The Planning Inspectorate

Appeal Decision

Site visit made on 5 December 2017

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20th December 2017

Appeal Ref: APP/B3438/W/17/3178673
The Priory, Abbotts Road, Leek, ST13 6EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by NewRiver Property Unit Trust No. 4, against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2016/0706, dated 10 November 2016, was refused by notice dated 15 March 2017.
- The development proposed is construction of 2 No houses.

Decision

1. The appeal is allowed and planning permission is granted for construction of 2 No houses at The Priory, Abbotts Road, Leek, ST13 6EZ in accordance with the terms of the application, Ref SMD/2016/0706, dated 10 November 2016, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The application is in outline with all matters reserved for future consideration except for the means of access. A drawing showing an indicative layout of the development was submitted with the application, and I have had regard to this in determining the appeal.

3. The name of the appellant is not listed on either the application form or the appeal form. The name given above is therefore taken from the covering letter to the original application.

Main Issue

4. The main issue is whether the development would prejudice the use of the site for community purposes.

Reasons

5. The appeal site comprises part of the car park to The Priory public house, which is a large property of traditional construction. The existing car park is relatively large in size and has a wide frontage onto Abbotts Road.

6. The development would occupy a significant proportion of the parking area to the side of the pub. However, 20 parking spaces would remain which would still represent a reasonably sized carpark. In this regard, the submitted 'Assessment of Transport Considerations' note includes details of a parking survey that was undertaken between Friday 15th July 2016 and Sunday 17th July 2016. The maximum number of parked vehicles observed was 12, 12, and

13 vehicles on the Friday, Saturday and Sunday respectively. The 20 remaining spaces would therefore be adequate to accommodate parking associated with the pub. I further note that the Highway Authority state the loss of parking spaces would be unlikely to be detrimental in this regard.

7. The pub also hosts a number of community and other events, some of which make use of the car park. Whilst only limited details are before me regarding these events and their requirements, a number of them make use of a marquee located on part of the car park. This usually occupies around 12 spaces according to the Council. However, the appellant states that the marquee could be relocated to the large garden area at the rear of the pub, and that this has been agreed with the current landlord. There is no evidence before me to contradict this, and I note that the landlord has not submitted a written objection to this appeal. On the available evidence, this solution would enable the pub to continue to host community and other events.

8. Separately, there is no evidence before me that the site is a registered village green, and in any case, that matter is covered by separate legislation.

9. For the above reasons I conclude that the development would not prejudice the use of the site for community purposes. It would therefore accord with Policy C1 of the Staffordshire Moorlands Core Strategy (2014). This policy seeks, amongst other things, to resist proposals involving the loss of community facilities.

Conditions

10. The Council suggested a number of conditions, some of which I have edited for clarity and enforceability. In addition to the standard outline conditions, I have imposed a condition that requires the development to be carried out in accordance with the approved plans. This is in order to provide certainty. In order to ensure that the site is adequately drained I have also imposed a condition relating to surface water drainage. This is a pre-commencement condition as any development works could have a bearing on how the site is drained. A further condition requiring details of a dropped crossing to be submitted and approved is necessary to ensure appropriate access into the site. A condition that requires the access and car parking to be laid out before the development is occupied is also necessary to ensure that future occupants have access to these facilities. Finally, conditions relating to the construction process are necessary in order to preserve the living conditions of neighbouring occupiers.

11. The Council suggested a further condition that would have required car parking details to be submitted and approved. However, as layout is a reserved matter this condition is not appropriate at this stage. The Council also suggested conditions relating to land contamination. However, there is no justification or evidence before me that such conditions are necessary in this case.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed.

Thomas Hatfield

INSPECTOR

Schedule of conditions

1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

4) The development hereby permitted shall be carried out in accordance with the following approved plans, insofar as they relate to access: Location Plan; 307-PL-020 Rev B.

5) No development shall take place until details of the means of surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

6) Notwithstanding any details shown on the approved plans, no development shall take place above slab level until details of a dropped crossing of the footway to facilitate access into the site have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the development.

7) No dwelling shall be occupied until the parking and access arrangements have been laid out in accordance with the application, and thereafter shall be kept available at all times for those purposes.

8) Construction working hours shall be restricted to 08:00 – 18:00 hours (Monday to Friday) and 08:00 – 13:00 hours (Saturdays) only. No construction works shall take place on Sundays or Bank Holidays.

9) Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment.