
Appeal Decision

Site visit made on 20 October 2025

by **A O'Neill BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 November 2025

Appeal Ref: APP/M3455/W/25/3368754

Land off Clarke Street, Stoke on Trent ST1 4PT

- 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 Asem Mohammed, CABABILITY LTD against the decision of Stoke-on-Trent City Council.
 - The application Ref is 71678.
 - The development proposed is the change of use of land for parking and storing of vehicles including erection of 2 metre high fencing/gates, hardstanding and new access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the planning application form. However, reference to 'retrospective' in the description is not a form of development, so I have removed it from the description.
3. During my site visit saw I that, apart from the new access, the development as described above has already been carried out and that it appeared to be reflective of what is indicated on the plans before me.

Main Issues

4. The main issues are the effect of the development upon:
 - the character and appearance of the area;
 - the provision of open space; and,
 - highway safety.

Reasons

Character and appearance

5. Clarke Street is a short road fronted predominantly by two storey terraced brick built residential properties. The appeal site is bound by the footway to the west and the side elevation of number 24 Clarke Street to the north. To the east is a play area and multi use games area (MUGA) and to the south is a footpath. There are some non-residential uses in the wider area, but Clarke Street has a residential character and appearance. Based on the information submitted, I understand that the site was previously a verdant open space with a notable

degree of openness, which made a positive contribution to the character and appearance of the area.

6. The front boundaries of properties along Clarke Street are typically defined by low brick walls, allowing views across them. The site has been enclosed by tall, black palladin fencing combined with a black privacy screen, as indicated on the submitted plan. This type of enclosure creates an industrial appearance that is at odds with the predominantly residential appearance of Clarke Street and appears visually imposing within the street scene, which is a stark contrast to the residential boundary treatments nearby.
7. Parking areas are found in some residential locations, although I have not been provided with evidence that such features are typical in this area. On the contrary, during my site visit I saw that there was limited off-road parking in the area, particularly for residential properties, with vehicles parked in the carriageway on Clarke Street and surrounding roads.
8. I therefore find that both the parking/vehicle storage area and the scale and appearance of the fencing to be retained appear as incongruous features to Clarke Street that cause harm to the character and appearance of the area.
9. There is no planning policy requirement, in this case, to require a visual impact assessment or quantifiable metric to determine harm. The assessment of harm to character and appearance is a matter of planning judgement. Based on my observations, it is my judgement that the appeal has resulted in a significant level of harm to the character and appearance of the area.
10. While the appellant states that they are willing to explore measures, such as landscaping or additional screening solutions to mitigate the visual impact of the development, no such details have been submitted. In the absence of sufficient details to the contrary, it appears to me to be unlikely that landscaping and/or other mitigation measures could be secured by suitably worded planning conditions to adequately mitigate the harm, within the scope of this appeal scheme.
11. For the reasons set out above, I find the development results in harm to the character and appearance of the area. As such, it conflicts with Policy CSP1 of the Newcastle-Under-Lyme and Stoke-On-Trent Core Spatial Strategy 2009 (the CS) which requires new development to respect the character, identity and context of the townscape and contribute positively to the areas identity. It also conflicts with the National Planning Policy Framework (the Framework) insofar as it seeks to achieve well-designed places, with developments that are sympathetic to local character.

Provision of open space

12. Paragraphs 98 and 103 of the Framework recognise the value and importance of a high quality network of open spaces to communities and residential environments. From the evidence submitted, I understand that the appeal site was an area of open space and was recorded as 'residential amenity and play area' (Appellant's Statement of Case, Appendix B). The space is of a good size, shape and utility, and there is nothing before me to suggest it was not utilised, appreciated and valued as such. Paragraph 104 of the Framework sets a presumption against building on open spaces, unless it meets any of the cited

exceptions. Paragraph 104 a) requires that an assessment is undertaken which clearly shows the open space to be surplus to requirements and so places an emphasis upon demonstrating this, if a loss is to be justified.

13. The evidence submitted shows that the appeal site was previously owned by the Council, and a report dated 6 January 2021 declares the site surplus to the Council's requirements. However, there is little to suggest that there was an assessment of whether the site was surplus to open space requirements. I note that there were no objections from the Strategic Planning consultee to the disposal of the site. However, there is nothing before me to indicate that the consultee was asked to quantitatively assess open space needs in the area in line with paragraph 104 of the Framework. Furthermore, the disposal of the site by the Council, does not change the need to demonstrate the relevant Framework tests are met.
14. Alongside the play area and MUGA, the site contributed to providing for local community needs and to health and well-being objectives, in line with the aims of paragraphs 98 and 104 of the Framework. I appreciate that the Council has not demonstrated a deficit in open space provision. However, the appellant's assertion that ample alternative open space provision exists is also not evidenced, so in the absence of such evidence, it has not been clearly shown the site was surplus to open space requirements. Therefore, the appeal development does not meet the requirements of Paragraph 104 a).
15. There is no evidence that the open space would be replaced by better or equivalent provision, or that the development is for alternative sports and recreation provision. Therefore, the proposal also does not meet the provisions of either Paragraph 104 b) or 104 c).
16. The appellant suggests the open space was not high quality, although this is not further substantiated. Nevertheless, Paragraph 104 applies to all open spaces, and it does not require them to be of a particular quality. As such, this consideration does not alter my conclusions on this matter
17. Taking all of the above into account, I conclude that the appeal development has an adverse effect on the provision of open space. As such, it conflicts with Paragraph 104 of the Framework, as set out above.

