

## The Planning Inspectorate

### QUESTIONNAIRE (s174) ENFORCEMENT NOTICE (Online Version)

You must ensure that a copy of the completed questionnaire, together with any enclosures, is sent to the appellant/agent. Any documents which you have indicated as 'To follow' should also be sent to the case officer by the date given in the start letter.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us within 6 weeks of the 'starting date'.

Appeal Reference

APP/C3430/C/22/3302201

Appeal By

MRS SARAH WALKER

Site Address

Stourbridge Lodge  
Prestwood  
STOURBRIDGE  
DY7 5AQ

#### PART 1

1.a. Do you agree to the written representation procedure? Yes ☒ No ☐

Note: If the written procedure is agreed, the Inspector will visit the site unaccompanied by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.

2.a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road or other public land? Yes ☐ No ☒

2.b. Is it essential for the Inspector to enter the site to check measurements or other relevant facts? Yes ☒ No ☐

To fully assess the appeal site

2.c. Are there any known health and safety issues that would affect the conduct of the site inspection? Yes ☐ No ☒

Please describe:

2.d. Would the Inspector have to go onto any privately owned adjoining land as well as the appeal site itself? Yes ☐ No ☒

#### PART 2

3. Are there any related appeals currently before the Secretary of State, e.g. under s.78, 174 or 195 of the Town and Country Planning Act 1990, s20 or 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or orders under s102 of the Town and Country Planning Act 1990? If yes please provide reference number(s) Yes ☐ No ☒

4.a. Has the local planning authority received the correct fee payable for the deemed planning application/ground (a) to be considered? Yes ☒ No ☐

5.a. Is the appeal site within a conservation area? Yes ☐ No ☒

5.b. Is the appeal site adjacent to a conservation area? Yes ☐ No ☒

### PART 3

6.a. Does the notice relate to building, engineering, mining or other operations? Yes ☒ No ☐

If YES, please state the area of the site shown in the notice plan, in hectares.

0.11 hectare(s)

6.b. Is the area of the alleged breach different from the above? Yes ☐ No ☒

6.c. Does the alleged breach create any floor space? Yes ☒ No ☐

If YES, please state the amount of gross floor space created, in square metres.

140 sq metre(s)

Does the enforcement notice relate to a change of use of land to use for:

7.a. the disposal of refuse or waste materials? Yes ☐ No ☒

7.b. the deposit of materials remaining after mineral extraction? Yes ☐ No ☒

7.c. the storage of minerals in the open? Yes ☐ No ☒

8. If the enforcement notice relates to the erection of a building or buildings, is it accepted that their use is for purposes of agriculture on land used for agricultural purposes (not necessarily an agricultural unit as defined in the Agriculture Act (1947))? Yes ☐ No ☒

9. Does the enforcement notice relate to the erection/change of use of a building which is a single private dwellinghouse, as defined in Regulation 2(1) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012? Yes ☐ No ☒

### PART 4

10. Has the local planning authority made a Local Development Order under sections 61A to 61C of the Town and Country Planning Act 1990 (as inserted by section 40 of the Planning and Compulsory Purchase Act 2004) in relation to the application site? Yes ☐ No ☒

11. Has any planning permission been granted previously in respect of the development? Yes ☐ No ☒

12. Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice? Yes ☐ No ☒

13. Has a planning contravention notice been served? Yes ☐ No ☒

14.a. the appeal site is within 67 METRES OF A TRUNK ROAD? Yes ☐ No ☒

14.b. the appeal site is CROWN LAND (as defined in s293 of the Act)? Yes ☐ No ☒

14.c. a STOP NOTICE has been served in addition to the enforcement notice? Yes ☐ No ☒

14.d. the appeal site is in or adjacent to or likely to affect a SSSI? Yes ☐ No ☒

14.e. any protected species are likely to be affected by the alleged development? Yes ☐ No ☒

14.f. the appeal site is in a Green Belt or AONB? Yes ☒ No ☐

If YES, please state which one (name).

West Midlands Green Belt

|   |     |  |                                     |
|---|-----|--|-------------------------------------|
| 14.g. any part of the site is subject to a Tree Preservation Order?   | Yes | <input checked="" type="checkbox"/> No | <input type="checkbox"/>            |
| If YES, please enclose a plan showing the extent of the Order and any relevant details.   |     |  |                                     |
| <input checked="" type="checkbox"/> see 'Questionnaire Documents' section   |     |  |                                     |
| 14.h. the appeal site is within 400m of an area of underground or surface mineral interest?                                       | Yes | <input type="checkbox"/> No            | <input checked="" type="checkbox"/> |
| 14.i. the appeal site is within 250m of a waste landfill site?  | Yes | <input type="checkbox"/> No            | <input checked="" type="checkbox"/> |
| 14.j. does the development affect the setting of a listed building or ancient monument?   | Yes | <input type="checkbox"/> No            | <input checked="" type="checkbox"/> |
| 14.k. has importation of waste materials been involved in the development?  | Yes | <input type="checkbox"/> No            | <input checked="" type="checkbox"/> |
| 14.l. does the appeal involve persons claiming gypsy/traveller status, whether or not this is accepted by the planning authority? | Yes | <input type="checkbox"/> No            | <input checked="" type="checkbox"/> |

## PART 5

|  |     |  |                                     |
|--|-----|--|-------------------------------------|
| 16.a. Is the appeal site subject to an ARTICLE 4 Direction?  | Yes | <input type="checkbox"/> No            | <input checked="" type="checkbox"/> |
| 17. Have any development rights been restricted by means of a planning condition?  | Yes | <input checked="" type="checkbox"/> No | <input type="checkbox"/>            |
| If YES, please send relevant permission.   |     |  |                                     |
| <input checked="" type="checkbox"/> see 'Questionnaire Documents' section  |     |  |                                     |
| 18. Does the development relate to operational development for a disabled person, as defined by s29 of the National Assistance Act 1948? | Yes | <input type="checkbox"/> No            | <input checked="" type="checkbox"/> |
| 19. Will any consultation be carried out on the possibility of planning permission being granted if the appeal is confirmed as valid?    | Yes | <input type="checkbox"/> No            | <input checked="" type="checkbox"/> |

## Environmental Impact Assessment - Schedule 1

|   |     |                             |                                     |
|---|-----|-----------------------------|-------------------------------------|
| 20.a. Is the alleged development within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
|---|-----|-----------------------------|-------------------------------------|

## Environmental Impact Assessment - Schedule 2

|   |     |                             |                                     |
|---|-----|-----------------------------|-------------------------------------|
| 20.b.i. Is the development Schedule 2 development as described in Column 1, Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
|---|-----|-----------------------------|-------------------------------------|

## Environmental Impact Assessment - Environmental Statement (ES)

|  |     |                             |                                     |
|--|-----|-----------------------------|-------------------------------------|
| 20.e. Has the appellant supplied an environmental statement? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
|--|-----|-----------------------------|-------------------------------------|

## PART 6

|  |                                     |
|--|-------------------------------------|
| 21.a. a copy of the letter with which you notified people about the appeal.                            | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> see 'Questionnaire Documents' section                              |                                     |
| 21.b. a list of the people you notified and the deadline you gave for their comments to be sent to us. | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> see 'Questionnaire Documents' section                              |                                     |
| the deadline you gave for their comments to be sent to us.   | 24/08/2022                          |

|  |                                     |
|--|-------------------------------------|
| 21.c. the planning officer's report to committee or delegated report and any other relevant document/minutes.  | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> see 'Questionnaire Documents' section  |                                     |
| 21.d. where ground (a) (s174) has been pleaded and any fee required has been paid, a comprehensive list of conditions which you consider should be imposed if planning permission is granted. You need not attach this now, but it should reach us within 6 weeks of the starting date. The list must be submitted separately from your appeal statement.  | <input type="checkbox"/>            |
| Policies/Planning Guidance   |                                     |
| 22.a. extracts from any relevant statutory development plan policies (even if you intend to rely more heavily on the emerging plan). You must include the front page, the title and date of approval/adoption, and the status of the plan. Copies of the policies should include the relevant supporting text.   | <input checked="" type="checkbox"/> |
| List of policies   |                                     |
| Core policies 1, 2, GB1, EQ4 and 11  |                                     |
| <input checked="" type="checkbox"/> see 'Questionnaire Documents' section  |                                     |
| 22.b. extracts of any relevant policies which have been 'saved' by way of a Direction.   | <input type="checkbox"/>            |
| 22.c. extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted, and if so when.  | <input type="checkbox"/>            |
| 22.d. extracts from any supplementary planning document that you consider necessary, together with the date of its adoption. In the case of emerging documents, please state what stage they have reached.   | <input checked="" type="checkbox"/> |
| List of supplementary planning documents   |                                     |
| Green Belt and Open Countryside SPD  |                                     |
| <input checked="" type="checkbox"/> see 'Questionnaire Documents' section  |                                     |
| 22.e. if any Development Plan Document (DPD) or Neighbourhood Plan relevant to this appeal has been examined and found sound/met the basic conditions and passed a referendum, the date the DPD or Neighbourhood Plan is likely to be adopted and, if you consider this date will be before the Inspector's decision on this appeal is issued, an explanation of the Council's policy position in respect of this appeal upon its adoption. You should also include an explanation of the status of existing policies and plans, as they relate to this appeal, upon adoption and which (if any) will be superseded; | <input type="checkbox"/>            |
| 22.f. if any DPD or Neighbourhood Plan relevant to this appeal has been submitted for examination, or in the case of a Neighbourhood Plan has been examined and is awaiting a referendum, an explanation of any substantive changes in the progress of the emerging plan, and their relevance to this appeal if it is considered that the plan will not be adopted before the Inspector's decision on this appeal is issued;   | <input type="checkbox"/>            |
| 22.g. your Authority's CIL charging schedule is being/has been examined;   | <input type="checkbox"/>            |
| 22.h. your Authority's CIL charging schedule has been/is likely to be adopted.   | <input type="checkbox"/>            |
| 22.i. any other relevant information or correspondence you consider we should know about.  | <input type="checkbox"/>            |
| PART 7   |                                     |
| 23. A true copy of the Enforcement Notice  |                                     |
| <input checked="" type="checkbox"/> see 'Questionnaire Documents' section  |                                     |
| 24. The Enforcement Notice Plan (if applicable)  |                                     |

☒ see 'Questionnaire Documents' section

25. A list of those served with the Notice

☒ see 'Questionnaire Documents' section

26. Do you wish to attach your statement of case?

Yes

☐ No



#### LPA Details

I certify that a copy of this appeal questionnaire and any enclosures will be sent to the appellant or agent today.



LPA's reference

17/00574/UNDEV

Completed by

Mark Bray

On behalf of

South Staffordshire District Council

Please provide the details of the officer we can contact for this appeal, if different from the Planning Inspectorate's usual contact for this type of appeal.

Name

Salindra Shakespeare

Phone no (including dialling code)

01902 696274

Email

Appeals@sstaffs.gov.uk

Please advise the case officer of any changes in circumstances occurring after the return of the questionnaire.

|                  |  |
|------------------|--|
| Appeal Reference | APP/C3430/C/22/3302201                                   |
| Appeal By        | MRS SARAH WALKER   |
| Site Address     | Stourbridge Lodge<br>Prestwood<br>STOURBRIDGE<br>DY7 5AQ |

