

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, 18 July 2023

Time: 18:30

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



D. Heywood
Chief Executive

AGENDA

Part I – Public Session

- | | | |
|----------|---|----------------|
| 1 | Minutes of meeting - 20 June 2023
To approve the minutes of the Planning Committee Meeting of 20 June 2023 | 3 - 4 |
| 2 | Apologies

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

To receive any declarations of interest. | |
| 4 | Determination of Planning Application
Report of Development Management Team Manager | 5 - 26 |
| 5 | Monthly Update Report
Report of Lead Planning Manager | 27 - 46 |

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.

Present:-

Councillor Helen Adams, Councillor Jeff Ashley, Councillor Gary Burnett, Councillor Val Chapman, Councillor Philip Davis, Councillor Robert Duncan, Councillor Mark Evans, Councillor Sam Harper-Wallis, Councillor Rita Heseltine, Councillor Kath Perry, Councillor Robert Reade, Councillor Gregory Spruce, Councillor Christopher Steel, Councillor Wendy Sutton

01 MINUTES

RESOLVED: - that the minutes of the Planning Committee held on 25 April 2023 be approved and signed by the Chairman.

02 APOLOGIES

Apologies were received from Councillors B Bond, D Holmes, B Cope and V Kelly.

Councillor R Duncan had not received Planning Committee training and sat in the chamber as an observer.

03 DECLARATIONS OF INTEREST

There were no declarations of interest.

Members had been granted a dispensation by the Council's Monitoring Officer to determine application 23/00170/ADV which pertained to Council property.

04 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.

22/00544/FUL – UNITS 50-62, LANDYWOOD ENTERPRISE PARK, HOLLY LANE, GREAT WYRLEY WS6 6BD - APPLICANT – MERCIA REAL ESTATE – PARISH – GREAT WYRLEY.

John Jowitt (PJ Planning) (Agent) spoke in support of the application.

Councillor K Williams (Ward Member) spoke against the application.

Councillor K Perry spoke against the application as she believed it would have an adverse impact on noise and air pollution affecting neighbouring properties.

Councillors Steele, Chapman and Sutton were concerned about the loss of amenity for local residents and the welfare of school children

due to the proximity of the primary school.

Councillor Perry proposed a motion to refuse the application on the grounds of excessive noise, failure to provide a traffic management plan and failure to protect public amenity.

Councillor Reade seconded the proposal.

The motion was carried.

RESOLVED That the application be **REFUSED**.

Councillors Spruce and Harper-Wallis abstained.

23/00170/ADV – WOMBOURNE LIESURE CENTRE, OUNSDALE ROAD, WOMBOURNE, WS5 8BH – APPLICANT – MR ROB SHARRATT- PARISH – WOMBOURNE NORTH

RESOLVED That the application be **APPROVED** subject to conditions as set out in the Planning Officers report.

05 **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: 19:25

CHAIRMAN

SOUTH STAFFORDSHIRE COUNCIL**PLANNING COMMITTEE – 18 JULY 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
23/00296/COU NON MAJOR	Mr Carl Bennett Orton Meadows 91 Orton Lane Wombourne Staffordshire WV4 4XA	Wombourne Councillor R Reade Councillor B Bond Councillor D Kinsey	APPROVE – Subject to conditions	11 - 18
23/00494/FUL NON MAJOR	Mr Carl Bennett 6 Hinksford Park Swindon Road Hinksford Kingswinford DY6 0BG	Swindon Councillor R Lees	APPROVE – Subject to conditions	19 - 25

23/00296/COU
NON MAJOR

Mr Carl Bennett

WOMBOURNE

Councillor Robert Reade
Councillor Barry Michael Bond
Councillor Dan Kinsey

Orton Meadows 91 Orton Lane Wombourne Staffordshire WV4 4XA

Change of Use from a use Class E(f) (Day Centre) to a use Class C3 (Dwelling House).

Pre-commencement conditions required:	Pre-commencement conditions Agreed	Agreed Extension of Time until
N/A	N/A	08 August 2023

1. SITE DESCRIPTION AND APPLICATION DETAILS

1.1 Site Description

1.1.1 The application relates to 91 Orton Lane in Wombourne. The building has been occupied by Age UK since 2015 as a day centre for elderly people.

1.1.2 The site is situated within large grounds, occupying 0.75 acres and was previously a dwelling. The surrounding area is comprised of open fields with a few residential properties.

1.2 The Proposal

1.2.1 The application proposes a change of use from a day centre (Class E use) to a residential dwelling (Class C3).

1.2.2 The change of use is requested as the building is too large for the continued use of the existing day centre. The planning statement states that the intention was to use the site as a respite centre (first floor), in addition to the day centre use on the ground floor. However, the respite element was unsuccessful as a business and the facility required more bedrooms to make it an effective and efficient operation. At present it is operating at 48% capacity, and this together with the size of the building and its remote location, means the venture is not viable and is unsustainable.

1.2.3 A separate application, no. 23/00494/COU has been submitted for consideration which seeks to relocate the day centre to a smaller building in Swindon (No.6 Hinksford Park). The applicant considers that this would be more of a viable venture being a smaller building and its location nearer the villages would also reach more elderly people. This would allow the continued use of the facility.

1.2.4 No external alterations are required to bring back the prior use of a residential dwelling.

1.3 Agents Submission

1.3.1 The application is accompanied by a planning statement.

Date of site visit - 19 April 2023

2. SITE HISTORY

Planning Applications

15/00212/COU Change of use from Class C3 to Class D1 Day Centre **Approve Subject to Conditions** 5th May 2015

15/00590/FUL Mixed use of the site for D1 [Day centre for elderly residents] and C2 purposes [Care Home] **Approve Subject to Conditions** 11th August 2015

15/00590/COND Discharge of condition 3 of permission 15/00590/FUL - parking and turning details 14th June 2017

18/00286/FUL New 32m2 non-residential extension towards the rear of 91Orton Lane. **Approve Subject to Conditions** 9th July 2018

3. POLICY

3.1 Constraints

Green Belt
Flooding Hotspot Zones 20m buffer
Great Crested Newt Green Impact Zone
D Class Road D4128

3.2 Policies

National Planning Policy Framework
National Planning Practice Guidance

Core Strategy

Core Policy 1: The Spatial Strategy

National Policy 1: The Presumption in Favour of Sustainable Development

Core Policy 4: Promoting High Quality Design

Policy EQ4: Protecting and Enhancing the Character and Appearance of the Landscape

Policy EQ9: Protecting Residential Amenity

Policy EQ11: Wider Design Considerations

Policy H5: Specialist Housing Accommodation

Core Policy 10: Sustainable Community Facilities and Services

Policy EV9: Provision and Retention of Local Community Facilities and Services

Policy EV11: Sustainable Travel

Policy EV12: Parking Provision

Appendix 5: Parking Standards

Appendix 6: Space about Dwellings

Supplementary Planning Documents

Green Belt and Open Countryside SPD
Design Guide

4. CONSULTATION RESPONSES

All consultation periods have expired unless noted otherwise.

Site Notice Expires	Press Notice Expires
10 May 2023	N/A

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

Wombourne Parish Council

24th May 2023

No objections

Local Plans

No Response Received

County Highways

5th May 2023

Recommendation Summary: Acceptance

Site Visit Conducted on: 04-May-2023

Note to Planning Officer.

