

SOUTH STAFFORDSHIRE COUNCIL

PLANNING COMMITTEE – 15 NOVEMBER 2022

MONTHLY UPDATE REPORT

REPORT OF THE LEAD PLANNING MANAGER

PART A – SUMMARY REPORT

1. SUMMARY OF PROPOSALS

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

- Proposed training
- Any changes that impact on National Policy
- Any recent Planning Appeal Decisions
- Relevant Planning Enforcement cases on a quarterly basis
- The latest data produced by the Department for Levelling Up, Housing and Communities

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	15 November 2022	
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

4. INFORMATION

- 4.1 **Future Training** – Further training dates are being arranged to cover Planning Enforcement as requested in the Member questionnaire responses. Please let us know if there are other topics on which you would like training. In addition, regular training/refresher sessions on using Public Access will be organised.
- 4.2 **Changes in National Policy** – No change since previous report.
- 4.3 **Planning Appeal Decisions** – every Planning Appeal decision will now be brought to committee for the committee to consider. There have been 7 appeal decisions since my last report, copies of the decisions are attached as Appendix 1-7. These relate to:
- 1) An appeal against an enforcement notice with an alleged breach of planning control as being '*without planning permission, the making of a material change of use of a dwellinghouse to use as a residential care institution falling under use Class C2, of the Town and Country Planning (Use Classes) Order 1987 (as amended)*' at 2 Woodlands Drive, Coven, South Staffordshire WV9 5DR. The appeal was dismissed, and the enforcement notice upheld (with minor corrections) for a number of reasons including impact on local character and amenity as well as a lack of parking. The inspector also concluded that the Council's refusal to grant a certificate of lawful use or development in respect of the existing use of the appeal premises as accommodation with care (C2) for a child (under 16) or young person (16-18) was well-founded, and that Appeal should not succeed. This appeal decision was circulated to all members on the 30th September via email as requested by Councillor Sutton.
 - 2) An appeal against a refusal for the use of land for the stationing of caravans for residential purposes, together with the formation of hardstanding and utility/day room ancillary to that use, and the erection of a stable at land west of Dark Lane, Coven, Wolverhampton WV10 7PN. The appeal was allowed for permanent use as land for the stationing of caravans on the site because whilst the inspector recognised that the proposal constituted inappropriate development in the Green Belt, a number of factors in the planning balance weighed in its favour. These factors include (but are not limited to), the best interests of the children on site, the unmet need for gypsies and traveller pitches in the district, the absence of a 5 year supply and the Council's failure to make appropriate alternative provision. Overall the inspector concluded that the harm caused by reason of inappropriateness and any other harm, is clearly outweighed by other considerations in these particular circumstances, so as to amount to the very special circumstances necessary to justify the development.
 - 3) An appeal against an enforcement notice with an alleged breach of planning control as being '*without planning permission, the making of a material change of use of land, to land used as a Sawmill and for storage purposes including open outdoor storage, and unauthorised operational development to facilitate the material change of use consisting of the erection of a structure using container units to support a roof*

canopy and the erection of lighting columns x2 at Saredon Road, Cheslyn Hay, Walsall WS6 7JD. The appeal against the enforcement notice was allowed, however it was a successful outcome for the Council. The purpose of taking the action was to prevent the development from becoming time immune from enforcement action and in turn preventing the safeguarded land from coming forward as housing in the new Local Plan. As the inspector concluded, the imposition of a condition limiting the duration of the development would ensure the land is available for longer term development needs and would significantly limit any harm to the character and appearance of the area. The economic benefits of allowing the sawmill to continue and giving the appellant sufficient opportunity to secure an alternative site would outweigh the limited remaining harm to the character and appearance of the area.

