

DELEGATED DECISION REPORT

SMD/2026/0230
Valid 26/05/2026

FLAT
37 STOCKWELL STREET
LEEK

RETROSPECTIVE
APPLICATION FOR CHANGE
OF USE OF BASEMENT IN
EXISTING DWELLING HOUSE
TO FORM ONE BEDROOM
STUDIO FLAT

(FULL - MINOR)

MAIN ISSUES

- Principle of development
- Impact on Conservation Area – Character and Appearance
- Impacts of noise from commercial premises on the intended occupiers of the development
- Highway Impact

DESCRIPTION OF SITE

The property is a two-storey terraced house with a basement which can be accessed externally via historic stone steps from street level. The property is located a short distance from the town centre and Leek's Market Place and is within the Conservation Area. The street provides a mix of residential and commercial uses. The property is adjacent to Benks's public house which has an open outside smoking/drinking yard to the rear of the dwelling's small area of outdoor space.

PROPOSAL

Development is described on application form as:

"Retrospective application for change of use of basement in existing dwelling house to form one bedroom studio flat".

The form indicates that work started to convert the basement into a dwelling/studio flat on the 6th Aug 2025 and that the work was completed with the use commencing on the 25th January 2026.

The applicant did not seek pre application advice from the local planning authority before carrying out the work or submitting the application.

The conversion work and the change of use did not involve any external changes, and none are proposed with the application.

The change of use has not been provided with any parking spaces, and none are proposed.

The basement provides, at most, just 32 sqm of gross internal floor space – measured to include what appears to be considerable structural/non habitable space.

A small bedroom and ensuite are at the back of the basement space served by a small window that opens onto a light well below yard level. To the front of the bedroom the open space is marked as kitchen/living space and this area has an external door that opens directly from that space to the access the external steps.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

SS1 Development Principles
SS2 Settlement Hierarchy
SS5 Leek Town Area Strategy
DC1 Design Considerations
DC2 The Historic Environment
H1 New Housing Development
NE1 Biodiversity and Geological Resources
NE2 Trees, Woodland and Hedgerows
T1 Development and Sustainable Transport

National Planning Policy Framework

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS

Publicity

Site Notice expiry date: 6th July 2026
Neighbour consultation period ends: 6th July 2026
Press Advert: N/A

Public Comments

None

Town / Parish Comments

Leek Town Council: No objection

Staffordshire County Council Highways

Acceptance

There is no off-highway parking car provision for the flat and there is insufficient land within the site to accommodate any. However, the flat is in a highly sustainable and accessible location within Leek Town Centre. Residents are within convenient walking and cycling distance of a wide range of public amenities, including shops, cafés, restaurants, and public transport services, reducing reliance on private car use.

Should off-highway parking be required, a public car park is located on Market Street (approximately 0.1 mile) or Vicarage Road (approximately 0.2 mile) from the property and would provide a practical alternative to on-site provision.

Given the properties (sustainable) location, accessibility to nearby shops and other services and transport links, I do not believe the lack of car parking provision is a material consideration for this application and therefore I have no objection (SMD/2026/0230).

OFFICER COMMENTS

Principle of Development

For the purposes of the adopted SMDC Local Plan, the site is in the Leek Town Centre settlement where area strategy policy SS5 applies. Generally, the policy supports the provision of housing where it would not be detrimental to Leek's special character and heritage.

The two storey dwellinghouse above the basement would be retained.

The front of the premises is not subject to the Local Plan's 'primary shopping frontage' designation. The vitality and viability of the town centre would not be adversely affected.

Further, housing applications are to be viewed positively in view of the 5-year under supply unless there would be significant and demonstrable harm when viewing the framework as a whole.

Impact on the Character and Appearance of the Area and Conservation Area

Local Plan Policy DC1 requires that all development shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area in line with the Council's Design Guide SPD.

In particular, new development should incorporate creativity, detailing and materials appropriate to the character of the area; and, be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, height, density, layout, siting, landscaping, character and appearance.

The proposal involved conversion of the basement to an apartment dwelling without external alteration. A below street level window was replaced with a double-glazed casement with a like for like replacement and without making a material change to the external appearance of the building.

There has been no harm to the character and appearance of the area or the significance of the Conservation Area nor the setting of nearby Listed Buildings.

In those regards, there is no conflict with policies DC1 and DC2 of the SMDC Local Plan or the terms of the NPPF.

Amenity/Impacts of noise from commercial premises on intended occupiers

Local Plan Policy DC1 requires that development protects the amenity of the area, including creation of healthy active environments and residential amenity, in terms of satisfactory daylight, visual impact, sunlight, outlook, privacy, soft landscaping as well as noise, odour and light pollution.

The application property is immediately adjacent to Benks public house. The application does not provide a noise impact assessment or demonstrate that the conversion has been carried out with any specific form of noise attenuation. However, the public house is not known or open as a late license venue and musical entertainment is occasional. The outdoor yard and beer garden, used for smoking and drinking, is enclosed by brick wall containment. Moreover, the public house is already adjacent to an existing dwelling house and the amenity relationship between the basement apartment and the public house is similar and no more tenuous than that.

Noise is not likely to have an unacceptably adverse impact on the living conditions and amenity of intended occupants.

However, Local Plan housing policies SS5 and H1 require new housing to be provided at a particular standard and quality to deliver appropriate and acceptable standards of amenity and living conditions for intended occupiers. In these matters the authority is to have regards for the government's Nationally Described Space Standards.

The layout and space available within the basement are poor when considered against those standards. At the lowest end of the standards a one-bedroom flat for one person with a shower room should provide at least 37sqm of gross internal floorspace with integrated internal storage.

Measured from the submitted layout plan the basement provides no more than 32sqm. There is no internal storage and much of that space appears to be structural and non-functional or habitable. The space does not provide integrated storage.

The basement, however, does not provide a quality housing unit having regard to the characteristics of the site and the very limited area of living space that is provided. The basement has no outlook and no access to outdoor space, single windows at front at rear that open to light wells. The small bedroom and the limited open space to provide kitchen, living and dining would be poorly ventilated, have no outlook and be provided with little natural daylight.

As an open market, independent self-contained dwellinghouse, provided as a sole residence, the basement accommodation would perform very poorly and not deliver an acceptable standard of living condition or amenity.

In these regards, the development does not comply with policies SS5, H1, or DC1 of the SMDC Local Plan or the terms of the NPPF.

CONCLUSION / PLANNING BALANCE

The basement and its limited plot fails to provide acceptable standards of amenity and living condition for intended occupiers that would use the accommodation as their sole

and independent residence. In these regards there would be conflict with Policy SS5, H1 and DC1 of the Staffordshire Moorlands Local Plan 2020 and the terms of the NPPF.

The development therefore provides a low quality and substandard dwelling that would make a poor contribution to housing supply and there would be little or no benefit associated with that. The adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefit, when assessed against the policies in the NPPF taken as a whole.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Ben Hurst

Recommendation Date: 21st July 2026

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council