

Appeal Decision

Site visit made on 30 April 2025

by C Billings BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th June 2025

Appeal Ref: APP/Y3425/W/24/3357145

Land adjacent to 26 St Peters Gardens, Mossdit, Stafford.

- 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 23/38535/FUL.
 - The development proposed is demolition of existing garages and erection of 2no assisted living bungalows (use Class C3b).
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garages and erection of 2no assisted living bungalows (use Class C3b) at Land adjacent to 26 St Peters Gardens, Mossdit, Stafford, in accordance with the terms of the application, Ref 23/38535/FUL, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs has been made by Stafford Borough Council against the appellant, Key Developments (Midlands) Limited. This is subject to a separate decision.

Preliminary Matter

3. The site address has been taken from the appeal form and Council's decision notice, as no address was given on the application form. This appropriately identifies the location of the site and so no party would be prejudiced by such.

Background and Main Issues

4. The appeal site is within 15km of the Cannock Chase Special Area of Conservation (SAC), an impact risk zone for the Cannock Chase Site of Special Scientific Interest (SSSI) and within a green impact zone for Great Crested Newts (GCN). Therefore, in accordance with the requirements of the Conservation of Species and Habitats Regulations 2017 (as amended) (the Habitats Regulations) it is necessary for me, as the competent authority, to consider whether the proposal would likely have a significant effect on the integrity of the SAC.
5. Therefore, the main issues are the effect of the proposed development on:
 - the living conditions and wellbeing of neighbouring residential occupiers, in particular regard to anti-social behaviour; and,
 - the integrity of the Cannock Chase Special Area of Conservation (SAC).

Reasons

Living conditions

6. The appeal site is within a predominately residential area, which at the time of my site visit on a weekday morning, was generally quiet and tranquil. The site is accessed via a driveway leading from St Peters Gardens, which includes an open green with principally two-storey dwellings of similar design surrounding it.
7. Currently the appeal site comprises derelict garages and an area of hardstanding. To one side there are a number of assisted living bungalows within a gated area. The new bungalows would lie outside the gated area of the adjacent assisted living development, although they would share the same private driveway leading from St Peters Gardens and it is intended that they would be operated and managed by the same company.
8. During my site visit I spent time walking around the local area and did not observe any incidents of noise and disturbance. However, there is evidence of previous incidents of noise and disturbance resulting from anti-social behaviour (ASB) caused by the residents of the adjacent assisted living development. Representations from several local residents set out that the ASB has impacted on their living conditions, including disruption to their daily lives and wellbeing and that of their children and visitors.
9. Community Safety set out that they had no reports of ASB at this location until after the adjacent development was occupied. Since such time, they have received reports of multiple incidents from several local residents, including in regard to screaming, shouting, swearing, racial abuse, and criminal damage. While the Council notes it has been working with the operating company and that the situation has improved, it sets out that there are still issues of anti-social behaviour arising from the existing adjacent development. However, no substantive details of the number and type of more recent complaints regarding ASB have been provided. Also, while interested parties set out that there have been numerous police call outs about issues associated with the occupiers of the adjacent development, no substantive evidence has been provided from the local police about such, or whether or not the police have concerns about the proposed development.
10. The previous concerns raised in relation to noise, disturbance and ASB caused by the residents of the adjacent assisted living development resulted in a Community Protection Warning (CPW) being served. However, this did not subsequently trigger a Community Protection Notice (CPN), and so arguably suggests the points raised therein were addressed. The CPW had a 6-month review period, yet it was not renewed due to insufficient evidence. Although, the Council sets out that it has not determined whether it is justified in issuing a new CPW and asserts that fewer reports of ASB have been due to the winter months, when windows are shut and use of gardens less. Although, there would have been opportunity for ongoing monitoring and assessment of the level of complaints during the CPW period in any case, which included some summer months.
11. Even though the evidence demonstrates there has been previous ASB caused by the residents of the adjacent development and, the proposed bungalows would be managed by the same care provider, it does not follow that the occupiers of the new bungalows would cause or lead to enhanced ASB in the local area.

Disturbance and ASB caused would rather stem from the individual occupiers of the properties, rather than the use of the development per se.

