



Appeal Decision

Site visit made on 29 March 2022

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 May 2022

Appeal Ref: APP/Y3425/W/21/3283112

Foxearth Sports Prestige, The Hough Retail Park, Lichfield Road, Stafford ST17 4LU

- 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 C Maguire (Foxearth Sports, Prestige and 4x4) against the decision of Stafford Borough Council.
 - The application Ref 21/34390/FUL dated 18 May 2021 was refused by notice dated 2 September 2021.
 - The development proposed is amendments to site layout to allow for additional gravelled vehicle display areas and proposed grassed area.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of my visit, the grass and gravel areas were in place with some vehicles parked in this area to the east of the building. The site arrangements reflected the plans before me and for clarity, I have dealt with the appeal based on the submitted plans.

Main Issues

3. The main issues are:
 - whether the development would preserve or enhance the character and appearance of the Forebridge Conservation Area, and
 - the effect on highway safety, with regard to parking provision.

Reasons

Conservation Area

4. The appeal site is a mixed car showroom and café business situated on a large retail park and comprises of a detached building with car parking and open areas around it. Part of the site, including the existing building and the area to its east are within the Forebridge Conservation Area (CA).
5. My attention has been drawn to the Forebridge Conservation Area Appraisal 2013 (CAA) which identifies the appeal building as a positive building and the external area around it as a neutral space. The appeal site falls within the 'Lichfield Road Character Area' which is said to contain properties that are set back from the road which contributes to the spacious feel to the road. The significance of the area is derived from the mix of traditional buildings set along

historic roads and the presence of open space areas and mature planting. The appeal site, whilst not being identified specifically as a green space within the CAA, and despite having seen previous unsympathetic changes to its historic fabric internally, still contributes positively to the CA's character and appearance.

6. The appeal site was previously granted permission¹ for a change of use to a mixed-use car showroom/café including an outdoor vehicle display area. The Council has referenced that the area to the east of the building was approved with an open landscaped aspect with no vehicular parking. The appeal development would not introduce any building or other permanent fixture. It would result in a sizable grass area, which the appellant refers to as some 60% of the original landscaped area, but this would be surrounded on three sides by the parking of vehicles.
7. I was able to see hedgerows around the periphery of the site which softens views of the site. The hedgerows are however at a low level and given the higher land levels within the site, the introduction of vehicular parking, even if vehicles were spaced out, would be clearly visible and prominent in views along Lichfield Road.
8. The site is bounded by a large car parking area to the south, and a modern signage board for the retail park is also on its periphery. Nevertheless, given the width and the positioning of the signage, it has a limited effect on blocking views of the appeal building and the external area to its east. It has also been stated that the Council has accepted the use of porous tarmac for customer parking and vehicle display areas and that in comparison, the use of gravel, such as that proposed can provide a softer finish.
9. Although the retail park has a large car parking area which adjoins the appeal site, this is to the south of the site, away from Lichfield Road and outside the CA. The proposal would however see the introduction of parking in a prominent location that was approved as a landscaped area. This would have a significant impact in reducing openness and obscuring views of the traditional façade of the appeal building.
10. Taking the above points together, and mindful of the duties arising from section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), the proposal would fail to preserve or enhance the character or appearance of the CA and would not meet this duty, which sets out the desirability of preserving or enhancing the character or appearance of the conservation area. The harm to the CA would be less than substantial and therefore in line with paragraph 202 of the National Planning Policy Framework (the Framework) this harm should be weighed against any public benefits of the proposal. Despite the harm being less than substantial, the Framework states that great weight should be given to the asset's conservation.
11. The appellant has set out that the proposal would support the car sales and café business, which has suffered adversely from the pandemic. The proposal would benefit the business through the provision of a larger vehicle display area, but this would be of little benefit to the public at large. I recognise that the provision of toilet facilities would be beneficial as the retail park does not have consumer toilets. Although the café element of the business may be more

¹ LPA Reference: 17/27360/COU

visible following the proposal, the provision of the toilet facilities could be provided without the external changes sought as part of this appeal application. The Framework advises that any harm to the significance of the designated heritage asset should require clear and convincing justification. I have found that the public benefits would cumulatively attract moderate weight to be given to the conservation of the heritage asset and would not therefore outweigh the harm found to the significance and the weight to be given to the conservation of the heritage asset.

12. As such, the proposal would be contrary to Policies SP1, SP7, N1, N4, N8 and N9 of The Plan for Stafford Borough 2011-2031, 2014 (The Plan), which seek, amongst other matters, development proposals to sustain and where appropriate enhance the significance of heritage assets. It would also be contrary to the Framework, the National Design Guide the Planning Practice Guidance and Design Supplementary Planning Document 2018 insofar as they seek to ensure that heritage assets are conserved in a manner appropriate to their significance.

Highway Safety

13. The Council have stated that insufficient information has been provided to calculate whether adequate customer parking would be available for the proposed outdoor vehicle display. The appellant accepts that additional parking provision should be provided and references the gain of 2 customer car parking spaces. The existing and proposed parking areas however both provide 15 parking spaces, and it is not clear from the information before me where the 2 additional spaces would be provided.
14. The appellant has also stated that the additional display area would provide a maximum of 14 spaces as the vehicles for sale would be spaced out. Whilst I have no reason to doubt the appellant's figures, in the absence of information on additional customer parking provision or on whether customers would be able to use the large adjacent retail park, I have insufficient information to clearly demonstrate the proposal would provide adequate parking provision. As such, I cannot be certain that the proposal would avoid parking overspill on to surrounding roads, including the A34 Lichfield Road, where from my site observations, such parking could impede the free flow of traffic and lead to material harm to highway safety.
15. I therefore conclude that in the absence of any evidence to the contrary, the development would cause harm to highway safety in terms of parking provision. It would therefore conflict with Policy T2 of The Plan, which seeks, amongst other matters, to ensure adequate parking is provided for all new development.

Other Matters

16. Reference has been made to the planning history of the site and the appeal building not being listed. I note that gravel was used following the removal of the trees to allow the ground to settle and because it acts a water retainer. I have taken into account these matters but they do not outweigh my conclusions in relation to the main issues. Other factors such as the pedestrian, customer and delivery access points remaining unchanged are neutral matters.

17. The appellant has referenced delays in the processing of the application and the reasons for submitting the application retrospectively. These are administrative matters and are outside the scope of this appeal.

Conclusion

18. For the reasons given above, having considered the development plan taken as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR