant has the right of appeal against this decision.

Consultations Undertaken

The results of consultations with interested parties, organisations, neighbours and Councillors are reported in each report in the Appendix.

CONSULTEES

CH – County Highways
CLBO – Conservation Officer
CPO – County Planning Officer
CPRE – Campaign to Protect Rural England
CPSO – County Property Services Officer
CA – County Archaeologist
CS – Civic Society
EA – Environment Agency
EHGS – Environmental Health Officer
ENGs – Engineer
FC – The Forestry Commission
HA – Highways Agency
LPM – Landscape Planning Manager
HENGs – Engineer
NE – Natural England
PC – Parish Council
OSS – Open Space Society
STW – Severn Trent Water
SWT – Staffordshire Wildlife Trust

5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

N/A

6. PREVIOUS MINUTES

Details if issue has been previously considered

7. BACKGROUND PAPERS

Background papers used in compiling the schedule of applications consist of:-

- (i) The individual planning application (which may include supplementary information supplied by or on behalf of the applicant) and representations received from persons or bodies consulted upon the application by the Local Planning Authority, and from members of the public and interested bodies, by the time of preparation of the schedule.
- (ii) The Town and Country Planning Act, 1990, as amended and related Acts, Orders and Regulations, the National Planning Policy Framework (NPPF), the Planning Practice Guidance Notes, any Circulars, Ministerial Statements and Policy Guidance published by or on behalf of the Secretary of State for the Department for Communities and Local Government.
- (iii) The Core Strategy for South Staffordshire adopted in December 2012 and Supplementary Planning Documents
- (iv) Relevant decisions of the Secretary of State in relation to planning appeals and relevant decisions of the courts.

These documents are available for inspection by Members or any member of the public and will remain available for a period of up to 4 years from the date of the meeting, during the normal office hours. Requests to see them should be made to our Customer Services Officers on 01902 696000 and arrangements will be made to comply with the request as soon as practicable. The Core Strategy and the individual planning applications can be viewed on our web site www.sstaffs.gov.uk

Report prepared by: Helen Benbow - Development Management Team Manager

App no	Applicant/Address	Parish and Ward Councillors	Recommendation	Page
22/00544/FUL MAJOR	Mercia Real Estate Units 50-62 Landywood Enterprise Park Holly Lane Great Wyrley Staffordshire WS6 6BD	Great Wyrley Councillor Ray Perry Councillor K Williams	APPROVE – Subject to conditions	11-45
23/00170/ADV NON MAJOR	Mr Rob Sharratt Wombourne Leisure Centre Ounsdale Road Wombourne Staffordshire WV5 8BH	Wombourne North Councillor M Perry Councillor B Bond Councillor D Kinsey	APPROVE – Subject to conditions	47-52

22/00544/FUL
MAJOR

Mercia Real Estate

GREAT WYRLEY
Councillor R Perry
Councillor K Williams

Units 50-62, Landywood Enterprise Park, Holly Lane, Great Wyrley, Staffordshire, WS6 6BD

Demolition of existing building and erection of new building for flexible B2/B8 use, with associated parking and loading areas.

1.1 SITE DESCRIPTION AND PLANNING HISTORY

- 1.1.1 The application site, which extends to 1.6ha, is located off Holly Lane, which is found towards the southern edge of the village of Great Wyrley. The rectangular shaped site forms part of the existing Landywood Enterprise Park and contains a variety of single and two storey flat and pitched roof buildings which join together to form one building mass. The site was originally developed within the 1980s, but has subsequently been subject to various extensions, resulting in the building now having a total footprint of 7,310 sq m. The buildings now contain a total of 10 units, which are occupied by a collection of existing industrial and commercial uses, although a number of units are currently unoccupied. In addition to the buildings, in the north eastern corner of the site there is a telephone mast, which although within the site area, is not to be impacted upon by the proposed development.
- 1.1.2 The existing buildings within the site have eaves levels of circa 5m to 5.5m, with there being a mixture of flat and pitched roofs, with ridge levels of circa 8m. The land levels within the site rise by approximately 2m from north to south.
- 1.1.3 The Spindles, a modern residential estate, is located adjacent to the site's northern boundary, with industrial development currently located to the southern and eastern boundaries. It should be noted however that the Local Planning Authority is currently considering an outline planning application for dwellings, with all matters reserved except access, to redevelop Loades Business Park, found adjacent to the site's eastern boundary, through the erection of up to 30 dwellings (reference 23/00093/OUT). Further to the south east of the site, approximately 200m distant, is Landywood Primary School. The western part of the application site is bounded by an operational railway line used by West Midland Trains, which links to Landywood Railway Station which is located to the north. Adjacent to the railway line, further west, are more residential properties.
- 1.1.4 Mature landscaping runs along the length of the western boundary providing a screen from the railway line and residential further afield. Landscaping is also present on the northern and eastern boundaries, with the southern boundary determined by palisade fencing to separate the application site and the adjoining existing industrial estate.

1.2 SITE HISTORY

00/01026/FUL – Siting of a mobile catering van – Approve – 18th October 2000.

96/00384 – Change of Use to Hot and Cold Eat In and Takeaway – Approve – 23rd July 1996.

84/00022 – Boilerhouse Stack and Silo Filter – Approve – 6th March 1984.

84/00150 – Residential Development – Approve – 19th June 1984.

79/00553 – Extension to existing factory to form store for raw materials and finished components – Approve – 24th July 1979.

77/01026 – Telephone room and revised boiler room – Approve – 1st November 1977.

1.3 PRE-APPLICATION ADVICE

1.3.1 No pre-application discussions have taken place.

2. APPLICATION DETAILS

2.1.1 The application proposes the demolition of all of the existing buildings within the site and the subsequent erection of one new building for flexible B2/B8 use, which will combine manufacturing/assembly with associated ancillary functions and the elements of storage (including ancillary office space at first floor), with associated parking and loading areas. The building is proposed to be potentially operational for 24 hours a day (dependent upon end user requirements, which are unknown currently given the speculative nature of the development) and have a floor space of up to 6130 sq m, with a ridge height of 12.5m and a haunch height of 10m.

2.1.2 Vehicular access into the proposed development site is to remain from the existing estate road to the south, which is accessed from Holly Lane. The unit is proposed to be served by a 35 to 40m deep service yard, providing vehicular circulation and manoeuvring routes, along with access to 2 level sectional overhead doors and 6 no. dock levellers. A total of 128 staff and visitor parking spaces are proposed to the east of the building, of which 4 are proposed to be allocated for use by the less abled and a further 4 spaces to be fitted with electric vehicle charging points. Within the dedicated parking area provision is also shown for 12 secure cycle spaces.

Background

2.1.3 The application was Screened under Schedule 2 Part 10 (a) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, given it constitutes an industrial development project, where the area of the development exceeds 0.5 hectare. It was considered that given the development is not in a sensitive area and does not exceed the relevant threshold, as set out in the Annex to the NPPG (4-057-20140306) that the effects on the environment are unlikely to be significant, when assessed against the criteria identified within Schedule 3. Therefore, an Environmental Impact Assessment, was not required in this instance.

2.2 Agent's Submission

2.2.1 The following documents have been submitted as part of the planning application:

- Air Quality Assessment
- Bat Survey
- Coal Technical Note
- Design & Access Statement
- DUSK EMERGENCE AND DAWN RE-ENTRY BAT SURVEYS
- Framework Travel Plan
- Geo-Environmental and Geo-Technical Report
- Noise Impact Assessment

- Planning Statement
- Preliminary Ecological Appraisal
- Transport Statement

3. POLICY

3.1 National Planning Policy

- National Planning Policy Framework
- National Planning Practice Guidance
- National Model Design Code
- National Policy for Waste
- National Design Guide
- Manual for Streets

3.2 Core Strategy Development Plan Document

- National Policy 1 - The Presumption in Favour of Sustainable Development
- Core Policy 1 - The Spatial Strategy for South Staffordshire
- Core Policy 2 - Protecting and Enhancing the Natural and Historic Environment
- Core Policy 3 - Sustainable Development and Climate Change
- Core Policy 4 - Promoting High Quality Design
- Core Policy 5 - Infrastructure Delivery
- Core Policy 7 - Employment and Economic Development
- Core Policy 11 - Sustainable Transport
- Core Policy 15 - Children and Young People
- EQ1 - Protecting, Enhancing and Expanding Natural Assets
- EQ2 - Cannock Chase Special Area of Conservation
- EQ3 - Conservation, Preservation and Protection of Heritage Assets
- EQ4 - Protecting and Enhancing the Character and Appearance of the Landscape
- EQ5 - Sustainable Resources and Energy Efficiency
- EQ6 – Renewable Energy
- EQ7 - Water Quality
- EQ8 - Waste
- EQ9 - Protecting Residential Amenity
- EQ11 - Wider Design Considerations
- EQ12 - Landscaping
- EQ13 - Development Contributions
- EV1 - Retention of Existing Employment Sites
- EV11 - Sustainable Travel
- EV12 - Parking Provision
- CS1 – Designing Out Crime
- Appendix 5: Car Parking Standards
- Appendix 6: Space About Dwellings Standards

3.3 Site Allocations Document

- Chapter 9 – Employment Land

3.4 Local Plan (2018-2038) (Preferred Options) (Emerging)

- DS3 – The Spatial Strategy to 2038
- HC9 - Design requirements
- HC10 - Protecting residential amenity
- HC12 – Parking Standards

- HC13 - Health and Wellbeing
- EC1 - Sustainable economic growth
- EC2 - Retention of employment sites
- EC3 - Inclusive Growth
- EC7 - Protecting community services and facilities
- EC10 - Developer Contributions
- EC11 - Sustainable Transport
- NB1 - Protecting, enhancing and expanding natural assets
- NB2 - Biodiversity
- NB3 - Cannock Chase SAC
- NB4 - Landscape Character
- NB5 - Renewable and low carbon energy generation
- NB6 - Energy and water efficiency, energy and heat hierarchies and renewable energy in new development
- NB7 - Managing flood risk, sustainable drainage systems & water quality
- NB9 - Conservation, preservation and protection of historic assets

3.5 **Supplementary Planning Documents**

- Cannock Chase SAC
- Design Guide
- Historic Environment and Character Assessment
- Sustainable Design
- Village Design Guide

3.6 **Other**

- The Town and Country Planning (Pre-commencement Conditions) Regulations 2018
- Environment (Principles and Governance) Act 2018
- Natural Environment and Rural Communities Act (2006)
- The Conservation (Natural Habitats, &c.) Regulations (1994)
- The Conservation of Habitats and Species Regulations (2017)
- Defra Net Gain Consultation Proposals (2018)
- The Wildlife and Countryside Act (as amended) 1981
- The Countryside and Rights of Way (CROW) Act 2000
- The Protection of Badgers Act 1992
- Staffordshire and Stoke on Trent Joint Waste Local Plan
- Providing for Journeys on Foot (2000)
- Water Framework Directive
- Natural England's approach to advising competent authorities on the assessment of road traffic emission under the Habitats Regulations (2018)
- Cannock Chase SAC – Planning Evidence Base Review (2017)
- European Site Conservation Objectives for Cannock Chase SAC (2014)
- Planning for Landscape Change – Staffordshire County Council (2000)
- 'A Hard Rain' – Staffordshire County Council's Corporate Climate Change Strategy (2005)
- Staffordshire County-wide Renewable/Low Carbon Energy Study (2010)
- Climate Change Act (2008)
- Air Quality Management Guidance (2014)
- Cannock Chase Area of Outstanding Natural Beauty (AONB) Partnership Planning - - - Protocol between Constituent Local Planning Authorities and the Cannock Chase - AONB Joint Committee (2019)

4. CONSULTATION RESPONSES

Councillor Ray Perry - No Response Received.

Councillor Kath Williams - No Response Received.

Great Wyrley Parish Council (received 07/07/2022) – Object. The proposal will have a detrimental effect on the amenity of nearby residents. The pollution, noise levels likely to emanate from this proposal will be untenable for all residents. The level of vehicle movements will not only affect the residents of Holly Lane, it will also affect all roads in the village leading to the site.

Natural England (received 05/07/2022) – No objection. The proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Historic Environment Officer Archaeology (received 30/07/2022) – No objection.

Staffordshire County Council Highways (received 04/07/2022) – No objection, subject to a condition requiring, prior to the commencement of development, the submission and approval of a Demolition and Construction Environment Management Plan. In addition, require prior to first use of the new unit, the cycle parking, access, car parking, servicing and turning areas, as shown on the submitted plans, to be appropriately laid out and erected and thereafter retained for the life of the development.

A contribution to be secured via a s106 agreement, of £7,000, is required to monitor the Travel Plan.

Coal Authority (received 04/04/2023) – No objection. The submitted Project Technical Note provides sufficient justification for the proposed layout. On the basis that the investigations will only be able to be carried out post-demolition of the buildings on-site, recommends conditions to secure the submission of appropriate remediation documentation and that the land has been made safe for development, prior to the commencement of development.

Previous Comments (received 05/07/2022) – Object. The application site falls within a Development High Risk Area. Therefore, within the application site and surrounding area, there are coal mining features and hazards, which need to be considered in relation to the determination of this planning application.

Whilst a Desk Study Report (April 2022, prepared by Applied Geology Ltd) accompanies the application, the applicant should be required to demonstrate the operational reasons as to why the proposed building is required to be where it is located, or whether the layout could be amended to avoid coal mining hazards. This information should be submitted alongside the Desk Study Report and should be considered prior to the determination of the planning application. In the event that any subsequent revised layout is submitted showing the buildings avoiding the mine entries, but within influencing distance of them, the details of a remediation strategy confirming how the buildings would be safeguarded in the long term, should be submitted.

NatureSpace Partnership Newt Officer (Staffordshire) (received 01/07/2022) – No objection. The development falls within the green impact risk zone for great crested newts, where there is moderate habitat and a low likelihood of great crested newt presence.

Senior Ecologist (received 31/01/2023) – No objection. The submitted air quality assessment and traffic reports demonstrate that the proposal would not result in significant air pollution or traffic generation such that an adverse effect on site integrity of nearby Special Areas of Conservation (SACs),

Ramsar sites, Sites of Special Scientific Interest (SSSI) or Local Nature Reserves (LNRs), could be reasonably anticipated.

Staffordshire County Council Ecologist (received 26/08/2022) – No objection. The submitted Bat emergence survey is acceptable. Recommends conditions to secure the installation of swift boxes within the development and a sensitive external lighting scheme.

Previous Comments (received 14/06/2022) – Object. The Preliminary Roost Assessment has indicated that there is a reasonable likelihood that bat roosts may be present in several buildings and one tree that would be negatively affected by the proposals. Therefore, requires the submission of a Bat Emergence Survey.

Severn Trent Water (received 21/06/2022) – No objection, subject to a condition requiring the submission and approval, prior to the commencement of development of suitable foul and surface water drainage plans

Notes that there may be a public sewer within or adjacent to the site and provides advice on building over or adjacent to such a feature.

Environment Agency (received 15/08/2022) – No objection. Notes that the site is located on the Pennine Middle Coal Measures Formation, which is designated a 'Secondary (A) Aquifer'. Glaciofluvial and Till Superficial deposits are also indicated, designated as 'Secondary Aquifers (Undifferentiated)'. The site is not located within a groundwater Source Protection Zone. There are no surface watercourses within 250m of the site and the nearest groundwater abstraction is approximately 1.3km East and is for process water purposes.

Considering the sensitivity of groundwater receptors at this location and environmental site setting, consider that controlled waters are of relatively low vulnerability. However, in view of previous and current land uses, agree to recommendations made within the applicant's Geo-Environmental Report that ground investigations should be undertaken to determine current site conditions with respect to any contamination that may be present. As such, recommend conditions are included on any planning permission, requiring the submission and approval prior to the commencement of development of a contaminated land remediation strategy and a requirement to pause development should any further contaminated not previously identified be located during the construction phase.

Staffordshire County Council Flood Risk Management Team (received 01/09/2022) – No objection, subject to a condition requiring the submission and approval, prior to the commencement of development of a suitable surface water drainage scheme.

Previous Comments (received 05/07/2022) – Object. A suitable Flood Risk Assessment (FRA) / Drainage Strategy is yet to be provided.

Staffordshire Fire and Rescue Service (received 16th June 2022) – No objection. Provide guidance on suitable design measures to limit fire risk.

Police Architectural Liaison Officer (received 01/07/2022) – No objection. Provides advice on measures to aid in designing to limit the potential for crime.

Environmental Health Protection (received 04/10/2022) – No objection.

Previous Comment (received 04/10/2022) – Object. The development will have a significant adverse noise impact upon the amenity of local residents. Notes that whilst the noise assessment identifies that fencing could mitigate noise from the site, there are 3 storey houses in the area that this will not address. In addition, noise from HGVs coming to and leaving the site cannot be mitigated against. It is acknowledged that this area is already busy and noisy due to on site activity and therefore, development should be adding to this and increasing disruption to local residents.

Conservation Officer (received 05/07/2022) – No objection.

Network Rail (received 14/06/2022) – No objection. Notes however that the proposal includes works within 10m of the railway boundary and therefore the applicant must submit a Risk Assessment and Method Statement (RAMS) for all works to be undertaken under the Construction (Design and Management) Regulations. A condition is requested to secure the submission and approval of this document, prior to the commencement of development. In addition, further conditions are recommended to require the submission, approval and implementation, prior to first use of the building of suitable trespass proof boundary fencing and drainage scheme along with details of construction methods, any scaffolding, excavation to be undertaken within 10m of network rail's boundary. Further information provided regarding stand off distances, landscaping scheme requirements, access needs, noise and car parking provision.

Staffordshire County Council Planning – No Response Received.

Local Plans – No Response Received.

Housing Strategy – No Response Received.

Development And Waste Management Unit – No Response Received.

Arboricultural Officer – No Response Received.

National Grid – No Response Received.

Badger Conservation Group – No Response Received.

Western Power Distribution – No Response Received.

Staffordshire Wildlife Trust – No Response Received.

Contributors

A site notice was posted on 21/06/2022. A total of 32 letters of objection have been received, which can be summarised as follows:

Residential Amenity

- HGV movements to the site, 24 hours a day, would cause noise nuisance and air pollution, adversely impacting upon the reasonable amenity of surrounding residents.
- The proposed use would generate significant levels of noise.
- The development would create light pollution.
- The demolition works would generate significant mess via dust and dirt, which will cover our properties, gardens, carpets and our house interior's.

- There are existing speed bumps along Holly Lane. Increased HGV movements over these features will generate additional noise pollution in the area.

Visual Impact

- Will the scale of the proposed building appropriately fit into the character of the surrounding built form?

Economic

- The loss of the existing industrial unit will result in the need to relocate the existing businesses that are located there, which will have large associated costs and impact upon their ability to remain financially viable.

Highway Safety

- The development would introduce significant levels of traffic, including HGV movements on a local highway network (particularly Holly Lane and Gorse Lane) that is already congested and incapable (due to their narrow width) of safely accommodating this uplift.
- Increased congestion will impact upon the punctuality of public transport.
- The vehicular access into and out of the site from Walsall Road onto Holly Lane, the mini roundabout and the narrow railway bridge are in no way suitable for HGVs.
- The uplift in HGV movement in the area could cause safety issues for the approximately 600 children attending Landwood Primary School.
- HGVs may also route past Cheslyn Hay Academy exacerbating congestion issues in this area.
- The roads within the area are already full of pot holes, which are likely to become worse from the HGV associated with this development.
- The uplift in vehicular movements will likely lead to damage to storm drains in the road that already flood in heavy rain.
- The air pollution generated by HGVs will impact upon children's health when they are playing within the school's playground.
- The HGVs will churn up highway verges surrounding the site.
- HGVs will not be able to safely use the surrounding highway network, due to existing on-street parking use.

Ecology

- The bat survey submitted with the application shows the presence of bat roosts in both the existing building and trees within the building zone. To continue with any proposal would carry serious consequences to these protected species.
- The green belt which runs adjacent to the proposed building and train line is an area of high importance for local wildlife and acts as a corridor to connect to the Wyrley and Essington Canal.
- The proposal falls within the Cannock Chase Special Area of Conservation (SAC) 15km zone of influence. There will be impacts associated with this proposal that can be linked to protective legislation the SAC carries.

Other Matters

- The development will devalue surrounding property.
- The increase in vehicular movements could, through vibration, damage surrounding property.

5. APPRAISAL

5.1 Key Issues

- Policy & Principle of Development
- Layout, Design & Appearance
- Access, Parking & Highway Safety
- Residential Amenity
- Sustainable Built Form
- Water Environment, Flood Risk & Drainage
- Ecology & Biodiversity
- Arboriculture
- Other matters
- Financial Considerations
- Human Rights

5.2 Policy & Principle of Development

- 5.2.1 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 for South Staffordshire District comprises the Core Strategy (2012-2028) and the Site Allocations Document (2012-2028). The Council's emerging Local Plan (2018-2038) is working towards consultation at the Regulation 19 stage. As such, whilst it has been the subject of public consultation, it is yet to be examined. Thus, the policies contained therein, carry some, albeit minimal material planning weight.
- 5.2.2 Core Policy 1 identifies Great Wyrley as a Main Service Village, a location where it is noted employment development shall be focused. The Policy continues to advise that *"Development proposals will be expected to make efficient use of land and prioritise the use of Previously Developed Land (brownfield land) in sustainable locations, provided it is not of high environmental value, whilst safeguarding the character of existing residential areas"*.
- 5.2.3 The explanatory text for Core Policy 1 states that *"The Council, working in partnership with businesses and local communities, will support measures to sustain and develop the local economy of South Staffordshire and encourage opportunities for inward investment and further economic development of the District"*. In addition, it is advised that *"The redevelopment and modernisation of existing sites for employment use will be supported"*.
- 5.2.4 Core Policy 7: Employment and Economic Development states *"In addition to the four freestanding strategic employment sites identified above, the focus for economic growth, development and investment will be on the Main Service Villages identified in the settlement hierarchy in Core Policy 1"*.
- 5.2.5 Inset Plan 44 of the Core Strategy 'Cheslyn Hay and Great Wyrley' confirms that Core Strategy Policy EV1: Retention of Existing Employment Sites refers to the application site. Policy EV1 states *"Sites and premises used and/or allocated for industrial or commercial purposes (B1 – B8) purposes will be safeguarded for that use"*. The Policy continues to advise that *"where redevelopment of employment land is acceptable, particular attention will be given towards ensuring the future viability of individual businesses (e.g. tenants of an estate or premises) that might be displaced"*.

- 5.2.6 The NPPF seeks to proactively drive and support sustainable economic development to deliver homes, business and industrial units and infrastructure. The NPPF outlines that a key component of delivering sustainable development is through Local Planning Authorities planning proactively to meet the development needs of businesses.
- 5.2.7 Paragraph 81 of the NPPF focuses on building a strong and competitive economy stating that the Government is committed to securing sustainable economic growth in order to create jobs and prosperity. The economic role is expanded upon through this Paragraph, stating that local authorities should take *“into account both local business needs and wider opportunities for development”*, whilst Paragraph 83 states that *“planning policies and decisions should recognise the specific locational requirements of different sectors... making provision for... storage and distribution operations at a variety of scales and in suitably accessible locations”*
- 5.2.8 Given the above local and national planning policy assessment, it is apparent that the broad principle of redeveloping an existing allocated employment site, is supported subject to a number of material planning considerations. These considerations are whether the site is of high environmental value, ensuring the proposed scheme safeguards the character of neighbouring residential areas, be that through design, highway safety impacts or amenity and finally, ensuring the future viability of businesses to be displaced due to the redevelopment scheme. The first two identified matters will be considered within the relevant sections of the below report, but the matter of viability impact to existing business, is to be considered as a principle of site’s redevelopment.
- 5.2.9 The applicant advises that there are lease agreements in place with the existing tenants, which describe the lease arrangements. Therefore, they will undertake commercial discussions directly with its tenants. The remaining existing tenants are aware of the proposed planning submission and the applicant will continue to work with tenants as required under the relevant lease agreements. The proposed development is designed for a single occupier to operate and therefore not suitable for smaller uses.
- 5.2.10 Whilst the above fails to define what measures are in place to safeguard the visibility of the existing occupants, it does evidence the realities of the site, namely that the lease agreements allow for such to be withdrawn, whilst the number of empty units within the building also demonstrates that there is little market interest in the site currently, primarily due to age and nature of the units available.
- 5.2.11 Given the above assessment, it is evident that the principle of redeveloping this site is acceptable, subject to adherence with wider consideration as detailed and therefore, the development in this regard is compliant with the requirements of the Development Plan and NPPF.
- 5.3 Layout, Design and Appearance
- 5.3.1 Policy EQ4 of the Core Strategy advises that *“the design and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings, and not have a detrimental effect on the immediate environment and on any important medium and long distance views”*. Core Policy 4 similarly seeks to promote high quality design, which respects and enhances local character and the distinctiveness of the natural and built environment. Policy EQ11 advises that new development should seek to achieve creative and sustainable designs that consider local character and distinctiveness, whilst having regard to matters of use, movement, form and space. Finally, the Council's Design Guide SPD amplifies the principles set out in Policy EQ11 of the Core Strategy.
- 5.3.2 The NPPF (Section 12) advises that *“good design is a key aspect of sustainable development, creates*

better places in which to live and work and helps make development acceptable to communities". The document continues to state that *"development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design".*

- 5.3.3 Paragraph 130 of the NPPF also attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area's defining characteristics, it states that developments should:
- function well and add to the overall quality of the area;
 - establish a strong sense of place;
 - respond to local character and history, and reflect local surroundings and materials;
 - create safe and accessible environments; and
 - be visually attractive as a result of good architecture and appropriate landscaping.
- 5.3.4 This site, being located to the northern edge Landywood Enterprise Park, will be somewhat screened from Holly Lane, by the other units that comprise the wider industrial estate. However, views of the eastern elevation of the proposed building are currently available, from Gorsey Lane, across the service yard of the neighbouring, Loades Business Park. In addition, notwithstanding the off-site landscaping belt that runs adjacent to the northern boundary of the site, on The Spindles, views, especially during the winter months, when the vegetation dies back, will also be available.
- 5.3.5 The proposed building in terms of floor plate, will offer a reduction when compared to the existing building of some 1,180 sq m. As a consequence, in floor plate terms, the structure becomes much more comparable with the neighbouring industrial units.
- 5.3.6 In terms of height, as noted above, the current buildings within the site have eaves heights of between 5m and 5.5m with a mixture of flat roofs and pitched roofs, with ridge levels of up to 8m. The proposed building has an eaves height of 10m and a height to ridge of 12.5m and therefore would increase the height of built form within the site by 3m to eaves and 4.5m to pitch. The applicant advises that the proposed scale of the building is defined by operational requirements and flexibility to accommodate the use classes applied for, having regard for the context of the setting of the development, its constraints and the Policy requirements. In terms of the built form surrounding the site, modern 2 storey dwellings, such as those on The Spindles, have a height to ridge of around 8m, which rises to approximately 9.5 m for the 2 ½ storey dwelling and up to 11m for the 3 storey structures. The industrial units elsewhere within the estate, immediately to the south are comparable in height to the site's existing building, with those on the Loades site being somewhat taller at appropriately 9 to 10m. As a consequence of this assessment, it is evident that the building proposed within this site will be somewhat taller than the surrounding built form. However, given the building will be set away from The Spindles, through the use of the existing and proposed landscaping belt, the increase in height, in built form terms would not appear unduly prominent within the resultant street scene, subject to ensuring suitable land levels are utilised for the building, so such is not raised up relative to these properties, a matter that is recommended to be addressed via the use of a condition. After careful consideration the visual impact is not considered to be out of context with the surroundings to a degree where refusal of the application could be justified given the local context.
- 5.3.7 The building has been sited near to the north western edge of the site, ensuring off street parking provision is located primarily to the east of the building. As a consequence, views of parked vehicles will be available from Gorsey Lane. To ensure such will not unduly detract from the appearance of the site, a robust landscaping scheme will be required to this boundary and the applicant has ensured there remains sufficient space within this area for such to be formed.