12. Also, as the new bungalows would be outside the gated area, the appellant sets out that the occupiers would have slightly different and/or more independent and less complex care needs than those occupying the existing assisted bungalows. Consequently, this may mean there would be less undue noise and disturbance and ASB caused by the residents of the new bungalows, although it would not necessarily ensure that such residents will not cause any disturbance or ASB. Furthermore, it would not be reasonable or appropriate to restrict the future occupiers of the proposed development, as this would not meet the relevant tests for conditions in the National Planning Policy Framework (the Framework).
13. Notwithstanding the above, the proposed use of the bungalows would be as dwelling-houses, falling within the same overall use Class (C3) as a typical family home; as included within the Town and Country Planning (Use Classes) Order 1987 (the Order), as amended. Furthermore, any dwelling, whether it be a dwelling for assisted living or a family home, could have residents which cause ASB and disturbance. Consequently, there are non-planning regimes which could appropriately deal with such matters, including legislative and the management practices of the operating company in this instance.
14. The appellant asserts that the existing management company has put measures in place and is committed to engagement with local residents and stakeholders, to ensure the development is seen as part of the community. Such matters and that a further CPW or CPN has not been issued to date, implies there has been some improvement in respect of ASB experienced from the existing adjacent development since the CPW was issued. Therefore, based on the evidence provided, other regimes appear to have been effective in reducing the level and impact of ASB caused by the residents of the existing assisted living development, albeit some complaints and concerns have still been raised.
15. Therefore, while the previous appeal Inspector found harm in dismissing the proposal for 2 no assisted living bungalows at the site, the circumstances are different to this appeal proposal. The position regarding the compliance or otherwise following the CPW was unknown by the Inspector at the time of their decision. Also, no subsequent CPN was triggered nor have any further CPWs been issued to date¹. In addition, the merits of the appeal proposal and site context are different to the previous scheme, albeit not significantly different in some aspects.
16. Class C3(b) of the Order allows not more than six residents living together as a single household where care is provided for residents. Therefore, the use and level of movement to and from the proposed bungalows would not be that different to the use of a dwellinghouse regarded as a single household, where an elderly resident would need carers visiting daily.
17. The proposal would increase the number of care-supported residents nearby each other. Although, the proposed small bungalows would be outside the gated area and would accommodate only two further residents. Therefore, the noise and movement associated with such and their carers would unlikely be significant in such context. Accordingly, on balance, the proposal would not lead to over intensification in combination with the adjacent assisted living development.

¹ As advised by the Council was the position at the time of their submissions in respect of this appeal.

18. It is demonstrated that the operating management company of the adjacent assisted living development have sought to improve relationships with surrounding local residents. Furthermore, the proposed bungalows would provide a number of benefits to its future residents, allowing those with learning disabilities or mental health diagnosis, alongside those with significant physical impairments to live in their own homes, within a local community, supported by a care provider.
19. Policy C3 of The Plan for Stafford Borough (June 2014) (PSB) encourages the provision of a range of types and tenure of specialist housing to meet anticipated need. It also requires such types of specialist housing to be located in a sustainable location close to services and facilities, are self-contained and accessible by both public and private transport. Even if the proposal is not an extra care unit, and rather falls within use Class C3, dwelling-house, it would provide a range of housing options to allow adults with a variety of care and support needs and enable them to live independently. Furthermore, the proposed development is in an appropriate sustainable location for this type of residential development and officers from Staffordshire County Council and the Council set out that there is a need for accommodation of the type proposed.
20. Even though there is a fear that the proposal would cause additional harm to the health and well-being of existing residents nearby, due to the actions and ASB caused by the residents of the adjacent development, this proposal differs to such, despite its proposed joint operation and management. Based on the above and all the evidence before me, I do not have substantive evidence to demonstrate that the proposed development would be likely to materially increase the risk of or fear of crime in this instance. Therefore, I consider the proposal would create a place which is safe, inclusive, and accessible and which promotes health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, would not undermine the quality of life or community cohesion and resilience.
21. In view of the above, the proposed development would not have a harmful effect on the living conditions and wellbeing of neighbouring residential occupiers, in particular regard to anti-social behaviour. Therefore, there would be no conflict with Policy N1(e) of PSB, which requires the design and layout of development to take account of noise and light implications, together with the amenity of adjacent residential areas or operations of existing activities. Also, there would be no conflict with the Framework in relation to such matter.

