

Appeal Decision

Site visit made on 23 April 2024

by John Whalley

an Inspector appointed by the Secretary of State

Decision date: 13th May 2024

Appeal ref: APP/Y3425/C/23/3324196

Park House, Park Lane, Brocton, Stafford ST17 0TS

- The appeal was made by Terence John Davie under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against an enforcement notice issued by Stafford Borough Council.
- The notice was issued on 12 May 2023; reference 016936.
- The breach of planning control was: Without planning permission, the erection of a car port forward of the principal elevation of the dwellinghouse on the Land, in the approximate position marked with a blue rectangle on the plan attached to the notice.
- The requirements of the notice are:
 - (i) Remove the car port.
Time for compliance – one month after the notice takes effect.
 - (ii) Remove from the Land all building materials and rubble arising from compliance with the requirement above and restore the Land to its condition before the breach took place by levelling the ground and reseeding it with grass.
Time for compliance – two months after the notice takes effect.
- The appeal was made on grounds (a) and (g) as set out in the amended Act.

Summary of decision: The enforcement notice is upheld

Appeal

1. The appeal concerns a car port structure erected on the south-eastern, opposite side of the private drive that serves 4 detached houses, including the Appellant's home Park House, Park Lane, Brocton.

The appeal on ground (a)

2. The appeal on ground (a) is that planning permission ought to be granted for the matters set out in the enforcement notice. That is, that permission should be granted to retain the car port structure in front of Park House.
3. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act), headed 'General duty as respects listed buildings in exercise of planning functions', says at (1): In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special

architectural or historic interest which it possesses. Policy N1 of The Plan for Stafford Borough (TPSB) sets out design criteria including the requirement for design and layout to take account of local context and to have high design standards which preserve and enhance the character of the area. Policy N9 of TPSB requires that development proposals pay due regard to the historic environment and where possible to enhance existing heritage assets. Policy N1 of the TPSB sets out design criteria including the requirement for design and layout to take account of local context and to have high design standards which preserve and enhance the character of the area.

4. The Appellant Mr Davie's home, Park House, is in a row of 4 late 20th century large detached houses at the end of Park Lane, a private road. The appeal car port has been built on the other south-eastern side of the section of the drive that serves Park House, Timberland and Holly Lodge. Immediately alongside the car port's south-eastern boundary is the garden of the house, The Cottage, a Grade II Listed Building, described as being probably late C16 and a good specimen of the contemporary vernacular.
5. Mr Davie described the car port as a simple lightweight structure with a clear polycarbonate roof cantilevered off two aluminium posts. It was some 5.6m long, 2.7m wide, to a maximum height of 2.9m. He said the car port was built to protect a parked car from being covered with leaves, saplings and bird droppings during autumn and winter months. Its protection saved the need to frequently clean and wash the car. It also facilitated getting in and out of the car in the dry.
6. Mr Davie said the car port structure, with its open sides and polycarbonate roof, was not dominant or bulky in relation to its surroundings. Since its construction, it had weathered and the nearby hedgerow and trees had grown. The car port had blended into the landscape.
7. Mr Davie asserted it was not considered necessary to replicate the existing pattern and form of development for new development to be in character. It can be acceptable to build a contrasting modern structure near to a recognised heritage asset, depending upon a wide consideration of existing and proposed features.
8. In considering the worth of the design of a noncompliant structure, I found the appeal's minimalist car port to be of little merit, appearing unacceptably intrusive and incongruous alongside the garden boundary shared with The Cottage. It appeared somewhat isolated from Park House, separated by the shared drive and further isolated by the high boundary and substantial metal gates to Park House.
9. Mr Davie said there was no intervisibility between the car port and the Listed Building The Cottage. Although he said the car port sits below the hedge line and at a slightly lower level than the garden to The Cottage, photographs taken from The Cottage show the curved polycarbonate car port roof and its reflected light clearly as an inharmonious and ill-fitting feature. That would be lessened when the separating hedge was in full leaf and would reduce in time with future growth. However, I agree with the Conservation Officer that the car port causes some harm to the setting of the grade II listed The Cottage. It fails the test of s.66(1) of the Act by not preserving the setting of the listed The Cottage, a test also recognised in

the NPPF, at paras. 200 -202 of avoiding any harm to a designated heritage asset. Neither does the car port comply with the exhortations in policies N1 and N9 of The Plan for Stafford Borough that set out design criteria including the requirement for design and layout to take account of local context and to have high design standards which preserve and enhance the character of the area and pay due regard to the historic environment and where possible to enhance existing heritage assets.

10. I conclude that planning permission should not be granted to retain the car port at Park House and that the appeal on ground (a) should fail.

The appeal on ground (g)

11. Mr Davie said the periods for compliance with the requirements of the notice fell considerably short of that which should reasonably be allowed.
12. In considering whether the periods for compliance with the requirements of the notice are reasonable, it is evident that the removal of the simple structure car port would not take much time. It could easily be removed within one month of the issue of this decision. The clearance of the site of the materials arising from the removal of the car port could be readily accomplished at the same time. It would not need a 2 months period. But Mr Davie's concerns were not that the work would take more time. He said he would need to find alternative means of protecting his vehicle from leaf fall and detritus. He had considered building a more sympathetic structure. Additional time should be allowed for Mr Davie to find alternative garaging facilities.
13. I find the suggestion that compliance should, in effect, await a permission for a possible replacement car parking structure unpersuasive and not justified by any weighty need. I do not increase the periods for compliance with the requirements of the notice. The appeal on ground (g) fails.

FORMAL DECISION

14. The appeal is dismissed and the enforcement notice is upheld.

John Whalley

INSPECTOR