- 5.3.8 In terms of elevation detail, the rollers shutter doors, office elements, with large areas of glazing and profile cladding system add vertical emphasis, to break up the horizontal visual mass of each façade. The eastern elevation, which will be the most visible to the public street scene currently contains the office element of the scheme and the use of regularly spaced and extensive glazed areas adds interest to this elevation, whilst also offering overlooking and interaction with public areas. Whilst the overall design is not particularly innovative or of the highest quality, it does offer a marked visual improvement to the collection of buildings currently found within the site and is typical of modern, simple logistic structures.
- 5.3.9 Full specifications of the external materials proposed to be used in the construction of the unit are yet to be provided. The elevation plans, show the composite roof cladding system and a mixture of horizontal and vertical profile cladding panels (no colours defined beyond advice that such will be a neutral palette) for the walls. These materials are considered to be appropriate, in principle, to the nature of the development being proposed and will ensure the development's successful integration into the character of the surrounding Industrial Estate and wider area. A condition is however recommended to agree the exact colours and details to be used, prior to the commencement of development, to ensure a full and appropriate assessment of the final visual appearance of the unit can be made.
- 5.3.10 The block plan indicates a small variety of associated infrastructure to be erected within the site. This includes the gatehouse, proposed to be located adjacent to the site's southern boundary and a cycle store, the appearance of which are yet to be confirmed and as such, are recommended to be the subject of conditions, which secure the submission and approval of such.
- 5.3.11 Although the end users of the proposed building are yet to be confirmed, it is possible, due to health and safety requirements, that an external sprinkler water tank will be required. The location for this structure has not been indicated on the submitted plans and therefore no details of its appearance or any screening have been provided. To address this point, a condition to require the submission and approval of plant and screening measures is recommended to be included on the decision notice.
- 5.3.12 In terms of further ancillary structures likely to be required to facilitate this development, it is apparent that fencing details have been specified on the proposed block, with 2.4m high paladin fencing stated. In principle, this fence type is visually acceptable, as it far less of an overt security feature when compared to palisade fencing. However, no details of the colour of the fence are offered, whilst the location is simply shown to the edge of the site and therefore does not appear wholly exact. Furthermore, as indicated by the consultation response received from Network Rail they will need to assess this fencing when full manufacturer specification are available, to ensure it is trespass proof and therefore suitably protects their assets. A condition to require the submission of further fencing details, prior to first occupation of the unit is therefore recommended.
- 5.3.13 Finally, in order to protect the visual amenity of the site and surrounding area, a condition is recommended in order to prevent outside working and the storage of materials.
- 5.3.14 The design and appearance of the buildings and structures proposed throughout this site are, for the reasons given above, appropriate and therefore visually, the development complies with the requirements of the Development Plan and NPPF in this regard.

5.4 Access, Parking & Highway Safety

- 5.4.1 Paragraph 110 of the NPPF requires that consideration should be given to the opportunities for

sustainable transport modes, that safe and suitable access to a development site can be achieved for all people, and that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Paragraph 111 goes on to state that development should only be refused on transport grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development are severe.

- 5.4.2 Paragraph 105 of the NPPF seeks to ensure that developments which would generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
- 5.4.3 The proposed development is shown to be accessed through the site's existing point of access, from Holly Lane, a classified road, subject to a 30 mph speed limit.
- 5.4.4 The impact of the development on the local highway network and suitability of the continued use of the existing vehicular access, has been considered by the Highways Authority, who advise that given the nature of the development and that there have been no recorded vehicular accidents at this location, it was not necessary to assess any nearby junction, either the site access or offsite, to determine capacity matters. In addition, the retained vehicular access, is served by visibility splays that are appropriate and safe, to accommodate the proposed use of the site.

Off Street Car Parking

- 5.4.5 Appendix 5 of the Core Strategy provides guidance on the Council's off street car parking requirements for new development. For B2 development there is a minimum requirement of 1 space per 25 sq.m. up to 250 sq.m., then 1 space per 50 sq.m. (all gross floor space). For B8 development the minimum requirement is for 1 space per 80 sq m gross floor space.
- 5.4.6 The maximum requirement possible for this development therefore, given the above framework, would be if the entire building were used for B2 use. Assuming this were the case then, given the proposed floor area of 6,130 sq m, the need would be for 143 car parking spaces. The scheme proposes a parking provision of 128 spaces and therefore under delivers against the guidance. It should be noted however that Appendix 5 states that *"Where.. development proposals do not make provision to the relevant parking standard then negotiations can be entered into to see if these could be achieved or even a suitable compromise reached where public safety will not be prejudiced"*. Furthermore, it is noted that *"in central areas with good public transport links uses may require less parking provision than similar uses in rural areas without good public transport provision"*.
- 5.4.7 The application site, as discussed within the sustainable transport section of this report, is served by both nearby bus and train services, whilst there is also good pedestrian and cycle connectivity to the surrounding community. Given these points and the fact there is no objection from the Highways Authority on this matter, it is considered that the level of parking provision is sufficient to meet the future needs and demands of the development.
- 5.4.8 The parking bays within the site all comply in terms of scale, being a minimum of 2.4m wide, with a depth of 4.8 metres, with the specifications identified within the above noted Appendix and Manual for Streets Guidance.
- 5.4.9 Appendix 5 also provides advice regarding, where the provision of lorry parking spaces, stating that bay parking sizes should range from between 13.5m x 3.6m to 17.5m x 4.7m depending on the type of vehicles anticipated. In addition, it is advised that all new employment uses will be required to provide adequate maneuvering space, in accordance with standards. The lorry parking bays are

compliant with the above noted standard, whilst the servicing area has been tracked using an Articulated HGV (16.5m in length), demonstrating that such can be safely accommodated within the site.

- 5.4.10 Given the above assessment, it is evident the proposed parking provision, in terms of layout and design is acceptable. The condition recommended by the Highways Authority therefore, to require the provision of this area, along with the service yard, prior to the first use of the building, is considered reasonable and is recommended for use on the decision notice.

Electric Vehicle Charging

- 5.4.11 The abovementioned Appendix does not offer standards for EV parking, albeit Core Strategy Policy EV11 does recommend the incorporation, within new development of *“facilities for charging plug-in and other low emission vehicles”*.
- 5.4.12 The Council’s emerging Local Plan Policy HC13 (Parking Standards) includes a requirement, through Appendix I that within new industrial development, 20% of available spaces be fitted with a fast charge socket, plus a further 20% of available spaces to be provided with power supply to provide additional fast charge sockets. The scheme, through providing 4 EV charging spaces (3%) is wholly compliant with current standards. There is a large shortfall against the emerging standards, but this Policy currently has insufficient material planning weight, until the Plan is progressed, to require adherence. A condition is recommended however to ensure the delivery of the EV parking spaces, as proposed by the applicant, to ensure the timely delivery of this scheme benefit.

Cycle Parking

- 5.4.13 Core Strategy Policy EV11 requires that *“All proposals for development must include provision for sustainable forms of transport to access the site, and within the development”*. The Policy continues to recommend the inclusion, where appropriate, of suitable cycle parking facilities. Policy EV12 requires *“the provision of sufficient, safe, weatherproof, convenient and secure cycle parking within developments to assist in promoting cycle use”*.
- 5.4.14 Appendix 5 of the Core Strategy provides details of the number of cycle bays to be provided within a development. For a B2 land use this is detailed as 1 space per 500 sq.m. gross floor area and for B8 use, 1 space per 1,000 sq. m. gross floor area. Utilising the highest demand scenario needed, should the site be used solely for B2 use, the required cycle parking provision would be for 12 spaces. For B8 use of the site, this would drop to 6. The applicant has shown 12 spaces within their scheme, ensuring compliance with these standards. The site plan provided with the application shows these spaces to be provided near adjacent to the main office entrance into the building, which will aid in surveillance. However, exact details of the design of the shelter is yet to be provided and a condition is therefore recommended, to require the submission and agreement of their appearance, along with details of appropriate changing and shower facilities to be provided within the building, prior to the first use of the site. Such a condition is considered reasonable and necessary and as such, is recommended to be attached to the decision notice.

Sustainable Transport

- 5.4.15 A review of the trip generation anticipated by the proposed development was presented in the Transport Statement, which was based on trip rates extracted from the TRICS database. The trip rates used were considered acceptable and showed that the proposed development based on a B2 land use is forecast to generate 25 and 10 two-way trips for the respective peak hour periods (08:00 to

09:00 and 17:00 to 18:00). The proposed scheme based on a B8 land is forecast to generate 34 and 25 two-way trips for the respective peak hour periods. When the existing use of the site is considered, the net increase in vehicular movements amounts to 5 and 12 two-way trips in the respective peak hour periods, which equates to an additional vehicle every 12 and 5 minutes.

- 5.4.16 The nearest bus stops in relation to the site are located approximately 160m to the east of the site, on Gorse Lane, (a 2 minute walk). They comprise of a flag and pole and shelter stop and are served in both directions by one service (X51 Platinum), which provides access to Walsall Town Centre, Birmingham City Centre and Cannock Town Centre with a weekday service frequency of 20 minutes. The 71 service provides an additional level of service to Cannock and Wolverhampton with a frequency of service of 60 minutes. The Landywood Railway Station is located 1.3km north of the site and can be accessed via the network of roadside footways.
- 5.4.17 To ensure that the trips associated with the development are undertaken, as much as possible, via sustainable transport modes, a Travel Plan has been submitted with the application, which has been deemed acceptable by the Highways Authority. The document points out, given the sustainable location of the site, that there are many sustainable transport modes available to future site users, including employees, which includes the two bus stops, located immediately to the east of the site. To ensure that the requirements of the Travel Plan are realised, a condition is requested, along with a s106 contribution of £7,000, towards the monitoring of the document, both of which are deemed appropriate and are recommended to be secured within the aforementioned legal document and decision notice.
- 5.4.18 In terms of the other highway matter concerns raised by residents, specific to damage to road surface, safety of students attending local schools, conflict with future site users and parked vehicles on the surrounding highway network and impact on the punctuality of existing bus services, given the professional advice offered to the Council by the Highways Authority, whereby none of these matters have been raised as a concern sufficient enough in the planning balance to warrant the refusal of the application. However, given that the occupant of the unit is currently unknown and therefore, the potential routing of HGV movements associated with the scheme is unknown, a condition is recommended to secure these details, prior to the first use of the building. Such a condition will seek to limit any potential harm to the surrounding road network and residents through directing HGV traffic to the most suitable routes.
- 5.4.19 The development, subject to the abovementioned conditions and s106 contribution, will offer suitable vehicular and pedestrian access, sufficient car parking to meet the likely future demands of the site, whilst also offering appropriate alternative access to sustainable forms of transport and is therefore, compliant with the requirements of the Development Plan and the NPPF in this regard.

5.5 Residential Amenity

- 5.5.1 In accordance with Local Plan Policy EQ9, all development proposals should take into account the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight. The NPPF core planning principles include the requirement that planning should seek a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 174 advises that planning decisions should prevent “*new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability*”.

Noise

- 5.5.2 A Noise Impact Assessment document accompanies this application. The document primarily focusses on the impact of the development upon surrounding residents and concludes that existing noise levels at these dwellings are attributable to road traffic and the adjacent railway but with significant daytime noise from existing industrial and commercial activities on the enterprise park. Predicted noise levels for breakout from the proposed building are below existing levels of ambient noise and background noise that currently occur at the nearest dwellings on Loom Close and The Spindle.
- 5.5.3 Predicted noise levels for HGV activity within the service yard are below ambient and background sound levels on weekdays at the nearest dwellings to the west of the railway on Pendle Close and Weston Drive. Assessment in accordance with BS 4142 indicates that emission levels at the nearest residential facades for plant operation and building breakout would fall into the category of 'low impact' at all times, when compared against the lowest background sound levels for daytime and night time.
- 5.5.4 Assessment of vehicle movement indicates that, for the majority of time, this noise would achieve a condition of 'low impact' at the nearest dwellings. However, during periods of lower background levels at the weekend and during the night, this noise may fall into the category of adverse impact and control measures in the form of solid, and therefore acoustic fencing along the western boundary of the service yard would be required to mitigate noise impact from HGV movement during these periods. However, even with the mitigation measures in place, Rating Levels would just fall into the category of 'adverse impact' between approximately 01:00hrs and 04:00hrs. The potential for preventing HGV movements within the site between these times has been discussed with the applicant. They advise that they are unwilling accept a condition on this matter, as the market for industrial and storage and distribution use currently requires 24 hour operation. In addition, it is noted that there is no restriction on the existing operation of the site. This matter will be discussed further with the Council's Environmental Health Team, in order for additional detailed commentary to be provided to Members, through an Update Report, which will be issued prior to the committee meeting.
- 5.5.5 Assessment for external loading/unloading activity using fork lift trucks indicates that this has the greatest potential noise impact upon nearby dwellings. Screening measures along the western edge of the service yard would enable this activity to achieve a condition of 'low impact' during the day on weekdays and Saturday. Should fork lift operation occur at night or on Sunday, a condition of 'low impact' can only be achieved where the activity is carried out within the warehouse building.
- 5.5.6 The calculated sound levels for site activities at the nearest dwellings are within BS 8233 requirements for dwellings with windows open at all times of the day and night. The activities also readily achieve requirements for gardens.
- 5.5.7 Given the above assessment, the findings of the report indicate that, with appropriate control measures in place, the operation of the proposed new development would not have a significant noise impact upon the nearest dwellings located adjacent to the site.
- 5.5.8 Notwithstanding these findings, it is also noted that the site is currently used for modification of commercial vehicles and there is noticeable noise from HGV activity, manufacturing operations and plant. There are currently no restrictions, specific to hours of operation or activities, in terms of planning conditions in the existing site. Some of the noise generated by the proposed future use of the site will be comparable to the existing use and, consequently, the proposed new facility does not represent the introduction of a new noise source to this location. However, for the dwellings on Loom Close and The Spindles, which are most affected by the existing site use, there will be a

significant reduction in noise impact with the proposed new development, due to the change in activity and the positioning of the new building, which effectively forms a sound barrier to the sites activities.

- 5.5.9 The above assessment has been considered by the Council's Environmental Health Team, who offer no objection to the scheme. Given this response, it is considered that the development will have an acceptable noise impact upon the reasonable amenity of neighbouring residents, subject to securing the mitigation measures as identified, namely, the erection of the 3m high acoustic fence to the service yard, prevention in outside use of forklift trucks during darkness and the future site occupier's adoption of a noise management scheme. A condition to ensure therefore that the development is undertaken in accordance with this document is recommended.
- 5.5.10 As identified above, the LPA has recently received an application to develop the neighbouring Loades Business Park through the erection of 30 dwellings. Within the adopted SAD document, under Policy EV1 and the emerging Local Plan, under Policy SA7, this site is allocated for employment use. As such, it would be unreasonable to require this applicant to now have regard to the impact of this development upon the potential future amenity of residents within this proposed housing site. Rather, it will be for the applicant of the Loades development site to update their noise assessment, should Members approve this proposal, to consider the new noise environment with this proposal operational.
- 5.5.11 It is noted that currently no details of external plant have been submitted as part of this application, given that the exact end users are yet to be determined. As such, a condition to require the submission and approval of such features, given that they have the potential to generate a low level of noise, in addition to impacting upon the architectural integrity of the principle building, is considered to be reasonable and necessary and is therefore recommended.

Artificial Lighting

- 5.5.12 The applicant is yet to provide details of external lighting. Given the surrounding characteristics of the area, namely that the site sits surrounded by industrial and residential development, the levels of illumination and light spill will be such, so as to not impact upon the character of the area or upon passing motorists. However, to ensure the installation of an appropriate scheme, which will not impact upon the amenity of residents, or surrounding habitats (discussed further in the ecology section of this report), a condition is recommended.

Construction

- 5.5.13 In order to identify how issues such as noise, vibration, working hours and deliveries will be mitigated for during the construction process, a Construction Vehicle Management Plan is recommended to be secured via condition.

Air Quality

- 5.5.14 An Air Quality Assessment is included within the application. The document advises that through good practice and implementation of appropriate mitigation measures, it is expected that the release of dust, during the demolition and construction phase of development can be effectively controlled and mitigated (with all dust impacts considered to be temporary and short-term in nature), a matter recommended to be addressed, through the use of a Construction and Environment Management Plan condition. For the operational phase, a traffic screening assessment indicates that the impacts on air quality from traffic generation is considered to be not significant. The energy strategy for the

Proposed Development is proposed to be all electric, utilising zero emission technologies. As no combustion sources are proposed during normal operation, no local air quality impacts are anticipated and finally a baseline Site Suitability Assessment has been undertaken to assess the suitability of the Application Site for the proposed industrial use, which has determined no air quality issues will arise. As such, the overall impact of the proposed on existing air quality is considered to be not significant and therefore no mitigation measures are required.

Contaminated Land

- 5.5.15 Paragraph 184 of the National Planning Policy Framework states that *“where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or land owner”*.
- 5.5.16 A GeoEnvironmental and Geotechnical Desk Study Assessment accompanies the application. The report discusses the historic coal mining use of the site, along with considering its recent use for industrial purposes. The document concludes that there is considered to be a low to medium risk with regard to human health and Controlled Waters. Whilst contamination, ground gas, mine gas and hydrocarbon vapours may be present, given that most of the site is currently and will remain covered with a building and hardstanding, some of these risks are reduced. Further assessment by intrusive investigation is warranted to confirm the risks.
- 5.5.17 On the basis of the above assessment, the Environment Agency have recommended that a condition be used, to require the submission and approval, prior to the commencement of built form development within the site, of an intrusive contaminated land report. This is considered to be a reasonable and necessary condition and is therefore recommended for use within the decision notice.
- 5.5.18 In terms of the historic use of the site for Coal Mining, Paragraph 183 of the NPPF advises that *“Planning... decisions should ensure that; a site is suitable for its proposed use taking account of ground conditions any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment) arising from that remediation”*.
- 5.5.19 The Coal Authority’s information indicates that the application site lies in a ‘Development High Risk Area’, where historic unrecorded underground coal mining activity is likely to have taken place at shallow depth. The applicant has now submitted an appropriate Coal Mining Risk Assessment. The Assessment has been informed by an appropriate range of geological, historical and coal mining information.
- 5.5.20 The report considers that currently the potential presence of recorded and unrecorded workings cannot be discounted and therefore further investigation works are required.
- 5.5.21 Where a desk-based assessment cannot conclude with certainty the extent of the remedial measures required to address the coal mining risks identified at a site, the Coal Authority requires that in order for the site to be made safe and stable, ground stabilisation works should be carried out in the first instance, unless justification can be given why this cannot be undertaken. A foundation solution will only stabilise the building, not the ground beneath / within the site.
- 5.5.22 The ground stabilisation works will need to be designed and undertaken by a suitable qualified and experienced person to ensure that development, as a whole is made safe and stable.

- 5.5.23 Given the above, the conditions requested by the Coal Authority are recommended to be attached to the decision notice, to ensure the stability of the proposed development and amenity of future site users in this regard.

Loss of Light/Outlook

- 5.5.24 Appendix 6 of the Core Strategy sets out minimum separation distances between facing habitable room windows, towards flank walls and to private gardens. In addition, guidance is also provided regarding the prevention of loss of light to neighbouring property resulting from new development. The guidance continues to detail a minimum requirement of 21 metres between the habitable rooms of single storey dwellings over garden land and 15 metres between habitable rooms over public land, including streets, whilst the distance between black side walls and existing dwellings should be 13m.
- 5.5.25 The above noted separation requirements evidently relate to distances between residential properties, where, in this case, the proposed building is in to be either industrial use or used for storage and distribution. There are no specific separation distances for non-residential and residential uses. The distance, following the erection of the new building from its blank northern wall to the nearest neighbour to the north, on The Spindles, would be approximately 20 metres. The distances evidenced are therefore above those recommended for adjoining dwellings and as a consequence, it can be determined, through wider compliance with Policies within the Core Strategy, that no significant loss of light issues will arise. This distance is also considered sufficient to ensure no detrimental loss of outlook to residents from the front facing habitable rooms within these neighbour properties.
- 5.5.26 Overall, given the above assessment, it is considered that the proposals will not, for the reasons provided, have a detrimental impact on local residential amenity or future site users and as such, will accord with the Development Plan and the NPPF in this regard.

5.6 Sustainable Built Form

- 5.6.1 Paragraph 153 of the NPPF requires that new development should comply with local energy targets. NPPG advises that planning can help to increase the resilience to climate change through the location, mix and design of development. Core Strategy Policy EQ5 sets out the council's requirements in respect of carbon reduction targets and requires that major commercial and residential schemes should achieve respectively, BREEAM Excellent and Code for Sustainable Homes (CfSH) Level 6 from 2016.
- 5.6.2 The development, as detailed, would deliver an industrial unit with a floor area in excess of 1,000 sq m and therefore, as required by the above noted Policy, the scheme must achieve a BREEAM Excellent standard, in addition to reducing carbon emissions through incorporating low or zero carbon (LZC) energy generation systems, which deliver carbon reductions of 20%. A condition is recommended to secure this requirement and subject to the application and adherence with such, the development will comply with the requirements of the Development Plan and NPPF in this regard.

5.7 Water Environment, Flood Risk and Drainage

Flood Risk

- 5.7.1 The Site is shown to be at low risk (Flood Zone 1) and very low risk from fluvial and surface water flooding respectively. The Flood Risk Assessment submitted with this application therefore

concludes that the existing Site is at either very low or low risk of flooding from the sources assessed (fluvial, tidal; reservoirs, canals and other artificial sources; surface water, groundwater, and sewers).

- 5.7.2 The proposed development is for a Less Vulnerable use and as such, given the low flood risk classification, is deemed appropriate for this location, in accordance with the requirements of the NPPF.

Surface Water Drainage

- 5.7.3 Paragraph 169 of the NPPF requires that major development incorporate sustainable drainage systems unless there is clear evidence that such would be inappropriate. The FRA submitted with the application identifies that the existing surface water flood route through the site is generally shown as very low risk (i.e. each year it has a chance of flooding of between 1 in 100 and 1 in 1000). The surface water drainage risk associated with the site post development will be dependent upon the levels of impermeable material created during the development process and the mitigation measures to be installed. The mitigation measures proposed include the use of porous paving, and an Attenuation storage tank, which, it is proposed, will hold and release flows at a low level into the existing Severn Trent sewer system.
- 5.7.4 The acceptability of the surface water drainage proposals, in broad terms, have been considered by the Lead Local Flood Authority, who advise that they are suitable for the development. It is therefore advised that the mitigation measures outlined within the FRA be secured via a condition, along with full surface water drainage details.

Foul Drainage

- 5.7.5 Severn Trent Water is the main asset operator for both surface and foul water drainage in the vicinity of the Site.
- 5.7.6 Under the requirements of the Water Industry Act 1991, developers have the right to connect new development to foul water flows within public sewers. Thus, the onus is with Severn Trent to ensure capacity to accommodate this development. They advise therefore that when available full drainage details for the site be submitted to them for their approval. A condition to secure such is therefore recommended.
- 5.7.7 Given the above assessment, subject to the application of conditions, as recommended, the development is considered to comply with the requirements of the Development Plan and NPPF, in this regard.

5.8 Ecology & Biodiversity

Protected Species

- 5.8.1 The Wildlife and Countryside Act 1981 (as amended) covers the protection of a wide range of protected species and habitats and provides the legislative framework for the designation of Sites of Special Scientific Interest (SSSIs). The Conservation of Habitats and Species Regulations 2017 (as amended) implement two pieces of European law and provide for the designation and protection of 'Special Protection Areas' (SPAs) and 'Special Areas of Conservation' (SACs), together with the designation of 'European Protected Species', which include bats and great crested newts. The Natural Environment and Rural Communities Act 2006 (as amended) places a duty on local planning authorities to conserve and enhance biodiversity when carrying out their functions. Finally, The

Protection of Badgers Act 1992 consolidated existing legislation on the protection of badgers. This legislation is intended to prevent the persecution of badgers. The act protects both individual badgers and their setts.