The documents listed below were uploaded with this form:

|                       |  |
|-----------------------|--|
| Relates to Section:   | PART 4   |
| Document Description: | 14.g. A plan showing the extent of the Order and any relevant details.   |
| File name:            | 10 TPO 76.1985 Plan and schedule.pdf   |
| Relates to Section:   | PART 5   |
| Document Description: | 17. Relevant permission of any development rights which have been restricted by means of a planning condition.   |
| File name:            | 9 Decision notices 06-00966-FUL and 07-01216-FUL.pdf   |
| Relates to Section:   | PART 6   |
| Document Description: | 21.a. A copy of the letter with which you notified people about the appeal.  |
| File name:            | 12 Appeal notice.pdf   |
| Relates to Section:   | PART 6   |
| Document Description: | 21.b. A list of the people you notified and the deadline you gave for their comments to be sent to us.   |
| File name:            | 11 LOIP - Kinver.pdf   |
| Relates to Section:   | PART 6   |
| Document Description: | 21.c. the planning officer's report to committee or delegated report and any other relevant document/minutes.  |
| File name:            | 2 Officer report.pdf   |
| Relates to Section:   | PART 6   |
| Document Description: | 22.a. Extracts from any statutory development plan policy including the front page, title and date of approval/adoption and status.  |
| File name:            | 6 Core strategy front page.pdf   |
| File name:            | 7 Policies.pdf   |
| Relates to Section:   | PART 6   |
| Document Description: | 22.d. Extracts from any supplementary planning document that you consider necessary, together with the date of its adoption. In the case of emerging documents, please state what stage they have reached. |
| File name:            | 8 Green Belt and Open Countryside SPD.pdf  |
| Relates to Section:   | PART 7   |
| Document Description: | 23. A true copy of the Enforcement Notice.   |
| File name:            | 3 Enforcement Notice.pdf   |
| Relates to Section:   | PART 7   |
| Document Description: | 24. The Enforcement Notice Plan.   |
| File name:            | 4 Enforcement Notice plan.pdf  |

Relates to Section: PART 7  
Document Description: 25. A list of those served with the Notice.  
File name: 5 List of those served with notice.pdf

Completed by Not Set

Date 21/07/2022 10:45:43

LPA South Staffordshire District Council

**AUTHORISATION FOR PLANNING ENFORCEMENT ACTION IN RESPECT OF STOURBRIDGE LODGE, WOLVERHAMPTON ROAD, PRESTWOOD, STOURBRIDGE, SOUTH STAFFORDSHIRE DY7 5AQ**

**Enforcement Reference 17/00574/UNDEV**

**1. PURPOSE OF REPORT**

To seek authorisation to take Enforcement Action in respect of unauthorised operational development on Land, ("the Land") at Stourbridge Lodge, Wolverhampton Road, Prestwood, Stourbridge, South Staffordshire DY7 5AQ, outlined in red for identification purposes on the site plan ("the Plan") attached to this report.

**2. BREACH OF PLANNING CONTROL**

Without planning permission, unauthorised operational development on the Land consisting of the construction of a two-storey front to rear extensions on the western elevation, first floor extension on the eastern elevation and remodelling of front central elevation with additional dormer extension.

**3. RECOMMENDATION**

That in respect of the breach of planning control described above, the Delegated Officer authorises the issue of an Enforcement Notice pursuant to section 172 of the Town and Country Planning Act 1990 (as amended), requiring the steps to be taken within the specified time period and for the reasons which are set out below:

**3.1 Steps to be Taken**

- i) Remove from Stourbridge Lodge the double storey extension to the western elevations extending from front to rear of the property, as marked on the Plan.
- ii) Remove from Stourbridge Lodge the first-floor extension to the eastern elevation as marked on the Plan.
- iii) Remove from Stourbridge Lodge the front remodelled façade and additional dormer extension as marked on the Plan and rebuild in accordance with the Plan set out in Appendix 1.



- iv) Permanently remove from the Land all materials that arise from compliance with steps i) & ii).
- v) Permanently remove from the Land all materials that arise from compliance with step iii) above.
- vi) Following completion of steps (i), (ii) and (iii) restore Stourbridge Lodge back to its pre-existing condition that it was in before the unauthorised development commenced, and fully in accordance with the plans at Appendix 1, save for the infill extension to the rear of the property, located in the position shaded blue on Appendix 1 that was constructed in excess of four years ago that may be retained.

3.2 Time for Compliance in Respect of Steps 3.1 i), ii), iv) above

Six months from the date this notice takes effect.

3.3 Time for Compliance in Respect of Steps 3.1 iii), v) and vi) above

Twelve months from the date this notice takes effect.

**4. INFORMATION**

**4.1 Site Description and Reasons for Issuing this Notice**

4.2 Stourbridge Lodge is a large-detached dwelling situated off the A449 Wolverhampton Road, Prestwood. Immediately to the north is Prestwood Farm which consists of a series of modern portal framed buildings and associated facilities, with open countryside to the south. The Land lies within the West Midlands Green Belt.

4.3 Permitted development rights under Schedule 2, Part 1, Class A, Class B, Class C, Class D, Class E and Part 2 Class A and Class B were removed from the Land following the granting of planning permission references 06/00966/FUL and 07/01216/FUL dated 7<sup>th</sup> July 2007 and 19<sup>th</sup> December 2007 respectively. Both permissions were implemented.

4.4 The unauthorised operational development on the Land took place less than four years ago and is not immune from enforcement action.

4.5 On 16<sup>th</sup> November 2021, the Council refused an application for the unauthorised development under application reference 21/00027/FUL, as inappropriate development within the Green Belt. Reasons for refusal:

1. *The proposal represents inappropriate development in the Green Belt. Although the other considerations advanced by the applicant have been*

*considered, they do not amount to the 'very special circumstances' required to outweigh the harm to the Green Belt by virtue of the scheme's inappropriateness. The development therefore conflicts with Policy GB1 of the South Staffordshire Core Strategy and the National Planning Policy Framework.*

- 2. There are several existing trees on the site which due to their size and position make an important contribution to the character and appearance of the area. Insufficient information has been supplied to assess the impact the development has had on existing trees. As such, it is unclear if the development has had a harmful impact on existing trees, contrary to Policy EQ4 of the of the South Staffordshire Core Strategy and the National Planning Policy Framework.*
- 3. The proposed extensions are of such a mass and design that they do not appear subservient to the original design and overwhelm the scale of the original Stourbridge Lodge The design does not consider local vernacular and the surrounding rural area, conflicting with Policies EQ4 and EQ11 of the Core Strategy 2012, as well as the National Design Guide [2021].*

- 4.6 Paragraph 147 of the National Planning Policy Framework (NPPF) states that inappropriate development is, by definition harmful to the Green Belt, and should not be approved except in very special circumstances.
- 4.7 Paragraph 149 of the NPPF confirms that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt unless they fall under certain listed exceptions. Included in this list, and not to therefore be regarded as inappropriate development is 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.' Policy GB1 of the adopted Core Strategy seeks to protect the Green Belt against inappropriate development and is broadly consistent with the Framework.
- 4.8 The Council's 'Green Belt and Open Countryside Supplementary Planning Guidance GBOC SPD) sets a range of between 20-40% to establish if extensions are disproportionate over and above the size of the original building. This percentage range relates to the floor area of the original/extended dwelling
- 4.9 The construction of two double storey front to rear extensions to the eastern and western elevations and remodelling of front central elevation with additional dormer extension of Stourbridge Lodge far exceed the acceptable percentage range and therefore represent inappropriate development in the Green Belt. There are no very special circumstances for the development and it is therefore contrary to paragraphs 147 and 149 of the (NPPF), and Policy

GB1 of the South Staffordshire Core Strategy Development Plan adopted 2012.

- 4.10 Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:
- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
  - b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 4.11 The National Design Guide [2021] states:  
"Context is the location of the development and the attributes of its immediate, local and regional surroundings...Well-designed places are: integrated into their surroundings so they relate well to them; and influenced by and influence their context positively." (paragraphs 39 & 40). The Guide further states in paragraph 43 that "Well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation, including the architecture prevalent in the area, including the local vernacular and other precedents that contribute to local character, to inform the form, scale appearance, details and materials of new development."
- 4.12 The National Design Guide also notes that "Well-designed new development...includes considering the composition of street scenes, individual buildings and their elements; the scale and proportions of buildings; façade design, such as the degree of symmetry, variety, the pattern and proportion of windows and doors, and their details." (paragraph 53). Further, "Well-designed places contribute to local distinctiveness. This may include: adopting typical building forms, composition, articulation, proportions, features, materials, details, patterns and colours of an area; drawing upon the architectural precedents that are prevalent in the local area, including the proportion of buildings and their openings." (paragraph 56)
- 4.13 Policy EQ4 of the Core Strategy seeks for development to respect the intrinsic rural character and local distinctiveness of the South Staffordshire landscape, and should be maintained and where possible enhanced.