The proposed development is located in a semi-rural area. The vehicular access, parking and turning area is existing. There will be no increase in vehicular movements.

Contributors

No Response Received

5. APPRAISAL

This application has been referred to planning committee for determination as it partners application 23/00494/COU, where the Council are the landowner.

1. Policy & principle of development
2. Layout, design & appearance
3. Access, parking & highway safety
4. Residential Amenity
5. Ecology & biodiversity
6. Arboriculture
7. Human Rights

1. Policy & principle of development

Green Belt

1.1 The application site is located within the Green Belt. Policy GB1 and Paragraph 150 of the NPPF provides that the re-use of a building will normally be permitted provided that the proposed use of the building (taking into account the size of any extensions, rebuilding or required alterations) would not harm the openness of the Green Belt or the fulfilment of its purposes.

1.2 The application site was formally a dwelling and the planning statement provides that the use of the

building can easily be changed without the need for any extensions or alteration. There is therefore no conflict with Policy GB1 of the Local Plan and Paragraph 150 of the NPPF.

Loss of a Community Facility

1.3 Since 2015, the building has been used to provide a community facility and service, i.e. day centre for elderly. In accordance with Policy EV9 [Provision and Retention of Local Community Facilities and Services], proposals for redevelopment or change of use of any premises currently used or last used to provide essential facilities or services which support the local community, whether of a commercial nature or not, will only be permitted where the Council is satisfied that:

- a) it has been demonstrated through a viability test that the use concerned is no longer economically viable, that all reasonable efforts have been made to sell or let the property at a realistic price for a period of 12 months, the use could not be provided by some other means, or is genuinely redundant; and
- b) the premises or site or an unused part of the building cannot readily be used for, or converted to any other community facility; or
- c) the facility or service which will be lost will be adequately supplied or met by an easily accessible existing or new facility in the local area or the village concerned, unless it has been accepted as redundant under criterion (a) above; and
- d) the facility concerned was not required to be provided and or retained as part of a planning permission for a new development.

1.4 The day centre has been operating at the site for the past 8 years, and before this, the site was residential dwelling. The planning statement states that the intention was to use the site as a respite centre (first floor), in addition to the day centre use on the ground floor. However, the respite element was unsuccessful as a business and the facility required more bedrooms to make it an effective and efficient operation. Only 60% of the ground floor area is capable of being used for the day centre and it is therefore cost prohibitive given the size of the building. It is provided that for the last two years the site has been running at a 48% capacity.

1.5 Therefore, the community facility at Orton Lane is relatively new and was not required as part of any planning development. Age UK has not been able to make this building viable for the operational reasons mentioned above and they are proposing to relocate the day centre to a smaller building at Hinksford Park in Swindon (23/00494/COU). Therefore, the facility and service would not be lost. Age UK have provided that:

“Hinksford is closer to the majority of existing clients, many living in the south of Wombourne area and a number in Swindon. All but 1 of the current compliment of staff working at Orton Meadows live closer to the Hinksford location. This means less travel for all clients and staff, bringing about a green benefit/bonus. The Hinksford location provides an ideal internal space to adapt the 2 main rooms (Living Room & Larger Bedroom) for Day Services, the Bathroom to an Accessible Toilet and the Small Bedroom to an Office Space. The kitchen will be made good so that food and refreshments can be made on site for clients throughout the day. Working with SSDC limited changes/improvements will take place to ensure the facility is accessible to wheelchairs and those with access needs. The garden space will be made good so that it is useable and accessible to all. The site will be able to host up to 16 clients a day, 5 days a week (10am through to 4pm). At the time of application there is no intention to use the building during the weekend - we intend to keep to the operational times as per the Orton Meadows site (91 Orton Lane)”

1.6 Subject to the approval of application 23/00494/COU for the alternative site at Hinksford Park I find no

conflict with the core aims of Core Policy 10 and Policy EV7 which is to retain and enhance community facilities and services.

2. Layout, Design and Appearance

2.1 Policy EQ11 of the Core Strategy requires that in terms of scale, volume, massing and materials, developments should contribute positively to the street scene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area.

2.2 The existing building still retains its appearance as a domestic dwelling. No extension or alterations are required to convert the building back to its former use.

2.3 There is no conflict with Policy EQ11.

3. Access, Parking & Highway Safety

3.1 Policy EV11 (Sustainable Transport) seeks for developments to include provision for sustainable transport to access the site and provides a range of mechanisms including the provision of car parking commensurate with road safety and availability of means of transport and facilities for charging plug-in and other low emission vehicles.

3.2 The Council's parking standards are set out in Appendix 5 of the Local Plan. Each parking space should be at least 2.4m x 4.8m and there should be the provision of two off road car parking spaces for two and three bed properties and three spaces for dwellings with four bedrooms or more.

3.3 There are no highway or access issues in respect of this application. The site has ample room at the rear to accommodate vehicles and there would be a reduction in travel movements.

4. Residential Amenity

4.1 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.

4.2 The Council's space about dwelling standards advises 21m between directly facing habitable windows over private space and 15m over public. A 13m distance should be kept between habitable windows and flank walls in order to retain an adequate level of privacy and outlook for occupants. Where levels differentiate between sites the separation distance should be increased by 2m for every 1m distance.

4.3 The site was previously used as a large, detached dwelling and the building is situated within generous grounds, with ample private amenity space. The re-use of the property as a residential dwelling will not raise any amenity concerns.

4.4 The proposal is compliant with Policy EQ9 of the Local Plan

5. Ecology & Biodiversity

5.1 The Wildlife and Countryside Act (as amended) 1981 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). To comply with the guidance contained within Paragraphs 9, 108 and 118 of the NPPF and the

Council's biodiversity duty as defined under section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of the site.

5.2 The application site is in a Green Impact Zone for Great Crested Newts. There are no external works proposed to facilitate the change of use and as such there are likely to be no ecological constraints.

6. Arboriculture

6.1 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".

6.2 There are no arboricultural constraints.

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.

8.2 The community facility at Orton Lane is relatively new and was not required as part of any planning development. Age UK has not been able to make this building viable as a day centre and they are proposing to relocate to a smaller building at Hinksford Park in Swindon (23/00494/COU). Therefore, the facility and service would not be lost, but replaced in a nearby village. The proposal to re-use the building as a residential dwelling does not pose any green belt, neighboring or highway issues.

8.3 The proposal is therefore considered compliant with both national and local planning policy and associated guidance. Approval of both applications is therefore recommended.

9. RECOMMENDATION – APPROVE SUBJECT TO 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 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.

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.

Informative

Please note that the application site is within a Green Impact Risk Zone for Great Crested Newts. Whilst the proposal is considered to be low risk, there is the possibility that those species may be encountered once work has commenced. The gaining of planning approval does not permit a developer to act in a manner which would otherwise result in a criminal offence to be caused. Where such species are encountered it is recommended the developer cease work and seek further advice (either from Natural England or NatureSpace) as to how to proceed.

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
Existing Elevations	BSP668-A-07-01		5 April 2023
Existing Elevations	BSP668-A-07-02		5 April 2023
Existing Elevations	BSP668-A-07-03		5 April 2023
Existing Elevations	BSP668-A-07-04		5 April 2023
Existing Floor Plan			5 April 2023
Existing Block Plan			17 April 2023



Orton Meadows 91 Orton Lane Wombourne Wolverhampton WV4 4XA

23/00494/FUL
NON MAJOR

Mr Carl Bennett

SWINDON

Councillor Roger Lees

6 Hinksford Park Swindon Road Hinksford KINGSWINFORD DY6 0BG

Change of use from C3 dwellinghouse to a day centre for Age UK (Class E use)

Pre-commencement conditions required: N/A	Pre-commencement conditions Agreed: N/A	Agreed Extension of Time until: N/A
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SITE DESCRIPTION AND APPLICATION DETAILS

1.1 Site Description

1.1.1 The application relates to the former warden's residence and site office at Hinksford Park in Swindon. The building has been vacant for the past two years. The property is adjacent to the canal with shared parking to the north and east of the site. The parking area to the east is directly accessed from site via narrow walkaway.

1.2 The Proposal

1.2.1 The application proposes to change the use of the dwelling to a day centre for Age UK (Class E use). The existing day centre at 91 Orton Lane, Wombourne is to be relocated here.

1.2.2 The day centre would be able to host up to 16 clients a day, 5 days a week (10am through to 4pm).

1.2.3 No extensions are proposed. The two main rooms (Living Room & Larger Bedroom) will be used for Day Services, the Bathroom will be changed to an Accessible Toilet and the Small Bedroom to an Office Space.

1.2.4 There is already a ramp at the front of the site for wheelchair access.

1.3 Agents Submission

1.3.1 The application is accompanied by a supporting statement.

Date of site visit – 16th June 2023

SITE HISTORY

Planning Applications

82/00304 Warden Bungalow And Office And 2 Concrete Sitings For Bungalows **Approve** 22nd June 1982
10/00422/FUL Single-storey extension to site office and ramped access with handrail **Approve Subject to Conditions** 30th July 2010

POLICY

Constraints

Green Belt

Conservation Area Name: Staffordshire And Worcestershire Canal (South): Adjacent
Flood Zone 2 - 1 in 1000 yr
Newt - Impact Risk Zone White

Policies

National Planning Policy Framework
National Planning Practice Guidance

Core Strategy

Core Policy 1: The Spatial Strategy
National Policy 1: The Presumption in Favour of Sustainable Development
Core Policy 4: Promoting High Quality Design
Policy EQ3: Conservation, Preservation and Protection of Heritage Assets
Policy EQ4: Protecting and Enhancing the Character and Appearance of the Landscape
Policy EQ9: Protecting Residential Amenity
Policy EQ11: Wider Design Considerations
Policy H5: Specialist Housing Accommodation
Policy EV3: Canals and Canalside Development
Core Policy 10: Sustainable Community Facilities and Services
Policy EV9: Provision and Retention of Local Community Facilities and Services
Policy EV11: Sustainable Travel
Policy EV12: Parking Provision
Appendix 5: Parking Standards
Appendix 6: Space about Dwellings

Supplementary Planning Documents

Green Belt and Open Countryside SPD
Design Guide

CONSULTATION RESPONSES

All consultation periods have expired unless noted otherwise.

Site Notice Expires	Press Notice Expires
N/A	11 th July 2023

Ms Jenny Cree

No Response Received

Councillor Roger Lees J.P - Himley And Swindon Ward

No Response Received

Environmental Health Protection

No Response Received

County Highways

No Response Received

Canal And River Trust

23rd June 2023

No comment

Contributors

One neighbour comment:

17th June 2023

My only concern is with parking problems for immediate dwellings, which with increased usage may restrict existing home owners parking spaces which is already limited.

Please note that the consultation period expires on the 11th of July any additional comments received will be added to the committee update list.

APPRAISAL

This application has been referred to planning committee for determination as the Council is the landowner.

1. Policy & principle of development
2. Layout, design & appearance
3. Access, parking & highway safety
4. Residential Amenity
5. Ecology & biodiversity
6. Arboriculture
7. Human Rights

1. Policy & principle of development

Green Belt

1.1 The application site is located within the Green Belt. Policy GB1 and Paragraph 150 of the NPPF provides that the re-use of a building will normally be permitted provided that the proposed use of the building (taking into account the size of any extensions, rebuilding or required alterations) would not harm the openness of the Green Belt or the fulfilment of its purposes.

1.2 The application provides that the use of the building can easily be changed without the need for any extensions. There is therefore no conflict with Policy GB1 of the Local Plan and Paragraph 150 of the NPPF.

Community facility

1.3 Policy H5 (Specialist Housing Accommodation) of the local plan provides that the Council will enable and support the provision of specialist housing accommodation in South Staffordshire and proposals which would lead to a loss should be resisted. It further provides that The Council will work with partners to identify suitable sites and to secure the provision of schemes. Development proposals should be consistent with other local planning policies.

1.4 The Council's Spatial Strategy (Core Policy 1 or CP1) identifies that throughout the District, growth will be located at the most accessible and sustainable locations in accordance with the settlement hierarchy, to ensure that the necessary infrastructure, facilities and services are available to support growth. In relation to the District's existing communities and settlements, appropriate proposals which contribute to their improved sustainability, cohesion and community wellbeing, will be supported.

1.5 Hinksford Park lies 0.7 miles to the local service village of Swindon. The warden's residence has been vacant for the past two years and the re-use of the building for a community service complies with the main aims of CP1, i.e. contribute to community wellbeing. The applicant has stated that in terms of location, this site is more sustainable than Orton Lane in terms of reaching residents and for employees, where all but one staff member lives closer. Age UK are actively working with South Staffordshire Council to find a suitable alternative site to replace the elderly day centre at Orton Lane in Wombourne, which is financially not viable.

1.6 The proposal is compliant with Policy H5 and CP1.

2. Layout, Design and Appearance

2.1 Section 16 of the NPPF states that when determining planning applications LPAs should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting and an appropriate assessment should be submitted in support. When considering the impact of a proposed development on the significance of a designated Heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

2.2 Policy EQ11 of the Core Strategy requires that in terms of scale, volume, massing and materials, developments should contribute positively to the street scene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area.

2.3 Policy EV3 provides that the recreational value of canals for walking, cycling and canoeing will be encouraged and promoted for their contribution to the health and wellbeing of residents and visitors to South Staffordshire

2.4 Hinksford Park is a well-established mobile home site which sits adjacent to a canal conservation area. The proposal to change the use of the former warden's residence to a day centre for elderly people will have no bearing on the conservation area or the character of the area. No extensions or alterations are proposed and its position next to the canal offers recreational benefits. The communal parking areas will be utilised for the parking of employees and Age UK use a minibus to pick up and drop off residents. There will therefore be no discernable impact on the character of the area.

2.5 The proposal is compliant with policies EQ3, EV3 and EQ11.

3. Access, Parking & Highway Safety

3.1 Policy EV11 (Sustainable Transport) seeks for developments to include provision for sustainable transport to access the site and provides a range of mechanisms including the provision of car parking commensurate with road safety and availability of means of transport and facilities for charging plug-in and other low emission vehicles.