- 5.8.2 A Preliminary Ecological Appraisal of the site was carried out in March 2022. The document assessed the potential of the site to support a range of European and nationally protected species, and searched for evidence of use by protected species. The protected species identified as having the potential to use the site were bats, badgers and hedgehogs (solely in a commuting capacity), and birds. The site is located within the Green Zone for potential Great Crested Newt use, as defined by the Council's District Newt license, and the risk of use of the site by GCN was considered to be negligible.
- 5.8.3 Three buildings within the site were considered to have roosting potential (B1a, B1b and B1c) due to the presence of features such as missing mortar, gaps within wooden soffits, lifted roof tiles, and gaps in the brickwork. In addition, a single tree (T1) was considered to have high potential to support roosting bats, due to the presence of one large dead limb with a rot hole. These buildings and the tree, were subject to targeted emergence and return surveys, undertaken during the period of May to June 2022.
- 5.8.4 The emergence and return surveys identified that whilst two bat species (common pipistrelle and noctule) crossed the site during the survey period, none entered or exited the buildings or tree. Further bat activity was limited to the tree line associated with the eastern boundary of the site or along the trees and shrubs located off site along the northern boundary.
- 5.8.5 The results of these surveys have informed the baseline starting position regarding protected species and habitats within the site. Both the County Council's and Council's own Ecologist have considered these reports and consider them to be sound.
- 5.8.6 The LPA is therefore in a position to demonstrate compliance with regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended), which places a duty on the planning authority when considering an application for planning permission, to have regard to its effects on European protected species.
- 5.8.7 Given the proposal will not directly impact upon a roost, a Natural England license will not be required, prior to undertaking any demolition works. However, given there is evidence of use of the site by protected species, mitigation measures are proposed by the applicant through the above-mentioned reports. During the operational phase, uncontrolled artificial lighting could sever commuting routes and off-site foraging areas. In order to avoid and mitigate for this impact, a sensitive lighting strategy will be designed (recommended to be secured via a condition), whilst it is recommended that the landscaping scheme proposed for the development include plants, which attract insects to allow for enhancement of foraging habitat for bats.
- 5.8.8 Whilst no mention of habitat harm avoidance measures are discussed for during the construction phase of development, it is reasonable and necessary for lighting to be controlled by a Construction Environmental Management Plan (CEMP) or similar. The CEMP, which is recommended to be secured via a condition, will include restrictions on working hours and security lighting, which will have to be minimised in extent, and directed downward and away from boundary features.
- 5.8.9 The Preliminary Ecological Appraisal (PEA) also noted that the site was being utilised by a number of bird species. To address any harm to the various species arising as a consequence of the development, the Council's Ecologist has recommended that 3 swift boxes be introduced into the site.

Such is an appropriate form of mitigation, with exact details recommended to be secured via the use of a condition. Lastly, given the site's usage by birds a recommendation of the PEA is that any vegetation and building works occurs outside of the bird nesting season (March – September) or be checked for nesting birds beforehand by an ecologist. It is recommended that this matter be addressed through a condition requiring the development to be undertaken in accordance with the requirements of this document.

- 5.8.10 Subject to the application, discharge and adherence to the conditions as noted above, the development can be considered as having an acceptable impact upon protected species and their habitat and therefore is compliant with the requirements of the above noted legislation, Development Plan and NPPF in this regard.

Biodiversity

- 5.8.11 To comply with the guidance contained within Paragraphs 9, 108 and 118 of the NPPF and the Council's enhanced biodiversity duty as defined under section 40 of the NERC Act 2006 (as amended), new development must demonstrate that it will not result in the loss of any biodiversity value of the site.
- 5.8.12 Due to the Local Planning Authorities obligation to *"reflect and where appropriate promote relevant internal obligations and statutory requirements"* (Paragraph 2 of NPPF) and the requirement, under paragraph 174 of the NPPF, for planning decisions to minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures (along with the Environment Act); the applicant must display a net gain to biodiversity value, through development, as per the requirements of the EU Biodiversity Strategy 2020. Furthermore, Paragraph 180 of the NPPF, requires that *"opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity"*.
- 5.8.13 The PEA submitted with this application does not include a Biodiversity Metric and therefore no formal evidence to demonstrate that the development will secure an uplift in the site's biodiversity value is provided. However, neither Ecology Officer has raised this as a concern in this case, given the majority of the site to be developed comprises hardstanding, with only small areas of amenity grassland and scrub, limited solely to the edges of the site. Thus, it is reasonable in this case, to determine that the introduction of an enhanced landscaping scheme within the site, coupled with the retention of the boundary planting will ensure an uplift in the site's value and therefore, adherence with the requirements of the abovementioned policies within legislation, the Development Plan and NPPF.

Impact on Special Areas of Conservation

- 5.8.14 Paragraph 182 of the NPPF advises that *"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 has concluded that the plan or project will not adversely affect the integrity of the habitats site"*.
- 5.8.15 The application site is also located approximately 3.07km, west from the Cannock Chase Extension Canal SAC. The Cannock Chase SAC (CCSAC) is located approximately 8km to the north.
- 5.8.16 The Government's advice as set out in the 'Habitats regulations assessments: protecting a European site' is that when checking whether a proposal could impact upon a protected site is *"You only need to*

carry out an HRA if the proposal might affect a European site. The effect of your proposal may depend on its location. It could be:

- *on the site*
- *near the site*
- *some distance away, for example by causing air, water or noise pollution or affecting a feeding area used by one of the site's designated species".*

The advice continues to advise that *"You can check if there's an impact risk zone (IRZ) around a protected site. This will help you assess if a proposal might affect a site".* IRZ's are detailed on DEFRA's Magic Map dataset. It is acknowledged that IRZs within this dataset are specifically for Sites of Special Scientific Interest (SSSI), albeit they do include occasional data specific SACs etc, so they are a useful guide, but not absolute. However, given Government advice on this matter, as quoted above, they are a useful way to determine an initial Zone of Influence (Zoi), for which to undertake an assessment within, to consider a proposed development's impact upon a protected site. Beyond this broad-brush approach however, there is a more detailed consideration of Source, Pathway and Receptor for which regard must be had.

- 5.8.17 The Zoi for both of the abovementioned SACs, as shown on the Magic Maps dataset, cover both of these sites. In terms of the CCSAC, the Zoi extends to 15km, due to recreational impact. Given this development does not involve the creation of any residential units, the LPA as the Competent Authority on this matter, can determine no harm will arise prior to the screening process. In terms of other harm arising, the site lies beyond the notational 5km IRZ noted above and as evidenced by the Air Quality Assessment, will not generate significant air pollutants, nor, as evidenced by the Transport Assessment result in more than 1,000 additional vehicular movements past this SAC (Natural England's (2018) guidance states that the three HRA Screening thresholds for requiring an Appropriate Assessment are 1,000 Annual Average Daily Traffic movements, 1% increase in critical load/level or 200 HGV movements in 24 hours), which would result in the need for further consideration of NOx deposition matters. The site does however fall well within the Zoi of the Cannock Extension Canal SAC and therefore Screening of the development's impact upon this habitat is required.
- 5.8.18 The Cannock Extension Canal SAC is protected, as it is an example of anthropogenic, lowland habitat supporting floating water-plantain (*Luronium natans*) at the eastern limit of the plant's natural distribution in England. A very large population of the species occurs in the Canal, which has a diverse aquatic flora and rich dragonfly fauna, indicative of good water quality. The low volume of boat traffic on this terminal branch of the Wyrley and Essington Canal has allowed open-water plants, including floating water-plantain, to flourish, while depressing the growth of emergent flora. The site and the protected flora within it are susceptible to changes in pH levels, which will have an adverse impact upon the site's reason for designation.
- 5.8.19 The application proposes the redevelopment of a Brownfield site, through the erection a B2/B8 industrial warehouse. Drainage from the scheme will utilise existing facilities, which are routed away from the SAC. The development therefore is not considered to result in a negative impact (either alone or in-combination with other plans) to this SAC in nutrient neutrality terms. In addition, as discussed above, the proposed scheme, based on a B8 land use, is forecast to generate a net increase of 5 and 12 two-way trips in the respective peak hour periods and therefore is well below the levels identified for an Appropriate Assessment to be required. Therefore, no mitigation or further action is required in this regard, a conclusion shared by the Council's Ecologist.

5.9 Arboriculture

- 5.9.1 Paragraph 175 of the NPPF advises that permission should be refused for development resulting in the loss of aged or veteran trees, unless the benefits of the development outweigh the harm. Strategic Objective 3 and 4 seek to protect, conserve and enhance the District's natural environment, whilst Policy EQ4 states that *"The intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Trees, veteran trees, woodland, ancient woodland and hedgerows should be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved"*.
- 5.9.2 The Tree Survey submitted with this application, identifies that there are a total of 30 trees within the site, located adjacent to the site's eastern and northern boundaries. In addition, an off-site woodland belt runs adjacent to the railway line, along the site's western boundary. None of the trees are protected by either a formal protection order or by virtue of their siting within a Conservation area.
- 5.9.3 The Survey identifies that there are no Category A trees present, 5 Category B trees, 13 Category C trees and 12 Category U trees. The Category U tree are scheduled to be felled, or removed due to their poor condition, being dead or structurally dangerous and unsuitable for retention.
- 5.9.4 Under the British Standards, Category B trees are defined as 'Trees of moderate quality with an estimated remaining life expectancy of at least 20 years' and C, as 'Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories'.
- 5.9.5 All of the Category B and C trees are shown to be retained as part of the redevelopment process. Given existing hardstanding areas adjacent to the trees will continue to be utilised for future parking provision, no new impact upon the root protection areas will be required to facilitate the development. A condition is however recommended to ensure the submission and approval, prior to the commencement of development of suitable fencing to protect these trees and to prevent the storage of building materials within any root plate.
- 5.9.6 The soft landscaping proposals submitted with the application, identify general areas and species that could be introduced within the peripheral site locations, in order to enhance and boost the existing landscaped areas. No specific details of the number of trees or shrubs to planted and the standard type or management post planting are currently offered and as such, a condition is recommended to order to ensure the submission of this necessary information.
- 5.9.7 Subject to the conditions as detailed above, the development will have an acceptable arboriculture impact upon the site and as such, will comply with the relevant requirements of the Development Plan and NPPF, in this regard.
- 5.10 Other Issues
- 5.10.1 Of the matters raised by residents yet to be addressed within the report it is apparent that matters relating to loss in value of property are not a material planning consideration and as such cannot be weighed in the planning balance when determining the acceptability of this development.
- 5.10.2 The consultation responses received from the Police Architectural Liaison Officer and Fire Safety Officer are noted and the details contained therein are recommended to be passed to the applicant, through the use of appropriately worded informatives. In terms of the matters raised by Network Rail, relating to the safe on-going operation of the rail network, the conditions as recommended are all considered to be reasonable and necessary and are therefore recommended to be included within the decision notice.

- 5.10.3 The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires Local Planning Authorities to agree with the applicant, the text of any pre-commencement conditions, prior to the determination of any application. To that end, the pre-commencement conditions detailed within this report, have been agreed in discussion with the applicants' agent.

6. FINANCIAL CONSIDERATIONS

- 6.1 The development would give rise to several economic benefits. For example, the development would ultimately lead to the creation of new direct (exact details of such not available currently given the speculative nature of the development) and indirect jobs, through supply chain benefits and new expenditure introduced to the local economy. In addition, the development will deliver direct construction jobs, including supply chain related benefits and relevant deductions, whilst once occupied, the site would generate appropriate Business Rates.

7. HUMAN RIGHTS

- 7.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report in having regard to the representations received and, on balance, is justified and proportionate in relation to the provisions of the policies of the development plan and national planning policy.

8. CONCLUSIONS

- 8.1 The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the application.

The proposed development is considered acceptable in principle, whilst there would be no material harm to neighbouring amenity some positive benefit to the street scene. The development also raises no material concerns in relation to parking or highway safety, whilst offering significant investment into the ongoing employment use of the site. The proposal is therefore considered compliant with both national and local planning policy and associated guidance.

9. RECOMMENDATION

(1) Subject to the owners/applicants first entering into a Section 106 agreement under the Town and Country Planning Act (as amended), to secure contributions/planning obligations towards:-

1. Framework Travel Plan Monitoring Fee of £7,000.

(2) If the S106 is not signed/completed by the 23rd June 2024 or the expiration of any further agreed extension of time, then powers be delegated to officers to refuse planning permission based on the unacceptability of the development without the required contributions and undertakings as outlined in the report.

Approve subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development shall be carried out in accordance with the approved drawings:

21-116-PL-01 Location Plan
21-116-PL-02 Existing Site Plan
21-116-PL-04C Proposed Site Plan
21-116-PL-05A Proposed Floor Plans and Sections
21-116-PL-06A Proposed Elevations
21-116-PL-07B Proposed Site Sections
22-38-03 Soft Landscaping Proposals

CONDITIONS to be complied with PRIOR to the commencement of development hereby approved:

3. Prior to the commencement of development, including demolition, a Construction Management Plan shall be submitted to, and approved in writing by the Local Planning Authority. The Management Plan shall:
 - i) Specify details of the site compound, including arrangements for the parking of site operatives and visitors;
 - ii) Specify details of the construction access;
 - iii) Specify the delivery and construction working times;
 - iv) Specify the types of vehicles to be used;
 - v) Specify the location, type and hours of use of any artificial lighting;
 - vi) Specify noise, air quality and dust control;
 - vii) Details the management and routing of construction traffic;
 - viii) Provide for the parking of vehicles of site operatives and visitors and wheel washing facilities;
 - ix) Provide for the loading and unloading of plant and materials;
 - x) Provide for the storage of plant and materials used in constructing the development; and
 - xi) Provide satisfactory arrangements for the control of surface water during the construction period, prior to the formation of the approved SUDs.

The development shall thereafter be carried out in accordance with the approved details, which shall be adhered to throughout the demolition and construction period.

4. Prior to the commencement of the development, excluding demolition and groundworks, details of the type and exact location of biodiversity enhancement measures, including 1 group of 3 number swift boxes on or integrated into north or east facing elevation of the new building shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to first use of the building and retained as such thereafter for the life of the development.
5. Prior to the commencement of development, excluding demolition and groundworks, full details, shall be submitted to and approved in writing by the Local Planning authority of;
 - a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

6. Prior to the commencement of development, excluding demolition and groundworks, full details of a scheme of foul and surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall thereafter be provided before the first use of the development.
7. Prior to the commencement of development, including demolition, details of protective fencing and other protective measures (to British Standard 5837), to safeguard existing trees and/or hedgerows on the site, as shown to be retained within the Tree Survey, produced by bea landscape design ltd, reference 2238 / TGW / TR001, dated 28th March 2022, shall be submitted to and approved in writing by the Local Planning Authority. The fencing and measures so approved shall be erected prior to the commencement of development, including demolition, and thereafter retained for the duration of construction (including any site clearance works). No fires, excavation, change in levels, storage of materials, vehicles or plant, cement or cement mixing, discharge of liquids, site facilities or passage of vehicles, plant or pedestrians, shall occur within the protected areas. The approved scheme shall be kept in place until all parts of the development have been completed, and all equipment; machinery and surplus materials have been removed. Any trees that are damaged or lost during a two year period, starting from the date of commencement, due to a failure of required tree protection measures shall be replaced in the following planting season. The species, size, nursery stock type and location of such replacements, shall be first submitted to and approved in writing by the Local Planning Authority.
8. Prior to the commencement of development, excluding demolition and groundworks, full details of a remediation strategy to deal with the risks associated with contamination of the site, shall be submitted to and approved in writing by the Local Planning Authority. This strategy will include the following components:
 - i. A site investigation scheme in areas of the site where new structures are proposed to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 - ii. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - iii. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (ii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

9. Prior to the commencement of development, excluding demolition, a remediation strategy to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy will include the following components:

- i. A site investigation scheme in areas of the site where new structures are proposed to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- ii. The results of the site investigation and the detailed risk assessment referred to in (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iii. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the will written consent of the local planning authority. The scheme shall be implemented as approved.

10. Prior to the commencement of development, including demolition, a method statement and risk assessment, specific to impact upon the neighbouring rail network, shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Network Rail) for review and agreement prior to works commencing on site. The development shall thereafter be undertaken in accordance with the approved document.
11. Prior to the commencement of development, including demolition, a demolition methodology statement (including mitigation measures) shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Network Rail). The demolition methodology statement strategy shall be implemented in full throughout the demolition period.
12. Prior to the commencement of the development, excluding demolition, full details of proposed ground levels, earthworks and excavations to be carried out shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Network Rail). The development shall thereafter be undertaken in accordance with the approved details.

CONDITIONS to be complied with PRIOR to the first use of the development hereby approved:

13. Prior to their first use, full details of all external materials to be used to construct buildings within the site shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details and thereafter be retained as such for the life of the development.
14. Prior to the first use of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall thereafter be planted within the first planting season (October – March inclusive) following the first use of the building.
15. Prior to first use of the development hereby approved, the parking, servicing and turning areas as shown on approved plan, reference 21-116-PL-04 Revision C, shall be provided in a bound porous material and be sustainably drained, with the individual bays clearly delineated. The Active Electric Vehicle Charging Points and passive infrastructure, shall be installed, prior to the first use of the site, to serve the identified parking spaces and thereafter, the parking, EV Charging, servicing turning areas shall be retained for their designated purposes, for the life of the development.
16. Prior to the first use of the development hereby approved, full details of the safe, secure and weatherproof cycle parking facilities for staff and visitors (providing a minimum of 12 spaces), in the

location as shown on approved plan, reference 21-116-PL-04 Revision C, and shower/ locker/ changing facilities for staff, shall first be submitted to and approved in writing by the Local Planning Authority. The cycle parking and shower/ locker/ changing facilities shall be constructed in accordance with the approved details, prior to the first use of the site and thereafter shall be retained for the life of the development.

17. Prior to the first use of the development hereby approved, full details of the erection and operation of any proposed external lighting, including full details of the means of illumination and design of the lighting systems, shall be submitted to and approved in writing by the Local Planning Authority. The means of external lighting shall thereafter be implemented and installed, prior to the first use of the building, in accordance with the approved details and shall not thereafter be amended or altered without the prior written approval on application to the Local Planning Authority.
18. Prior to the first use of the development hereby approved, details of boundary treatments, to include vehicle safety protection measures along the boundary with the railway and the solid barrier acoustic fencing to the western boundary of the service yard, shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments and vehicle safety protection measures shall be erected prior to the first use of the building and thereafter be retained for the life of the development.
19. Prior to the first use of the development hereby approved a Vehicular Routing Management Plan to determine details of the management and routing of all HGV movements to and from the approved unit, shall be submitted to and agreed in writing by the Local Planning Authority. The business operating from the approved unit shall thereafter operate in accordance with the approved details for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

All other Conditions:

20. Prior to the first use of any external plant or water storage tanks, details, including the location thereof of these machines and structures and any associated enclosures, shall be submitted to and approved in writing by the Local Planning Authority along with full details of any noise mitigation measures to be implemented in conjunction with such. Any approved mitigation or enclosure shall be installed prior to the first use of the plant or water tank and shall thereafter be maintained for the life of the development.
21. Prior to the construction of the gatehouse, details of its scale, appearance and materials, shall be submitted to and approved in writing by the Local Planning Authority. The gatehouse so approved shall thereafter be erected in accordance with the approved details.
22. Before erecting any scaffold within 10 metres of a boundary of the railway line, a method statement, including details of measures to be taken to prevent construction materials from the development reaching the railway (including protective fencing) shall be submitted and approved in writing by the Local Planning Authority. The approved measures shall be retained in place throughout the construction phase of the development.
23. Before undertaking any vibro-impact works or piling on site, a risk assessment and method statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved measures.
24. Within 6 weeks of the completion of the shell and core works of each unit, a certificate of compliance from an accredited assessor confirming that the unit has achieved the required BREEAM (2018) rating

of Excellent, shall be submitted to and approved in writing by the Local Planning Authority. In addition, at this time the applicant shall also demonstrate how carbon emissions have been reduced by 20%, through incorporating low or zero carbon (LZC) energy generation systems within the development.

25. The development hereby approved shall be carried out in strict accordance with the methods of working, which are detailed in the Preliminary Ecological Appraisal produced by Middlemarch report number RT-MME-156933-01 dated March 2022.
26. Any tree, hedge or shrub planted as part of the approved landscape and planting scheme (or replacement tree/hedge) on the site, which dies or is lost through any cause during a period of 5 years from the date of first planting, shall be replaced in the next planting season with others of the same or similar size and species.
27. No materials, plant or machinery of any kind, shall be stacked or deposited in the open within the curtilage of the site.
28. All industrial, workshop or manufacturing processes shall be carried out within the approved buildings and no such works shall be carried out in the open.
29. The development hereby approved shall be carried out in complete accordance with recommendations, measures and timescales identified within the approved Travel Plan, produced by Mode Transport Planning, reference 326417 dated April 2022.
30. If during the course of development hitherto unknown sources of contamination are identified, then the development shall stop and a revised contamination report shall be submitted to and approved in writing by the Local Planning Authority. The report shall identify any contamination on the site, the subsequent remediation works considered necessary to render the contamination harmless and the methodology used. The approved remediation scheme shall thereafter be completed and a validation report submitted to and approved in writing by the Local Planning Authority within 1 month of the approved remediation being completed, to ensure that all contaminated land issues on the site have been adequately addressed prior to the first use of any part of the development.
31. The development hereby approved shall be shall be operated in complete accordance with recommendations and measures as identified within the Noise Impact Assessment, produced by Hoare Lea, Revision 2, dated 7th March 2022.
32. The buildings hereby approved shall be used only for purposes within Class B2 and B8 of the Schedule to The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or any provision equivalent to that Class in any statutory instrument revoking and re_enacting that Order with or without modification) and for no other purposes.

Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy EQ11 and Core Policy 4 of the Local Plan Strategy and the National Planning Practice Guidance.

3. In the interests of highway safety, to ensure the free flow of traffic on the local highway network, to reduce the risk of surface water flooding, to safeguard protected species and their habitat, to safeguard the railway and its boundary from demolition machinery and dust and debris and to protect the amenity of existing and future residents, in accordance with the requirements of Core Policy 2 and Policies EQ1, EQ9, EQ11 and EV11 of the Core Strategy, the Sustainable Design Supplementary Planning Documents and the National Planning Policy Framework.
4. In order to deliver biodiversity enhancements as part of the development, in accordance with the requirements of Core Policy 2 and Policies EQ1 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
5. To ensure the protection of Controlled Water Receptors, to ensure remedial works where required are completed to a satisfactory standard to safeguard future site users amenity, in accordance with the requirements of Core Policy 2 and Policies EQ9 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document, the National Planning Policy Framework and Water Framework Directive.
6. To ensure the provision of satisfactory means of drainage to serve the development, to reduce the risk of creating or exacerbating flooding problems, to minimise the risk of pollution, to protect the safe operation of the railway network and to ensure that sustainability and environmental objectives are met, in accordance with provisions of Core Policies 3 and 4 of the Core Strategy and the National Planning Policy Framework
7. To ensure the high quality form and appearance of the development, protect the amenity of neighbouring residents and to protect the natural habitat, in accordance with the requirements of Core Policies 2 and 3 and Policies EQ1, EQ9, EQ11 and EQ12 of the Core Strategy, the Design Guide and Sustainable Design Supplementary Planning Documents, the National Model Design Code and the National Planning Policy Framework.
8. To ensure the protection of Controlled Water Receptors, to ensure remedial works where required are completed to a satisfactory standard to safeguard future residential amenity, in accordance with the requirements of Core Policy 2 and Policies EQ9 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document, the National Planning Policy Framework and Water Framework Directive.
9. To ensure that the development does not contribute to and is not put at unacceptable risk from or is adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site, in accordance with the requirements of Core Policy 2 and Policies EQ9 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document, the National Planning Policy Framework and Water Framework Directive.
10. In the interests of the safe operation of the railway network, in accordance with guidance contained within the National Planning Policy Framework.
11. In the interests of the safe operation of the railway network, in accordance with guidance contained within the National Planning Policy Framework.
12. To safeguard the character and appearance of the development and surrounding area, protect the reasonable amenity of neighbouring residents and in the interests of the safe operation of the railway network, in accordance with the requirements of Core Policy 2 and Policies EQ9 and EQ11 of the Core

Strategy, the Design Guide, Sustainable Design and Village Design Guide Supplementary Planning Documents and the National Planning Policy Framework.

