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## Appeal Decisions

Site visit made on 11 October 2016

**by Aidan McCooey BA MSc MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 11 January 2017**

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### **Appeal Ref: APP/C3430/C/16/3150555/6&7 (APPEALS A, B & C)**

#### **1 Swan Lane, Dunston, Stafford, ST18 9AE**

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeals are made by Mr Richard and Mrs Christine Key (individually and as a couple) against an enforcement notice issued by South Staffordshire Council.
  - The Council's reference is 15/00258/BOC.
  - The notice was issued on 25 April 2016.
  - The breach of planning control as alleged in the notice is without planning permission, the unauthorised development of a barn, by the addition of an external wooden staircase to the eastern elevation and the enclosure of the open bays to the northern elevation by the siting of four wooden doors, not in accordance with plans approved under planning application reference 14/00137/FUL.
  - The requirements of the notice are:
    1. reinstate the eastern elevation by removing the external wooden door to first floor level as shown on the approved plans;
    2. remove the external wooden staircase on the eastern elevation;
    3. remove the four wooden doors on the northern elevation which enclose the designated open bays; and
    4. dispose of all the material generated from the on the eastern elevation and the four wooden doors from site.
  - The period for compliance with the requirements is two months after this notice takes effect.
  - The appeals are proceeding on the grounds set out in section 174(2) (c) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the applications for planning permission deemed to have been made under section 177(5) of the Act as amended do not fall to be considered.
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### **Appeal Ref: APP/C3430/W/16/3152789 (APPEAL D)**

#### **1 Swan Lane, Dunston, Stafford, ST18 9AE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Richard Key against the decision of South Staffordshire Council.
  - The application Ref 16/00226/FUL, dated 15 March 2016, was refused by notice dated 10 May 2016.
  - The development proposed is retrospective alterations to approved barn.
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## **Decisions**

### **Appeals A, B & C**

1. The enforcement notices (ENs) are corrected by the substitution of the plan annexed to this decision for the plan attached to the ENs. Subject to these corrections, the appeals are dismissed and the enforcement notices are upheld.

### **Appeal D**

2. The appeal is allowed and planning permission is granted for retrospective alterations to approved barn at 1 Swan Lane, Dunston, Stafford, ST18 9AE in accordance with the terms of the application, Ref 16/00226/FUL, dated 15 March 2016, and drawing no. K/04/14 Rev. D dated 28 April 2014.

### **Appeals A, B & C**

#### **Procedural Matters and Background**

3. The plan attached to the ENs was incorrect as it did not correctly identify or include the site of the building which is the subject of the notice. I raised this matter with the parties, who agreed that the plan was incorrect. An agreed revised and corrected plan was submitted on 19 October 2016. I substitute this plan for the original plan accompanying the ENs.
4. The deemed planning applications and appeals on ground (a) have lapsed because the requisite fee was not paid. There was also an appeal against a refusal of planning permission for the development which is the subject of the ENs, which I consider below. The only ground of appeal therefore is ground (c).

#### **Appeals on ground (c)**

5. Planning permission was granted for the subject building on 24 April 2014 (ref: 14/00137/FUL). The permission was subject to a condition that the barn be built in accordance with approved drawing K/04/14 received 15/04/2014. This is revision C of that plan. It is clear on the face of that plan that the external staircase and associated first floor door were not included in the planning approval. An amended version of the plan was submitted (revision D dated 28 April 2014). The information supplied by the Council indicates that this amendment was refused. The Council wrote to the appellant on 7 January 2016 (after a meeting) stating that the approved plans did show the stairs. This was explained by the Council as an error in that the officer looked at the file for an amendment to the approved plans sent in after the granting of planning permission. The approved block plan does show a small addition on the eastern elevation of the building. This does not constitute an approval of an external staircase, which was not included on the detailed plans.
6. I consider that a sensible reading of the planning permission, the reference in the conditions to the Plan received on 15/04/2014, and the fact that this is revision C of the plan; must lead to the conclusion that the stairs have not been approved as part of the original planning permission. The letter of 7 January 2016 does not constitute an approval either, on a fair reading of its content. It does not state that the amendment had been approved and was simply an error on the part of the officer in question.

7. At no stage has the appellant claimed that the four doors enclosing the two westerly bays on the ground floor have received consent. The contention was that the Local Planning Authority did not indicate that it had any issue with these doors. This is not relevant to these appeals as it does not mean that their introduction did not require planning permission.

### **Conclusion**

8. My conclusion on appeals A, B and C is that the development or alterations to the approved plans referred to in the ENs have not received planning permission because they did not form part of the previous planning permission. It is the case that they are building operations that have an impact on the external appearance of the building. As such they require the benefit of planning permission. The appeals on ground (c) must therefore fail.

### **Appeal D**

#### **Main Issue**

9. The main issue is the effect of the external staircase and alterations to the building on the character of this area of open countryside.

#### **Reasons**

10. The site is a house at the junction of an unadopted lane with the A449. The building is located to the rear of the house and is largely screened from the main road. The boundary with the lane has some hedging, brick walls and fencing. There are several accesses to the property, one of which is gated. The landscape around the site is fairly flat. To the south there is a large open field around the house and then a large business park.
11. The Council refer to Core Policies 1 and 4 of the South Staffordshire Core Strategy, which are supported by the following policies. Policy OC1 seeks to protect the countryside for its own sake. Policy EQ4 seeks to maintain the intrinsic rural character and local distinctiveness of the landscape. As the building has planning permission, these policies are not particularly relevant to this application for alterations to that building. Policy EQ11 sets out a range of wider design considerations. The Council refer to the following text in the policy: in terms of scale, [design] and materials, development should contribute positively to the street scene and surrounding buildings, whilst respecting the scale of spaces and buildings in the area.
12. In this case, the building has received planning permission. It is the alterations to the approved plans that are at issue. There was no dispute that the steps required by the EN would ensure that the building would be in accordance with the approved plans. The use of the building is restricted to agriculture by condition. The appellants state the holding comprises 10 hectares and that the building is being used for agricultural purposes. The Council's officer report states that it is inappropriate development in the countryside because the agricultural justification for the development remains invalid. The building has been approved and the addition of a stairs, doorway and doors does not alter or increase the agricultural need for the building previously granted planning permission.

13. I consider that the enclosing of the two bays with doors does not offend any of the policy requirements. It is common for agricultural buildings to have doors. The doors face into the field away from the road and are unobtrusive. They match the style and design of the approved doors on the building. Despite the fact that this is a higher quality timber frame building, I do not consider that the doors are overtly domestic features.
14. The external wooden staircase and door are visible for short distances from the lane and the main A449 road. I do not consider that they are overtly domestic features, as they are external to the building and relatively common features on some traditional barns. They do marginally increase the scale and mass of the building but not to such an extent as to cause significant harm to the interests identified by the Council, as detailed above. The effect on the "streetscene" is not so detrimental as to warrant the refusal of planning permission because of the design, appearance and limited views available.
15. I have discussed drawing no. K/04/14 Rev. D dated 28 April 2014, which shows the external staircase and associated door at first floor level. There is no drawing that includes the four doors enclosing the two westerly bays on the ground floor. In the circumstances, I have based my decision on the above drawing, whilst recognising that it does not show these four doors.

### **Conclusion**

16. I have found the design, materials and scale of the external staircase and doors added to the approved barn to be acceptable. The alterations to the approved barn therefore comply with the policies of the development plan identified above. Having considered all the matters raised, I allow the appeal and grant planning permission for the retention of these features.

*A L McCooey*

**Inspector**