3.2 The Council's parking standards are set out in Appendix 5 of the Local Plan.

3.3 There are no highway or access issues in respect of this application. Hinksford Park has communal parking areas where ample space is available in the car park to the side of the building. Vehicle movements from the site will also be low given that the elderly residents will be picked up and dropped off from the day centre by a minibus.

4. Residential Amenity

4.1 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.

4.2 The proposed use as a day centre for elderly residents and the proposed opening times of 10am - 4pm will not result in an unacceptable level of disturbance on neighbouring amenity. Any noise generated from the site would not be excessive and would be comparable to a normal residential use. In addition, the use of mini buses for the elderly users will limit any impact on the road network.

4.3 The proposal is compliant with Policy EQ9.

5. Ecology & Biodiversity

5.1 The Wildlife and Countryside Act (as amended) 1981 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). To comply with the guidance contained within Paragraphs 9, 108 and 118 of the NPPF and the Council's biodiversity duty as defined under section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of the site.

5.2 There are no ecological considerations.

6. Arboriculture

6.1 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".

6.2 There are no arboricultural constraints.

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.

8.2 The re-location of the day centre from Orton Lane, Wombourne to Hinkford Park, Swindon is acceptable in principle. In terms of location, this site is more sustainable than Orton Lane in terms of reaching residents and for employees, where all but one staff member lives closer; and also, more financially viable given the size of the building. The proposal to use the building as a day centre for elderly people does not pose any green belt, neighboring or highway issues; and there will be no discernible impact caused on the conservation area.

8.3 The proposal is therefore considered compliant with both national and local planning policy and associated guidance. Approval of both applications is therefore recommended.

7. RECOMMENDATION - APPROVE Subject to 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 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 premises shall be used for elderly day centre and for no other purposes (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended).

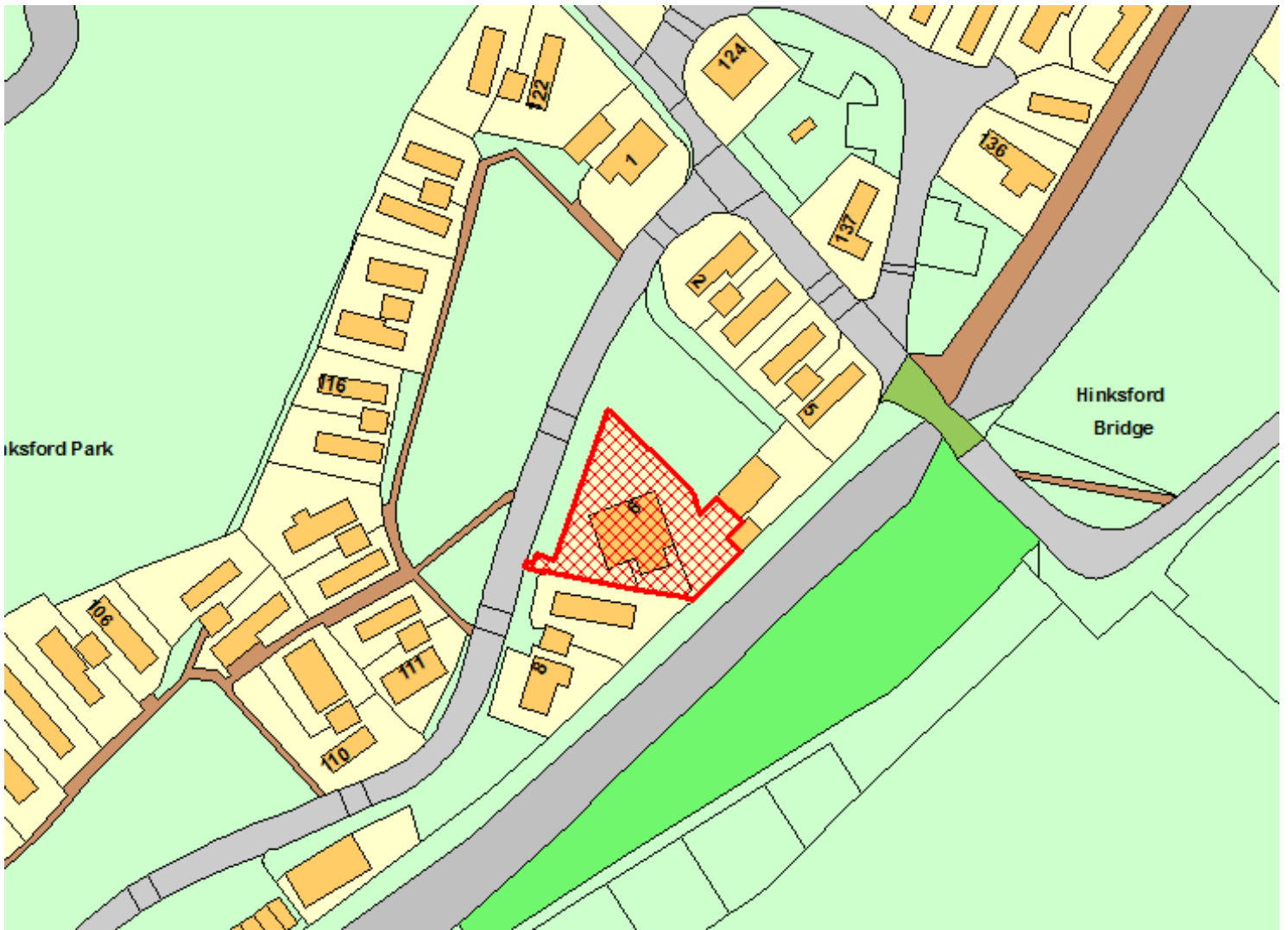
Reasons

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. 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 Floor Plan			12 June 2023
Proposed Block Plan			7 June 2023



6 Hinksford Park Swindon Road Hinksford KINGSWINFORD DY6 0BG

SOUTH STAFFORDSHIRE COUNCIL

PLANNING COMMITTEE – 18th July 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	18 th July 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 The schedule of both mandatory and optional training has now been completed. It is the intention to undertake training for members on bespoke topics going forward before alternate planning committees (5.15-6.15pm) in the Council chamber. This will commence in September, topic to be advised. Any area of planning and/or topics members would like guidance on then do let the author of this report know.

6. Monthly Planning Statistics

June 2023	
Applications received	109
Application determined	100
Pre-application enquiries received	9
Pre-application enquiries determined	6

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

7.1 Details on the changes consulted on at the beginning of 2023 with regards to the NPPF are still pending from Central Government.

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: 22/00456/FUL

Site Address: Land adjacent The Manor House, Oaken Lane, Oaken, Wolverhampton WV8 2BD

Date of Inspectors Decision: 14th June 2023

Decision: Dismissed (Appendix 1)

This appeal related construction of new access into a field located off Oaken Lane. Includes the part demolition of a stone boundary wall and hedge and replacements in a new position aligning with the proposed new road access

The main issue was:

- The effect on the character and appearance of the area with regard to the location of the site within the Codsall and Oaken Conservation Area .

The appeal was dismissed as the inspector noted that any public interest by way of highway safety would not outweigh the harm caused by the proposed loss of the wall to the Conservation Area”.

8.3 Planning Reference: 22/00169/FUL

Site Address: Hilton Hall, Hilton Lane, Essington, WOLVERHAMPTON WV11 2BQ

Date of Inspectors Decision: 21 June 2023

Decision: Dismissed (Appendix 2)

This was a planning appeal related to the development proposed “erection of marquee to be used for hosting of events (retrospective application)”

The main issue were:

- Whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- The effect of the development on the openness of the Green Belt;
- Whether the development would preserve the Grade I listed Hilton Hall, the Grade I listed Conservatory, and the Grade II listed Coach House and Stable Block or any features of special architectural or historic interest which they possess, including settings;
- The effect of the development on the living conditions of occupiers of neighbouring dwellings and businesses, with particular regard to noise and disturbance; and,
- Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

The inspector agreed with the officers refusal of retrospective planning consent on all grounds. In terms of Green Belt the inspector noted that the large structure which

diminishes the spatial dimensions of the openness of the Green Belt. With regards to the impact on the Heritage Assets whilst less than substantial harm was concluded the harm was in no way outweighed by any public benefits due to “underlying brevity, vagueness and generality to the evidence”. Turning to amenity to neighbouring residents the inspector agreed that the proposed use of the marquee would likely course adverse impacts by way of excessive noise to nearby residents. The Inspector also noted that the proposed mitigations was unlikely to be effective and reduce the attractiveness of the marquee as a venue in any case.

8.4 In the performance report presented to members on the 25th April section 8.4 of this report referred to a Planning Enforcement Appeal decision related to Land off Micklewood Lane, Penkridge and the dismissed appeal. Since this decision was issued, the applicant has applied to the High Court to have the decision quashed. This procedure is ongoing, members will be kept up to date with progress at the necessary junctures.

8.5 In the performance report presented to members on the 20th June section 8.12 of this report referred to a Planning Enforcement Appeal decision related to Land to the East of Teddesley Road, Penkridge and the allowed appeal. Since this decision was issued the Local Planning Authority has applied to the High Court to have the decision issued by the Planning Inspectorate quashed. At the date of writing this report the LPA had received correspondence that the Secretary of State will not defend the decision and therefore the grant of planning permission will be quashed. The applicant has the right to appeal this conclusion. Members will be kept up to date on proceedings.

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%
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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 124th from 329 authorities

Non-Major 157th from 329 authorities

Report prepared by:

Helen Benbow

Development Management Team Manager



Appeal Decision

Site visit made on 18 May 2023

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th June 2023

Appeal Ref: APP/C3430/W/22/3312163

Land adjacent The Manor House, Oaken Lane, Oaken, Wolverhampton WV8 2BD

- 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 Ann Cox against the decision of South Staffordshire District Council.
- The application Ref 22/00456/FUL, dated 26 April 2022, was refused by notice dated 4 August 2022.
- The development proposed is described as "Construction of new access into a field located off Oaken Lane. Includes the part demolition of a stone boundary wall and hedge and replacements in a new position aligning with the proposed new road access."

Decision

1. The appeal is dismissed.

Main Issues

2. The main issue in this appeal is the effect on the character and appearance of the area with regard to the location of the site within the Codsall and Oaken Conservation Area (the CA).

Reasons

3. The appeal site comprises an approximately 2-acre field in the village of Oaken about 1 mile southeast of Codsall town centre. The appeal site and most of the village lie within the CA, a designated heritage asset. Oaken was a quiet picturesque rural village with properties of varying ages, sizes and styles, with a number of listed buildings including 'The Manor House' (Grade II listed) adjacent to the appeal site. I saw that walls, predominantly made of stone with some made of brick, were a prominent boundary treatment alongside the roads in the village and form an integral part of its character and appearance. In the absence of a CA appraisal, I consider the heritage significance of the CA is both architectural and historic.
4. The appeal site sits on an elevated position behind a stone wall with hedge above that forms part of a longer section of wall, circa 1.6–1.7 metres tall, that runs from near the corner of Oaken Lane with the property 'The Thatch' and extends unbroken as far as the entrance to The Manor House. This long stretch of uninterrupted stone wall is a visually prominent and distinctive feature to the street scene. The wall almost mirrors the wall on the opposite side of the road that encloses 'Oaken Manor', being of similar height and length, although there is an unobtrusive narrow, decorative metal gated access for Oaken Manor close to the proposed access. The two stone walls together further enhance the

distinctive nature of the street scene along this part of Oaken Lane. The appellant himself acknowledges that the stone wall forms an important part of the character of the CA. As the wall is an integral part of the CA it follows that the wall in front of the appeal site makes a positive contribution to the significance of the CA.

5. The proposal would involve removing approximately a 16-metre length of stone wall and hedge along Oaken Lane to form a new access into the field behind. New curved, dressed stone walls would be erected on either side of the access. These would lead to two stone pillars up to about 1.69m tall and set back approximately 6.3m from the road, which would support a timber field gate. Half-round, dressed stone coping would be used on top of the wall. To take account of the difference in ground levels the field would be cut out to provide a ramped access up into the site from the road. A large expanse of hard surfaced apron area would be created in front of the gate. The Highways Authority has no objection to the formation of the access on highways safety grounds.
6. Whilst existing stone would be reused where possible and new stone would match existing, the proposal would create a sizeable 16m gap in an otherwise uninterrupted length of prominent stone wall and see the removal of part of an historic boundary feature. Furthermore, the extent of new curved stone walls together with the expanse of a hard surfaced ramped access would introduce an unduly prominent, visually intrusive and over-engineered form of development in a rural street scene close to the edge of the village, for what is effectively a new access into a field.
7. The proposal would therefore erode a characteristic feature of the CA and harm the street scene. It therefore follows that the contribution that the appeal site and the wall in front of it would make to the CA would be diminished as a result. The proposal would therefore fail to preserve or enhance the character or appearance of the CA as a whole, as required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
8. The appellant states the design of the walled entrance is intended to replicate the access to Oaken Manor opposite the site. However, Oaken Manor is a residential property, its access gap is narrower, has much shorter curved wall splays and the small apron area on front of the gates was surfaced with stone setts. Furthermore, the existing accesses that currently serve both Oaken Manor and The Manor House are level with the road. Consequently, these other accesses do not involve expanses of ramped hard surface and do not present the same degree of visual intrusion as the proposed access.
9. The appellant draws my attention to an access gap created in the boundary wall of the residential property 'Fairfields'. I saw this part of the village and street scene was less rural, with properties lying in close proximity to a mixture of brick and stone walls, such that 'Fairfields' occupies a different street scene context to the appeal site. Furthermore, the walls in this part of the village do not display the same degree of uniformity and continuity as the wall in front of the appeal site. I saw that the curved stone wall splays were much shorter than the appeal proposal creating a much smaller access apron. The access led to a domestic driveway that one would expect to find for a residential property in the village. In addition, the driveway and lane were at the same level so there was no ramped access. Furthermore, I do not have the full details or

circumstances of the scheme. Therefore, the access at 'Fairfields' is therefore not directly comparable to the proposal before me, which I must consider on its own merits in any event. Moreover, the access to the residential property 'Fairfields' does not set a precedent for an access into an agricultural field.