Cannock Chase SAC

22. The qualifying feature of the SAC is heathland habitat, particularly its extent of European Dry Heath habitat, which is regarded as one of the best areas in the UK. The dry heathland supports populations of several scarce invertebrates and is an important breeding site for the Annex I European nightjar. In addition to the primary reason for the SAC designation, it is designated for the further European Annex I habitat, North Atlantic Wet Heaths with *Erica tetralix*.
23. The site's conservation objectives are to maintain, in favourable condition, the European dry heaths with particular reference to the H8 *Calluna vulgaris*-*Ulex gallii* and H9 *Calluna vulgaris* - *Deschampsia flexuosa* communities and the North Atlantic wet heaths with *Erica tetralix*, with particular reference to the M10 *Carex dioica* - *Pinguicula vulgaris* mire and M16 *Erica tetralix* - *Sphagnum compactum* wet heath communities. The risks to the habitat and its species are from an

increase in recreation use of the SAC, as a result of any new residential development within a 15km radius of the SAC. Therefore, without mitigation, the proposed bungalows alone or in combination would have a likely significant effect on the integrity of the SAC.

24. The evidence provided, including the evidence base prepared by Footprint Ecology on behalf of the consortium of district authorities, identifies that Strategic Access Management and Monitoring Measures (SAMMMs) will deliver sufficient mitigation and avoidance measures to prevent any likely significant effects to the SAC from residential development within the risk zone. This is required to be secured as a set financial contribution per additional dwelling unit granted within the zone towards the SAMMMs.
25. The appellant has completed a Section 111 Agreement and as confirmed by the Council, has paid the required contribution per dwelling unit towards the SAMMMs in respect of the appeal proposal.
26. Natural England has confirmed that the Appropriate Assessment (AA) carried out by the Council demonstrates that there would be no adverse effects on the integrity of any sites in question, subject to all mitigation measures being appropriately secured. In view of such and that my AA has come to the same conclusions, subject to the appropriate payment towards the SAMMMs, as secured under the completed S111, appropriate mitigation would be in place to ensure the qualifying features of the SAC would not be harmed by the proposed development.
27. Accordingly, the integrity of the Cannock Chase Special Area of Conservation would be unharmed by the proposal, in accordance with the requirements of the Habitats Regulations and paragraphs 192-195 of the National Planning Policy Framework.
28. Also, the proposal would comply with Policies N4, N5 and N6 of the PSB, which amongst other matters, require the Borough's natural environment to be protected, enhanced and improved. That new development will only be permitted where, if there are any adverse effects, it is demonstrated that the proposed mitigation measures show that there will be no adverse effect on the integrity of the European Site. Furthermore, Policy N6 sets out that the effective avoidance and/or mitigation of any identified adverse effects on Cannock Chase SAC must be demonstrated to the Council as the Competent Authority, and secured by means of a suitable mechanism (e.g. Legal agreement) prior to approval of the development.

Other Matters

29. As undisputed by the main parties, the proposed parking provision would meet the Council's relevant standards. Furthermore, I observed during my site visit that there were parking spaces available in the surrounding local roads and there is a bus stop nearby, with a regular bus service passing through St Peters Gardens. Also, while currently derelict, the previous use of the appeal site for garages would have generated a level of traffic movement and the access driveway already serves the established assisted living development. Therefore, two small 1-bedroom dwellings would not significantly increase traffic movement, nor cause any adverse impacts in regard to traffic disturbance, highway safety or on-street parking issues.
30. The proposed bungalows would have sufficient private garden amenity space to meet the needs of the future occupiers of the units. Furthermore, due to the

proposed single storey scale and position of the new bungalows, including their distance separation to neighbouring dwellings and boundary treatments, the proposal would not cause any harm to the living conditions of neighbouring occupiers by reason of loss of light, outlook, or privacy.

31. Any asbestos within the existing garages could be appropriately removed, as required by other environmental regimes, without causing harm to the living conditions of neighbouring residents or the environment.
32. Although the appellant did not pursue Judicial Review in relation to the previous appeal Inspector's decision, this is a neutral matter in relation to my findings on this appeal, as it relates to a separate Inspector's decision, based on their findings and the merits of the case and evidence that they considered at such time.

Conditions

33. Having regard to the advice contained within the Planning Practice Guidance and the National Planning Policy Framework, I have considered the conditions suggested by the Council. The appellant had opportunity to comment on such as part of the appeal process.
34. In addition to the standard implementation condition, it would be necessary in the interests of certainty to define the plans with which the scheme should accord. Also, conditions would be reasonable and appropriate to ensure that appropriate parking, access, manoeuvring space, and landscaping is provided and maintained thereafter, in accordance with the details shown on the proposed plans, in the interests of highway safety and to ensure the appropriate appearance of the development.
35. In view of the close proximity of the proposed development to nearby dwellings and location and arrangement of its access driveway, it would be appropriate and reasonable to require a highways construction method statement to be agreed in advance of the commencement of development and that the hours of construction, demolition and deliveries of the new development are controlled via condition. This would protect the living conditions of neighbouring occupiers from noise and general disturbance and ensure highway safety is maintained during the construction and demolition works associated with the development.
36. As there are permitted development rights² for air source heat pumps, I do not consider it necessary to include a condition requiring full details of the design of such to be submitted and approved prior to their installation on the rear elevation of the new dwellings.
37. However, in view of the close proximity of the proposed dwellings to neighbouring properties and the small size of the proposed gardens, it would be reasonable and necessary to restrict any extensions to the new bungalows, including any roof alterations, in order to protect the living conditions of neighbouring occupiers from potential loss of privacy and, ensure a suitable level of private outdoor amenity space is maintained for the future occupiers of the new dwellings.
38. Additionally, to define the permission in accordance with the appellant's intentions and ensure the use of the new bungalows remain as dwellinghouses, used as sole or main residences, appropriate within the context and character of the surrounding

² Under the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2025

residential area and preserve the living conditions of nearby residents, it would be necessary and reasonable to include a condition restricting the use of the new bungalows as C3 use class only.

Conclusion

39. For the reasons given above, the appeal would accord with the development plan read as a whole and there are no material considerations that indicate otherwise.
40. Accordingly, the appeal is allowed.

C Billings

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with drawing no. 2407-20 Revision C.
3. No development hereby permitted, including any demolition works, shall take place until a Highways Construction Method Statement has been submitted to and approved in writing by the local planning authority. The development including any demolition works shall thereafter be carried out in accordance with the approved Statement throughout the demolition and construction period of the development hereby approved. The Statement shall include details of the following:
 - a. A site compound with associated temporary buildings
 - b. The parking of vehicles of site operatives and visitors
 - c. Loading and unloading of plant and materials
 - d. Storage of plant and materials used in constructing the development
 - e. Wheel wash facilities.
4. All construction and demolition work and associated deliveries to the site in relation to the development hereby permitted, shall only take place between the hours of 08.00 and 18.00 Monday to Fridays; 08.00 and 14.00 on Saturdays and shall not take place at any time on Sundays, bank, or public holidays.
5. Before the dwellings hereby permitted are first occupied, the access, parking spaces and turning areas associated with the respective dwelling it is to serve shall be provided in accordance with the details shown on drawing no. 2407-20 Revision C and shall thereafter be retained as such for the lifetime of the development.
6. Before the development hereby permitted is first occupied, the hard and soft landscaping scheme as detailed on drawing no. 2407-20 Revision C, including

all means of enclosure to the site and plot boundaries shall be provided and thereafter retained as such for the lifetime of the development.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any order revoking and re-enacting that Order with or without modification, no development permitted by virtue of Classes A, B and C of Schedule 2, Part 1 to the Order shall be undertaken.
8. The development hereby permitted shall only be used for purposes falling within Use Class C3 of The Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

End of Schedule