13. To safeguard the character and appearance of the development and surrounding area in accordance with the requirements of Core Policy 2 and Policy EQ11 of the Core Strategy, the Design Guide, Sustainable Design and Village Design Guide Supplementary Planning Documents and the National Planning Policy Framework.
14. To ensure the high quality form and appearance of the development and to protect and enhance the natural habitat, in accordance with the requirements of Core Policies 2 and 3 and Policies EQ1, EQ9, EQ11 and EQ12 of the Core Strategy, the Design Guide and Sustainable Design Supplementary Planning Documents, the National Model Design Code and the National Planning Policy Framework.
15. In the interests of highway safety, to promote more sustainable modes of transportation, to ensure the delivery of sustainable drainage and to protect the amenity of existing residents, in accordance with the requirements of Core Policy 2 and Policies EQ1, EQ9, EQ11 and EV11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
16. To promote the use of sustainable modes of transportation in accordance with the requirements of Core Policy 2 and Policies EQ11 and EV11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
17. To ensure the satisfactory appearance of the development, to safeguard protected species and their habitat and to safeguard the amenity of existing residents, in accordance with the requirements of Core Policy 2 and Policies EQ1, EQ9 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Documents and the National Planning Policy Framework.
18. To safeguard the character and appearance of the development and surrounding area, to protect the amenity of existing residents and in the interests of the safe operation of the railway network, in accordance with the requirements of Core Policy 2 and Policy EQ11 of the Core Strategy, the Design Guide, Sustainable Design and Village Design Guide Supplementary Planning Documents and the National Planning Policy Framework.
19. In the interests of highway safety and to protect the amenity of existing residents, in accordance with the requirements of Core Policy 2 and Policies EQ1, EQ9, EQ11 and EV11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
20. To safeguard the character and appearance of the development and surrounding area and protect the reasonable amenity of neighbouring residents, in accordance with the requirements of Core Policy 2 and Policies EQ9 and EQ11 of the Core Strategy, the Design Guide, Sustainable Design and Village Design Guide Supplementary Planning Documents and the National Planning Policy Framework.
21. To safeguard the character and appearance of the development and surrounding area in accordance with the requirements of Core Policy 2 and Policy EQ11 of the Core Strategy, the Design Guide, Sustainable Design and Village Design Guide Supplementary Planning Documents and the National Planning Policy Framework.
22. In the interests of the safe operation of the railway network, in accordance with guidance contained within the National Planning Policy Framework.

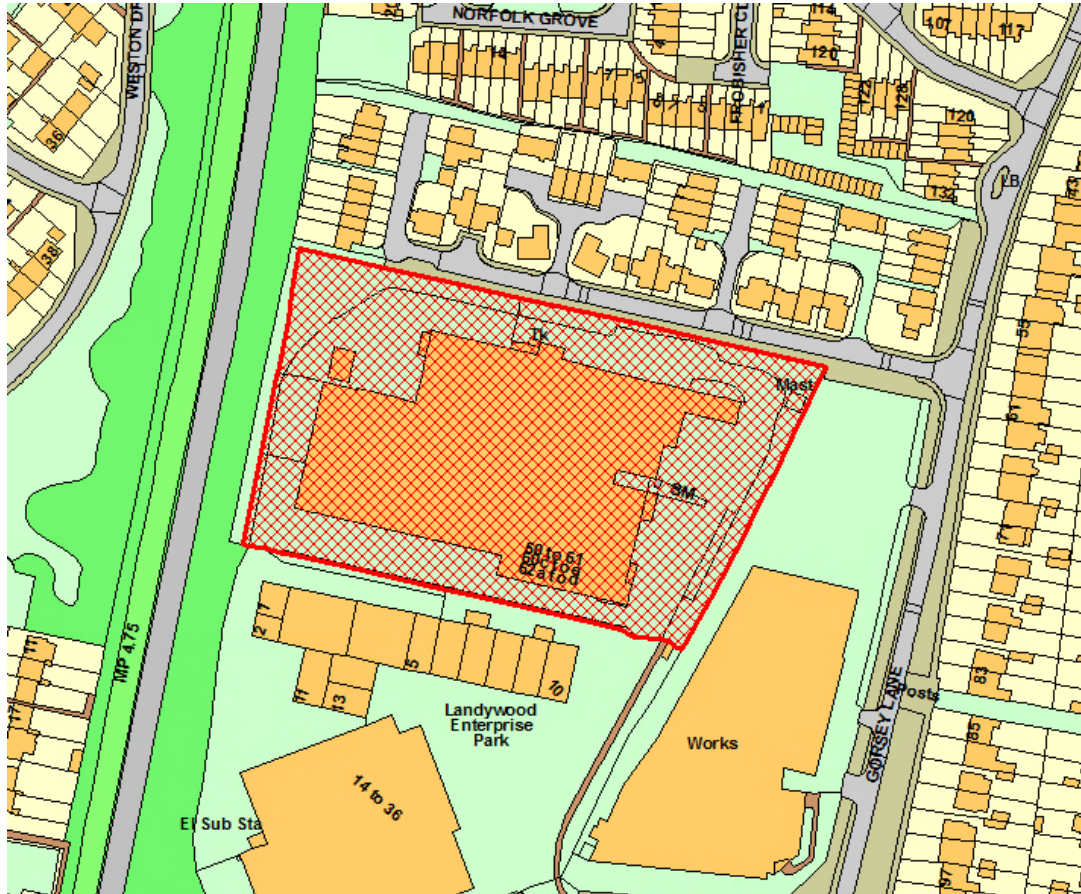
23. To prevent any piling works and associated vibration from destabilising or impacting upon the railway network and to ensure the protection of Controlled Waters, in accordance with the requirements of the National Planning Policy Framework.
24. To ensure that the development is constructed in a sustainable manner in accordance with the requirements of Core Policy 2 and Policy EQ5 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
25. In order mitigate the development's impact upon European Protected Species and their habitat, in accordance with the requirements of Policies EQ1 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
26. To ensure that any initial plant losses to the approved landscaping scheme are overcome, to protect natural habitat and deliver Biodiversity net gain within the scheme, in accordance with the requirements of Core Policy 2 and Policies EQ1, EQ3 and EQ11 of the Core Strategy, the Design Guide and Sustainable Design Supplementary Planning Documents, the National Model Design and the National Planning Policy Framework.
27. To safeguard the character and appearance of the development and surrounding area and protect the reasonable amenity of neighbouring residents, in accordance with the requirements of Core Policy 2 and Policies EQ9 and EQ11 of the Core Strategy, the Design Guide, Sustainable Design and Village Design Guide Supplementary Planning Documents and the National Planning Policy Framework.
28. To safeguard the character and appearance of the development and surrounding area and protect the reasonable amenity of neighbouring residents, in accordance with the requirements of Core Policy 2 and Policies EQ9 and EQ11 of the Core Strategy, the Design Guide, Sustainable Design and Village Design Guide Supplementary Planning Documents and the National Planning Policy Framework.
29. To promote the use of sustainable modes of transportation in accordance with the requirements of Core Policy 2 and Policies EQ1, EQ9, EQ11 and EV11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
30. To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site, in accordance with the requirements of Core Policy 2 and Policies EQ9 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document, the National Planning Policy Framework and Water Framework Directive.
31. To protect the reasonable amenity of neighbouring residents, in accordance with the requirements of Core Policy 2 and Policy EQ9 of the Core Strategy and the National Planning Policy Framework.
32. To safeguard the character and appearance of the development and surrounding area and protect the reasonable amenity of neighbouring residents, in accordance with the requirements of Core Policy 2 and Policies EQ9 and EQ11 of the Core Strategy, the Design Guide, Sustainable Design and Village Design Guide Supplementary Planning Documents and the National Planning Policy Framework.

Informatives

1. The applicant's attention is drawn to The Town and County Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a

householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.

2. Proactive Statement - In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2021.
3. The applicant is advised to note and act upon as necessary the comments of the Police Architectural Liaison Officer dated 01/07/2022. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.
4. The applicants' attention is drawn to the comments from the Staffordshire Fire and Rescue Service dated 16/06/2022.
5. The applicants' attention is drawn to the comments from the Environment Agency dated 15/08/2022.
6. The applicants' attention is drawn to the comments from the Network Rail dated 14/06/2022.
7. The applicants' attention is drawn to the comments from the Coal Authority dated 04/04/2023.
8. The applicant is advised that bat emergence surveys are only valid for one year, so if demolition is not complete by early spring 2024, then the submitted surveys must be redone.
9. Any vegetation or buildings suitable for nesting birds must either be removed outside of the nesting bird season (generally this is considered to be March-August inclusive) or be checked by an ecologist no more than 24 hours prior to their removal for evidence of nesting birds. Where active bird nests are found the advice of a professional ecologist must be sought.
10. Should protected species be found (or be suspected to be present) at any time during site clearance or construction, works must cease immediately and Natural England and/or a suitably qualified professional ecologist must be contacted for advice.
11. Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.
12. The lighting scheme to be submitted to discharge the requirements of condition 17 should be designed in accordance with guidance contained within the document, Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK.
13. The fencing scheme to be submitted to discharge the requirements of condition 18 must include a suitable trespass proof fence adjacent to the boundary with the railway.



Units 50-62 Landywood Enterprise Park, Holly Lane, Great Wyrley, Staffordshire WS6 6BD

23/00170/ADV
NON MAJOR

Mr Rob Sharratt

WOMBOURNE NORTH
Councillor M Perry
Councillor B Bond
Councillor D Kinsey

Wombourne Leisure Centre Ounsdale Road Wombourne Staffordshire WV5 8BH

Erection of 2x Post Signs, 2x Entrance Signs (internally illuminated), and 1x High Level Tray Sign.

Pre-commencement conditions required: N/A	Pre-commencement conditions Agreed: N/A	Agreed Extension of Time until 23.06.2023
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Date of site visit - 13 March 2023

1. SITE DESCRIPTION AND APPLICATION DETAILS

1.1 Site Description

1.1.1 The application comprises Wombourne Leisure Centre which is within the grounds of Wombourne High School. The site is accessed from Ounsdale Road and is surrounded by residential development.

1.2 The Proposal

1.2.1 Advertisement consent is sought for the display of 5 signs to display the location of Wombourne Leisure Centre for customers. It is noted that the signs have been erected during the course of the application. The application includes signage plans and details including the following:

1.2.2 A 2x panel post sign would be located at the access to the leisure centre site. The panels would be attached to the existing posts which rise above the existing hedgerow which forms the front boundary of the site. The sign would be white in colour with grey lettering reading 'Wombourne Leisure Centre' with council logo 'South Staffordshire Council' below.

1.2.3 A high-level sign would be fitted to the external wall of the swimming pool building facing Ounsdale Road. The sign would measure 3.8m x 0.85m. The sign would be white in colour with grey lettering reading 'Wombourne Leisure Centre' with council logo 'South Staffordshire Council' below.

1.2.4 2x entrance signs would be attached to the lower-level entrance to the building on the side and front elevation. The signs would measure 3.5m x 0.7m and 4m x 0.7m with a depth of 40mm and be internally illuminated to 300cd/m. The signs would be white in colour and grey lettering reading building name 'Wombourne Leisure Centre' with council logo 'South Staffordshire Council' below one and 'Entrance' below the other.

2. SITE HISTORY

Planning Applications

87/00973 Extension **Approve Subject to Conditions** 8th December 1987

90/01008 Satellite Dish **Approve Subject to Conditions** 30th October 1990

94/00686 Exercise Studio **Approve Subject to Conditions** 20th September 1994

94/00905 Double Garage **Approve Subject to Conditions** 22nd November 1994
03/00942/FUL Extension to fitness suite and additional car parking **Approve Subject to Conditions** 22nd September 2003
94/00686 Single Storey Extension for Exercise Studio 20th September 1994
90/01008 Installation of Satellite Dish 30th October 1990

3. POLICY

Constraints

Within Wombourne Development Boundary

Policies

South Staffordshire Core Strategy 2012
Core Policy 1: The Spatial Strategy for South Staffordshire
Core Policy 4: Promoting High Quality Design
Policy EQ9 Protecting Residential Amenity
Policy EQ11 Wider Design Considerations
Core Policy 10: Sustainable Community Facilities and Services

Supplementary Planning Documents

South Staffordshire Design Guide 2018

4. CONSULTATION RESPONSES

Site Notice Expires	Press Notice Expires
3 April 2023	N/A

Wombourne Parish Council

22nd March 2023

No objections

County Highways

20th March 2023

Recommendation Summary: Acceptance

Site Visit Conducted on 16-Mar-2023

The proposed signs are replacement for existing ones. They are situated off a classified road subject to a speed limit of 30 mph.

Councillor Robert Reade - Wombourne North - Lower Penn Ward

No Response Received

Councillor Barry Bond - Wombourne North and Lower Penn Ward

No Response Received

Councillor Dan Kinsey - Wombourne North and Lower Penn Ward

No Response Received

Contributors

No Response Received

5. APPRAISAL

1. Policy & principle of development
2. Impact on visual amenity and character of the area
3. Impact on neighbouring amenity, public safety and highways
4. Human Rights

5.1 Policy & principle of development

5.1.1 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 for South Staffordshire District comprises the Core Strategy (2012-2028) and the Site Allocations Document (2012-2028).

5.1.2 The site is located within the Development Boundary where applications for an advert consent will normally be permitted providing the development does not have a detrimental impact on highway safety or the character of the area.

5.2 Impact on visual amenity and character of the area

5.2.1 Policy EQ11 states that development should create good design that respects visual amenity. The NPPF states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment and that advertisements which have an appreciable impact on a building or their surroundings should be subject to the local planning authority's detailed assessment.

5.2.2 Whilst the proposal is not a shopfront advert the following guidance is also of relevant due to the proposed illumination of a sign and the evening opening times. The council's shopfront guidance states, 'It is generally considered that the illumination of a shop front is only required for businesses that operate in the evening. Those that close at 17.30 should rely on internal illumination for security purposes. Any proposed illumination required for evening operation should be given careful consideration...Illuminated signs should take into account impact on road users and not have a negative impact where situated within residential areas, signs should not project onto the street scene. The brightness and style of illumination should be in keeping with the area in which it is located'.

5.2.3 The submitted photomontage and subsequent site visit once the signs were in place, demonstrate that the proposed signage is well proportioned in relation to the overall scale of the building and clearly visible to customers approaching from the main entrance and car park. The white background and lettering are appropriate for the purpose of providing illumination which is needed when the facility is open during hours of darkness. As a result, it is considered that the proposed signs are appropriate visually in accordance with Core Strategy CP4 (Promoting High Quality Design) which requires all proposals to achieve a high quality of design.

5.2.4 There is no need for the illuminated signs to be on when the business is closed and therefore any approval should include a condition allowing illumination only when the facility is open to customers.

5.2.5 In conclusion, it is considered that the proposed signs maintain a balance between the need to be clearly visible and not being overly prominent. It is considered that the signs are in keeping with the character of the area and do not have a negative impact on the appearance of the built and natural environment in accordance with policy EQ11.

5.3 Impact on neighbouring amenity, public safety and highways

5.3.1 Policy EQ9 states that new development ‘should take into account the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution) ...and daylight’.

5.3.2 NPPF paragraph 111 states that, ‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’

5.3.3 Whilst there are dwellings in the area surrounding the wider school/leisure centre site, the nearest dwellings to the proposed illuminated signs are on Ounsdale Road approximately 100m to the north. This is a sufficient distance from the proposal to avoid any adverse harm to neighbouring amenity as a result of the proposed internally illuminated signage.

5.3.4 The 2x panel sign proposed close to the site entrance would replace a similar existing sign. The sign is viewable for pedestrians and vehicles approaching whilst avoiding being distracting for drivers or prominent in the streetscene. The Highways Authority do not raise any objection to the proposals.

5.3.5 In conclusion, it is considered that the proposed signs do not have a detrimental impact upon the amenity of neighbours or highway safety in accordance with Core Strategy Policy EQ9 and NPPF paragraph 111.

5.4 Human Rights

The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual’s rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report in having regard to the representations received and, on balance, is justified and proportionate in relation to the provisions of the policies of the development plan and national planning policy.

6. CONCLUSIONS

6.1 The proposed signage is considered acceptable in principle and causes no material harm to neighbouring amenity or adverse effects on the street scene. The development also raises no concerns in relation to highway safety. The proposal is therefore considered compliant with both national and local planning policy and associated guidance.

7. RECOMMENDATION - APPROVE Subject to Conditions

1. The consent hereby granted is for a maximum period of 5 years.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.

3. The maximum surface brightness of any part of the sign shall not exceed 300 candelas/square metre.
4. The internally illuminated signs hereby permitted shall not be illuminated outside the opening times of the leisure centre on all days of the week.

Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. In order to define the permission and to avoid doubt.
4. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.

Proactive Statement - In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2021.

Plans on which this Assessment is based

Plan Type	Reference	Version	Received
Proposed Elevations	2245.03.242	C2	28 February 2023
Location Plan	2245.03.241	C3	28 February 2023



Wombourne Leisure Centre Ounsdale Road Wombourne Staffordshire WV5 8BH

SOUTH STAFFORDSHIRE COUNCIL

PLANNING COMMITTEE – 20th June 2023

Planning Performance report

REPORT OF THE DEVELOPMENT MANAGEMENT TEAM MANAGER

PART A – SUMMARY REPORT

1. SUMMARY OF PROPOSALS

1.1 This report has been updated to be reflective of the current and most relevant issues.

1.2 A monthly report to ensure that the Committee is kept informed on key matters including:

1.3 Monthly Updates on:

- Procedural updates/changes
- Proposed member training
- Monthly application update
- Update on matters relating to Department for Levelling Up, Housing and Communities (DLUHC)
- Any recent Planning Appeal Decisions

1.4 Quarterly Updates on:

- The latest data produced by the Department for Levelling Up, Housing and Communities (DLUHC)

2. RECOMMENDATION

2.1 That Committee notes the content of the update report.

3. SUMMARY IMPACT ASSESSMENT

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	
	Has an Equality Impact Assessment (EqIA) been completed?	
	No	
SCRUTINY POWERS APPLICABLE	Report to Planning Committee	
KEY DECISION	No	

TARGET COMPLETION/ DELIVERY DATE	20 TH June 2023	
FINANCIAL IMPACT	No	There are no direct financial implications arising from this report.
LEGAL ISSUES	No	Any legal issues are covered in the report.
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	No other significant impacts, risks or opportunities have been identified.
IMPACT ON SPECIFIC WARDS	No	District-wide application.

PART B ADDITIONAL INFORMATION

Monthly Updates

4. Procedure updates/changes

4.1 None to report

5. Training Update

5.1 A schedule for training has been set related to planning matters, in summary:

- 12th June – Introduction to Planning
- 14th June – Mandatory Training
- 29th June – Local Plan (part 1)
- 6th July – Local Plan (part 2)

5.2 Mandatory “Planning Committee” training is scheduled for 14th June 2023. This will be for new and existing planning committee members. Any members can attend and will need to have covered this training if they intend to act as a substitute member.

5.3 Planning Advisory Service will be offering members training on Planning Committee process and procedures. This has been scheduled for a full day on the 6th July 2023.

6. Monthly Planning Statistics

May 2023	
Applications received	128
Application determined	106
Pre-application enquiries received	9
Pre-application enquiries determined	21

7. Update on matters relating to Department for Levelling Up, Housing and Communities (DLUHC)

7.1 “Increasing planning fees and performance: technical consultation”. This report was presented to CLT and cabinet weekly briefing and a formal reply submitted.

8. Appeals

8.1 This section provides a summary of appeals decision received since the last report. Appeal decision letters are contained within the relevant appendix.

8.2 **Planning reference:** 22/00858/FUL

Site Address: 44 Suckling Green Lane, Codsall, Wolverhampton WV8 2BT

Date of Inspectors Decision: 17th April 2023

Decision: Dismissed (Appendix 1)

This appeal related to a retrospective boundary wall which was refused by officers due to the impact on pedestrian safety and character and appearance of the area.

The main issue was:

- Given the inspector considered the pedestrian safety issue could be addressed by way of planning condition, if relevant, in deciding whether planning permission ought to be granted for the masonry boundary wall, he therefore considered the main issue to be its impact upon the character and appearance of the street scene and the wider area.

The appeal was dismissed as the inspector considered “like the Council, that the walling and piers are wholly inappropriate in terms of the context and local character of the site’s surroundings”. He concluded “the masonry boundary wall is harmful to the character and appearance of the street scene and the wider area”.

Since this decision the applicant has lowered the wall to within the parameters of “permitted development” for a boundary wall in this location.

8.3 **Planning Reference:** 22/01034/ADV

Site Address: Land adjacent Road King Truck Stop, Watling Street, Cannock WS11 1SB

Date of Inspectors Decision: 12 April 2023

Decision: Dismissed (Appendix 2)

This was a planning appeal against the refusal of consent to display an advert consisting of a double-sided, freestanding 48-sheet digital unit and the relocation of existing totem sign.

The main issue was:

- The effect of the proposal on the visual amenity of the area.

The application was refused by officers due to the impact of the hoarding display being harmful to the street scene. The inspector agreed with the officer’s conclusions, noting that “the proposal would not be sympathetic to the overriding rural character of the surrounding area.”

- 8.4 **Planning Reference:** 22/00242/FUL
Site Address: The Deanery Farm, Whiston Road, Whiston, Staffordshire ST19 5QQ
Date of Inspectors Decision: 30 March 2023
Decision: Dismissed (Appendix 3)

This appeal related to the proposed change of use and extension of existing agricultural storage building to form an annex.

The main issues were:

- Whether the proposal would be inappropriate development in the Green Belt having regard to any relevant development plan policies and the National Planning Policy Framework (the NPPF).
- The effect of the proposed development on the Cannock Chase Special Area of Conservation (SAC).

The inspector noted that the change of use would not impact on the openness of the Green Belt and that the proposed extension would be a proportionate addition. However, the applicant had failed to enter into a Unilateral Undertaking that would ensure the necessary financial contribution towards the Cannock Chase SAC and therefore the necessary mitigation for any future adverse impact.

- 8.5 **Planning Reference:** 22/00317/FUL
Site Address: Hollyhurst, Holly Lane, Cheslyn Hay, Staffordshire WS6 7AR
Date of Inspectors Decision: 13 April 2023
Decision: Dismissed (Appendix 4)

This appeal related to the erection of a pair of semi-detached two storey dwellings.

The main issue was:

- The main issues are the effect of the development on the character and appearance of the locality.

This application was refused by officer based on impact on the character on the area and owing to the backland nature of the proposed scheme. The inspector agreed with the officer view noting “the development would cause significant harm to the character and appearance of the locality”.

- 8.6 **Planning Reference:** 22/01064/FUL
Site Address: 6 Meadow Way, Codsall, Staffordshire WV8 2AS
Date of Inspectors Decision: 13th April 2023
Decision: Split Decision (Appendix 5)

The development proposed is a 2-storey front extension comprising new bedroom, garage extension and open porch and exchange of gabled roof over existing rear bedroom projection.

The appeal is dismissed insofar as it relates to the 2-storey front extension comprising new bedroom, garage extension and open porch. The appeal is allowed and planning permission is granted insofar as it relates to exchange of gabled roof over existing rear bedroom projection

The main issue was:

- The main issue is the effect of the development proposed on the character and appearance of the host property and the area

Officers refuse planning permission for the two storey rear extension as it was deemed an incongruous addition to the streetscene which would detract from the visual amenity of the area. Officers did not raise concerns with the proposed gable roof. The inspector agreed with officer judgement and allowed the part of the development associated with the exchange of roof but went on to dismiss the appeal related to the front extension. The inspector noted “the proposed two-storey front extension now seeks to introduce a prominent front gable at first floor level with matching eaves and lowered ridge height than the existing roof. The resultant scale, design and proportions of the extension would subsume a significant proportion of the existing front elevation of No.6 and consequently, would be viewed as an unduly dominant and incongruous addition that would detract from the character and appearance of the property”.

It is worthy of note that the Local Planning Authority (LPA) do not have the ability to issue “split decisions” in the manner the Planning Inspectorate can. As such, when a planning application is assessed by the LPA if any part of the proposed development is deemed unacceptable the application as a whole must be refused.

8.7 Planning Reference: 21/01325/FUL

Site Address: Land at Shanrye Stables, Micklewood Lane, Penkridge ST19 5SB

Date of Inspectors Decision: 12 April 2023

Decision: Dismissed (Appendix 6)

The development proposed is a horse rehabilitation centre and provision of park home for three year temporary period.

The main issues were:

- Whether the proposal would be inappropriate development in the Green Belt, including its effect on openness
- The effect on the character and appearance of the surrounding area
- If the proposal is inappropriate development, 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.

Officers refused the application, which proposed both a park home and a building for horse rehabilitation as it would be considered inappropriate development within the Green Belt and there being no very special circumstances progressed in support of the development. The inspector agreed with this interpretation noting “Whilst it could be argued that the rehabilitation of horses is related to outdoor sport and recreation as the horses themselves are kept for recreational purposes, in my view the proposed development would be more closely related to a medical activity”. Officers were also concerned about the impact of the proposed structures on the character on the landscape, a view not supported by the inspector.

- 8.8 **Planning Reference:** 22/00415/FUL
Site Address: 2 Brindley Brae, Kinver, Staffordshire DY7 6LR
Date of Inspectors Decision: 6 April 2023
Decision: Dismissed (Appendix 7)

The development proposed is the construction of a three bedroom bungalow, parking and associated works.

The main issue was:

- The main issue is the effect of the proposal upon the character and appearance of the area.

Officers refused the proposed bungalow due to its potential negative impact on the character and appearance of the area. The inspector agreed with this assessment stating that the proposed bungalow would appear incongruous to the prevailing character of the surrounding plots, its siting being discordant with the wider character and it not conforming with the spacious plots within the area.

- 8.9 **Planning Reference:** 22/00730/FUL
Site Address: Land at the rear of 1 Broadacres Close, Stourton, Staffordshire
Date of Inspectors Decision: 4th May 2023
Decision: Allowed (Appendix 8)

The development proposed is the erection of a wooden shed.

The main issue was:

- The appeal site lies just within the boundary of the Green Belt, which excludes the house and garden, but includes the remainder of the land. The sole issue is whether the retention of the shed would accord with the terms of local and national Green Belt policies.

Officers refused permission for the shed as it was considered to relate to the domestic dwelling. The inspector took the view that the use of the shed was indeed likely to be used for storage of tools related cultivating of the meadow in which the shed is located. As such he considered it to be appropriate development in the Green Belt.