10. Where the harm to the designated heritage asset is less than substantial, as in this case, paragraph 202 of the National Planning Policy Framework (the Framework) states that the harm should be weighed against the public benefits. In accordance with paragraph 199 of the Framework I attach great weight to the conservation of the designated heritage asset.
11. The appellant offers up a number of benefits. The existing field access is via a track off Oaken Lane to the southeast of the site, which is also a Public Right of Way (PRoW) and leads to a network of other PRoWs. This then bends left to another track that follows the eastern site boundary leading to the field gates. The first part of the track is also used by occupiers of the row of terraced cottages (Nos. 1-5 New Cottages) to access parking in front of their dwellings, and by occupiers of the property 'The Thatch' to access their off-site driveway and parking, and which I saw could accommodate a number of vehicles. The appellant informs me that sometimes vehicles park on the track or overhang it, causing obstruction. I saw that any vehicles parked on the track or overhanging it could make it more difficult for large farm vehicles to pass in places and this might prove inconvenient at times and potentially risk damage to vehicles.
12. As vehicles and pedestrians using the track are likely to encounter each other, the purpose of the proposed new access is to provide a new route into the field that would better accommodate wider modern agricultural vehicles/machinery without the need to use the existing track and remove the potential conflict with pedestrians and reduce the risk of damaging third party vehicles.
13. I saw a number of dog-walkers using the various PRoWs and track during my visit. However, the section of track between Oaken Lane and the bend in the track to the left is relatively short and straight, such that walkers, drivers and farm vehicles would have adequate advance sight of each other and could wait for each other to pass. Indeed, there was a wider area at the top of the track near the gates and stiles where walkers could wait out of the way for farm vehicles to pass, or wait behind the gates.
14. At the time of my visit, the field was a grass meadow, and the accesses did not appear to have been used for a while. This causes me to question the necessity of the new access. Furthermore, I have not been presented with any substantive evidence as to the type of machinery or farm vehicles that need to access the site via the track and gates, the nature of the activities that need to be undertaken on the field, or the frequency of access required to the appeal site, which was largely surrounded by land and gardens belonging to adjacent residential properties. Third party comments relate to the concern about the new access and loss of the wall, rather than to problems and conflicts with the track and pedestrian safety or vehicle damage.
15. The existing field gates are within a hedge with mature trees. I saw that the most northerly gate, farthest from the bend in the track, did not appear to have the same proximity to mature trees. Although in the CA, there is nothing before me to indicate that some works to the trees would be unacceptable or

not be possible, or that enquiries have been made to the Council to widen the existing field access.

16. Therefore, from the evidence before me I am not persuaded that the existing field gates are unusually narrow, or use of the track and the frequency of its use is so dangerous as to cause significant harm to pedestrian safety, or that vehicles obstructing the track is such a frequent occurrence, as to necessitate the formation of a new access on Oaken Lane as a public benefit.
17. The appellant also contends the new access would allow the leaning wall to be re-built and ensure its long-term survival. Public benefits can include works to a designated heritage asset to help secure their future. However, in the absence of a structural report, from my observations the wall looked to be in generally good order, it was not significantly leaning or in a state of near collapse. Regular maintenance and repair of property boundaries is part of responsible property/estate management, even more so for a heritage asset. Rebuilding the stone wall to correct any lean could be undertaken without creating a new access and building new walls.
18. I find that the new access would not amount to a public benefit sufficient to outweigh the harm that would be caused to the wall itself and the CA. Accordingly, the proposal would be contrary to Policies EQ3 and EQ11 of the South Staffordshire Council Core Strategy. Collectively these seek, amongst other things, to resist development which affects a heritage asset and ensure that development respects the historic context of the site, street layout and local character and distinctiveness.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

K. Stephens
INSPECTOR



Appeal Decision

Site visit made on 6 June 2023

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2023

Appeal Ref: APP/C3430/W/22/3306579

Hilton Hall, Hilton Lane, Essington, WOLVERHAMPTON WV11 2BQ

- 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 Hilton Hall Entertainments Ltd against the decision of South Staffordshire District Council.
 - The application Ref 22/00169/FUL, dated 28 January 2022, was refused by notice dated 19 August 2022.
 - The development proposed is Erection of marquee to be used for hosting of events (retrospective application).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant supplied financial information to the Council which was not supplied at appeal until requested. Having now reviewed that evidence I am satisfied that its inclusion would not be prejudicial to other interested parties.
3. There is a discrepancy between the company name of the applicant and the company name on the appeal form. I see no reason to doubt that the two are not one and the same, but I have used the applicant's company name in the banner above.

Main Issues

4. The main issues are:
 - Whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the development on the openness of the Green Belt;
 - Whether the development would preserve the Grade I listed Hilton Hall, the Grade I listed Conservatory, and the Grade II listed Coach House and Stable Block or any features of special architectural or historic interest which they possess, including settings;
 - The effect of the development on the living conditions of occupiers of neighbouring dwellings and businesses, with particular regard to noise and disturbance; and,

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

Reasons

Green Belt

5. It is not disputed that the development constitutes inappropriate development in the Green Belt. I see no reason to disagree. As such, the development would be harmful to the Green Belt and contrary to the purposes of including land within the Green Belt, as set out in Paragraph 138 of the Framework.

Openness

6. The marquee has dimensions of around 55 by 30 metres, is about 6 metres tall overall and has transparent openings on its southern end to provide daylight. It provides a venue for up to 650 guests. Located to the north-east of Hilton Hall (the Hall), it is separated from the Hall by maintained gardens and banks of mature vegetation, as well as a large car park. As it is nestled between groups of trees and other mature vegetation, the marquee's full extent is partially concealed when approaching the Hall's eastern elevation and main entrance.
7. It is generally accepted that the meaning of openness in relation to the Green Belt means a lack of development or activity. It has also been found by the courts that the loss of openness may have both visual and spatial elements. The marquee is a very large structure, and consequently its massing and bulk diminishes the spatial dimension of openness in the Green Belt. Moreover, its south-western corner and entrance are visible from the car park and block further views. There is therefore moderate harm to openness with regard to both spatial and visual elements of openness in the Green Belt.
8. Paragraph 148 of the Framework, sets out that harm to the Green Belt arising from inappropriate development should be given substantial weight. There is also a loss of openness, which reinforces the substantial weight to the harm arising from inappropriate development.
9. As such, the marquee conflicts with the aim of protecting the Green Belt, particularly with the Framework's stated purpose of safeguarding the countryside from encroachment. There would also be conflict with Policy GB1 of the Local Plan (LP). However, as this policy is more restrictive than the Framework with regard to development in the Green Belt, and predates the Framework, I give conflict with that policy minor weight only.

