



Appeal Decision

Site visit made on 9 October 2024

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2024

Appeal Ref: APP/Y3425/W/24/3341210

Land Adjacent To 26 St Peters Gardens, Mossfit, Stafford ST17 4HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Key Developments (Midlands) Limited against the decision of Stafford Borough Council.
 - The application Ref is 23/37324/FUL.
 - The development proposed is the erection of 2 no assisted living bungalows.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Key Developments (Midlands) Limited against Stafford Borough Council. This application is the subject of a separate decision.

Preliminary Matter

3. The description of development above is taken from the planning application form however a more accurate version is provided in the decision notice and appeal form as 'Demolition of existing garages and erection of 2 no assisted living bungalows'. I have proceeded accordingly.

Main Issue

4. The effect of the proposal on the living conditions of neighbouring residential occupiers, with particular regard to the demand for parking, and noise and disturbance resulting from anti-social behaviour.

Reasons

5. The appeal site is located along a private driveway off St Peter's Gardens. The immediate area is predominantly residential, with properties of a similar type arranged around a green. The appeal site currently comprises a stretch of derelict garages and an area of hardstanding.
6. The proposed assisted living bungalows would be sited immediately adjacent to 8 existing assisted living bungalows. It is intended that the appeal units would be operated in conjunction with the existing development and the appeal proposal includes the repositioning of the entrance gates so as to include all 10 units within one site.
7. During my site visit I spent time in the area immediately around the appeal site. I did not observe any incidents of noise and disturbance and I was also

able to take advantage of numerous places to park on-street along St Peter's Gardens.

8. I nevertheless appreciate that my site visit was just a snapshot in time and that the evidence before me suggests there has been incidents of noise and disturbance resulting from anti-social behaviour as well as parking stress on the surrounding roads. Many representations received from local residents make reference to incidents whereby residents of the existing assisted living development have been verbally abusive to other local residents, as well as times when noise has been disruptive to the daily lives of those living nearby.
9. The concerns raised by local residents are supported by the Community Protection Warning (CPW) made pursuant to Section 43 of the Anti-Social Behaviour, Crime and Policing Act 2014 which was recently issued to the appellant. This notes various reports of unreasonable conduct including loud shouting and screaming, banging and offensive language having been reported over a short period of time.
10. The CPW notes that the behaviour listed is unreasonable, causing harassment, alarm and distress and has a detrimental effect of a persistent and continuing nature on the quality of life of those in the locality. Various actions to be taken by the management of the existing assisted living accommodation to address the identified conduct are outlined in the CPW.
11. Whilst it is important that I consider the appeal proposal on its own merits, the proposed development includes the moving of the entrance gates so as to include the appeal site with the existing development. The proposal would therefore result in an intensification of the existing assisted living site.
12. The appellant has outlined management practices adopted in the existing development and has also suggested that they are contesting the CPW. Regardless, there is no conclusive evidence before me to confirm that such approaches have ensured the actions set out in the CPW have been adhered to, that incidents have been appropriately managed or that the CPW has been overturned.
13. I acknowledge that there is no evidenced correlation between occupiers of assisted living accommodation and anti-social behaviour. Nevertheless, it is important that I base my assessment on the particular circumstances of this case, which includes the existing arrangements and experiences to date.
14. It has been clearly demonstrated that issues of noise and disturbance currently arise as a result of the adjacent site. There is, therefore, a compelling evidential basis that the proposal would likely materially increase the risk of adverse effects on the living conditions of residents living nearby. The fear that the appeal proposal would result in an adverse effect on living conditions is not therefore unjustified or unreasonable in this instance. My observations during my site visit do not provide me with good grounds to disagree with the evidence before me in this regard.
15. With regards to parking, it seems to me that 1:1 care on a 24/7 basis is provided for each resident occupying a unit, with an additional carer in attendance at changeover times. There may therefore be times when both allocated parking spaces for each unit would be occupied however this would be for a limited period, with the second space likely remaining available for

visitors to use at all other times. The 2 spaces proposed per unit would therefore be satisfactory and indeed the Highway Authority has raised no concerns with the on-site provision.

16. The use of allocated parking spaces within the gated area and not the areas used by residents is included as an action to be taken within the CPW. However, I note that parking activities is not listed within the CPW as unreasonable behaviour or conduct that is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality.
17. I note the concerns raised in third party representations regarding the pressures for on-street parking in the area. However, many properties in the immediate locality have off-street parking provision and there are no on-street parking restrictions on the surrounding roads. Taking this, along with the scale of the proposal and the satisfactory on-site parking provision into consideration, any over spill to the public highway resulting from additional staff members or visitors attending the site would likely be limited and comfortably accommodated in the surrounding area. The proposal therefore accords with Policy T2 of The Plan for Stafford Borough 2011-2031 (June 2014) (The Plan).
18. Nevertheless, I have set out my concerns above that the proposal would harm the living conditions of neighbouring residential occupiers with regards to noise and disturbance as a result of antisocial behaviour. Therefore, it fails to accord with Policy N1 of The Plan which, along with paragraph 135 (formerly 130) of the National Planning Policy Framework, aim to ensure that developments protect the amenity of existing residential occupiers.

Other Matters

19. The appeal site lies within 8km of the Cannock Chase Special Area of Conservation (SAC) and is within the impact zone of a Site of Special Scientific Interest. During the course of the appeal the appellant submitted a legal agreement¹ in respect of financial contributions towards mitigating the effects of the development on the SAC.
20. However, as I am dismissing this appeal for other reasons there is no need for me, as the competent authority, to undertake an Appropriate Assessment or to give further consideration to the appropriateness and delivery of the mitigation measures as it would not affect my overall decision.
21. I note the appellant's suggestions that planning permission would not be required for the change of use of a single person or family dwellinghouse to a dwellinghouse in which care is provided. Whilst it may be the case that a change to Class C3(b) from Class C3(a) of the Town and Country Planning (Use Classes) Order 1987 as amended (UCO) may not be development, planning permission is specifically sought in this instance for two dwellings falling within Class C3(b) of the UCO. I have based my decision on the development before me, which I have determined on its own merits.
22. The case law and previous appeal decision which the appellant relies upon in respect of this matter do not indicate that the proposal should have been considered the same as any application for new market housing, but rather they serve to confirm, in so far as they are relevant to this appeal, that a

¹ Under S111 of the Local Government Act 1972

change within the three parts of Class C3 of the UCO may not be development.

Planning Balance and Conclusion

23. The appeal proposal would generate economic benefits during construction and on subsequent occupation. It would also provide two assisted living units. I note the support provided through Policy C3 of The Plan however I do not have details indicating the level of need for assisted living accommodation within the borough. Regardless, the provision is a clear social benefit. The proposal would also improve the appearance of this derelict site, although I am not convinced the development before me is the only way in which the site could be improved. Due to the overall quantum of units proposed and the small scale of the development, I collectively afford these benefits limited weight.
24. The proposal would harm the living conditions of neighbouring residential occupiers. This harm leads to conflict with the development plan as a whole and there are no other considerations which indicate a decision should be made other than in accordance with it. Therefore, the appeal should be dismissed.

H Ellison
INSPECTOR