



Appeal Decision

Site visit made on 30 July 2019

by S Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2019

Appeal Ref: APP/B3410/W/19/3225892

Barn at High Street, Stramshall, Staffordshire ST14 5AL

- 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 Adam Dronzek against the decision of East Staffordshire Borough Council.
 - The application Ref P/2018/01235, dated 27 September 2018, was refused by notice dated 18 March 2019.
 - The development proposed is the conversion of a barn to residential.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of the barn to residential at Barn at High Street, Stramshall, Staffordshire ST14 5AL, in accordance with the terms of the application Ref P/2018/01235, dated 7 September 2018, subject to the conditions set out in the attached schedule.

Application for Costs

2. An application for costs was made by Mr Adam Dronzek against East Staffordshire Borough Council. The application is the subject of a separate Decision.

Main Issue

3. The main issue is whether there would be an acceptable level of on-site car parking provision and, if not, the effect of the development on car parking on the public highway.

Reasons

4. The appeal proposal involves the conversion of a former agricultural building to a one-bedroom residential dwelling. The building is positioned on the road frontage on the High Street which is the main road through the village. The building has a limited curtilage and no provision for on-site parking. There is a narrow footway to the front of the building where during my visit, a car was parked.
5. The site is on the corner of the High Street and Vicarage Drive where there is a triangular landscaped area which divides Vicarage Drive at this point. On the High Street side is a bus shelter which is some 30 metres from the barn. Vicarage Drive continues as a no through residential road which serves several properties most with off-road parking provision. The road has a pavement each

- side and is of sufficient width for two-way traffic. Near to the beginning of this residential road is the village hall which has limited parking to its side.
6. The appeal site is located within the historic core of the village where the road is narrower and footways are either restricted in width or are non-existent. The roads are lit by street lights, the speed limit is restricted to 30mph and there are no traffic orders restricting on-street parking. Many houses appear to have parking within their curtilages, although on my site visit I did witness occasional on-street parking along both Vicarage Drive and the High Street.
 7. The scheme does not allow for parking within the site due to the restricted curtilage of the property and the proximity to the road junction. Nevertheless, the Council's Parking Standards SPD (October 2017) (SPD) advises that 1 car parking space should be provided for a one-bedroom dwelling. To this extent, the proposal conflicts with the SPD. The SPD requires that where on street parking is likely to cause considerable congestion in a traffic sensitive area, or a danger to highway users, it should be demonstrated that there will not be an impact on highway safety.
 8. Both the Council and other interested parties state that on-street parking is "heavy". However, this statement is not quantified nor substantiated with any objective evidence. At my site visit, I did not see any restrictions on parking on the highway in the vicinity of the site, nor did there appear to be a level of on-street parking which could indicate a high degree of evidence of a clear parking problem. I acknowledge that this was just a moment in time on a weekday and that on-road parking may be more apparent at other times. I also accept that events at the Methodist Church and Village Hall may generate troublesome parking issues at certain times. Nevertheless, the surrounding roads have no parking restrictions in place and many houses provide parking within their curtilages which leads me to believe there is capacity for on-street parking in the vicinity of the appeal site.
 9. Additionally, it has not been demonstrated that the proposal would result in an increase in the likelihood of highway danger or considerable congestion due one extra car parking along on the roadside. In these circumstances, and in the absence of clear evidence to the contrary, I do not consider that the proposal would have a harmful effect on highway safety or lead to any significant car parking demand issues. Furthermore, the Highway Authority did not raise an objection to the scheme noting that "*the building is existing and therefore could generate vehicular movements/parking under the existing Use Classes Order*".
 10. There is no suggestion that the building no longer has a lawful use, even though it has been separated from the main farm. As such, there is the potential for movements associated with an agricultural use of the building to be not dissimilar to the proposed use. In addition, re-use of the building for agricultural purposes would necessitate the parking of a vehicle(s) on the main road. In considering this point, it is of note that the SPD also suggests that when looking at applying parking standards, they will be "*used alongside an assessment of residual impact of the proposal against existing use*".
 11. Notwithstanding that there would be some technical conflict with the SPD, from the evidence before me I conclude that in respect of this appeal proposal it would not be unacceptably harmful to the safety of highway users in this location and there is no compelling evidence before me to indicate that an

absence of on-site parking would lead to any significant car parking demand issues. Consequently, the proposal would comply with Policies Sp1, SP8 and SP35 of the East Staffordshire Local Plan Planning for Change (2012-2031) 2015 (LP) which state that development should not have an adverse impact on the transport and highway network. For the same reasons, there would be no conflict with paragraph 109 of the National Planning Policy Framework which directs that development should only be refused on highway grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Conditions

12. Aside from the standard time limit condition, it is necessary to list the approved plans, for the avoidance of doubt and in the interests of certainty. In the interests of the character and appearance of the area, conditions are required to ensure the use of: window and door recesses; timber doors and window frames; flush fitting black rooflights; rainwater goods; and that materials are appropriate and are maintained thereafter.
13. Whilst noting advice contained in the National Planning Practice Guidance, due to the limited size and position of the appeal site there is exceptional justification for removing specified permitted development rights in the interest of the character and appearance of the barn and the surrounding area and the living conditions of the occupiers of neighbouring properties.
14. In the interests of environmental sustainability, it is necessary to impose a planning condition that requires that secure weatherproof cycle storage facilities are provided on site.
15. In the interests of the living conditions of the occupiers of neighbouring properties, it is necessary to impose a condition that restricts the hours of operation for construction work. In the interest of bio-diversity and nature conservation, a condition is necessary requiring the development to be carried out in accordance with details set out in the ecological survey.
16. Finally, in the interests of the living conditions of the occupiers of the proposed dwelling and the occupiers of neighbouring properties, a planning condition is imposed relating to the provision of foul and surface water drainage. Given that drainage details would form part of the conversion works it is necessary to agree the relevant details prior to the commencement of development.

Conclusion

17. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

S Hanson

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A3630 – 001 Rev A Existing Floor Plan, Elevations and Roof Plan; 002 Rev B Proposed Floor Plans, Elevations and Roof Plans; A3630 – 003 Existing and Proposed Site Plan and Location Plan.
- 3) All external materials used in the development shall match those of the existing building including colour, size, coursing and texture.
- 4) The dwelling shall not be occupied until details of a secure weatherproof cycle storage facility have been submitted to and approved in writing by the Local Planning Authority. The cycle storage facility shall be installed in accordance with the approved details and thereafter be kept available for the parking of bicycles.
- 5) All doors and windows shall be constructed in timber and be set back from the outer face of the wall by a minimum of 50mm.
- 6) New rooflights shall have a black finish and be installed so that their outer faces are flush with the plane of the roof unless otherwise first agreed in writing with the Local Planning Authority. Once installed the rooflights shall not be replaced with any alternative type without the prior written consent of the Local Planning Authority.
- 7) All guttering and downpipes shall have a black finish. Guttering shall be fixed direct to the brickwork on rise and fall metal brackets unless otherwise first agreed in writing with the Local Planning Authority. Once installed the rainwater goods shall not be replaced with any alternative type without the prior written consent of the Local Planning Authority.
- 8) Development shall not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- 9) Demolition or construction works and deliveries required under this permission shall take place only between 0800 and 1800 on Monday to Friday, and between 0800 and 1600 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 10) The development shall be carried out in accordance with the details set out in the Preliminary Bat Roost Assessment and Bird Survey received 27 September 2018.
- 11) Notwithstanding the provisions of Classes A, B, C, D and E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the dwelling shall not be altered or extended, no new windows shall be inserted and no buildings or structure shall be erected within the curtilage of the new dwelling.