Heritage assets

Hilton Hall

10. The current Hilton Hall (Hall) dates from the early 18th century, was built for the locally prominent Vernon family and was subsequently extended and altered in the early 19th century. The Hall is believed to have been built on the platform of a former medieval moated manor house, and two limbs of the former moat remain a prominent feature of the parkland and are a notable feature in the foreground when viewing the Hall from the south and west

11. The Hall's southern, and former principal elevation, faces the moat on slightly elevated ground and presents an imposing three storey red brick façade punctuated by tall sliding sash windows, stone quoins, keystones and cills, and a dentilled cornice above the first floor level. The former entrance is centrally located within a broad stuccoed recess, and has a classical door surround and an elaborate pediment with urns at parapet level. A porte clochere on the Hall's eastern elevation reflects remodelling of the original building to relocate the main entrance to a position adjoining the former carriage drive. This remains the main entrance for the Hall's current business use.
12. The Hall has a distinctive H-shaped footprint but a more informal layout of ranges to its rear indicates the addition of service wings within more utilitarian structures. There is also evidence of a former water gate which provides the base for one of the ancillary structures, and which reflects the former extent of the moat.
13. The significance of the Hall arises from its high quality classical facades with intact historic fabric, which have considerable aesthetic and historic value. The relocation of the main entrance has enabled the southern elevation in particular to retain a direct visual and spatial relationship with the moat, and early drawings of the Hall indicate that appreciation of the Hall from this angle is largely unchanged from the 18th century. There is also associative value from the links to the Vernons, who were local landowners.
14. The eastern elevation also has significance arising from its aesthetic and historic value. However, the proximity of the car park and its access roads detract from immediate appreciation of what would have been the former formal carriage entrance. Internally, it appears that interventions including the removal of doors and other features has removed historic fabric.
15. The heritage assessment suggests that the alterations carried out in the 19th century, as well as the loss of evidence of the original moated manor have had a negative impact on the Hall's significance. However, I see no reason why this should be so. Each alteration contributes to an understanding of the Hall's evolution and its former uses and functions.

Coach House and Stable Block

16. The red brick Coach House and Stable Block (stable block) were built around 1830, probably around the same time as the addition of the second floor at the Hall, and other extensions. The buildings are arranged around a courtyard, entered through a formal arched entrance surmounted by a clock turret and timber dome, some 50 metres to the north of the porte clochere.
17. The significance of the stable block is derived from its largely unaltered historic fabric, its utilitarian appearance and plan form. The ornamentation of its arched entrance reflects its spatial relationship with and proximity to the Hall and the carriage drive.

Conservatory

18. The circular conservatory or forcing house is built on a limestone plinth with a cast iron frame, and was restored around 10 years ago. It is situated some 100 metres to the west of the Hall in a pleasant and informal garden setting. It has a distinctive and highly attractive form, and significance arises from its aesthetic and historic value, and its intact historic fabric as well as evidential

value reflecting horticultural practice and its former functional relationship with and contribution to running of the wider estate.

Grounds

19. The listing map shows a linear series of ponds and pools to the west of the moat, which is usually indicative of fisheries associated with medieval manors. This reinforces the understanding that the origins of the estate predate the building of the current Hall and its other 18th and 19th century features.
20. The approach to the Hall from the north winds through a former walled garden and banks of established trees and shrubberies, giving glimpsed views of buildings and the moat before arriving at the Hall's eastern frontage and the car park. The grounds near the Hall have an attractive verdant character and appearance, consistent with the establishment of pleasure grounds and parkland in the Hall's heyday, and the grounds retain a distinctive and recognisable character as historic parkland. This is reinforced by the presence of ancillary buildings such as the listed Conservatory and stable block, as well as the listed gate 18th century gate piers which frame a former southern approach and the Portobello Tower, now detached from the estate. There is also evidence of other original features such as earthworks and revetments.
21. As such the grounds, particularly in the immediate vicinity of the Hall, the Conservatory and stable block make a highly positive contribution to the settings of those listed buildings and are an integral component of their significance.

Proposals

22. The marquee is located beside a large shrubbery, and consequently its full extents are partially concealed from the eastern approaches to the Hall and the car park. It is also separated from the Hall and the stable block by planting and grass. Nonetheless its visible southern portion has a prominence, scale and functional appearance which is out of keeping with this historic setting and which detracts from the settings of the Hall, the stable block and to a lesser extent, the Conservatory.
23. There is an impermanence inherent in the presence of marquees and there would be no permanent ground works. To some extent, the car park, although sympathetically designed between planted strips, also detracts from the Hall's setting. Nonetheless I conclude that the marquee intrudes into the Hall's setting and diminishes appreciation of its former grounds, leading to a loss of significance and amounting to less than substantial harm. Although the courts have found that there is no need to assess the magnitude of less than substantial harm, I conclude that is a minor to moderate degree of less than substantial harm arising from the marquee.
24. Paragraph 202 of the Framework sets out that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of that proposal, including where appropriate, securing its optimum viable use.
25. A previous temporary planning permission gave consent for the erection and use of a smaller marquee for six months each year, for a period of five years. Some of the revenue stream generated from the marquee's use augmented funding from Historic England (HE) to restore the Conservatory. This was an

arrangement set out in a legal agreement, funded specific works and ended with the restoration of the Conservatory.

26. The argument is advanced by the appellant that the current marquee provides about 25% of the Hall's income and that this could be used to fund urgent maintenance works. A dilapidations report concludes that immediate works costing £640,000 are required, with close to £100,000 required annually to fund a combined one year and five year maintenance cycle. The anticipated annual rent from the marquee would fund less than 10 per cent of the cost of immediate repairs, or about half of the subsequent combined annual maintenance costs. As such, although I appreciate that all revenue streams could make a contribution to urgent works, the marquee's rental income would make only a very minor contribution to the funds required. Consequently, the ongoing use of the marquee would not in itself secure the future of the Hall and other heritage assets. Nor is there anything before me to identify the source of the other funds required.
27. Furthermore, the dilapidations report begins with many disclaimers regarding timescale and access, and it is unclear whether the author has specific building surveying or conservation experience. The report is mainly copies of best practice guidance and insofar as it includes cost estimates, these appear to be ball-park figures rather than being based on actual rates and schedules of works. This generates some doubt as to its accuracy.
28. Planning Practice Guidance (PPG) states that putting heritage assets to a viable use is likely to lead to the investment necessary for their long-term conservation. The Hall is used as office accommodation and for events. The marquee complements this use. However, the evidence sets out the difficulties of funding a public venue through COVID lockdowns and the ongoing financial burden of the Hall's maintenance. There is some financial information before me, although this comprises only a record of rent payments by the marquee company and a list of monthly cash balances for the Hall for a few months over the summer of 2022.
29. In the absence of audited accounts, accounts over a longer period or a business plan, it is difficult to verify current turnover, compare it with pre-COVID times or to gain any insight into whether a recovery might be likely. As such, there is a lack of clarity and verification which limits the weight I can give to the financial information. It also limits the weight I give to the argument that the current business use of the Hall and the associated marquee represents the Hall's optimum viable use.
30. Furthermore, although I acknowledge that the marquee draws upon local businesses to support events, there are no quantifiable details against which to judge those benefits. In any case, these businesses are from Walsall, Wolverhampton and Birmingham and it seems more than likely that even if demand from the Hall declined, they would be available to supply other venues. Accordingly, I give minor weight only to the public benefits arising from the use of the marquee as an events venue and the provision of local employment
31. The figures provided indicate that the marquee revenue would make a very small contribution only to the immediate urgent repairs, to the extent that it would take more than 12 years for that income to offset the costs of those works. Consequently, the marquee would not facilitate the long term

conservation of Hiton Hall and the other heritage assets. Nor would the limited public benefits arising from the marquee outweigh the less than substantial harm identified above.

Enabling development

32. HE's guidance¹ with regard to enabling development sets out that enabling development is development that would not be in compliance with local or national planning policies and would not normally be given planning permission except for the fact that it would secure the future conservation of a heritage asset. This is further clarified in Paragraph 202 of the Framework which states that conflict with planning policies may be justified if the development proposed would secure the future conservation of the assets and the wider benefits outweigh the disbenefits of not adhering to those policies.
33. In principle, the hypothecation of the marquee's revenue stream could represent public benefits sufficient to outweigh the less than substantial harm to the setting of the listed building. However, notwithstanding that the proposals before me do not meet the methodology for suggested actions set out in Paragraph 29 of HE's guidance, the revenue stream would be insufficient to make a meaningful contribution to the scale of works required.
34. Moreover, as noted above, there is an underlying brevity, vagueness and generality to the evidence before me, which does not add weight to the appellant's argument. Nor could my concerns be addressed through condition.
35. Consequently, I conclude that the marquee fails to preserve the settings of the Hall, the Conservatory and the stable block and I am unable to conclude that that harm would be outweighed by public benefits. As such, there is conflict with S66 of the Planning (Listed Buildings and Conservation Areas) Act (the Act) as well as Section 16 of the Framework which is concerned with safeguarding heritage assets.
36. There would also be conflict with LP Policy EQ3 which is concerned with the conservation, preservation and protection of heritage assets, and to a lesser degree with LP Policy EQ11, insofar as this requires development to respect and relate to its historic context.

Living conditions

37. The appeal statement notes that it was not possible to commission a noise assessment following the Environmental Health Officer's comments during the application's determination period. However, noise attenuation proposals were provided during the determination period. This suggests that either the noise survey had been undertaken but not provided to the Council, or that the noise attenuation proposals are not based on actual survey data.
38. It was proposed that a noise survey be submitted late in the appeal process but this request was declined as the request was made well past the date for the submission of evidence, and its submission could have prejudiced the interests of both the Council and interested parties. Moreover, the promotion of the noise attenuation proposals indicates that the appellant accepts that the use of the marquee is having an adverse impact on local residents and

¹ Historic England June 2020

businesses. As such, my primary concern is the efficacy and appropriateness of those proposals.

39. It is proposed to line the marquee with a sheet material with acoustic insulation properties. What is provided is a generic technical specification sheet for an Italian product. There are no installation instructions or accompanying details to show how the insulation would be installed or fixed. The technical specification sets out that noise volume would be reduced by 17dB but this appears to be a performance specification reached under controlled conditions. There is nothing before me to indicate that such a reduction could be achieved here or what the insulation's exact performance would be under these particular circumstances.
40. A brief inspection of the marquee revealed that its sides are only loosely affixed to the ground supports and to be effective the insulation would need to have a continuous seal. There is also nothing before me to show how the entrance would be dealt with. The sheet insulation is also opaque which would result in the loss of the glazed windows, which would make the marquee a less attractive space to be in.
41. The evidence indicates that the insulation was to be installed last year but there was no evidence of it at my visit.
42. Consequently, whilst I conclude that the application of sheet insulation could reduce noise levels emanating from the marquee, I am unable to conclude that it would contain noise sufficiently to mitigate the effects on local occupiers or businesses. Nor is the evidence regarding the proposed insulation sufficiently compelling with regard to installation or efficacy, for me to impose a condition in this regard.
43. It is also proposed that the sound systems are turned off at 11pm. However, although I was aware of the faint hum of traffic on the nearby motorway at my visit, this is a rural area and it is not unreasonable for residents to expect tranquillity in the evenings and at weekends. Even if the hours of operation were reduced to between 12 noon and 11pm, if there are events most weekends this would be a very long period to experience annoyance from noise. Even if activities cease at 11pm, this may be well after the time that some residents, including children, might wish to be sleeping. I accept that it is not unusual for outdoor events and festivals to be held in rural locations, but these tend to be occasional rather than regular occurrences.
44. It is also proposed that amplification controls are put in place to limit the loudness of the sound systems. Whilst I appreciate that this could have an effect, there is limited and non-specific information before me in this regard and as such I give this proposal only minor weight.
45. It is suggested that the complaints with regard to noise are unfounded. However, I see no reason why interested parties should fabricate complaints over a sustained period of time, and the evidence suggests that there were no such complaints associated with the former, smaller and lawful marquee. In any case as set out above, the suggested noise reduction to be achieved by amplifier controls, hours and the insulation membrane indicate that there is an acceptance that the complaints are at least partly justified.

46. The holding of a premises licence does not remove the need for the Council to consider the development against the local development plan.
47. It seems likely that the combination of amplifier controls, frequency of events, time restrictions and insulation could result in the frequency and amplitude of noise disturbance being reduced to levels that would be less intrusive for nearby residents. However, a combination of such controls could undermine the attractiveness and thus the viability of the events business. Moreover, the absence of specific information also leads me to conclude that this is not something that could be controlled by condition.
48. Consequently, I conclude that the development has an adverse effect on the living conditions of nearby occupiers and businesses, and therefore there is conflict with LP Policy EQ9 and Paragraph 130 of the Framework, which taken together are concerned with the protection of residential amenity.

Other matters

49. Although not set out in the description, the evidence suggests that the appellant would be open to a temporary permission of five years. However, given the harm identified above I have concluded that a temporary permission would be inappropriate.
50. The appellant has drawn my attention to an appeal where the inspector concluded that the public benefits arising from the erection of an outdoor kitchen would outweigh the less than substantial harm to a listed building². However, in that case the outdoor kitchen was not inappropriate development in the Green Belt and no concerns were raised with regards to noise and disturbance. As such, that appeal is not comparable to what is before me.

Planning balance and conclusion

51. I have concluded that there is harm arising from the development arising from inappropriate development and loss of openness in the Green Belt, harm to the setting of listed buildings, and noise and disturbance for local residents and businesses. Great weight is expected to be given to harm to the Green Belt and to heritage assets.
52. The appellant advances the argument that the use of the current marquee is required to fund ongoing maintenance at the Hall and to secure its future, and that this would constitute other considerations sufficient to amount to very special circumstances. There would be considerable public benefits associated with this argument, which could in principle outweigh the harm identified above in relation to the setting of the Hall. However, as I have set out above, there is a lack of financial clarity in the evidence, and such information as there is suggests that the marquee's revenue would not make any more than minor inroads into the substantial sums needed for immediate works and ongoing maintenance. As such, whilst in principle I see no reason to disagree with this premise, on the basis of what is before me I give this argument little weight.
53. Moreover, even if I concluded that the use of the marquee's revenue could lead to heritage benefits sufficient to outweigh the harm arising to the heritage assets and the Green Belt, this would not alter my reasoning with regard to harm to living conditions. As such there are no other considerations of such

² APP/T0355/C/21/3284003

magnitude to outweigh the harm to the Green Belt, the heritage assets and residential amenity, and very special circumstances do not exist.

54. The development is contrary to the Act, the Framework, and the local development plan and there are no material considerations of such weight to lead me to conclude otherwise. The appeal is dismissed.

A Edgington

INSPECTOR