8.10 Planning Reference: 22/00357/FUL

Site Address: Landywood Farm, Landywood Farm Lane, Cheslyn Hay WS6 7AS

Date of Inspectors Decision: 19 April 2023

Decision: Dismissed (Appendix 9)

The development is 'Retention of agricultural barn (retrospective)'

The main issues were:

- whether the proposal is inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the Framework) and any relevant development plan policies
- the effect on the openness of the Green Belt
- whether or not the proposal affects the setting of Landywood Farmhouse, a Grade II Listed Building
- the effect on European Protected Species
- if found to be inappropriate, whether any harm by reason of inappropriateness, and any other harm would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Officers refused the above retrospective application due to it being considered inappropriate development in the Green Belt, its impact on the character and function of the Green Belt, the impact on a neighbouring listed building and potential impact on protected species.

The inspector agreed with officers that the development was inappropriate development in the Green Belt as no substantive evidence was provided to demonstrate the building was in agricultural use within the necessary definition in the NPPF. Further, the inspector supported the view of officers that the development does not preserve or enhance the setting of the nearby listed building. With regards to the protected species the inspector noted no evidence of harm and that this should be followed up by the relevant enforcing body.

8.11 Planning Reference: 20/00565/TTREE,

Site Address: Montague House, Lawnswood, Stourbridge, Staffs DY7 5QP
Date of Inspectors Decision: 5 May 2023
Decision: Dismissed: removal, allowed: crown thinning/reduction (Appendix 10)

The work proposed were for either the felling, or the crown thinning and reduction, of a sycamore tree.

The Councils Senior Arboricultural Officer refuse consent for the removal of the tree but did not raise concerns with the proposed works to the crown. As such this decision aligns with the views of the Council.

8.12 Planning Enforcement Appeal

Site Address: Land on east side of Teddesley Road, Penkridge ST19 5RH
Date of Inspectors Decision: 9 May 2023
Decision: Dismissed (Appendix 11)

This is an extensive and detailed planning and enforcement appeal which it not appropriate to summarise given the complexities an the apportioning of weight in the planning balance. Members are encouraged to read the decision in full and contact the author of this report for further discussions should they require to.

9. Quarterly Updates

9.1 Planning Statistics from DLUHC

Description	Target	Q1 April-June	Q2 July- September	Q3 October- December	Q4 January- March	Cumulative
22-23 Major	60%	75%	100%	100%	89%	91%
21-22 Major		100%	100%	100%	85%	93%
20-21 Major		100%	75%	100%	90%	93%
22-23 Minor	70%	89%	90%	86%	100%	91%
21-22 Minor		82%	84%	81%	89%	84%
20-21 Minor		80%	93%	70%	72%	78%
22-23 Other	70%	93%	96%	96%	96%	95%
21-22 Other		88%	87%	83%	87%	86%
20-21 Other		85%	95%	87%	82%	87%

Stats for the rolling 24 month to March 2023

Total (overall) -	90%
Major -	92%
Minor -	87%
Other -	90%

This category includes Adverts/Change of Use/Householder/Listed Buildings.

Position in National Performance Tables (24 months to December 2022)

Majors	124 th from 329 authorities
Non-Major	157 th from 329 authorities

Report prepared by:

Helen Benbow

Development Management Team Manager

Appeal Decision

Site visit made on 14 March 2023

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th April 2023

Appeal Ref. APP/C3430/D/23/3314572

44 Suckling Green Lane, Codsall, Wolverhampton WV8 2BT

- 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 and Mrs Bramall against the decision of South Staffordshire District Council.
 - The application ref. 22/00858/FUL, dated 8 September 2022, was refused by notice dated 3 November 2022.
 - The development proposed is a retrospective application for the construction of a masonry boundary wall.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. The brick and stone boundary wall runs adjacent to and follows the curve of the footway along the wide frontage of the property. The wall was built during June and July 2022 according to the details on the application form. The application was made retrospectively. There are 13 piers in the wall. Owing to the change in levels, the main walls, including the coping stones, range from about 1.16 m to 1.44 m above footway level. The piers, including their coping stones, are between about 1.60 m high and 1.94 m high. The 3.30 m wide vehicular access lies between 2 piers at the northern edge of the front boundary. There are no gates in the wall and none are proposed in the application.
3. I have read the representations about the obstruction to pedestrian visibility caused by the wall. This was the subject of the second reason for refusal. Regardless of the former leylandii hedge, I consider that new development should be designed to be safe for pedestrians. The Highway Authority advised that the required 1.5 m x 1.5 m pedestrian visibility splays could be achieved. The appellants expressed their willingness to change the wall arrangement to provide them. I have not had sight of the sketch sheet that was submitted during the processing of the application or of amended drawing number 1002-392-06b. Still, the National Planning Policy Framework (the Framework) expects decision-making to be approached in a positive and creative way, using the full range of planning tools available. With this in mind, the lack of splays should not be fatal for the scheme because they could be addressed through a

planning condition, if the scheme was otherwise found to be acceptable. A condition could require such splays to be provided within a 3-month timescale.

Main issue

4. In deciding whether planning permission ought to be granted for the masonry boundary wall, I therefore consider the main issue to be its impact upon the character and appearance of the street scene and the wider area.

Reasons

5. The appeal property is a detached bungalow standing on the inside of a sharp bend in the carriageway between the junctions of Suckling Green Lane with Wayside Acres and Farway Gardens. Nos 40-56 Suckling Green Lane comprise a variety of dwellings that occupy the land between those junctions. There are also dwellings on the opposite side of the road either side of a new road junction which will serve a new housing development that is still under construction. The subject boundary wall has replaced a dwarf wall and a semi-continuous leylandii hedge about 4 m high. The appellants explain how the roots of that hedge had damaged the dwarf wall and protruded from the front lawn and how the hedge encroached partially across the footway and overshadowed the front garden and front elevation of the bungalow.
6. I saw that the area's key characteristics are its residential character, the fairly spacious layout of individually designed dwellings, the well landscaped environment including within the public realm where there are wide grass verges between the footways and the road hereabouts and the preponderance of very low stone walls across the front boundaries, including at nos 40 and 42, the 2 adjacent bungalows the appeal property is most closely associated with. The gardens, trees, grass verges and shrubbery interspersed with low or open front boundary treatments give a soft visual impression to the street scene.
7. The boundary walling at no. 44 has been very well constructed and finished. Unfortunately for the appellants, I judge, like the Council, that the walling and piers are wholly inappropriate in terms of the context and local character of the site's surroundings. The overall impression they create is not of a low-key addition to the street scene. Rather, owing to the number and height of the piers, the height and length of the main walling and the prominent siting on the bend, the development appears incongruous because it intrudes into the street scene to an unacceptable degree and appears ill-proportioned against the very low front boundary walls and open character of the adjoining frontages at nos 40 and 42. It is also at odds with the low and unassuming appearance of the front boundaries that characterise the area more widely, especially between Wayside Acres and Farway Gardens on both sides of Suckling Green Lane. This includes the comparatively short front boundary wall at no. 48 where the piers are only about 84 cm high and the main wall is only about 54 cm tall.
8. The scheme eschews the advice in the South Staffordshire Design Guide which seeks to ensure that boundaries create a unified street scene and are not visually intrusive. It says that usually it will be appropriate to continue the pattern of adjacent boundaries (such as low walls, fences or hedges). Whilst the former leylandii hedge had its shortcomings, it was a natural feature exempt from planning control. In this case, the walling and piers combine to

form a harsher and more enclosed and imposing frontage and an incongruously intrusive feature within the area.

9. The appellants invited me to consider the boundary treatments at the front of several other dwellings on Suckling Green Lane and Keepers Lane (Appendix 2 of the appeal statement). However, all these examples lie some distance away from the appeal site beyond another sharp bend in the carriageway and beyond the staggered junction with Oaken Park and The Paddock. They are not viewed together with the subject boundary wall and piers. Furthermore, in most of those examples the walls and piers are notably lower and the piers are far fewer in number. In any event, the planning history behind these other developments has not been provided. Amongst the overwhelming number of low front boundary structures along both lanes, they are not good examples to follow as they do not reflect the character and appearance of the local street scenes when viewed in the round.
10. I have taken account of the fallback of being able to construct a front boundary enclosure 1 m above ground level adjacent to the back of the footway. This is an important material consideration. Even so, the front boundary structures at the appeal property considerably exceed what is permissible under permitted development rights and are plainly subject to planning control. Whilst the appellants might feel the walling and piers are more complementary to the appearance of the modernised and extended bungalow than what could be achieved by utilising only permitted development rights, I find in the context of this site, local character would be best respected by far lower boundary features. Moreover, I saw dwellings of modern character that do not have grandiose arrangements of high front boundary walls with multiple tall piers.
11. It is suggested that the evergreen laurel hedging in the front garden may help to soften the boundary walling and piers. The position of the walling and piers will limit the effectiveness of any planting in that regard. Thus, this planting is unlikely to ameliorate their adverse visual impact to an acceptable degree. The situation is not identical to the hedging and wall at 30 Suckling Green Lane because, insofar as I could tell, the walling there is only about 87 cm high.
12. I therefore find on the main issue that the masonry boundary wall is harmful to the character and appearance of the street scene and the wider area. The development fails to respect Policy EQ11 of the Core Strategy Development Plan Document which places emphasis upon the need for high quality design, consistency with design guidance, respect for local character and distinctiveness, including that of the surrounding development and landscape, and making positive contributions to the street scene and surrounding buildings in terms of, amongst other things, scale and massing. There would also be a failure to adhere to the overarching design themes of the Framework insofar as they relate to achieving well-designed places.
13. The scheme may fulfil the social objective of sustainable development as set out in the Framework, where it improves the residential amenity of the property in terms of enhancing security and privacy, eliminating overshadowing and screening 2 bedroom windows from the glare of headlights of vehicles emerging from the new road junction opposite, and offer limited economic benefits, for instance to the building trade and in the uplifted value in the property. On the other hand, the environmental objective would not be

fostered given the harm I have found under the main issue. I acknowledge that the Framework seeks to minimise waste and pollution and that it is possible for waste to be generated if part of the wall has to be eventually removed. Still, this is an argument that could be repeated far too often to justify unauthorised building operations that are otherwise environmentally unacceptable.

14. My finding on the main issue is decisive to the outcome of this appeal. There is conflict with the development plan. This harm cannot be mitigated by the imposition of planning conditions and it is not outweighed by other material considerations. For the reasons given above and taking into account all other matters raised, I conclude that this appeal should not succeed.

Andrew Dale

INSPECTOR



Appeal Decision

Site visit made on 28 March 2023

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2023

Appeal Ref: APP/C3430/Z/23/3314043

**Land adjacent Road King Truck Stop, Watling Street, Cannock WS11 1SB
Easting (x) 394662, Northing (y) 309820**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Mr Graeme Hughes - Alight Media against the decision of South Staffordshire District Council.
 - The application Ref 22/01034/ADV, dated 3 November 2022, was refused by notice dated 12 December 2022.
 - The advertisement proposed is erection and display of a double-sided, freestanding 48-sheet digital unit and the relocation of existing totem sign.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Regulations and the National Planning Policy Framework both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The Council's decision notice includes reference to Policy EQ11 (Wider Design Considerations) of the South Staffordshire Local Plan (LP). Whilst this Policy cannot by itself be decisive, I have taken it into account as a material consideration.

Main Issue

3. The main issue is the effect of the proposal on the visual amenity of the area.

Reasons

4. The appeal site relates to a truck stop located on the heavily trafficked A5. The site includes a substantial heavy goods vehicle (HGV) parking area and has buildings up to two-storey in height which house a café and overnight accommodation. These buildings and a truck wash area are sited close to the boundary with the road. There is an existing totem sign close to the vehicular access point as well as some fascia advertisements on the buildings. The wider surroundings mainly comprise of farmland, more often with mature soft landscaped boundaries lining the roadside boundaries. Consequently, the site is located within an area with a prevailing rural character.
5. At 6 metres wide and 3 metres high, the advertisement would be of a considerable scale. This would be emphasised by its prominent location close to the site entrance and its elevated position on top of 3-metre-high steel support legs. Together with its double-sided design and internally illuminated, colour digital images, the advertisement would be a striking feature for those

travelling in either direction along the A5. Even in the context of the existing development and activity at the truck stop, the proposal would not be sympathetic to the overriding rural character of the surrounding area.

6. During the course of the planning application, the appellant suggested that they would be willing to consider altering the advertisement to a one-sided display. Whether or not that remains the case, a condition specifying that the advertisement be one-sided would not overcome my concerns that a digital advert of the size and position proposed would be incongruous in this location.
7. I conclude, the proposed advertisement would have a significantly harmful effect on the visual amenity of the area. For this reason, the proposal would also be contrary to Policy EQ11 of the LP which requires that proposals respect local character and distinctiveness as well as the provisions of paragraph 136 of the National Planning Policy Framework which confirms that the quality and character of places can suffer when advertisements are poorly sited and designed.

Other Matters

8. The appellant suggests that the advertising space on the proposal would be rented out to local businesses and advertisers as well as being available for public information campaigns or emergency messages. Notwithstanding that the specific advertisements displayed could not be controlled, even if this were to be the case, any social or economic benefits would not be of such a magnitude that they would outweigh the clear harm that would result to the visual amenity of the area.
9. The appellant also suggests that the advertisement would allow them to display adverts which display driver facilities available at the site. However, from what I saw on my site visit, the existing fascia and totem signs at the truck stop already perform this function and would be retained in addition to the proposal. Furthermore, while I acknowledge that the advertisement would likely generate income for the truck stop business and that this may facilitate improvements to the site, this does not justify the harm that I have identified in this instance.

Conclusion

10. For the reasons set out, the appeal is dismissed.

M Russell

INSPECTOR



Appeal Decision

Site visit made on 12 January 2023

by **S Brook BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 March 2023

Appeal Ref: APP/C3430/W/22/3303717

The Deanery Farm, Whiston Road, Whiston, Staffordshire ST19 5QQ

- 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 Paul Wright against the decision of South Staffordshire District Council.
 - The application Ref 22/00242/FUL, dated 8 March 2022, was refused by notice dated 24 June 2022.
 - The development proposed is change of use and extension of existing agricultural storage building to form an annex.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant states that had the appeal building not required extension, the continued use of the building as ancillary to the main dwelling on the site would not have required planning permission. However, this does not correspond to the description of development on the application form, which states a change of use would occur from an existing use as an agricultural storage building to form an annex. I have determined the appeal based on the description as set out in the application form.
3. A draft section 106 agreement by Unilateral Undertaking (UU) was provided with the appeal, outlining a financial contribution towards mitigation measures for the Cannock Chase Special Area of Conservation (SAC). During the course of the appeal, opportunity has been given to the appellant to provide a completed UU, but this has not been forthcoming in the identified timescales.

Main Issues

4. As I am aware that the appeal site is within the Zone of Influence of the Cannock Chase SAC, I consider the main issues to be:
 - i. Whether the proposal would be inappropriate development in the Green Belt having regard to any relevant development plan policies and the National Planning Policy Framework (the NPPF).
 - ii. The effect of the proposed development on the Cannock Chase SAC.

Reasons

5. Policy GB1 of the South Staffordshire Council Core Strategy Development Plan Document, December 2012 (LP) sets out that development in the Green Belt

which is acceptable within the terms of the NPPF, will normally be permitted. LP Policy GB1 includes the extension or alteration of an existing building, where the extension or alteration would be proportionate to the size of the original building, which is consistent with paragraph 149 of the NPPF. It also includes the re-use of a building, provided that the proposed use would not harm the openness of the Green Belt or the fulfilment of its purposes, which is generally consistent with paragraph 150 of the NPPF.

6. There is no dispute between the parties that the proposed extension would be proportionate in size. Having considered the scale of the proposed single storey rear extension in relation to the existing building, I have no reason to disagree. Having observed the existing building at my site visit, I am satisfied that it is a building of permanent and substantial construction, a requirement of NPPF paragraph 150.
7. However, it remains necessary to consider whether the re-use of the existing building as a residential annex, would in all other respects, preserve the openness of the Green Belt and not conflict with the purposes of including land within it, so as to establish if the proposal would or would not be inappropriate development in the Green Belt.
8. The appeal building is already served by a formed driveway to the front, that extends from the parking area serving the host dwelling. This was in use for parking at the time of my visit. To the eastern side of the appeal building, there is a paved area, partly enclosed by timber fencing, used for the parking of a trailer and for the storage of building materials. This driveway leads to a further area of exposed ground to the east of the building, presently used for the storage of a number of miscellaneous items. Land levels rise up gradually from Pinfold Lane to the south and from the river Penk to the east, and so the appeal site and nearby buildings of Deanery Farm are visible in public views from the surrounding highway network.
9. The plans indicate that the existing driveway to the front of the appeal building would be retained. No additional fencing or bin stores are indicated. There is limited information on the plans as to the use of the remaining area of land within the red line to the east and south of the existing building, other than some indicative planting. As it is included within the appeal site, the proposal would see this external area change to residential use also.
10. The plans do not suggest that there would be any increase in formed parking areas or hard surfacing over and above that which presently exists. The number of parked cars could increase as a result of the occupancy of the annex, but only by a small amount and these impacts would be transient. Use of the building as a residential annex is likely to give rise to some domestic paraphernalia within external areas, including items such as washing lines, garden furniture, parasols, children's play equipment etc, which are commonplace within residential gardens and may be beyond the scope of planning control. In combination, such items could have some, albeit limited, impact on the openness of the Green Belt.
11. However, at the time of my visit, I noted that these external areas are presently used for various storage purposes. Any domestic paraphernalia associated with the proposed annex would be unlikely to give rise to any spatial or visual impacts on the openness of the Green Belt at this location, greater than the present situation.

12. To conclude, the proposal would not include a disproportionate extension, the change of use would preserve openness and it would not conflict with the purposes of including land within the Green Belt. Therefore, it would not be inappropriate development, complying with LP Policy GB1 and paragraph 150 of the NPPF.

Cannock Chase SAC

13. The site is within the 15km Zone of Influence of the Cannock Chase SAC, (notified at a national level as the Cannock Chase Site of Special Scientific Interest), which is designated under the Regulations¹ for its unique heathland habitat. The SAC is designated for Annex 1 habitats European Dry Heath and Northern Atlantic Wet Heaths with *Erica tetralix* (Wet heathland with cross-leaved heath). The conservation objectives for the Cannock Chase SAC are to maintain and restore the extent and distribution of qualifying natural habitats, as well as their structure and function, and the supporting processes on which the qualifying natural habitats rely, in order to ensure the integrity of the site is maintained or restored.
14. Research carried out by consultants Footprint Ecology to inform the production of the LP found that the in-combination impact of proposals involving a net increase of one or more dwellings within a 15km radius of the SAC would have an adverse effect on its integrity, unless avoidance and mitigation measures are in place. These effects result from an increase in recreational activity, comprising the creation of new paths, path widening, erosion and nutrient enrichment from vehicle use and vehicle emissions, and eutrophication from dog fouling. This is borne out in the advice from Natural England, which indicates that without appropriate mitigation, the proposed development could have an adverse effect on the integrity of the Cannock Chase SAC.
15. It is therefore necessary for me, as the competent authority under the Regulations, to conduct an Appropriate Assessment in relation to the likely significant effects of the proposal on the integrity of the SAC.
16. The proposal would result in additional residential accommodation within the 15km radius of the SAC and therefore, could give rise to increased recreational pressure on the designation. Cumulatively with other residential development, the proposal would have likely significant effects on the conservation objectives and integrity of the SAC.
17. The Council has provided evidence of mitigation solutions that are in place in the form of a Strategic Access Management and Monitoring (SAMM) Strategy, offering participation in a developer contribution scheme towards this strategy.
18. As the competent authority, I need to be certain that the proposal would not cause adverse effects on the integrity of the SAC. Natural England has advised that delivering mitigation for recreational impacts on the SAC, by means of the SAMM Strategy would be appropriate, as do both main parties. I have no reason to disagree, based on the information before me.
19. However, I cannot conclude that the proposal would not have an adverse effect on the integrity of Cannock Chase SAC. This is because the submitted UU is incomplete and hence it cannot secure the required financial contribution towards the SAMM strategy. Consequently, without any mitigation secured, I

¹ Conservation of Habitats and Species Regulations 2017

must conclude that the proposal would conflict with LP Policy EQ2, which seeks to ensure that development will only be permitted where it has been demonstrated that it will not directly or indirectly have an adverse impact upon the integrity of the Cannock Chase SAC. Further, the proposal would not comply with paragraph 179 of the NPPF, which seeks to protect and enhance biodiversity and geodiversity.

Other Matters

20. The personal circumstances of the appellants' family have been brought to my attention with regards to certain medical conditions. Whilst the full implications of this on day-to-day life have not been set out in detail, having modern and accessible living accommodation provided on one level could be beneficial in these circumstances. Further, having extended family close by would be valuable assistance and re-assurance in dealing with these personal circumstances. These matters are of some substance in this case in providing support for the proposal.
21. There is disagreement between the main parties as to whether the proposal forms a residential annex or a separate residential dwelling. However, neither LP Policy GB1, nor the referenced paragraphs of the NPPF on the Council's Decision Notice, restrict the re-use of an existing building for either a residential annex or a dwelling, providing the openness of the Green Belt is preserved and the re-use does not conflict with the purposes of including land within the Green Belt. In any event, it has not been demonstrated that the barn would be occupied independently such that it would conflict with any development plan policies and I have determined the appeal based on the proposal as applied for.

Overall Balance and Conclusion

22. Whilst I have found that the proposal would not be inappropriate development within the Green Belt, the Habitats Regulations confirm that I cannot approve the proposal where likely significant adverse effects cannot be ruled out. Even accounting for the benefits of the proposal in terms of the personal circumstances of the appellants' family, this material consideration is decisive and therefore the appeal should be dismissed.

S Brook

INSPECTOR



Appeal Decision

Site visit made on 11 April 2023

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 April 2023

Appeal Ref: APP/C3430/W/22/3309251

Hollyhurst, Holly Lane, Cheslyn Hay, Staffordshire WS6 7AR

- 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 & Mrs L James against the decision of South Staffordshire District Council.
 - The application Ref 22/00317/FUL, dated 22 March 2022, was refused by notice dated 4 July 2022.
 - The development proposed is the 'Erection of pair of semi-detached two storey dwellings'.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application was accompanied by a unilateral undertaking as a planning obligation under s106 of the Town and Country Planning Act 1990. This is a matter I return to below.

Main Issues

3. The main issues are the effect of the development on the character and appearance of the locality.

Reasons

4. The site consists of the further part of the rear garden of Hollyhurst, a detached dwelling within a row of development along the northern side of Holly Lane. The rear boundary fence faces on to The Hollies, a modern development of purposely varied residential houses and flats set behind front gardens and parking spaces.
5. The mixed 2 and 3 storey buildings are set on the outside of the cul-de-sac roadway which skirts the earlier line of housing fronting Holly Lane. On the opposite side of the road, the line of the consecutive rear garden boundary fencing lies behind a grassed verge forming a consistent feature along the southern side of The Hollies streetscene.
6. Beyond the fencing are various established trees and other vegetation which are visible above the height of the fencing. These provide a verdant backdrop to the streetscape and a sense of openness compared to the closely sited buildings set in various plot sizes along the northern side of the roadway.

7. The size of the proposed building would be within the scope of the various sized buildings along The Hollies. It would incorporate design elements found locally and could be constructed utilising a similar palette of external finishes. It would be set behind a parking area in a manner similar to other houses along the northern side of the road.
8. However, between the principal elevation of the building, the entirely paved forecourt with wide dropped kerb crossing, and the enclosing boundary fences along the flanking boundaries, the proposal would introduce a significant amount of additional hard surfacing. This would be in a part of the cul-de-sac where contributory soft landscaping in the streetscene is limited.
9. Notwithstanding the presence of vegetation within the neighbouring gardens, which lies outside of the appellant's control, or that the scheme would introduce a more active frontage, the removal of the existing verge and lack of opportunity to mitigate the stark appearance would not be a positive factor in The Hollies streetscape.
10. I acknowledge that there are examples of ancillary building elements visible within some of the Holly Lane properties. An annex to a restaurant backing on to the head of the cul-de-sac is also visible. However, as subordinate elements to the principal buildings fronting Holly Lane, these enclosed structures are partially screened by the fencing and landscaping within existing plots. They are therefore less imposing compared to the proposed scale and open position of the proposal.
11. In support of the scheme the appellant draws my attention to findings in a previous appeal decision¹ relating to the site. Whilst this principally focussed on the scale of the then proposed dwelling, it nevertheless identified that the proposal would contrast with the arrangement and appearance of development on the southern side of The Hollies, as I have.
12. Additionally, reference is made to a previous approval for development within the neighbouring plot at Woodcroft. However, limited detail of the scheme or the circumstances under which that permission was granted have been provided. I am therefore unable to draw comparisons, or otherwise, to the scheme before me. Accordingly, I do not consider the referenced cases provide a justification for overcoming the harm I have identified.
13. I note the appellant's contention that the dwelling at 3 The Hollies appears as backland development. However, it is integrated with a consistent planned layout to the cul-de-sac development. It is set in a landscaped plot at the head of a shared driveway some distance from the main carriageway. In contrast to the proposal, it therefore appears recessive and has a very limited effect on The Hollies streetscene.
14. For the above reasons, I find that the development would cause significant harm to the character and appearance of the locality. It would conflict with Policy EQ11 in the South Staffordshire Council Core Strategy [2012] as it requires proposals to achieve sustainable designs that take into account local character and distinctiveness and contribute positively to the streetscene.

¹ APP/C3430/W/21/3268918

Other Matters

15. The parking area to the proposed site frontage would provide 2 vehicle spaces for each unit. This would provide sufficient off-street parking to meet current policy requirements. The necessity for a wide vehicular crossing would reduce opportunities to park along the southern side of The Hollies. However, there is little to demonstrate that this would give rise to any notable effects on parking or highway capacity and safety in the locality. This is a view shared by the Council's highway advisor. I note the contention that the crossing would be over third-party land. However, this is a matter between the relevant parties.
16. The appeal site lies close to a European designated site at Cannock Chase Special Area of Conservation and the Cannock Chase Site of Special Scientific Interest. The proposal would have provided for local population increases that, in combination with other new residential development in the area, would likely lead to a significant effect on qualifying features of the designated sites through increased recreational use. Ordinarily a competent authority such as myself would potentially need to carry out an Appropriate Assessment. I also note that the appellant has submitted a legal agreement to address matters of mitigation in that regard. However, as I have found against the appellant on the main issue, and therefore planning permission is to be refused, this matter need not be considered any further in this case.

