



Appeal Decision

Site visit made on 6 March 2024

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2024

Appeal Ref: APP/X3405/W/23/3328982

75 Church Street, Rugeley, Staffordshire WS15 2AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr James Tennant of Movecorp Property Limited against the decision of Cannock Chase District Council.
 - The application Ref is CH/23/0246.
 - The application sought planning permission for the erection of a two storey building alongside 75 Church Street, Rugeley to form a 1-bedroom dwelling without complying with a condition attached to planning permission Ref CH/22/0355, dated 20 April 2023.
 - The condition in dispute is No 6 which states that: *The garages indicated on the Proposed Floor Plans and Elevations Rev B shall not be used for any purpose other than the accommodation of private motor vehicles and cycles belonging to the respective occupiers of the new dwelling and 75 Church Street. It shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority.*
 - The reason given for the condition is: *To safeguard the amenities and parking provisions of the area and to ensure that the use of the premises does not detract from the enjoyment of their properties by adjoining residents and to ensure compliance with the Local Plan Policy CP3 - Chase Shaping Design and the NPPF.*
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the determination of this application, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the Framework, and I am satisfied that no party's interests would be prejudiced by my taking this approach.

Background and Main Issue

3. Planning application CH/22/0355 (the approved scheme) established the principle of the development and was granted permission for the erection of a one-bedroom dwelling, with two garages. Condition 6 of the approved scheme sought to restrict the use of the garages for the accommodation of private motor vehicles and cycles only. The appellant contends that the condition is not reasonable or necessary and therefore seeks to remove the condition.

4. Therefore, the main issue is whether the condition is necessary and reasonable having regard to highway safety.

Reasons

5. The approved scheme comprises a one-bedroom property. It provides three off-street parking spaces, in the form of two garages and an additional off-street parking space, which are to serve the approved scheme and 75 Church Street.
6. Policy CP10 of the Cannock Chase Local Plan (Part 1) 2014 (LP) seeks to support sustainable transport and references local parking standards. The Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport Supplementary Planning Document 2005 (SPD) sets out maximum parking standards for development proposals. While the SPD is of some age, it is broadly consistent with the aims of the Framework, in respect of sustainable transport and maximum parking standards.
7. The SPD is silent in respect of the parking requirements for a one-bedroom dwelling. However, it does highlight circumstances in which lower levels of on-site parking may be allowed. These include where new development is located in town or local centres, where access to frequent public transport, walking or cycle is available and realistic, and is for single person accommodation.
8. The approved scheme relates to a one-bedroom dwelling, which the appellant describes as being for a single person or cohabiting couple. Given that the property could accommodate a couple, the approved scheme cannot be described as single person accommodation.
9. Moreover, while the appellant highlights that there are low levels of car ownership within the area and states this would be likely in respect of the approved scheme, there is no mechanism before me which could control future occupiers from owning a vehicle. As such, while it may be unlikely that anyone who owns a car would wish to rent a property without any parking facilities, there is still the likelihood that future occupiers would own a vehicle.
10. My attention has been drawn to Manual for Streets (MfS), which advises that walkable neighbourhoods should have a range of facilities within 800m, which equates to a 10 minute walk. However, this is not an upper limit, and MfS states that walking offers the greatest potential to replace short car trips, particularly those under 2km.
11. While the site lies outside of a town or local centre, it is well located and within the MfS guidance for walking distances to a range of services and facilities. Access to such services are along predominately well lit, relatively flat, pedestrian footpaths, along roads which are subject to mainly 30mph speed limits. As such, the location and accessibility of the appeal site provides alternatives to the private car.
12. In view of the appeal site's location and noting that the parking requirements are maximum standards, it is reasonable to take a reduced standard, when compared to a two or three bedroom property. Therefore, one off-street parking space to serve the approved scheme would be appropriate in this instance.

13. The SPD requires two off-street parking spaces for a two-bedroom dwelling. While No 75 is a two-bedroom property, the evidence indicates that it has always benefitted from one off-street parking space. In the absence of evidence to the contrary, it is reasonable to ensure that No 75 retains one off-street parking space only. Therefore, two off-street parking spaces are required to serve both No 75 and the approved scheme.
14. In this context, while a dedicated parking space is identified for No 75 on the plans submitted with the approved scheme, the removal of condition 6 is therefore likely to result in a shortfall of one off-street parking space. Moreover, its removal could also lead to the possibility that the garages could be converted into additional rooms. While any such future proposal may require planning permission, this, nevertheless, has the potential to increase the number of occupiers, and, in turn, the number of vehicles associated with the property.
15. While only a snapshot in time, during a quieter part of the day, I observed during my site visit that there was a relatively high demand for on-street parking along Church Street and in the surrounding area. There were also double yellow lines within the vicinity of the appeal site, restricting on-street parking. A lack of off-street parking for some residential properties is likely to contribute towards the demand for on-street parking in the area. Further evening demand would be likely to come from residents returning from work. The Highway Authority have also indicated that parking for residents is already difficult to find.
16. While the parking survey seeks to demonstrate the availability of on-street parking spaces, there are no details of the days and times in which it was carried out. I cannot be certain, therefore, that the availability identified is at peak times. Moreover, while there were spaces identified on nearby streets, the likelihood is that future occupiers would attempt to park as close as possible to their home, thereby increasing demand in the immediate locality.
17. The evidence submitted does not adequately demonstrate that there is sufficient capacity to safely accommodate the additional demand for on-street parking that would result through the removal of condition 6. As such and having regard to the existing demand for on-street parking, the appeal scheme is likely to increase on-street parking in the vicinity of the appeal site, increasing the likelihood of the free flow of traffic and pedestrians being impeded, to the detriment of highway safety.
18. For these reasons, the condition is reasonable and necessary in the interests of highway safety, in accordance with LP Policy CP10 and the SPD as set out above. It is also contrary to the Framework, which states, among other things, that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other matters

19. The appellant contends there is demand for one-bedroom properties, with no allocated parking, which is well located with good public transport links and local amenities. However, there is little substantive evidence to demonstrate any such demand, or that condition 6 of the approved scheme significantly reduces the viability of the dwelling being built. The appellant further highlights that there would be an improvement to the appearance of the property and the

land. Nevertheless, given the scale of the development, even cumulatively these benefits attract limited weight.

Conclusion

20. For the above reasons, I conclude that the proposed development would conflict with the development plan as a whole. There are no material considerations, including the Framework, that indicate I should conclude other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

S Pearce

INSPECTOR