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## Appeal Decision

Site visit made on 22 October 2025

**by Elaine Moulton BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 6 November 2025**

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**Appeal Ref: APP/K3415/W/25/3364668**

**Shenstone Business Park, Lynn Lane, Shenstone, Lichfield WS14 0EA**

- 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 Mr Anthony Green of A Green Properties Ltd against the decision of Lichfield District Council.
  - The application Ref is 25/00093/FUL.
  - The development proposed is new B8 storage unit and new office parking layout.
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### Decision

1. The appeal is allowed and planning permission is granted for new B8 storage unit and new office parking layout at Shenstone Business Park, Lynn Lane, Shenstone, Lichfield WS14 0EA in accordance with the terms of the application, Ref 25/00093/FUL, subject to the conditions in the attached schedule.

### Applications for costs

2. An application for costs was made by Mr Anthony Green against Lichfield District Council. This application is the subject of a separate Decision.

### Preliminary Matters

3. The appellant has included an Assessment of Existing Trees (Design Constraints), Proposed Landscaping (Car Park Area) and Proposed Landscaping BNG (Biodiversity Net Gain) as appeal documents. While not before the Council at the time of its decision, the parties have had the opportunity to comment on such documents during the appeal process. I therefore find that no injustice would be caused by my taking this information into account in reaching my decision, and I have determined the appeal accordingly.
4. The appeal site lies within a 15-kilometre Zone of Influence (Zoi) of the Cannock Chase Special Area for Conservation (SAC) which is afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended. Although not forming part of the Council's reasons for refusal, it is incumbent upon me as a competent authority to consider whether the proposal would be likely to have a significant effect on the integrity of the SAC. It is therefore necessary to consider this matter as a main issue.

### Main Issues

5. The main issues are:
  - Whether the site is a suitable location for the proposal having regard to local and national policy;

- Whether the proposal is required to provide step-free pedestrian access to Shenstone Railway Station;
- The effect of the proposal on the character and appearance of the area with particular regard to the health and longevity of protected trees; and
- The effect of the proposal on the integrity of the SAC.

## Reasons

### *Suitable location*

6. The proposal is for the construction of a Class B8 storage unit, a use which is compatible with the adjoining industrial units that are located within Shenstone Business Park. Nonetheless, the appeal site forms part of a larger area of land that Policy HA1 of the Shenstone Neighbourhood Plan (NP)<sup>1</sup> and Policy S1 of the Local Plan Allocations Document (LPAD)<sup>2</sup> allocates for a mixed-use development of approximately 50 dwellings and a minimum of 1000 square metres of office/light industrial space.
7. The nature of the proposal, and the extent of the allocated site that it would occupy, would pose a significant constraint on the delivery of residential development as proposed in NP Policy HA1 and LPAD Policy S1. Therefore, whilst the proposal would provide needed storage space and support the retention of the existing business on the site and the employment it provides, it would conflict with the allocation as set out in the NP and LPAD.
8. As the site is allocated for a predominantly residential development it is reasonable to consider that it is not an existing employment area for the purposes of LPAD Policy EMP1. The appeal scheme does not, therefore, benefit from the support for the expansion of existing employment premises that LPAD Policy EMP1 provides. However, I do not consider that the proposal conflicts with this policy as suggested by the Council. Furthermore, although the proposal would, potentially, jeopardise the Council's ability to deliver the number of homes set out in Core Policy 6 of the Local Plan Strategy (LPS)<sup>3</sup> this does not amount to a conflict with that policy.
9. Accordingly, I find that, insofar as it would be contrary to the allocation set out at NP Policy HA1 and LPAD Policy S1, the appeal site is not a suitable location for the proposal. In addition, by taking up residential land it would fail to comply with the objectives of the National Planning Policy Framework (the Framework) to significantly boost the supply of housing.

### *Access to the station*

10. NP Policy HA1 indicates that planning permission will be granted for a mixed-use development subject to several criteria including the requirement that step-free pedestrian access to the adjoining western platform of the Shenstone railway station is provided. However, given that the proposal is not for a purpose that accords with the allocation, it is not required to meet that criterion. Furthermore, NP Policy MO1 strongly supports development proposals that provides such step-free pedestrian access but does not require it. Thus, even though no step-

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<sup>1</sup> Made 13 December 2016

<sup>2</sup> Adopted 16 July 2019

<sup>3</sup> Adopted 17 February 2015

free pedestrian access is included within the proposal it would not conflict with the policies that I have been referred to.

11. I have been presented with no compelling evidence that suggests that step-free access to the station is essential to make the proposal acceptable or that the proposed scheme would prevent future provision of such access.
12. Consequently, I conclude that the proposal is not required to provide step-free pedestrian access to Shenstone Railway Station and would not be contrary to the requirements of NP Policy MO1.

### *Character and appearance*

13. The appeal site is subject to a Tree Preservation Order, several of which are in the part of the site where additional parking is proposed. Such trees are prominent in the street scene along Lynn Lane. Their form and visibility as a group make a highly positive contribution to the character and appearance of this area.
14. The appeal is supported by an assessment of fifteen existing trees that are near to the proposed parking area. The assessment identifies that two category C trees would be removed but indicates reasons other than to accommodate the proposal. I note that while the Council's tree officer has express concerns, no objection to the proposed tree removal have been expressed.
15. The layout of the proposed parking area seeks to minimise encroachment into tree Root Protection Areas, and the proposed additional parking would be constructed using a 'no-dig' method with a permeable gravel and geogrid surface. For these reasons, and subject to the securing of tree protection measures and an arboricultural method statement through a planning condition, I find that the proposed works would be unlikely to have an adverse effect on the health and longevity of the trees.
16. The landscaping scheme that has been submitted with the appeal shows that six trees would be planted around the periphery of the parking area in positions close to the trees that would be removed. I find that the proposed tree planting could be secured through the imposition of a condition and would be sufficient to mitigate the visual impact of the proposal and compensate for the loss of tree canopy that would arise.
17. The Council has raised no objections to the proposed building. Based on the information before me, I agree that, due to its appropriate design, moderate scale, and position relative to larger buildings within the Business Park, it would not be harmful to, or compromise, the character and appearance of the area.
18. Accordingly, I find that the proposal would not harm the character and appearance of the area as the health and longevity of protected trees would not be adversely affected. It would not, therefore, be contrary to policies Core Policy 13 and NR4 of the Local Plan Strategy (LPS) which seek to protect natural resources and recognises the importance of trees and their protection.

### *Cannock Chase SAC*

19. The SAC is important for its dry heathlands, valley mires, broadleaved woodland and invertebrate assemblages particularly on old trees, fungi and bare sand. It supports several important species including the main British population of a

hybrid bilberry, important populations of butterflies and beetles and breeding nightjars.

20. The SAC is suffering significant damage from existing visitor levels. In response, LPS Policy NR7 seeks to safeguard the SAC from further recreational pressure by stating that any net increase in dwellings will be deemed to have an adverse impact upon the SAC, unless satisfactory avoidance and/or mitigation measures are secured.
21. Whilst the appeal site lies within the Zol for the SAC, given that residential development is not proposed, it would not result in an increase in residents near to, or human activity within, it. Consequently, I consider that the proposal would not have a likely significant effect on any important features of the SAC, whether alone or in combination with other developments.
22. In conclusion, the proposal would not harm the integrity of the SAC and therefore accords with LPS Policy NR7. It would also accord with paragraph 187 of the Framework.

### **Other Matters**

23. The appellant has raised doubt as to whether residential development on the wider allocated site is deliverable. The glossary to the Framework defines 'deliverable' as sites which are available now, offer a suitable location for development now, and where there is a realistic prospect that housing will be delivered on the site within five years. In particular, where a site has been allocated in a development plan, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.
24. The site was initially allocated in the NP, which was made in 2016 and, following on from this, in the LPAD which was adopted in 2019. Therefore, the allocation has been in place for a considerable period. An application for outline planning permission and office development was submitted in 2019 but was never determined. There is no compelling evidence that, since that proposal, there has been progress towards the submission of a further application for residential development on the site.
25. The appellant indicates that current occupiers of the allocated land have a five-year lease and has confirmed that there is no intention to offer the site for residential development. Furthermore, the appellant indicates that land that is required to provide a suitable access to the site is no longer available having been purchased by a party who intends to use it for commercial purposes. Such evidence is not disputed by the Council.
26. I acknowledge that the proposal is not supported by a viability assessment or formal application for an alternative land use allocation, and that ownership constraints, existing leases, and previous site investment do not negate the strategic housing objectives of the adopted plan. Nevertheless, in the absence of any compelling evidence to the contrary, it is reasonable to conclude that the site is not available and that housing will not be delivered within five years. Consequently, I find, having regard to the Framework definition, that it is reasonable to consider that the residential development on the site is not deliverable. This weighs in favour of the proposal.