Conclusion

17. The proposal would harm the character and appearance of the area and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not be allowed.

R Hitchcock

INSPECTOR



Appeal Decision

Site visit made on 20 March 2023

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th April 2023

Appeal Ref: APP/C3430/D/23/3316456

6 Meadow Way, Codsall, Staffordshire WV8 2AS

- 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 & Mrs Prior against the decision of South Staffordshire District Council.
 - The application Ref 22/01064/FUL, dated 13 November 2022, was refused by notice dated 5 January 2023.
 - The development proposed is a 2-storey front extension comprising new bedroom, garage extension and open porch and exchange of gabled roof over existing rear bedroom projection.
-

Decision

1. The appeal is dismissed insofar as it relates to the 2-storey front extension comprising new bedroom, garage extension and open porch.
2. The appeal is allowed and planning permission is granted insofar as it relates to exchange of gabled roof over existing rear bedroom projection at 6 Meadow Way, Codsall, Staffordshire, WV8 2AS in accordance with the terms of the application, Ref 22/01064/FUL, dated 13 November 2022, and the plans submitted with it so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted, insofar as it relates to the exchange of gabled roof over existing rear bedroom projection only, shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted, insofar as it relates to the exchange of gabled roof over existing rear bedroom projection only, shall be carried out in accordance with the following approved plans:
 - 0400 WS3 C-01 (Location Plan)
 - 0400 WS3 C-02 (Proposed Site Plan)
 - 0400 WS3 P-01 (Proposed Floor Plans)
 - 0400 WS3 E-01 (Proposed Elevations)
 - 3) The materials to be used in the construction of the external surfaces of the gabled roof over existing rear bedroom projection hereby permitted shall match those used in the existing building.

Main Issue

3. The main issue is the effect of the development proposed on the character and appearance of the host property and the area.

Reasons

4. No. 6 Meadow Way (No. 6) comprises a two-storey detached property with a pitched roof and distinctive ground floor front projection across almost the full width of its frontage. It is located close to the turning head of the cul-de-sac within an established residential area in Codsall. The immediate street scene includes a mix of properties, such as detached bungalows (Nos. 1 - 3) on the opposite side of the cul-de-sac and a two-storey detached dwelling (No. 4) with a different design, form and materials also adjoining the turning head. However, in contrast, No. 6 lies in the middle of a group of three detached properties on the southern side of Meadow Way that offer a more distinctive coherence and harmony evident in a broad regularity of architectural style, scale, massing and form. This is complemented by the stepped sequence of front building lines and staggered roof heights that transition with an increase in land levels towards the turning head from the junction with Oaken Lane. The resultant important contribution that the distinctive rhythm of the three properties make to the Meadow Way street scene prevails despite previous extensions to each of Nos. 5, 6 and 7 and some differences in materials and fenestration on the front elevations of each dwelling.
5. Policy EQ11 of the South Staffordshire Council Core Strategy Development Plan Document (CS), adopted December 2012, seeks that the design of all development must be of the highest quality. This includes, amongst other things, that the form of proposals should respect local character and distinctiveness including that of the surrounding development and in terms of scale, volume, massing and materials, development should contribute positively to the street scene and surrounding buildings in the local area. The South Staffordshire District Design Guide, a Supplementary Planning Document (SPD) adopted in 2018, provides associated guidance which, amongst other things, includes that generally extensions should be subservient to and fit in with the character and form of the existing building, respecting scale, form and relationship to adjacent buildings. The SPD also indicates that it is generally not appropriate for extensions (other than small porches or canopies) to project forward of the existing front façade of a building, although in that respect it is notable that No. 6 already has an existing single storey front addition as have Nos. 5 and 7.
6. Having regard to the above, the proposed two-storey front extension now seeks to introduce a prominent front gable at first floor level with matching eaves and lowered ridge height than the existing roof. The resultant scale, design and proportions of the extension would subsume a significant proportion of the existing front elevation of No.6 and consequently, would be viewed as an unduly dominant and incongruous addition that would detract from the character and appearance of the property. The harmful visual effect would not be mitigated by alignment of the front building line of the extension with No. 5 or use of white render and hanging tiles to closely match with existing features of the dwelling. It rather would be emphasised by the contrast with the pitched roof designs of Nos. 5 and 7 whereby it would harmfully disrupt the existing rhythm of the group of properties on the southern side of Meadow Way. In those specific surroundings, the proposed two storey front extension would be viewed as a prominent and harmful feature in the street scene despite the presence of the more varied character and appearance of properties on the opposite side of the cul-de-sac and its turning head.

7. In reaching the above findings, I have taken into account that there are examples of front extensions along the nearby Suckling Green Lane that have previously been granted planning permission by the Council, including the addition of a two-storey front extension with a similar gable design and open porch at No. 99 Suckling Green Lane which lies immediately to the rear of No. 4 Meadow Way. However, I observed that the examples of front extensions are very much in a minority in Suckling Green Lane. Furthermore, the characteristics of the specific examples drawn to my attention at Nos. 29, 33 and 99 Suckling Green Lane, by virtue of their visual relationship with dwellings of differing design immediately surrounding and the character of the respective street scenes are materially different to the proposal before me. As such, I consider that the examples in Suckling Green Lane do not replicate nor justify the harm that would arise from the proposal in its particular surroundings.
8. The appellant has referred to the appeal property not being subject of or in proximity to listed buildings or conservation area designations, and that it retains its permitted development rights. However, the absence of such designations does not alter the design requirements of Policy EQ11 of the CS. Furthermore, there is no substantive evidence before me to indicate that there is a significant probability that a more harmful extension would be constructed by utilising permitted development rights should the appeal relating to the proposed front extension be dismissed.
9. Having regard to all of the above, I conclude that the two-storey front extension comprising new bedroom, garage extension and open porch would significantly harm the character and appearance of the host property and the area. This element of the proposed development, therefore, conflicts with Policy EQ11 of the CS and the associated guidance in the SPD. The policy is consistent with the design objectives of the National Planning Policy Framework (the Framework).
10. The Council have not expressed any specific concerns with respect to the design and appearance of the proposed exchange of gabled roof over the existing rear bedroom projection. Based on the evidence before me and my own observations, I have no reason to take a different view. The roof alteration is a separate element from the proposed front extension and as such it would be a subservient addition to the existing rear elevation of the property. Furthermore, matching materials could be secured by condition to ensure that it would assimilate appropriately. The roof alteration at the rear of the property would be well screened from public vantage points by the position of the host dwelling and surrounding properties which would ensure no harm to the Meadow Way, Oaken Lane and Hawthorne Lane street scenes.
11. It follows that I conclude that the proposed exchange of gabled roof over existing rear bedroom projection would be acceptable in terms of its effect on the character and appearance of the host property and the area. Consequently, that element of the proposal does not conflict with Policy EQ11 of the CS, the SPD and the Framework in that regard.

Other Matters

12. The proposal would retain adequate space for off street parking to serve the property. The proposed addition of the front extension would not, therefore, have a harmful effect on highway safety or existing parking arrangements in the cul-de-sac. The relationship of the proposal with habitable windows in the

front and rear elevations of Nos. 5 and 7, together with the separation distance to properties opposite and those at the rear, would also ensure no unacceptable impacts on the outlook and privacy of occupiers of the respective dwellings. I am also satisfied that the relationship to surrounding properties and the parking arrangements at No. 6 and along Meadow Way would enable construction works to take place without unacceptable impacts on the living conditions of occupiers of neighbouring properties in terms of noise or disturbance. However, the absence of concern in those respects is a neutral factor which does not justify the harm otherwise identified relating to the proposed front extension.

Conditions

13. I have found the proposed exchange of gabled roof over the existing rear bedroom projection to be the only acceptable element of the proposal and it is clearly severable from the other parts of the development to enable a split decision. In such circumstances and in the interest of certainty of the planning permission granted, conditions are required to clarify the time limit and to specify the approved plans and the relevant part of the development to which they relate. A further condition is also necessary to ensure matching materials in the interest of the character and appearance of the host property and the surrounding area.

Conclusion

14. For the reasons given above, having had regard to the development plan as a whole and to all other relevant material considerations, I conclude that the appeal should be dismissed insofar as it relates to the 2-storey front extension comprising new bedroom, garage extension and open porch. However, the appeal should be allowed and planning permission granted insofar as it relates to the exchange of gabled roof over existing rear bedroom projection subject to the conditions set out.

Gareth Wildgoose

INSPECTOR



Appeal Decision

Site visit made on 14 February 2023

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 12 April 2023

Appeal Ref: APP/C3430/W/22/3306717

Land at Shanrye Stables, Micklewood Lane, Penkridge ST19 5SB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Eve Meer against the decision of South Staffordshire District Council.
 - The application Ref 21/01325/FUL, dated 14 December 2021, was refused by notice dated 14 March 2022.
 - The development proposed is a horse rehabilitation centre and provision of park home for three year temporary period.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note that Reason for Refusal No.3 relates to the Council working proactively with the applicant. However, as this reason does not relate to the planning merits of the case before me, I haven't explored this further.

Main Issues

3. As the site lies within the Green Belt, the main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, including its effect on openness, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
 - The effect on the character and appearance of the surrounding area; and
 - If the proposal is inappropriate development, 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

Whether inappropriate development in the Green Belt

4. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. It goes on to state that 'inappropriate development' in the Green Belt is, by definition,

harmful to the Green Belt and should not be approved except in very special circumstances.

5. The Framework establishes that the construction of new buildings is inappropriate in the Green Belt subject to a number of exceptions. The exception at Paragraph 149 b) allows for the provision of appropriate facilities (in connection with the existing use of the land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds, and allotments. However, in this regard, the Framework confirms that development is not inappropriate provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Policy GB1 of the South Staffordshire Core Strategy 2012 (CS) is broadly consistent with the Framework in this regard.
6. Whilst it could be argued that the rehabilitation of horses is related to outdoor sport and recreation as the horses themselves are kept for recreational purposes, in my view the proposed development would be more closely related to a medical activity. This would take the use significantly beyond what could be within the bounds of recreation. Therefore, it is not an appropriate facility for outdoor sport and recreation according to Paragraph 149 b) and the appeal proposal is therefore inappropriate development in the Green Belt.
7. If I had found the development to be an appropriate facility for outdoor sport and recreation according to the terms of Paragraph 149 b) of the Framework, I would then need to consider the second limb of this criterion, ie, whether it would preserve the openness of the Green Belt or conflict with the purposes of including land within it. For the sake of clarity, I shall now address this.
8. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. It has been established that openness has both a spatial and visual aspect.
9. In spatial terms, the rehabilitation centre would have a sizeable footprint, similar to that of the existing stables and yard combined. Unlike the existing stables it would incorporate a first floor. It would be a large, bulky building, clearly taller than the existing stable range and would substantially impact on Green Belt openness. Alongside, the temporary mobile home would be of much lesser massing but nevertheless would represent an additional, sizeable footprint. The footprint, height and volume of the structures would significantly affect the openness of the Green Belt when compared to the existing undeveloped nature of the land.
10. The site forms part of a much larger complex of fields which to the north and west are predominantly open countryside with extended views across the largely flat landscape, with few intervening features. The only significant buildings in the immediate area are those associated with Micklewood Stud several fields away to the north west. To the east and south of the site is woodland.
11. The visual impact of the proposal has been minimised by positioning the buildings in the south east corner of the field, screened on two sides by the woodland; and the existing stables would also provide some screening from Micklewood Lane. However, despite the proposed siting away from the road, alongside woodland, the development would be apparent in local views when

travelling east along Micklewood Lane and from across the fields to the west. The height and volume of the proposed rehabilitation centre would exacerbate the prominence of the appeal proposal, although that effect would be to some extent mitigated by the backdrop and height of the nearby woodland.

12. There is the potential to introduce native hedging and trees for screening to assist in mitigating the visual harm, limiting to some extent public views. However, this is unlikely to have any significant mitigating effect on the height and volume of the rehabilitation centre. Also, a reliance on screening by planting to mitigate an otherwise inappropriate development is not an effective means of managing visual impact, and limiting visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt.
13. The development would introduce built form to where there is none and although visually the harm to openness would be limited, by virtue of its physical presence it would spatially result in a substantial loss of openness of the Green Belt. I find the appeal development would not preserve the openness of the Green Belt. Furthermore, it would fail to safeguard the countryside from encroachment. Hence, there is conflict with the fundamental aim and one of the purposes of including land within the Green Belt contrary to paragraphs 137 and 138 of the Framework respectively.
14. CS Policy EV7 is permissive in respect of equestrian related development in the Green Belt and open countryside subject to specific criteria. It also supports larger scale enterprises which are beneficial to the rural local economy through sound financial planning and provided that they are consistent with other local planning policies. Whilst there is no definition within the policy of 'larger scale', the footprint and volume of the proposed rehabilitation centre is much larger than a typical range of stables found in the open countryside and is related to a developing business. Therefore, for the purposes of this appeal, I am satisfied that the proposal before me is a larger scale enterprise.
15. Based on the evidence before me, the business plan does not adequately provide a detailed account of how the existing business operates, how it would be scaled up and run to develop the on-site care, why it needs to be of the size proposed, and how it would remain viable in the future following the significant investment in the site. Whilst there may be some benefits to the rural local economy arising from an equine enterprise of the scale proposed, the amount and nature of those benefits have not been adequately demonstrated through the information submitted and the business plan, including with evidence of sound financial planning as Policy EV7 requires. Accordingly, it will not attract substantial weight in the appeal.
16. The Council also referred to CS Policy EV8 in its reasons for refusal. While I have had regard to that policy, it concerns development related to agriculture, including farm diversification, and is therefore not directly relevant to the proposal and has not been determinative in this appeal.
17. Therefore, the appeal scheme as a whole would be inappropriate development in the Green Belt in conflict with the Green Belt aims of Policy GB1 and the Framework as I have referred to them above. Inappropriate development and loss of openness are, by definition, harmful to the Green Belt and the Framework directs that substantial weight should be given to this harm.

Character and appearance

18. The appeal site is set within a largely flat, open countryside with extensive agricultural fields to the north and west with far-reaching views, and a backdrop of trees to its southern and eastern sides, the latter which is designated Ancient and Semi-Natural Woodland. The site is accessed via a rural lane with a car park nearest to the lane alongside a ménage, and the stable yard immediately beyond. The stables are of small scale, timber construction and arranged in a u-shape around a yard. The immediate area is largely devoid of other buildings except for a cluster of buildings associated with Micklewood Stud. Despite the presence of some visual intrusions in the landscape such as the M6, visible in the distance, the agricultural fields, interspersed by hedgerows and individual trees, combined with wider tracts of woodland combines to create an attractive rural character.
19. The rehabilitation centre would incorporate a red brick plinth, timber cladding to the walls, and steel profile sheet roof. The park home would be finished in similar materials. The size and massing of the proposed rehabilitation centre, although large, would be similar to agricultural buildings at nearby Micklewood Stud and fairly typical of other large agricultural buildings. The materials and colour would also be largely consistent with those found locally. In addition, the location of the appeal proposal sited some distance from the road, close to and on the far side of the existing stables, and tightly flanked by the woodland would enable the appeal proposal to be to some extent assimilated in the surrounding landscape. The impact on the character and appearance of the area would be further minimised by the proposed landscape enhancements. Therefore, whilst the appeal proposal would intensify the use of the site and significantly increase the presence of the buildings, it would not be an unexpected and discordant element in the landscape.
20. As such the development would not have a harmful effect on the character and appearance of the surrounding area and would comply with CS Policies EQ4 and EQ11 and the Framework which seek to respect local character and distinctiveness.

Other considerations and very special circumstances

21. Very special circumstances would need to exist to justify granting permission for the development because it would constitute inappropriate development in the Green Belt and harm the openness. Paragraph 148 of the Framework advises that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless that harm, and any other harm, is clearly outweighed by other considerations.
22. The appellant has an established business manufacturing and selling equestrian supplements to aid laminitis recovery as well as offering advice and support. In addition, they can accommodate up to two horses at a time to provide 24hour care for horses suffering from laminitis. On these occasions, accommodation is provided on site in a mobile horse box.
23. The appellant wishes to develop and grow the business to offer a full and complete rehabilitation programme and develop their product range. The rehabilitation centre would provide a purpose-built structure comprising 4 stables, a horse walker, office, laboratory and first floor store. This would adjoin the existing stable block and related equine facilities. Alongside, the

proposed temporary, park home would provide accommodation to facilitate the 24-hour care.

24. I recognise that laminitis is a common and often severe disease and the evidence before me indicates that there is a demand for the residential care of the more serious cases. I have had regard to the testimonials from customers, local vets and a farrier which support the products and services provided by the business, including the 24-hour care provided to horses suffering from laminitis. A local vet commends the business, commenting on its extensive knowledge and experience with a good success rate in helping horses recover. Also, that the rehabilitation unit would be of immeasurable benefit, offering critical care and reducing the need for sick horses to travel long distances to other centres. The local support for the proposed development attracts considerable positive weight in favour of the development.
25. The appeal proposal would represent a significant investment in the business, allowing it to expand and to employ more staff. The investment in the appeal proposal to date also demonstrates that the appellant is eager to implement the scheme. This complies with Paragraph 84 of the Framework which supports the growth and expansion of businesses in rural areas. However, despite this intention to develop the business and the benefits to the rural economy, I can only afford this moderate positive weight based on my observations of the limited evidence provided, including the inadequate business plan.
26. A temporary dwelling on the site would allow more comfortable accommodation to provide long-term care for sick horses as well as on-site security and to respond to emergencies; and I note the lack of alternative accommodation in the area. Paragraph 80 of the Framework also provides support for dwellings where there is an essential need for a rural worker. These factors also attract weight in favour of the development. I also recognise the opportunities for new native planting to enhance the landscape and biodiversity of the area. These would be a limited positive weight in favour of the development given the lack of detail and the identified harm to the Green Belt. Whilst I recognise the benefits of developing the business alongside existing equestrian facilities, these circumstances carry limited weight as there is no evidence to demonstrate why this development could not be located in another rural area where it would not harm the Green Belt.
27. Micklewood Stud nearby is an equine and agricultural enterprise, uses regarded as not inappropriate development in the Green Belt. Based on the evidence before me it is apparent that the Council's recent approval of a rural workers dwelling was to support that existing enterprise and the Council was satisfied that very special circumstances could be demonstrated. Likewise at Little Saredon, the development related to the breeding of ponies, also regarded as not inappropriate development in the Green Belt. Both these cases therefore relate to businesses regarded as not inappropriate development in the Green Belt with a different set of circumstances and this does not suggest a lack of consistency in determining these applications.

Other Matters

28. The appeal site lies near to the Cannock Chase Special Area of Conservation (SAC), which is a European designated site. Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority have completed a Habitats Regulation Assessment concluding that

subject to mitigation in the form of a payment towards the SAC the appeal proposal would not adversely affect the integrity of the Cannock Chase SAC. In this regard, a draft Unilateral Undertaking has been submitted.

29. If the circumstances leading to a grant of permission had been present, I would have given further consideration to this in accordance with the Habitats Regulations. However, as I am dismissing the appeal on the main issues above, I have not found it necessary to consider this matter any further as it would not alter my decision.

Conclusion

30. Although I have found no harm to the character and appearance of the area, I have identified that the development is inappropriate development in the Green Belt as defined by the Framework. I have also found substantial loss of openness of the Green Belt. Harm to the Green Belt carries significant importance and weight. Taken as a whole, I find that the other considerations in this case do not clearly outweigh the significant harm that I have identified. In concluding, therefore, the harm by reason of inappropriateness, and any other harm, would not be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal. As such, the proposal would be in conflict with CS Policy GB1 and EV8 and the Framework.
31. For the reasons given above, having regard to the development plan as a whole and all other relevant material considerations, including the Framework, the appeal is dismissed.

G Bayliss

INSPECTOR



Appeal Decision

Site visit made on 28 February 2023

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 April 2023

Appeal Ref: APP/C3430/W/22/3306918

2 Brindley Brae, Kinver, Staffordshire DY7 6LR

- 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 Stuart Treadwell against the decision of South Staffordshire District Council.
 - The application Ref 22/00415/FUL, dated 20 April 2022, was refused by notice dated 13 July 2022.
 - The development proposed is the construction of a three bedroom bungalow, parking and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant's statement of case referred to the 'Kinver Neighbourhood Plan, adopted August 2022'. The Council has provided clarification that this plan is not yet adopted, and that consultation on a final draft entitled 'Kinver Neighbourhood Plan, Regulation 16 Version, December 2022' (KNP) is currently in progress. As an emerging plan, it is a material consideration in my decision.

Main Issue

3. The main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

4. The appeal site is located within a residential area, characterised by large, detached properties set back from the road in spacious plots. Property forms are predominantly, but not exclusively two-storey, with generous front and rear gardens.
5. The host property is a detached bungalow on a corner within Brindley Brae, with its principal elevation and vehicular access facing the lower, shorter section of Brindley Brae. As such, the space to the south side of the host property functions as a rear garden. The rear garden boundary of the corner plot of No.18 Hampton Grove (No.18) abuts the appeal site. No.18 and its neighbour at No.17 have narrower plots in comparison to other properties along Hampton Grove. Nevertheless, the prevailing plot pattern along Hampton Grove and the upper section of Brindley Brae, including the host property, is regular and rhythmic.

6. The insertion of a much smaller tapered plot into this pattern, between the host and No.18 would appear incongruous, due to its plot shape, width and depth. The proposed plot would thus appear incongruous to the prevailing character of wider, deeper and regular plots.
7. The proposed dwelling would be located within the host's garden, with its principal elevation facing the lower part of Brindley Brae. Due to its siting at approximately 3-4m from the back of pavement, the proposed development would result in a shallow front garden, discordant to the wider character of deep frontages. Thus, the proposed dwelling would appear incongruous to the prevailing character of deeper front gardens and spaciouly set properties.
8. Due to its depth and width, together with its siting within a tapered plot shape, the proposed dwelling would be very close to the rear garden boundaries of Nos.18 and 17; and to the boundary of the remaining garden of its host. Thus, it would not conform to the spacious nature of plots within the area. The proposed two tandem parking spaces would accentuate the narrow nature of the plot.
9. The host is a single storey bungalow, and No.18 is a dormer bungalow. The proposal would include changes to the level of the land to site the proposed single storey bungalow. These factors would combine with the height of the proposed bungalow to result in a stepped change in the height of property forms along this section of Brindley Brae. In my judgement, this stepped change responds to the local topography, and would not unduly distract from the character of the street scene in terms of building height.
10. However, due to its siting, scale, height, width, depth, and its plot size and shape, the proposed bungalow would appear as a significantly smaller property, and thus would be in sharp contrast to the prevailing scale of larger property forms within the wider street scene. The retention of the hedgerow would not overcome this discordance.
11. I have had regard to the examples in the area cited by the appellant, and I visited those in public view. I agree that the lower section of Brindley Brae opposite the appeal site includes less regular plot patterns. However, I saw that collectively, these plots form a triangular shape of land between the lower section of Brindley Brae and Dunsley Road, and although the plot pattern is consequently less regular, plot sizes are larger than the appeal site, and the spacious character of plots is respected.
12. I therefore conclude that the proposed development would harm the character and appearance of the area.
13. The proposal would be located within a suitable location for development and support the government's objectives to boost the supply of housing, and to use land efficiently, although an additional unit of housing would be a small contribution to housing supply. It could also assist in providing a choice of accommodation to meet any identified needs. However, such benefits would not outweigh the harm I have identified.
14. The proposed development would therefore conflict with Policy EQ11 of the South Staffordshire Core Strategy Development Plan Document 2012, which seeks, among other things, to ensure that development proposals are of a high quality design; respect local character and distinctiveness; contribute positively

to the street scene and surrounding buildings in terms of scale, volume, massing and materials, while respecting the scale of spaces and buildings in the local area. It would also conflict with the South Staffordshire Design Guide 2018, which seeks to ensure that development follows general design principles; and that developments should aim to continue the established pattern of development.

15. The proposed development would also conflict with paragraphs 124 and 130 of the National Planning Policy Framework (the Framework), which, among other things, seek to ensure that planning decisions support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens); that developments function well and add to the overall quality of the area, and are sympathetic to local character.

Other Matters

16. The Council did not refer to the emerging KNP in their reasons for refusal, nor in their officer report on the planning application. With regard to paragraph 48 of the Framework, the KNP is subject to consultation; there is no evidence before me on the extent to which there are unresolved objections to the policies of the KNP; nor as to whether there is any perceived conflict with the Framework. Consequently, I cannot be certain that Policies KN02 and KN06 of the emerging KNP are in their final form.
17. While Policy KN02 offers support to infill development, this is not unfettered, and the proposed development would conflict with the provisions of Policy KN06, which seeks to ensure that development complements the site and local context in regard to certain characteristics of the area. These emerging policies would not materially change the approach of the adopted development plan insofar as they are related to the main issue. Therefore, the precise weight which should be attached to the emerging policies of the KNP is not determinative.

