



Appeal Decision

Site visit made on 15 February 2022

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 March 2022

Appeal Ref: APP/B3438/W/21/3280662

Land to the rear of 70, Tollbar Cottage, High Street, Ipstones, Staffordshire, ST10 2LU

- 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 Kris Shenton (Shentwood Ltd) against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2021/0153, dated 9 March 2021, was refused by notice dated 21 May 2021.
 - The development proposed is described as 'a new dwelling on part of the land to an existing cottage'.
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Decision

1. The appeal is allowed and planning permission is granted for a new dwelling on part of the land to an existing cottage at Land to the rear of 70, Tollbar Cottage, High Street, Ipstones, Staffordshire, ST10 2LU in accordance with the terms of the application, Ref SMD/2021/0153, dated 9 March 2021, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The planning application form gives the address of the appeal site as Park Lane, Ipstones, Stoke-on-Trent, ST10 2LU. The Council's decision notice refers to Land to the rear of 70, Tollbar Cottage, High Street, Ipstones, Staffordshire, ST10 2LU. I have adopted this address as it more accurately describes the appeal site as it is shown on the submitted location plan. In addition, I have omitted the words 'the proposed development comprises' from the description of development for both conciseness and that it does not assist in identifying the development to which the appeal relates.

Main Issue

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

Reasons

4. Although the adjacent dwelling (Thornicks) and nearby Manor Farm are of stone construction, it was evident during my site visit that the vast majority of dwellings in the immediate vicinity of the appeal site were constructed using red brick or red brick with render. Tollbar Cottage itself and The Old Toll House, situated on the opposite side of the junction where Park Lane meets High Street, are both largely rendered properties. A further array of red brick properties are located opposite on the western side of High Street.

5. Sandy Lodge and Megcrofts Farm are other examples of stone built properties, however these are located further away from the appeal site as you exit the village to the north, and therefore do not alter the overarching use of red brick or render in the vicinity of the appeal site. I do not consider therefore that the use of red brick as a facing material would be harmful.
6. Although the proposed dwelling would have a master bedroom that utilises a dormer window, when viewed from Park Lane the dwelling would retain the appearance of a conventional two storey property. The height of the dwelling would in any event be similar to other two storey dwellings in the vicinity, and its prominence would be further reduced by virtue of the sites ground level which is set lower than the highway on Park Lane.
7. Views of the proposed dwelling from the south would be extremely limited, with existing structures and vegetation providing screening when approaching from the east along Park Lane. The proposal would be partially visible through existing trees when travelling from the north. However, it would not be unduly prominent or obtrusive as it would sit comfortably between the host dwelling and neighbouring property, relating to the existing built form.
8. I would not consider a footprint of just over 100 square metres to be excessive, particularly where it would not, in and of itself, give rise to harm. Furthermore, the proposed footprint would be broadly similar to the majority of existing nearby dwellings on High Street and Park Lane.
9. The sub-division of the large garden associated with Tollbar Cottage would result in a generous plot size which relates to the plot sizes of other nearby dwellings. The plot would comfortably accommodate the proposed dwelling and garage whilst still retaining an adequate amount of amenity space, parking provision, and maintaining a separation between the appeal property and the adjacent dwellings.
10. For the reasons given above, the proposed development would not dominate the host dwelling, nor would it appear unduly prominent in the street scene. It would not therefore cause harm to the character and appearance of the area. As such, it would comply with Policies SS8, H1 and DC1 of the Staffordshire Moorlands Local Plan (adopted September 2020) and guidance contained within the Staffordshire Moorlands Design Guide (adopted February 2018). These policies, amongst other things, seek to ensure that developments are of a high quality incorporating detailing and materials appropriate to the character of the area, and be designed to respect the site and its surroundings.

Other Matters

11. Concerns have been raised in respect of highway safety and the suitability of the vehicular access onto Park Lane. Subject to the new access and driveway being adequately surfaced in a bound material however, and a surface water interceptor provided, the Local Highway Authority had no objection to the proposal. There is no compelling reason for me to disagree. The suggested works necessary to make the access acceptable can be secured through a planning condition. Consequently, the proposed development would not give rise to any highway safety concerns.
12. Matters pertaining to construction disruption and foul drainage can be suitably controlled through planning conditions which would make the development

acceptable by minimising any disturbance to nearby residents. These matters would not therefore support the dismissal of the appeal.