## **Planning Balance**

27. The proposal would conflict with NP Policy HA1 and LPAD Policy S1 and would not, therefore, accord with the development plan as a whole. It is likely that it would prevent residential development taking place in accordance with the allocation which will have an adverse effect on the Council's housing land supply, which is said to be 3.65 years. Nonetheless, for the reasons set out above, it is reasonable to consider that the residential development on the site would not be delivered even if planning permission for the proposal was not forthcoming. Accordingly, I afford only moderate weight to the identified conflict with the identified policies that allocate the site for a mixed-use development.
28. The proposal would provide additional storage floorspace. Thereby, it would support the expansion and diversification of the business on a site which is closely and conveniently located in relation to the other land and buildings owned and/or occupied by the business. In this regard the proposal accords with the Framework, which states that the conditions where businesses can invest, expand and adapt should be created, and highlights the need to support economic growth and development. Such benefits are significant and would outweigh the identified harm arising from the conflict with policy. There are no other material considerations to override this finding.

## **Conditions**

29. The Council have suggested conditions in the event that I was minded to allow the appeal, which I have reviewed and amended in line with guidance and best practice.
30. I have, in the interests of certainty, imposed a condition that specifies that the development is carried out in accordance with the approved plans.
31. In the interests of the character and appearance of the area, I have imposed a condition requiring approval and implementation of detailed tree protection measures and an arboricultural method statement. This is a pre-commencement condition to ensure that trees are protected over the full course of construction works. Conditions requiring approval of the details of the external materials and implementation of the submitted landscaping, which includes replacement tree planting, are also necessary for the same reasons. I do not, however, consider that it is necessary for the approval of the external materials to be at the pre-commencement stage, and I have amended the wording of the condition accordingly.
32. To protect the living conditions of nearby residents, it is reasonable and necessary to control external lighting, hours of operation, and installation of external fixed plant or machinery. The hours of operation imposed are those set out in the application form. For the same reason, and to secure a satisfactory external appearance, I have also imposed a condition that prevents outside storage and working unless agreed by the Council.
33. To ensure that the development does not adversely impact highway safety I have included a condition relating to the provision of the proposed parking. I have not, however, referred to servicing areas within the condition as no additional ones are proposed.

34. The Council has also suggested conditions that remove permitted development rights<sup>4</sup> relating to an increase in floorspace and a change of use. Paragraph 55 of the Framework indicates that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The Planning Practice Guidance also states that conditions restricting the future use of permitted development rights may not pass the test of reasonableness. As no reasoning for the imposition such conditions have been advanced by the Council, and I have identified no justification for the removal of permitted development rights as suggested, I have not imposed them.

### **Conclusion**

35. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
36. Overall, whilst the proposal would conflict with the development plan, which, for the reasons set out above, carries moderate weight in the decision, the benefits that I have identified would outweigh the harm arising from such conflict. Based on the individual merits of the scheme, the material considerations indicate, therefore, that planning permission should be granted.
37. For the reasons given above I conclude that the appeal should be allowed.

*Elaine Moulton*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 1333/10A, 1333/11A, Proposed Landscaping (Car Park Area), and Proposed Landscaping BNG (Biodiversity Net Gain).
- 3) No site clearance, preparatory work or development shall take place until a detailed scheme for the protection of all the trees within the site that are shown to be retained (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction – Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The working methods and the scheme for the protection of the retained trees shall be carried out as approved.
- 4) No above ground development shall commence until samples and/or details of all materials to be used externally have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

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<sup>4</sup> As set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) No lighting, fixed plant or machinery shall be externally installed until full details have been submitted to and approved in writing by the local planning authority, which, in respect of the fixed plant and machinery, shall include details of noise mitigation measures. The lighting, fixed plant and machinery shall be installed in accordance with the approved details and retained as such thereafter.
- 7) The development hereby permitted shall not be brought into use until the parking area has been surfaced, laid out and made available for use in accordance with the approved details. It shall be retained as such thereafter.
- 8) The development hereby permitted shall operate only between the hours of 8am to 6pm Mondays to Fridays, and 8am to midday on Saturdays, and at no time on Sundays or Bank Holidays.
- 9) There shall be no storage or working outside of the building hereby approved unless agreed in writing by the local planning authority beforehand.