Conclusion

18. For the reasons given, I conclude that the development conflicts with the development plan, read as a whole. No material considerations have been shown to carry sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

J Moore

INSPECTOR

Appeal Decision

Site visit made on 28 March 2023

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th May 2023

Appeal Ref: APP/C3430/W/23/3314310

Land at the rear of 1 Broadacres Close, Stourton, Staffordshire DY7 5BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Julie Harris against the decision of South Staffordshire Council.
 - The application Ref 22/00730/FUL, dated 26 September 2022, was refused by notice dated 24 November 2022.
 - The development proposed is the erection of a wooden shed.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a wooden shed on land at the rear of 1 Broadacres Close, Stourton, Staffordshire DY7 5BW, in accordance with the application Ref 22/00730/FUL, dated 26 September 2022, subject to the following conditions:
 - 1) The shed hereby permitted shall accord with the siting and dimensions shown on the submitted location and block plans.
 - 2) The shed shall be used for purposes in connection with the use of the land as a meadow.

The appeal site and proposal

2. Broadacres Close is a development of four houses on the edge of Stourton. The appellant and her husband are the owners and occupiers of No 1. At the rear, the property has a domestic garden, and beyond that is a further rectangular plot of land within the same ownership, extending to the banks of the Staffordshire and Worcestershire Canal. The appeal relates to this latter parcel of land, beyond the area permitted to be used as garden.
3. The shed which is the subject of the appeal was erected on the land in 2021, and remains in place. Planning permission for its erection is now sought retrospectively.

Main issue

4. The appeal site lies just within the boundary of the Green Belt, which excludes the house and garden, but includes the remainder of the land. The sole issue is whether the retention of the shed would accord with the terms of local and national Green Belt policies.

Reasons for decision

5. Paragraph 149 of the National Planning Policy Framework (the NPPF) provides for various types of development which may be carried out in Green Belts

without being regarded as 'inappropriate'. One of these, ('a'), relates to buildings for agriculture and forestry. In the South Staffordshire Core Strategy (the SSCS), adopted in December 2012, Policy GB1 states that development which accords with the NPPF will normally be permitted, and in this context repeats the NPPF's reference to buildings for the purposes of agriculture or forestry.

6. In the present case, the appellant states that the intention is to cultivate the Green Belt part of the site as a meadow, and that the shed is needed to house tools and equipment in connection with that use. On my visit, I saw that this part of the site is currently in the process of regenerating to rough grassland, with a scattering of wild flowers, and that some areas have been re-seeded to assist this process. The shed was being used to store a mower, tools, seeds and the like. I appreciate that some of these items could also be used for the purposes of maintaining the appeal property's domestic garden. But nevertheless, it is clear that the maintenance of the Green Belt part of the site as a meadow is likely to involve the use of tools and equipment, and in the circumstances, it seems to me not unreasonable for these to be kept on the meadow land itself.
7. Under Section 336(1) of the Town and Country Planning Act 1990, the use of land as a meadow falls within the definition of 'agriculture'. On this basis, the proposed shed is a building which is reasonably required in connection with the use of the land for agricultural purposes, falling within the terms of the exception provided by NPPF paragraph 149(a). As such, the development is therefore not inappropriate in terms of Green Belt policy.
8. In passing, I note that the lawfulness of an agricultural use on the land appears not to be disputed. To my mind, that is correct. The land was evidently used for some form of agriculture prior to the development of Broadacres, and in any event, by virtue of Section 55(2)(e) of the Act, a change to agricultural use would not constitute development.
9. I note the Council's desire to avoid setting a precedent in relation to other nearby properties. However, it would be for the occupiers of those properties to demonstrate that the use involved was genuinely agricultural. I have considered the present appeal case on its own individual facts and merits, and have reached my conclusion on this basis.
10. I conclude that, in terms of SSCS Policy GB1 and NPPF paragraph 149, the shed in question does not amount to inappropriate development. The development therefore involves no conflict with Green Belt policy. In the circumstances, it is not necessary for me to consider the effects on the Green Belt's openness or underlying purposes, nor to look for any very special circumstances.
11. It follows that permission should be granted. In allowing the appeal, I have imposed conditions relating to the approved plans, which is needed for reasons of certainty; and to control the use, which is necessary to ensure continuing compliance with Green Belt policies. On this basis, the appeal is allowed.

J Felgate

INSPECTOR



Appeal Decision

Site visit made on 11 April 2023

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2023

Appeal Ref: APP/C3430/W/22/3308742

Landywood Farm, Landywood Farm Lane, Cheslyn Hay WS6 7AS

- 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 Tom Park against the decision of South Staffordshire District Council.
 - The application Ref 22/00357/FUL, dated 1 April 2022, was refused by notice dated 12 July 2022.
 - The development proposed is 'Retention of agricultural barn (retrospective)'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description appearing in the banner heading above is taken from the planning application form. A development similar to that shown on the appeal plans was substantially complete at the time of my site visit. As retention is not an act of development, I shall deal with the proposal as one under s73A of the Act for development already carried out.
3. There is some dispute between the main parties as to the uses taking place on the site. It is not for me, under a s78 appeal, to determine whether or not an alleged development or use on the site is lawful. To that end it is open to the appellant to apply for a determination under s191 or 192 of the Act. Nevertheless, for the purposes of determining this appeal, I must come to a view based on the balance of the evidence before me as a relevant consideration to the matters at hand only. For the avoidance of doubt, this view is not binding.

Main Issues

4. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the Framework) and any relevant development plan policies
 - the effect on the openness of the Green Belt
 - whether or not the proposal affects the setting of Landywood Farmhouse, a Grade II Listed Building
 - the effect on European Protected Species

- if found to be inappropriate, whether any harm by reason of inappropriateness, and any other harm would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Green Belt

5. The Government attaches great importance to Green Belts. The essential characteristics of Green Belts are their openness and their permanence. Section 13 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 of the Framework makes it clear that new buildings are inappropriate in the Green Belt. However, an exception is made in the case of buildings for agriculture and forestry. Policy GB1 of the South Stafford Council Core Strategy [2012] (the CS) restates the Framework's provisions, including the exception of agricultural buildings.
6. The building is located in a grassed field bordered by fencing, a pond and hedging. At the time of my site inspection, the wider site was used for some outside storage of materials, trailers and a tractor. Additionally, a domestic gas tank, beehives, outdoor leisure furniture and a tree swing were present. The building was being used for the storage of several small tractors, a motor vehicle and other sundry items. A separate but attached woodstore, open on one side, was located to the western extent of the barn.
7. The appellant's statement advises that the barn is used in conjunction with the maintenance of the appeal site and other land holdings elsewhere. This is supported in correspondence from 2 third parties who state that maintenance is undertaken by the appellant on separate sites.
8. However, whilst I have little doubt that the tractors could be used for agricultural purposes, the maintenance of land, or the storage of vehicles and machinery involved in agricultural (or other) contracting does not necessarily fall within the s336(1) definitional scope of 'agriculture'. This principally requires active production to be taking place on the site.
9. Given the Council's concerns as to the nature or extent of any agricultural use of the building (or lack of it), it was open to the appellant to provide additional evidence in that respect. However, if the land is used for that purpose, there is little substantive evidence to demonstrate it. Taken with the limited area of land, and its part use for storage or siting of non-agricultural items, I am not persuaded that the qualifying agricultural exemption exists.
10. I acknowledge the appellant's assertion that the design of the building has an agricultural appearance; that the extent of the hard surfaced apron about it, or the lack of formal access to it, would limit its usability for other purposes. However, I do not consider those matters to be determinative of the building's use.
11. Together with my observations on the ground, the balance of evidence does not demonstrate that the building is in agricultural use or on land used for that purpose. It does not therefore fall within the exception to Green Belt buildings stated in Paragraph 149 a) of the Framework. Furthermore, it does not fall within any of the other listed exceptions.

12. Sited in a location apart from other existing development, the presence of the building has an impact on the spatial openness of the Green Belt. Additionally, although the siting has made best use of existing boundary treatments, the building is visible in the open rural landscape. Glimpsed views can be seen through and over roadside hedging, particularly to the north-west. This results in a moderate adverse impact on the visual openness of the Green Belt and presents as an outward encroachment into otherwise previously undeveloped land. This is not contested by the appellant.
13. For the reasons set out above, I conclude that the development constitutes inappropriate development within the Green Belt. It erodes its openness and conflicts with one of the purposes of including land in the Green Belt. As such, it is contrary to Policies GB1 and EQ4 of the CS which seek the aforesaid aims. For similar reasons, the development does not fall within the exceptions outlined in the Framework.

Setting of a Listed Building

14. In addition to the grassed field, the site includes the original farmstead area consisting of a range of traditional agricultural buildings and the farmhouse set about a central courtyard area. The various buildings have seen some extension and in 2013 the redundant buildings benefitted from planning permission for their use for residential purposes.
15. The Grade II Listed farmhouse, dating from the early C16 with later additions and alterations, is noted for its age, construction and architectural detailing. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a decision maker, in considering whether to grant planning permission for development which affects a listed building (LB) or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
16. There is no dispute between the main parties that the building, being set apart from the original group, does not have a direct effect on the LB. The setting of the heritage asset, however, derives from its historic function in association with the surrounding open rural landscape. It appears isolated from the more densely developed clusters of residential development nearby.
17. Although the barn is not typical of modern agricultural buildings, the simple form, scale, and external materials define it as distinct from the development in the nearby urban areas. Notwithstanding my finding in relation to its use, it appears apposite within its rural context.
18. However, despite its appearance and the intervening distances, the sizable building will have brought about a considerable change in the previous largely undeveloped outlook enjoyed from a main aspect of the historic core of the LB and a converted curtilage building. The prominent position has failed to respect the characteristic traditional farmstead arrangement of closely clustered buildings.
19. Consistent with the appellant's own heritage assessment, I find this incursion into the farmhouse's setting causes no greater than less than substantial harm within the context of Paragraph 202 of the Framework. However, less than substantial harm does not equate to a less than substantial planning objection.

20. Paragraph 202 of the Framework identifies that where less than substantial harm to the significance of a designated heritage asset occurs, this harm should be weighed against the public benefits of the proposal.
21. In support of the development, the appellant asserts that the setting of the LB would be enhanced by the maintenance of land about it. This would arise from facilitating the storage of the machinery required to achieve it. However, there is little to demonstrate that this could not be achieved by less impactful means. Furthermore, there is no proposed mechanism to secure that benefit for the lifetime of the development. I therefore find it a benefit of limited weight.
22. It is also contested that the maintenance of other farmland elsewhere would also give rise to public benefits. However, as maintenance of private land, I do not find this to constitute such a benefit.
23. For the above reasons, I find the development does not preserve the setting of the designated heritage asset. The public benefits arising from the building do not outweigh the less than substantial harm. The development thereby conflicts with Policy EQ3 of the CS and the Framework as they seek to sustain or enhance the significance of heritage assets, including their settings.

European Protected Species

24. According to the Council the site is located in a 'red impact risk zone' for Great Crested Newts. Regulation 9 of the Conservation of Habitats and Species Regulations 2017 (as amended) imposes a duty on me to have regard to the likelihood of European Protected Species being present and affected by the proposal. However, as the development has taken place and there is limited evidence that it has caused harm to the protected species or its habitat, I am unable to attribute weight to this matter.
25. If a breach of the Regulations took place as a result of the development, this is now a matter for the relevant enforcing body.

Other Considerations

26. Subject to some proposed conditions, there were no significant objections from statutory consultees, including in relation to highway matters. However, as responses in relation to requirements in the development plan, these are not benefits of the development.
27. I acknowledge the appellant's assertion that a similar proposal could be constructed under the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015. However, under its terms, new buildings reasonably necessary for the purposes of agriculture require a minimum holding area of 5ha. Pursuant to the appellant's confirmation that the site only extends to 0.5ha., it is not therefore a viable proposition. Accordingly, this is a fallback position of negligible weight in the context of the evidence provided.
28. The appellant contests that it was open to the Council to impose a condition restricting the building's use to one of agriculture. As I have found that there is little evidence of that use taking place, to subsequently require it would not pass the test of reasonableness as set out in Paragraph 56 of the Framework.

29. I note the frustrations expressed by the appellant in relation to the level of communication from the Council leading up to its decision. However, this is not a matter for this appeal.

Other Matters

30. I recognise the third-party representations referencing previous development at or near the site. As concerns relating development outside the scope of this appeal, these are matters of negligible weight.

Conclusion

31. The building is inappropriate development in the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that and any other harm to it. The building also causes harm to the openness of the Green Belt and the setting of the Listed Building.

32. Notwithstanding my neutral finding on the matter of the development's effect on protected species, this, or the other considerations presented by the appellant, do not clearly outweigh the totality of the harm that I have identified. Consequently, the very special circumstances necessary to justify granting planning permission do not exist and the development is contrary to Policies GB1, EQ3 and EQ4 of the CS and the Framework.

33. For those reasons, I conclude that the appeal should be dismissed.

R Hitchcock

INSPECTOR



Appeal Decision

Site visit made on 28 March 2023

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 5 May 2023

Appeal Ref: APP/TPO/C3430/8126

Montague House, Lawnswood, Stourbridge, Staffs DY7 5QP

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to a tree protected by a Tree Preservation Order.
 - The appeal is made by David and Jane Wild against the decision of South Staffordshire Council.
 - The application Ref: 20/00565/TTREE, stamped as received by the Council on 26 May 2020, was refused by notice dated 22 September 2020.
 - The work proposed is for either the felling, or the crown thinning and reduction, of a sycamore tree.
 - The relevant Tree Preservation Order (TPO) is the 'South Staffordshire TPO No 37, 1980 – White Friars', which was confirmed on 18 March 1980.
-

Decision

1. In so far as consent is sought for felling, the appeal is dismissed, and consent is refused.
2. In so far as it relates to works of crown thinning and reduction, the appeal is allowed and consent is granted to undertake such works to a Sycamore tree protected by 'South Staffordshire TPO No 37, 1980 – White Friars', at Montague House, Lawnswood, Stourbridge, Staffs DY7 5QP, in accordance with the application, Ref 20/00565/TTREE, subject to the following conditions:
 - 1) The works hereby approved shall not be commenced until a detailed scheme of works has been submitted to the local planning authority and approved in writing. The scheme shall include details of the maximum extent of crown reduction, and the maximum percentage of thinning.
 - 2) The works shall be carried out by an appropriately qualified arborist, in accordance with British Standard BS 3998, 'Tree Work: Recommendations' (2010).
 - 3) The works hereby approved shall be carried out only once, and shall be completed within 2 years from the date of this decision.

Procedural matter

3. In the original application, the proposed works are expressed as two alternatives, either for felling or for crown thinning and reduction, as set out above. The Council's decision notice refuses consent for felling, but does not refer to any other works. For the avoidance of doubt, in so far as the appeal relates to the alternative proposal for crown thinning and reduction, I have treated it as an appeal against the Council's failure to determine that part of the application within the prescribed period.

Main issues

4. The issues in the appeal are, firstly, whether the tree's amenity value is such as to justify its continued protection; and if so, whether sufficient justification has been shown to warrant overriding that protection, in respect of either felling or crown thinning and reduction.

Reasons for decision

Amenity value

5. The Lawnswood estate is a wooded enclave comprising a number of small residential cul-de-sacs surrounded and interspersed by residual woodland. Within that area, the White Friars TPO, identified above, gives statutory protection to two individual trees, four tree areas, one tree group, and one large area of woodland. The Sycamore which is the subject of this appeal falls within the area of woodland.
6. On my visit, I saw that the estate's wooded character is one of its most notable characteristics. Seen from within, the trees give an attractive, mature and natural green backdrop to the streets and houses. Viewed externally, they screen the development and help to integrate it into the surrounding countryside. For the most part, the houses now present appear to date from the late 20th century, or since. Without the pre-existing trees and woodland, it seems unlikely that housing development on this scale would ever have been permitted in such an isolated location.
7. The Sycamore in question is a medium sized, mature specimen, in good health, forming an integral part of the estate's woodland tree cover. As such, the tree is fully worthy of the level of protection bestowed upon by the TPO.

Justification for the proposed works

8. The appellants are the owners and occupiers of the adjoining property, Brackenbury House. The appeal tree stands adjacent to the side boundary to the south of their rear garden, and therefore casts its shadow over the garden for the middle part of the day. The garden is not large, and the shade cast by the appeal tree is likely to cover a sizeable proportion of it. The garden is also subject to additional shading from other trees and buildings on, or just beyond, all of its boundaries.
9. The degree of shading likely to be caused by the appeal tree does not justify the loss of the tree in its entirety. But even so, the area of garden affected is sufficiently extensive as to cause some harm to the occupiers' living conditions, and thus to warrant some form of remedial action. In my view, a reasonable improvement in the amount of sunlight reaching the property could be achieved through a modest amount of crown thinning and reduction, without undue loss of the tree's public amenity value.
10. I appreciate the appellants' other concerns, including the potential danger from falling branches, although this risk can be managed to some degree by regular inspection and removal of deadwood, for which no consent is required. I accept also the inconvenience and annoyance caused by the quantity of leaves that fall annually, and by the unwanted seedlings that germinate, and by the proliferation of moss in the lawn. Whilst I sympathise with all these other problems, it seems to me that in this case none of these, either individually or

collectively, are so exceptional as to justify either felling or the other works applied for. But this does not alter my conclusion that some crown thinning and reduction is justified, on grounds of excessive shading, for the reasons given above. In the circumstances, it is not necessary for me to consider these other issues in any more detail, except to note that the thinning and reduction that I shall permit may provide some degree of relief in respect of these matters in addition to the improvement in terms of light.

11. For the reasons explained above, and having full regard for the tree's amenity value, I conclude that felling is not justified, but crown thinning and reduction should be permitted.

Conditions and other matters

12. In the absence of any further information from either the appellants or the Council as to the actual amount of thinning or reduction work that they consider would be either necessary or acceptable, I am not in a position to determine the limits of these works in more detail. However, in this particular case, with the benefit of the consent that I shall grant, I see no reason why these detailed matters cannot be resolved by agreement between the parties. I have therefore imposed a condition to ensure that details of the extent of reduction, and the percentage of thinning, are approved by the Council prior to the work being commenced.
13. Further conditions are also imposed with regard to the standard of work required, and the timescale within the work must take place. The first of these is necessary to ensure the tree's future health and longevity, and the second to accord with the relevant Regulations.
14. For the avoidance of doubt, it should also be noted that the granting of consent under the Regulations does not override the rights of the tree owner. The consent of the owner is needed for any works on land outside the ownership of the person undertaking those works.

Conclusion

15. The Sycamore tree contributes to the estate's tree cover, and thus has significant amenity value. Based on the evidence put forward, felling is not justified. However, a limited amount of crown thinning and crown reduction are justified due to the tree's effects on sunlight to Brackenbury House. Consent for these works is therefore granted, subject to the conditions set out on the first page of this decision.

J Felgate

INSPECTOR



Appeal Decision

Hearing held on 24 January 2023

Site visit made on 25 January 2023

by M Madge Dip TP MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 May 2023

Appeal Ref: APP/C3430/C/21/3283004

Land on east side of Teddesley Road, Penkridge ST19 5RH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr John Ireland (senior) against an enforcement notice issued by South Staffordshire District Council.
- The notice was issued on 21 August 2021.
- The breach of planning control as alleged in the notice is:
 - (i) The unauthorised material change of use of the Land from agriculture to a residential caravan site.
 - (ii) The unauthorised siting of caravans and associated development on the Land.
 - (ii) Unauthorised operational development to create hardstanding.
- The requirements of the notice are:
 - (i) Cease the unauthorised residential use of the Land.
 - (ii) Remove from the Land all caravans, unauthorised buildings and structures.
 - (iii) Remove from the Land all vehicles associated with the unauthorised material change of use of the land.
 - (iv) Remove from the Land all unauthorised hard surfacing from the land outlined in blue on the attached plan including the imported hard core and associated materials.
 - (v) Remove from the Land the unauthorised concrete pad from the land coloured purple on the attached plan.
 - (vi) Reinstate the Land outlined in dark blue on the attached plan to agricultural land by re-seeding or re-turfing the Land with a mixture of wild-flower mix or a 60% to 40% mix of wild-flower and grass seed.
 - (vii) Remove from the Land all materials arising from compliance with (ii), (iii), (iv) and (v) above.
- The periods for compliance with the requirements are:
 - Steps (i), (ii) and (iii): one month.
 - Steps (iv) and (v): two months.
 - Steps (vi): six months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of Decision: The appeal is allowed, the corrected enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Matters Concerning the Notice

1. There are several errors in the notice. In section 3, there are 3 sub-paragraphs, 2 of which are labelled '3(ii)'. The second of these should be labelled '3(iii)' for clarity.
2. Section 3(ii) of the notice states '*The unauthorised siting of caravans and associated development on the land*'. Section 3(i) deals with the use of the land

- and section 3(iii) deals with operational development. Section 3(ii) is therefore unnecessary duplication, the wording in 3(ii) will be deleted accordingly, and 3(iii) shall be renumbered as 3(ii).
3. Step 5(ii) requires the removal of all unauthorised buildings and structures, as well as caravans, from the land. The Council confirmed at the Hearing that there are no buildings or structures captured by the notice. Step 5(ii) shall be corrected accordingly.
 4. Steps 5(iv) and (vi) refer to land outlined in 'blue' and 'dark blue' respectively. However, the plan attached to the notice only shows one area of land outlined in one shade of blue. The word 'dark' shall be deleted from Step 5(vi) for clarity.
 5. There are 7 steps required to be taken to comply with the notice. The time for compliance is broken down into 3 periods. A period of one month falls short of what should reasonably be allowed in respect of the cessation of the residential use of the land and removal of all caravans and vehicles from the Land. It was agreed at the Hearing that a period of six months to comply with steps (i), (ii) and (iii) would be reasonable. As the hardstanding could not be removed, and the land could not be reseeded until the caravans have been removed, the compliance period for steps (iv), (v) and (vi) shall also be varied from two and six months respectively to eight months. Also, a compliance period for step (vii) has been omitted. It shall be included in the eight-month period.
 6. The appellant's case relates to the use of the land as a residential caravan site and the laying of hardstanding, in the form of imported hard core, associated materials and a concrete pad. My corrections and variations set out above would not fundamentally change the matters alleged and no injustice would arise for the appellant or the Council. I shall proceed on the basis of the corrected notice.

Preliminary Matters

7. Since the development relates to the setting of a listed building, I have had special regard to section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
8. The Council introduced the impact of the development on the Cannock Chase Special Area of Conservation (the SAC) at the Hearing. As the competent authority, I am duty bound to carry out an Appropriate Assessment (AA). Adequate information was not available at the Hearing to enable me to undertake the AA and additional time was given for the Council to provide the necessary information. Given the late introduction of this matter, the appellant was also provided with time to provide a completed Unilateral Undertaking to address mitigation. I will return to this matter later.
9. Additional operational development has taken place on the land since the notice was issued. Matters such as the erection of fencing, poles to which CCTV cameras and lights are affixed, and raised decking are not captured by the notice. These matters are not therefore before me for consideration.
10. It was agreed by the appellant and the Council that the single storey stable building (the stables), as it stood prior to the appellant's occupation of the land, had achieved immunity from enforcement action due to the passage of time. There is no evidence before me to suggest otherwise, and I agree that

the stables is lawful. I was also advised that the stables had been extended since the notice was issued. Enforcement action may be taken in respect of the lean-to extensions to the stables, but this matter is not before me for consideration.

11. The site is currently occupied by Mr John Ireland (senior), his wife, and their two daughters, Princess and Tiahana. They have temporarily stopped travelling due to Tiahana's medical needs, but Mr Ireland travels for work when able to. The appellant claimed that the site has also been occupied by his sons, John Ireland (junior) and Richard Ireland, their partners and children, his cousins John Stevens and Mr Jenkins, and a friend John Vary, their partners and children. These other identified occupiers were away travelling at the time of the Hearing. Having heard the appellant's oral evidence, the Council conceded that the appellant and his extended family have Gypsy and Traveller status.
12. The use of the land as a residential caravan site has taken place, but the number of caravans on the land has been the subject of change. While the appellant would like the acceptability of 8 caravans for residential purposes to be considered, aerial imagery shows a maximum of 5 caravans on the site, and I saw only one cabin and one caravan on the site at the time of my site visit. The appellant's oral evidence suggests that 7 households have resided at the site, but no evidence to show that they were all in occupation at the same time is provided. In the absence of any other precise evidence, I take the aerial image showing 5 caravans to be the maximum level of occupation. I shall proceed on that basis.
13. The appellant's written submissions make a case that the concrete pad extension, coloured purple on the plan attached to the notice, had not occurred. This matter would fall to be considered under ground (b), but an appeal on this ground was not identified on the appeal form. The Council had time to address this matter and it was agreed that it could be dealt with without causing injustice at the Hearing.

Appeal on Ground (b)

14. An appeal on this ground is that the matters alleged have not occurred as a matter of fact. The onus of proof is on the appellant and the relevant test is the balance of probability.
15. There is no dispute that a material change of use of the land to a residential caravan site has occurred. The appellant originally claimed that the area of concrete pad coloured purple on the plan attached to the notice (the purple concrete) was part of the concrete pad that the stables stand upon. At the Hearing however, the appellant claimed that the purple concrete had been constructed prior to his purchase of the land. An adjacent resident, Mr Saund, confirmed the appellant's amended position on this matter, advising that his recollection was '*[the purple concrete] had been constructed shortly before the appellant purchased the land*'. The appellant agreed that this was less than 4 years before the notice was issued.
16. The oral evidence, along with what I saw on site, confirms that the purple concrete is separate from that which the stables stand upon. It therefore forms part of the hardstanding referred to in the corrected allegation.
17. The appeal on ground (b) fails.

Appeal on Ground (a)

18. An appeal on this ground is that planning permission should be granted for the matters alleged, namely the use as a residential caravan site and the creation of hardstanding. The site lies in designated Green Belt, adjacent to a conservation area and close to a listed building, and within the zone of influence for the Cannock Chase Special Area of Conservation. The **main issues** are:

- whether the development is inappropriate development in the Green Belt having regard to the Framework and development plan policy;
- the effect of the development on openness;
- the effect of the development on heritage assets;
- the effect of the development on the SAC;
- the effect of the development on the character and appearance of the area;
- the question of need for and supply of gypsy and traveller sites;
- the question of intentional unauthorised development;
- the personal circumstances of the occupiers;
- whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

Green Belt

19. The essential characteristics of Green Belts are their openness and their permanence. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The five purposes of Green Belt include to assist in safeguarding the countryside from encroachment.
20. Paragraph 147 of the Framework confirms that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Policy E of the PPTS confirms that traveller sites in the Green Belt are inappropriate development. This development is therefore, by definition, harmful to the Green Belt by reason of inappropriateness.

Openness

21. Policy GB1 of the South Staffordshire Core Strategy (CS) adopted in December 2012 provides guidance for development that is acceptable within the terms of the Framework. It makes no reference to gypsy or traveller sites, but policy H6: Gypsies, Traveller and Travelling Showpeople clearly envisages that new gypsy or traveller sites may be acceptable in the Green Belt where there is a shortfall against the identified need identified. The Council accepts that future site provision will almost certainly be in the Green Belt but seeks through policy H6 to ensure that such sites do not have a '*demonstrably harmful impact on openness*'. This term is not defined, but I consider that it is intended to convey a significant loss of openness rather than a more limited loss that may result from a small-scale site, such as the appeal site.

22. The assessment of impact on openness is about considering the presence of the development in the context of national policy, which seeks to keep Green Belt land permanently open, thus avoiding urban sprawl. This specific assessment is not about the quality of the development or its effect on the character and appearance of the area. The Court of Appeal has confirmed that the openness of the Green Belt has spatial and visual aspects¹.
23. The appeal site is located to the east of Teddesley Road and west of the Staffordshire and Worcestershire canal. It is roughly square in shape, and it has been divided by fencing. Hardstanding has been laid on the land edged in blue on the plan attached to the notice. Electrical hook-ups are located at various positions adjacent to the southern boundary. There is no demarcation of individual pitches.
24. The stables building is in the south-eastern corner of the site. The appellant and Council agree that the land was previously used for grazing, most probably associated with equestrian activities, and I see no reason to disagree. The hardstanding itself, owing to its lack of three-dimensional form, would have no impact on openness. However, the accommodation of a maximum of 5 caravans, vehicles and associated residential paraphernalia inevitably takes up space in what was previously open land.
25. Given the nature of the use, the number of caravans and vehicles, and the level of residential paraphernalia fluctuates depending on the number of households present. The development does not include the provision of dayrooms and only one cabin (static) has been sited. The development has reduced the spatial openness of Green Belt, but even when 5 caravans are present, the amount of that reduction is relatively small in the overall Green Belt context.
26. The site is adjacent to and accessed from Teddesley Road. There is a substantial and dense boundary hedgerow adjacent to the carriageway. The continuity of this hedgerow is only interrupted by the site entrance. Teddesley Road is unsuitable for walkers and its width and configuration ensure motorists and cyclists would be focussing on the road. Any glimpse of the development is therefore likely to be very brief or fleeting. Whilst visibility of the site from the road may increase due to seasonal leaf fall, it seems to me that the density of the hedgerow would ensure that views of the site would continue to be screened or at least be well filtered.
27. The site can also be seen from the canal towpath to the rear. While there is vegetation along this boundary, it is not so dense as that adjacent to Teddesley Road. The position of the stables behind the boundary vegetation obstructs views of the unauthorised development to a degree. The upper parts of caravans and vehicles remain visible in the surrounding landscape, which is interspersed with canal bridges, rural buildings, and an elevated section of the M6 motorway.
28. I saw that views of the site are possible from the nearby canal bridge and the neighbouring dwelling, Parkgate Lodge. These views are however at a distance, through intervening vegetation. The visual impact of the development on the openness of Green Belt is therefore limited.

¹ *Turner v SSCLG & East Dorset Council* [2016]

29. Taking all these considerations together, the development causes a degree of encroachment into the countryside and urban sprawl, contrary to Green Belt purposes as set out in the Framework. However, the development only results in limited harm to visual openness.

Heritage Assets

30. The Staffordshire and Worcestershire Canal Conservation Area (the CA) encompasses the adjacent canal and its towpath. Its significance is derived from its industrial archaeology and civil engineering importance. The canal and towpath provide a leisure route for walkers, cyclists and boats users. The site is located to the west of the canal, between Parkgate Bridge and New Bridge (better known as 'Fancy' Bridge). Both bridges provide access to the Teddesley Estate. In the immediate area, the CA is bounded by hedgerows and woodland, which provides a peaceful and tranquil setting. The significance of the CA, insofar as it relates to this appeal, is primarily associated with the leisure route it provides through a sylvan setting.
31. The nearby Fancy Bridge is a Grade II listed building. Built in the late 18th Century of Ashlar, it has a single three centred arch and roll moulded parapet string to a partly balustraded parapet with some brick infill, terminating in octagonal piers. The bridge was constructed to provide an alternative access into Teddesley Estate. Given the above, I find the setting of the listed building, insofar as it relates to this appeal, to be primarily associated with the canal and its sylvan setting, which directly contribute to its special interest. I shall give great weight to the conservation of these identified heritage assets.
32. The development has no physical effect on the significance of the CA or listed building. The development is located behind the stables and boundary vegetation, which obscure views of the caravans, associated vehicles and residential paraphernalia when passing the site along the canal, the towpath or when crossing Fancy Bridge. Glimpses of the development that can be seen result from the light colour finish of the caravans, and some vehicles, contrasting with the vegetation and stables. The visual impact of the development on the sylvan character of the CA or the significance of the listed building's setting is therefore very limited.
33. The Council claim that it is the two-metre-high domestic style feather board wooden fencing and lighting that impacts negatively on the significance of the setting of the listed building. As already established, the fencing and lighting are not before me for consideration. While the provision of fencing and lighting could be necessary additions to the development of the site, if I were to grant planning permission, these matters can be adequately controlled by condition.
34. Electricity for occupied caravans is provided by portable generators. Depending on the number of occupied caravans, the size and type of generator in use may change. Whichever type of generator is being used, it omits noise which is audible from the canal, towpath and potentially the Fancy Bridge. The generator in use does not however run continuously and it would only be audible for the length of time that it takes for someone to pass the immediate vicinity of the site. The intermittent adverse noise from the use of a generator would have a limited impact on the peace and tranquillity of the adjacent CA and the significance of the listed building's setting.

35. The very limited visual and limited audible impacts would cause less than substantial harm to the CA and significance of the setting of the listed building. As I have found the development to lead to less than substantial harm, this harm should be weighed against any public benefits arising from the development.
36. The Council acknowledges that it does not have a 5-year supply of specific deliverable sites and therefore has a shortfall of gypsy and traveller pitches. The development makes a positive contribution towards addressing the identified shortfall and I give this public benefit significant weight. As the audible and visual harms to the heritage assets are limited and very limited, the significant public benefit outweighs the less than substantial harm.
37. The development therefore accords with policy EQ3 of the CS, which seeks to conserve, preserve and protect heritage assets.

Special Area of Conservation (SAC)

38. The SAC comprises the largest area of heathland habitat surviving in the English Midlands. It comprises dry and wet heathland which is Annex I habitat, although a primary reason for selection of this site is Northern Atlantic wet heaths with *Erica tetralix*. The site also hosts Annex II species. It cannot be ruled out that the development, alone or in combination with other plans and projects, would result in a likely significant effect on the SAC due to recreation and visitor pressures.
39. As appropriate authority, I therefore have a duty to undertake an appropriate assessment to consider whether it would be possible to secure satisfactory mitigation measures. I have had regard to Footprint Ecology's Report², the 'Guidance to Mitigate the Impact of New Residential Development' (March 2022) (GMINRD), and the Cannock Chase Special Area of Conservation Partnership's 'Memorandum of Understanding'. Natural England, as the statutory national conservation body, authorised the adoption of the GMINRD as supplementary planning guidance. The GMINRD promotes a regime of financial contributions towards strategic on-site mitigation within the SAC, including habitat management, access management and visitor infrastructure. I consider the provision of the financial contribution towards strategic mitigation measures enables it to be ascertained that the proposal would not adversely affect the integrity of the SAC protected under the habitat regulations.
40. In accordance with the GMINRD, the appellant has submitted a planning obligation, in the form of a unilateral undertaking ('UU'). This UU secures the aforementioned financial contribution, which equates to £290.58 per traveller pitch. The provisions of the UU are necessary to make the development acceptable in planning terms, they are directly related to the development and are fairly and reasonably related in scale and kind to the development. The UU meets the relevant tests, and the planning obligation is a material consideration which satisfactorily mitigates harm in this case.
41. For these reasons, the proposal accords with policy EQ2 of the CS, which seeks to protect and enhance habitats, species and sites of international, national and

² Footprint Ecology's Evidence Base to Cannock Chase SAC and the Appropriate Assessment of Local Authority Core Strategies

local importance including the SAC. The development also complies with the Regulations.

Character and appearance

42. Local and national planning policies seek to restrict development in the countryside to that which is required for agriculture, forestry or some other essentially rural activity. It is also generally accepted that new gypsy and traveller sites will be located outside settlement limits, in the countryside.
43. The surrounding countryside is characterised by a mix of arable and grazing fields, bounded by high hedgerows, and interspersed with sporadic groups of buildings and woodland. This rural landscape is bisected by the M6 motorway, which is elevated in places. The site and surrounding countryside do not fall within any designated landscape area.
44. The site is screened by high mature native species hedgerows. The development is located at the southern end of the field, adjacent to the garden of the neighbouring dwelling. The development therefore represents an extension to an established group of buildings in the countryside. The development has urbanised the appearance of the land, but this has a very limited impact beyond its boundaries. The provision of additional landscaping and control of fencing and lighting, through the imposition of suitably worded conditions, could reduce any impact of the development on the character and appearance of the countryside.
45. Taking these factors together, the development has a very limited effect on local distinctiveness and the intrinsic rural character of the immediate area. The development does not therefore conflict with policy EQ4 of the CS, which seeks to protect and enhance the character and appearance of the landscape, amongst other things.

Other matters:

Living conditions

46. As already established, the development is well screened by established hedgerows. I saw that the uppermost parts of the development can be seen from the neighbouring residential property. It is also possible to see someone entering or leaving the cabin. The neighbouring residential property can also be seen from the development. Just because a level of intervisibility exists between two developments, it does not follow that a loss of privacy will occur. The distance between the development and the adjacent dwelling is significant and interspersed with hedgerows, trees and shrubbery. Overlooking of the neighbouring property's private garden is therefore unlikely to any significant degree.
47. There are claims that noise from the generators has caused audible detriment to the quiet enjoyment of the neighbouring private garden. The appellant has taken steps to address the neighbouring occupier's concerns, by relocating the generators further away and erecting fencing to act as a noise barrier. While the lawfulness of that fencing has not been established, this matter could be addressed through a suitably worded condition. Furthermore, the appellant has confirmed that a permanent electricity supply can be provided to the site. Noise arising from the generators is less than likely to cause significant detriment to the adjacent occupier's living conditions.

Highway safety

48. The speed limit along Teddesley Road adjacent to the site is unrestricted and, whilst the carriageway is narrow with high boundary features, it accommodates two-way traffic. While I have not been provided with any speed survey information, the carriageway width and succession of bends near the site prevent traffic passing the site at high speeds. The entrance to the site can accommodate two-way traffic and the gates are set back so that a vehicle towing a caravan can pull clear of the road, even if the gates are closed. Visibility for emerging drivers is affected by adjacent boundary features and the road alignment, but there is no evidence to show that the available distance is inadequate.
49. The Framework states that development should only be prevented on highway grounds where impacts are 'severe'. In light of the above, I find that the development would not cause severe harm to highway safety and so would not conflict with policy H6(6) of the CS or the Framework.

The settled community

50. Penkridge is a large settlement, containing a significant number of shops, businesses, schools, and other services. The small-scale nature of the development respects the scale of and does not dominate the nearest settled community, nor does it place undue pressure on local infrastructure. The development does not conflict with policy H6(7) of the CS.
51. The occupation of the site by multiple households could however feel domineering to the adjacent residential occupier and lead to a fear of crime. Both the appeal site and adjacent property have external lighting and CCTV cameras, albeit I was advised that those on the appeal site are not operational. There is however no evidence before me linking the site occupiers with criminal activity. Taking these factors together, I find there is no conflict with policy CS1 of the CS, which seeks to design out crime.

Site infrastructure

52. The site is not currently served by a local authority waste collection service. The appellant has however made provision for commercial waste collection. I saw large, wheeled bins located adjacent to the site entrance. The development currently makes use of chemical toilets, the number of which changes depending on how many households are present. The appellant has a private agreement for the supply of water to the site. The local water authority could however provide a connection for the site. Given that an electricity connection can also be provided, there is no conflict with policy H6(2) of the CS.

Need for and supply of gypsy and traveller pitches

53. The Council is undertaking a local plan review and claimed at the Hearing that the timescale for adoption is likely to be spring of 2024. They expect planning permissions for site allocations to be coming forward from spring of 2025. As the local plan review has not yet been submitted for examination, there is no guarantee what form any site allocations or criteria-based policy for Gypsy and Traveller provision will take.
54. The PPTS requires local planning authorities to prepare and maintain an up-to-date understanding of the likely accommodation needs of their areas over the

lifespan of the development plan. The Council's latest Gypsy and Traveller Accommodation Assessment (GTAA) was produced in 2021. This identifies a need for 121 pitches, over the lifetime of the emerging local plan review period (2021 to 2038), for households that meet the Gypsy and Traveller definition in Annex 1 of the PPTS, which has been found to be discriminatory³. Given that a wider definition is likely now to be applied, the need for pitches over the plan period is likely to increase.

55. The PPTS states that local planning authorities should identify, and update annually, a 5-year supply of specific deliverable sites. The GTAA 2021 identifies that there is a need for 72 additional pitches over the 5-year period 2021 to 2025. The emerging local plan review proposes the allocation of land to deliver 42 pitches, most of which will be in Green Belt. Even if these 42 pitches are taken forward to adoption, there would remain a shortfall of 30 pitches, which is not an insubstantial number.
56. The GTAA in 2014 identified a need for 33 additional pitches over the development period 2013/14 to 2027/28. For the 5-year period 2013/14 to 2017/18 a shortfall of 11 pitches was acknowledged. The GTAA in 2017 identified a need for 48 additional pitches over the 5-year period 2016 to 2021. The Site Allocations Development Plan Document however only allocated land to accommodate 20 pitches, which is substantially less than the identified need. The Council expected that the rest of would be secured through the grant of planning permissions considered against policy H6 of the CS.
57. There has, therefore, been a consistent and long-term failure to provide an up-to-date 5-year supply of deliverable sites. This, in conjunction with there being no guarantee that immediate need will be fully addressed through the ongoing development plan process, shows that there is no likelihood of a 5-year supply of deliverable sites coming forward in time to address general need or the appellant's immediate need.
58. In a District made up of 80% designated Green Belt, with scant brownfield site opportunities, the Council argues a strategic approach to the identification of suitable sites should be followed, having regard to Green Belt and landscape impacts. It seems to me, therefore, that there will be a likely reliance, to a degree, on the Green Belt in any event for the provision of pitches going forward. While the Council suggests it will seek to allocate sites where harm to openness will be less, there is no evidence to persuade me that Green Belt harm arising from this site would be greater than from any other site that may be allocated.
59. It is a matter of common ground that there is an existing shortfall of site provision. Furthermore, all existing sites in the district are privately owned, and evidence provided to the appeal shows that those existing authorised sites do not have space available for the occupiers of the appeal site. It is also a matter of common ground that there are no alternative sites available.
60. All these factors weigh positively in favour of the development.

Intentional unauthorised development (IUD)

61. The Council states that the intentional unauthorised nature of the development is a material consideration in line with Government policy, that should be given

³ *Smith v SSLUHC & Anor* [2022] EWCA Civ 1391

significant adverse weight. At the Hearing the appellant gave a brief account into their circumstances prior to moving to the appeal site, which involved occupying another family's permanent pitch while they were travelling. Due to the imminent return of the permanent occupiers of that pitch, it was no longer available to the appellant and his family. The only other options available were a roadside existence, which would not serve the best interests of the children, or living in bricks and mortar accommodation.

62. When considering that Government policy, as expressed in the PPTS, is to facilitate the traditional and nomadic way of life of travellers this would not be consistent with living in bricks and mortar accommodation. As previously confirmed, the traveller status of the site occupiers is undisputed. There is a significant and immediate need for sites within the District and I find it more than likely, given the circumstances, that the unauthorised development of the appeal site would have been an inevitable outcome.
63. Part of the underlying rationale for seeking to deter IUD is to avoid prejudicing the opportunity to mitigate the impact of the development through the use of planning conditions. In pleading ground (a), opportunity is provided to impose conditions to mitigate the impact of the development. I am also mindful that the 1990 Act as amended makes provision for a grant of retrospective planning permission, and planning enforcement is remedial rather than punitive. In light of these considerations, I attach only very limited weight to the intentional unauthorised nature of the development.

Personal Circumstances

64. Article 8 of the Human Rights Act 1998 states that everyone has a right to respect for private and family life, their home and correspondence. This is a qualified right, whereby interference may be justified in the public interest, but the concept of proportionality is crucial. Article 8(2) provides that interference may be justified where it is in the interests of, amongst other things, the economic wellbeing of the country, which has been held to include the protection of the environment and upholding planning policies. I am also mindful that Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children.
65. In relation to applying the concept of proportionality to human rights, the Council has brought to my attention several appeal decisions⁴ and *Sykes v SSHCLG & Runnymede Borough Council* [2020] EWHC 112 (Admin). I have had regard to these when considering the personal circumstances presented by the appellant. The personal circumstances identified in each of these cases are considerably different than being presented by the appellant.
66. Furthermore, in exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity. The Act recognises that race constitutes a relevant protected characteristic for the purposes of PSED. Romany Gypsies and Irish Travellers are ethnic minorities and thus have the protected characteristic of race.

⁴ APP/C3430/A/13/2210160 dated 12 January 2016, APP/C3430/W/18/3201530 dated 22 March 2019 & APP/C3430/A/13/2205793 dated 17 August 2015

67. Individual pitches within the site are not identifiable, electric hook up points are however set out at regular intervals adjacent to the southerly boundary. At the time of the Hearing a cabin and a caravan were present. The appellant confirmed that other members of his extended family were away travelling.
68. The main evidence relating to personal circumstances concerns the appellant's younger daughter, aged 12 years. Having regard to the medical details provided, there is no dispute that she has severe health and educational issues. Given the nature of her health needs, I also do not doubt that her immediate family require assistance and respite, provided by members of their extended family, in providing her with care. If the family were made to travel or have a roadside existence it is reasonable to assume these concerns would be aggravated not just by constant travelling but also by difficulties in maintaining consistent health care and support. Living in one place means that her medical treatment and support for her family can continue. Consequently, I afford this matter significant weight.
69. A settled base would also provide these families the opportunity to be registered with a local doctors' surgery. Medical details relating to others occupying the site have not been provided, a similar circumstance to the cases identified by the Council. Although the appellant did refer to Lizzy and her husband needing regular medical care. The appellant accepted that it was unlikely that Lizzy and her husband would return to the site as they were receiving care and support from their immediate family at another pitch. Their circumstances have not therefore been afforded significant weight.
70. The cases identified by the Council either had no children or children aged 15 years and 17 years. The appellant confirmed at the Hearing that, within his extended family, there are an additional 6 young children. These children are aged 12 years, 9 years, 7 years, 5 years, 4 years and 3 years. While none of these children are enrolled at local schools, the provision of a settled base would allow for them to be enrolled in schools located a short distance away, in Penkridge. Most of them would be able to attend primary school and they would all have the opportunity to attend high school. I give this significant weight.

Green Belt Balance

71. The Framework attaches great importance to Green Belt. Therefore, when considering any planning application substantial weight should be given to any harm to Green Belt. The development is inappropriate development in the Green Belt. In addition, the residential use and associated domestic paraphernalia cause a loss of openness and encroachment into the countryside. Harm to the purposes of including land in the Green Belt has occurred, albeit that I consider the degree of harm in visual terms to be limited, and the harm to character and appearance to be very limited.
72. The less than substantial harm arising from the very limited harm to the CA and significance of the listed building's setting is outweighed by the positive contribution to addressing the shortfall in pitch provision and lack of 5-year supply of deliverable sites. The recreational harm to the SAC is successfully mitigated by the planning obligation. These are neutral factors in the planning balance, and do not weigh for or against the development.

73. There are other considerations which support the appeal. I have had regard to advice in the PPTS when considering Green Belt locations. This indicates that in such locations the absence of an up-to-date 5-year supply of deliverable sites should not amount to the significant material consideration it may otherwise do in less strictly controlled areas, when considering the grant of temporary planning permission. It also states that, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.
74. However, an unlikely scenario is distinguishable from one that may never occur. Indeed, it seems to me that the Council's undisputed immediate unmet need for pitches, as manifested in the lack of available alternative sites and their continued failure to provide a 5-year supply of deliverable sites, over an almost 10-year period, should be a matter that collectively attracts significant weight. Furthermore, the Council's lack of assurance as to when this position might be addressed, attracts significant weight.
75. In addition, I give moderate weight to the likelihood that when Gypsy and Traveller sites are allocated, a significant proportion of pitches will be located within the Green Belt in any event. All this leads me to conclude that such an exception to the probable position, as set out in the PPTS, would be justified in this case.
76. I also attach significant weight to the site occupiers' personal circumstances, when considering the benefits of a settled base for the appellant's daughter, in particular, but also the relatively large number of young children that would be present at the site.
77. I have balanced the harm to the Green Belt and any other harm, against the other considerations referred to above. Having regard to the PPTS, I find that they clearly outweigh the harm identified. The very special circumstances necessary to justify the development have been demonstrated. Consequently, the proposal accords with the strategy for the protection of Green Belt land as set out in the Framework. I also consider that because of the amount of weight attached to need, lack of supply and assurance as to when this will be addressed, and likely location of future sites, the balance is in favour of granting a permanent planning permission irrespective of the additional weight of personal circumstances.

Conditions

78. I have considered the conditions suggested by the Council and discussed with the appeal parties at the Hearing. A condition confirming that planning permission is restricted for residential use by Gypsies and Travellers is required in order to safeguard the site for this purpose. However, in light of *Smith*, in order to avoid discrimination, the condition should include those Gypsies and Travellers who have ceased to travel permanently.
79. A condition limiting the number of caravans stationed is needed in order to protect the character and appearance of the area. Conditions limiting the size of vehicles parked and preventing commercial activity on the site are required in the interests of helping to safeguard the character and appearance of the area and the living conditions of adjacent residents.

80. A condition confirming the loss of the permission unless details are submitted for approval (including a timetable for implementation) concerning the site layout, boundary treatments, drainage details, external lighting arrangements and soft landscaping works, including their replacement if necessary is required in order to help safeguard the character and appearance of the area and living conditions of the site occupiers.
81. The form of this condition is imposed to ensure that the required details are submitted, approved and implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and so it is not possible to use a negatively worded condition to secure the approval and implementation of the outstanding matters before the development takes place. The condition will ensure that the development can be enforced against if the required details are not submitted for approval within the period given by the condition, or if the details are not approved by the local planning authority or the Secretary of State on appeal, or if the details are approved but not implemented in accordance with an approved timetable.

Conclusion on ground (a)

82. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the use and development described in the corrected notice subject to conditions. The enforcement notice will be quashed.

Formal Decision

83. It is directed that the enforcement notice is corrected by:

In section (3), THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL, the deletion of the words 'ii) The unauthorised siting of caravans and associated development of the Land.'

In section (5), WHAT YOU ARE REQUIRED TO DO, in part (ii) the deletion of the words ', unauthorised buildings and structures.' And, in part (vi) the deletion of the word 'dark'.

Under the Time for Compliance section, for steps (i), (ii) and (iii) delete 'ONE month' and substitute 'SIX months'. And delete all the words 'Steps (iv) and (v): two months. Steps (vi): six months' and substitute the words 'Steps (iv), (v), (vi) and (vii): EIGHT months.'

84. Subject to the corrections, the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the material change of use of the land from agriculture to a residential caravan site and operational development to create hardstanding at land on the east side of Teddesley Road, Penkridge, Stafford as shown on the plan attached to the notice and subject to the conditions set out in the attached Schedule of Conditions.

M Madge

INSPECTOR

Schedule of Conditions

1. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
2. No more than FIVE caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than TWO shall be a static caravan) shall be stationed on the site at any time.
3. No more than ONE commercial vehicle per pitch shall be kept on the site for use by the occupiers of the caravans hereby permitted, and they shall not exceed 3.5 tonnes in weight.
4. No commercial activities shall take place on the site, including the external storage of materials.
5. The use hereby permitted shall cease and all caravans, structures, equipment and materials brought on to the site for the purposes of such use shall be removed within 30 days of the date of failure to meet one of the requirements set out in (i) to (iv) below:
 - (i) Within **3 months** of the date of this decision a scheme for:
 - (a) the internal layout of the site including the extent of the residential pitches, the location of the caravans and vehicle parking, any buildings and hardstandings;
 - (b) all boundary treatments and all other means of enclosure (including internal sub-division);
 - (c) proposed and existing external lighting on the boundary of and within the site;
 - (d) the means of foul and surface water drainage of the site;
 - (e) hard and soft landscaping and screen planting including details of species, plant sizes and proposed numbers and densities and details of a schedule of maintenance for a period of 5 years;(hereafter referred to as the site development scheme) shall have been submitted for the written approval of the local planning authority and the site development scheme shall include a timetable for its implementation.
 - (ii) Within **6 months** of the date of this decision the local planning authority refuse to approve the site development scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

- (iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.
- (iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable.
- (v) Upon implementation of the approved site development scheme specified in this condition, that scheme shall thereafter be maintained.
- (vi) In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until the legal challenge has been finally determined.