Conditions

13. I have had regard to the conditions suggested by the relevant statutory consultees and other bodies and have assessed them against the tests set out in paragraph 56 of the Framework. Where necessary and in the interests of precision and enforceability I have altered the wording of the suggested conditions. In accordance with Section 100ZA of the Town and Country Planning Act 1990, the appellant has provided written agreement to the pre-commencement conditions.
14. In addition to the standard time limit condition, I have imposed a condition concerning the approved plans for clarity. I have also imposed a condition requiring the proposed development to be constructed using the materials proposed so to ensure it is of satisfactory appearance.
15. To ensure that the retained trees on the site are adequately protected, a condition is required to ensure that tree protection is in place prior to any demolition or other works taking place. In the interests of highway safety and to prevent surface water, gravel and other detritus encroaching onto the highway, a condition is also necessary requiring the access and driveway to be constructed in a bound cobble surface for a set distance and suitable drainage provided.
16. In the interests of the living conditions of neighbouring occupiers, I have imposed conditions pertaining to when noise generating activities can take place and to require the submission and approval of a Construction Method Statement.
17. In order to ensure that any contamination found on the site is adequately dealt with, a condition is attached requiring that it must be reported immediately to the Local Planning Authority and the necessary investigation and risk assessments undertaken.
18. A condition requiring the submission and approval of details of any artificial lighting proposed on the site is also necessary in order to protect nearby residents from light disturbance. Finally, a condition stipulating that the foul drainage from the proposed development is discharged into a system which meets the requirements of the relevant British Standard is also necessary to ensure adequate drainage for the site and the proper functioning of the proposed development.

Conclusion

19. The proposed development would comply with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance therewith. The appeal should therefore, subject to the conditions set out, be allowed.

David Jones

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: 4540-04-06A, 4540-04-05A, 4540-04-04c.
- 3) The external surfaces of the development hereby permitted shall be constructed using the materials shown on plan no 4540-04-04c
- 4) The first action on commencement of development, prior to any further action (including any demolition, site clearance, site stripping, site establishment or formation/improvement of temporary/permanent access) shall be the erection of temporary tree protection barriers and advisory notices for the protection of the existing trees to be retained within and adjacent to the application site, in accordance with guidance in British Standard 5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations*, and these measures shall be retained in position for the duration of the period that development takes place, unless otherwise agreed by the LPA. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires unless otherwise agreed by the LPA.
- 5) Prior to the first use of the development hereby permitted, the access shall be provided and constructed with a bound cobble set surface for a distance of 6m into the site from the back edge of the carriageway and an aco drain shall be installed on the highway boundary that discharges into an interceptor and retained thereafter. The parking and turning areas hereby permitted shall also be provided prior to the first occupation of the development hereby permitted and thereafter retained with a free draining, permeable surface, with surface water managed through a sustainable soakaway system.
- 6) All noisy activities shall be restricted to the following times:
 - 0800 – 1800 (Monday to Friday)
 - 0800 – 1300 (Saturday)
 - No working is permitted on Sundays or Bank Holidays

Noisy activity is defined as any activity (for instance, but not restricted to, building construction/development operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.
- 7) No development, including demolition, shall take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Method statement should include the following details:-
 - i). A scheme to minimise dust emissions arising from demolition/construction activities on the site. The scheme shall include

details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;

- ii) A scheme for recycling/disposal of waste resulting from the demolition/construction works;
- iii) The responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
- iv) Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment;
- v) A scheme for recycling/disposal of waste resulting from the construction works;
- vi) During construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary.

Once approved, all relevant activities on the site should be carried out in accordance with Construction and Environmental Method Statement throughout the course of the development. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to commencement of the alteration.

- 8) In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development should not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exists to any identified receptors, development shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment has been prepared, and is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the 3 Local Planning Authority.

- 9) Details of any external lighting shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby permitted. Development shall be carried out in accordance with the approved details.
- 10) The foul drainage from the proposed development shall be discharged to a system which meets the requirements of British Standard (BS) 6297:2007+A1:2008 Code of practice for the design and installation of drainage fields for use in wastewater treatment, including:
- a) There is no connection to any watercourse or land drainage system and no part of the soak away system is situated within 10 metres of any ditch or watercourse.

b) Porosity tests are carried out to the satisfaction of the Local Planning Authority to demonstrate their suitable subsoil and adequate land area is available.