



Appeal Decision

Site visit made on 12 July 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th July 2022

Appeal Ref: APP/Y3425/W/21/3281394

The Old Rectory, Fradswell Lane, Fradswell, Stafford ST18 0EY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr P and Mrs K Roberts against Stafford Borough Council.
 - The application Ref: 20/33100/FUL is dated 16 September 2020.
 - The application sought planning permission for erection of a self-contained accommodation for matron and family, etc., fully described in the planning application documents at The Old Rectory, Fradswell, Stafford without complying with a condition attached to permission Ref: 19678, dated 14 January 1987.
 - The condition in dispute is No. 1 which states that: the dwelling hereby permitted shall be occupied only in connection with the operation of the nursing home at The Old Rectory, Fradswell unless otherwise agreed in writing with the Local Planning Authority.
 - The reason given for the condition is: for the avoidance of doubt and to accordance with the applicant's stated intentions.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a self-contained accommodation for matron and family, etc., fully described in the planning application documents at The Old Rectory, Fradswell Lane, Stafford ST18 0EY in accordance with the terms of the application, Ref: 20/33100/FUL, dated 16 September 2020, and the plans submitted with it, without compliance with condition No. 1 previously imposed on permission Ref: 19678 dated 14 January 1987.

Main Issue

2. The main issue relevant to this appeal is whether the retention of the condition is necessary and reasonable.

Reasons

3. The appeal site is in use as a dwelling associated with a neighbouring residential care home. This was approved in outline form, with a subsequent approval of reserved matters. The Reserved Matters approval contained three conditions. Of these, the first required that the permitted dwelling be occupied by the manager of the care home and their family. The appeal proposal seeks to remove this condition.
4. The evidence before me indicates that the appeal site is located outside of the defined sustainable settlement hierarchy. Furthermore, occupiers of the development are likely to need to travel to other settlements in order to access

the facilities that they are likely to need on a relatively frequent basis. Owing to the level of public transport provision within the vicinity, combined with the nature of the surrounding road network, such journeys are likely to be made by private car.

5. Therefore, the proposed amendment would conflict with the requirements of Policies SP7, E2 and C5 of the Plan for Stafford Borough (2014) (the Local Plan). Amongst other matters these seek to define the sustainable settlement hierarchy, direct development to it, and support rural sustainability.
6. However, I am also mindful that notwithstanding this, planning decisions should be made in conformity with the Development Plan unless material considerations indicate otherwise. This is prescribed in the National Planning Policy Framework (the Framework).
7. The evidence before me indicates that, owing to operational reasons and the manner in which the residential care home functions, a permanent on-site resident member of staff is no longer required. In result, it appears to be reasonably likely that, in the event that the appeal is unsuccessful, and that condition retained, the dwelling would become vacant.
8. Such periods of vacancy might occur for significant periods of time. This is because, if operational reasons do not change, there would not be an on-going need for staff to be permanently resident on site. Such vacancies would not be desirable for there does not appear to be any structural reason why the dwelling could not be used for a differing type of occupation.
9. In this case, the proposed amendment would not result in the creation of a new dwelling. Furthermore, the scale of the dwelling is such that the proposal would not result in a great number of people occupying the dwelling. This means that there would not necessarily result in a greater number of journeys being made to facilities away from the appeal site.
10. In addition, the condition, as currently drafted does not require all occupiers of the development to work, or be involved, in the operation of the care home. In result, even if the condition were to be maintained, the potential occurrence of journeys by occupiers of the dwelling to access other businesses and facilities in the surrounding area cannot be discounted.
11. In result, removing the condition would not contribute to a potentially larger increase in the number of journeys being made to other locations. I have also had regard to the Framework, which amongst other matters seeks to ensure that dwellings in the countryside result in the re-use of existing buildings.
12. I acknowledge previous appeal decisions in respect of this site. I do not have the full information regarding the planning circumstances of these. However, I note that the evidence before me is unambiguous that there is not a requirement that staff need to be permanently resident on site. As I cannot be certain that the same evidence was before the previous inspectors, I do not find that the presence of previous appeal decisions requires me to disregard my previous observations.
13. I therefore conclude that whilst the proposed amendment would conflict with the Local Plan, there would not be any harm arising from this breach. In result, material considerations indicate that the retention of this condition is not

necessary. The proposed removal of this condition is therefore in accordance with the Framework.

Conditions

14. The original permission was subject to three conditions. Of these, I have concluded that the first condition regarding occupancy can be deleted. Of the remaining two, one pertained to the materials from which the building was constructed. Given that the building remains in-situ, there is no need to restate this condition.
15. The final condition pertained to the drainage and surfacing of the access areas. However, given that the condition does not feature a retention clause, it does not need to be restated.

Conclusion

16. For the preceding reasons, I conclude that the retention of the condition is unnecessary. Accordingly, the appeal should be allowed.

Benjamin Clarke

INSPECTOR