Highway safety

18. Paragraph 116 of the Framework states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.". In response to the planning application, the Council's Highway's Officer requested further details in order to understand the impact of the development on the local highway.
19. In the absence of any substantive detail provided by the appellant, given its size, use and close proximity to a number of residential properties, it would seem unlikely the open space would have been one that many users would have made a vehicle journey to. Therefore, the number of vehicular movements associated with the previous use might well have been quite limited. The appellant states that the activities on site are demonstrably low-key and do not involve intensive

traffic generation. Nevertheless, I note that approximately 18-20 minibuses and staff vehicles are typically stored overnight. It is stated that vehicle movements are for short periods at the start and end of the working day, but there is no detail provided of the number of vehicle movements that could be expected for the use proposed, or the specific operation currently taking place at the site.

20. Furthermore, there is an absence of other important details, such as a swept path analysis to demonstrate vehicles can safely enter and exit the car park, neither is a visibility splay assessment provided to demonstrate it would meet the necessary standards. Whilst my visit can only represent a brief snapshot in time, I saw there was high uptake of on street parking in Clarke Street, which results in a narrowing of the carriageway available for moving vehicles. There is no substantive evidence to suggest what I saw was untypical for the time of day. Given the highway conditions and use to be retained, it is important the highway implications are fully understood and demonstrated to be acceptable.
21. While the appellant asserts that the Council's objection on highway safety grounds is not substantiated, there is also little before me to demonstrate that the appeal development does not cause harm to highway safety. In the absence of any detailed rigorous evidence and analysis, I cannot be satisfied the appeal proposal would not have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would not be severe.
22. Taking all of the above into account, I cannot be satisfied that the appeal development does not have an unacceptable impact on highway safety. As such it conflicts with the Paragraph 116 of the Framework, as set out above.

Planning Balance

23. The evidence indicates that the site is used to park and store vehicles which are used to transport individuals with protected characteristics. This includes home to school transport, community transport and services for medical appointments and to facilitate social outings. This contributes towards meeting objectives set out in paragraphs 8, 96 and 135 f) of the Framework and development plan objectives in respect of matters such as inclusivity and accessibility.
24. It is also important I have due regard to the Human Rights Act (HRA) 1998, Article 3 of the United Nations (UN) Convention on the Rights of the Child, Article 19 of the UN Convention of the Rights of Persons with Disabilities and the Public Sector Equality Duty (PSED) set out under s149(1) of the Equality Act 2010. In particular, under the PSED I must have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; and advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The rights are engaged in reaching my decision. However, they are qualified rights, and interference may be justified where in the public interest. The concept of proportionality is key.
25. Dismissing the appeal scheme would mean that the appellant would not be lawfully operating from the appeal site and may need to find an alternative premises. However, there is no substantive evidence to suggest there are not suitable alternative premises and options that the appellant could pursue, or that there are not alternative providers for those with rights and protected

characteristics to utilise. These factors limit the weight I attribute to the benefits of the development in respect of meeting the duties and rights set out above. There are also some wider social and economic benefits outlined by the appellant.

26. I have found that the appeal development significantly harms the character and appearance of the area, results in the loss of open space and I cannot be certain the appeal scheme would not have an unacceptable impact upon highway safety, in conflict with key Framework policies in these regards. The harm and policy conflicts in respect of these matters each attract significant weight against the appeal scheme. The harm caused by the appeal development outweighs its benefits including in terms of the rights and PSED duties set out above. Therefore, I conclude on balance that the wider community or public interest is not outweighed by the rights and PSED duties set out above.

Conclusion

27. I have had due regard to the HRA 1998, the Rights of the Child, the Rights of Persons with Disabilities and the PSED set out under s149 of the Equality Act 2010. However, I conclude that it is proportionate and necessary to dismiss the appeal.
28. For the reasons given above, I conclude that the appeal development conflicts with the development plan as a whole, and the Framework read as a whole, and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

A O'Neill

INSPECTOR