- 4) An appeal against a refusal and an enforcement notice for the use of change of use of land to mixed use for the keeping of horses and as a residential caravan site for 3 No. gypsy families, each with two caravans including no more than one static caravan/mobile home, together with laying of hardstanding, erection of 3 No. ancillary amenity buildings and construction of driveway at Doveleys Farm, Sandy Lane, Cannock. The appeal was dismissed, and the enforcement notice upheld (subject to minor corrections), because (and not limited to) the inspector concluded that there is considerable harm to the landscape of the AONB caused by the development. It was also noted that the proposal would lead to Green Belt harm, and the inspector did not consider that this and the other identified harm is clearly outweighed by the factors in favour of the development. Overall, very special circumstances justifying a temporary or permanent grant of planning permission did not exist.
 - 5) Three separate appeals at 25, 31, 35 Deacons Field, Brewood, ST19 9GA. The appeals relate to 3 separate refused certificates of lawful use for allotments in agricultural use. The applications relate to previous planning enforcement cases where gardens have been extended into an agricultural field. The inspector concluded that on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of an allotment in agricultural use was not well-founded and that the appeal should succeed. The Council will keep a watching brief to confirm the use is in accordance with the granted certificate use.
- 4.4 In May 2020 the Secretary of State for Transport made an order granting development consent West Midlands Interchange (WMI). Documents can be seen here : <https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/west-midlands-interchange/> Officers are now working with the site promoters to understand next steps.
- 4.5 In April 2022, PINS confirmed that the M54/M6 link road Development Consent Order (DCO) has been granted by the Secretary of State. Further information can be found here <http://infrastructure.planninginspectorate.gov.uk/document/TR010054-001195> . Latest communication suggests that site investigation works will soon start to take place on site.
- 4.6 **Relevant Planning Enforcement cases on a quarterly basis** – 79% of Planning Enforcement cases are currently being investigated within 12 weeks of the case

being logged. This is slightly below the target of 80%. This is to be expected due to the level of old cases now being closed and the number of high priority open cases and appeals underway. The internal Service Review to look at areas for streamlining, efficiencies and service improvements is underway.

- 4.7 **The latest data produced by the Department of Levelling Up, Housing and Communities** – As members will recall, DLUHC sets designation targets that must be met regarding both quality and speed of planning decisions. The targets are broken into major and non-major development. If the targets are not met, then unless exceptional circumstances apply, DLUHC will “designate” the relevant authority and developers have the option to avoid applying to the relevant designated Local Planning Authority and apply direct, and pay the fees, to the Planning Inspectorate. Details can be seen at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/760040/Improving_planning_performance.pdf
- 4.8 We will ensure that the Committee is kept informed of performance against the relevant targets including through the DLUHCs own data.
- 4.9 For Speed – the 2020 target for major developments is that 60% of decisions must be made within the relevant time frame (or with an agreed extension of time) and for non-major it is 70%. For Quality – for 2020 the threshold is 10% for both major and non-major decisions. Current performance is well within these targets and the position as set out on DLUHCs website will be shown to the Committee at the meeting – the information can be seen on the following link tables:
- 151a – speed – major
 - 152a – quality – major
 - 153 – speed – non major
 - 154 – quality – non major

The link is here – <https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics>

- 4.10 The latest position is on the DLUHC website, and the key figures are below:

Speed

151a – majors – target 60% (or above) – result = 92.7% (data up to June 2022)

153 – others – target 70% (or above) – result = 86.2% (data up to June 2022)

Quality

152a – majors – target 10% (or below) – result = 1.8% (date up to March 2021)

154 – others – target 10% (or below) – result = 0.6% (date up to March 2021)

5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

N/A

6. PREVIOUS MINUTES

N/A

7. BACKGROUND PAPERS

Appendix 1 – Appeal Decision – 2 Woodlands Drive, Coven, South Staffordshire WV9 5DR

Appendix 2 – Appeal Decision – land west of Dark Lane, Coven, Wolverhampton WV10 7PN

Appendix 3 – Appeal Decision – Saredon Road, Cheslyn Hay, Walsall WS6 7JD

Appendix 4 – Appeal Decision – Doveleys Farm, Sandy Lane, Cannock

Appendix 5 – Appeal Decision – 25 Deacons Field, Brewood, ST19 9GA

Appendix 6 – Appeal Decision – 31 Deacons Field, Brewood, ST19 9GA

Appendix 7 – Appeal Decision – 35 Deacons Field, Brewood, ST19 9GA

Report prepared by:

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