4.14 Policy EQ11 of the Core Strategy requires that new development "respect local character and distinctiveness, including that of the surrounding development and landscape in accordance with Policy EQ4, by enhancing the positive attributes whilst mitigating the negative aspects", and that "in terms of scale, volume, massing and materials, development should contribute positively to the street scene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area."

4.15 The extensions to the eastern and western elevations and remodelled front central elevation with additional dormer extension are of such a mass and design that they do not appear subservient to the original design and overwhelm the scale of the original Stourbridge Lodge. The design does not consider the local vernacular and does not contribute to local distinctiveness or to the surrounding rural area and is therefore contrary to Policies EQ4 and EQ11 of the South Staffordshire Core Strategy Development Plan adopted 2012, as well as the National Design Guide [2021].

4.13 The Council consider that planning permission should not be given, because planning conditions could not overcome these objections to the development.

4.14 **National Planning Policy Framework**

12 – Achieving Well-Designed Places

13 – Protecting the Green Belt

4.15 **Adopted Core Strategy**

Core Policy 1 – The Spatial Strategy for South Staffordshire

GB1 – Development in the Green Belt

Core Policy 2 – Protecting and Enhancing the Natural and Historic Environment

EQ4 – Protecting and Enhancing the Character and Appearance of the Landscape

EQ11 – Wider Design Considerations

Other

SPD – 'Green Belt and Open Countryside Supplementary Planning Guidance'  
The National Design Guide [2021]

5. **PLANNING HISTORY**

**07/01216/FUL** - Alterations, extensions, changes to residential curtilage and front dormer window - Approved

**06/00966/FUL** - Alterations, extensions and changes to residential curtilages - Approved, subject to a revocation order relating to 01/00725/FUL

**06/00099/FUL** - Alterations, extensions and changes in residential curtilage - Withdrawn

**01/00725/FUL** - Construction of double garage and store - Application revoked.

## **6. CASE SUMMARY**

- 6.1 On 30<sup>th</sup> November 2017, the Council received a complaint relating unauthorised development taking place at Stourbridge Lodge, Wolverhampton Road, Prestwood, Stourbridge, South Staffordshire DY7 5AQ.
- 6.2 Officers attended the but were unable to access the Land. Further investigation revealed extensive unauthorised development had taken place consisting of the erection of a large, detached garage.
- 6.3 Following the officer's initial site visit and correspondence with the owner from February 2018, further extensive development took place at the property, consisting of the construction of two double storey front to rear extensions to the eastern and western elevations and remodelling of front central elevation with additional dormer extension.
- 6.4 The large, detached garage was substantial completed as at May 2017 and has become immune from enforcement action. However aerial imagery shows that the two double storey front to rear extensions to the eastern and western elevations and remodelling of front central elevation with additional dormer extension had not commenced as at 29<sup>th</sup> June 2018. They were therefore constructed less than four years ago and are not immune from enforcement action.
- 6.5 On 16<sup>th</sup> November 2021, the Council refused an application for the development subject of this notice, application reference 21/00027/FUL, as inappropriate development within the Green Belt.
- 6.6 On 11<sup>th</sup> February 2022, Council Officers visited the Land and confirmed the presence of the unauthorised development.
- 6.7 Subsequent correspondence with the landowners agent accepted that the unauthorised development had taken place and advised his client intended to submit a planning application for a replacement dwelling as soon as possible given the difficulties in making the necessary amendments that would be required through an enforcement notice.

## **7. CONCLUSION**

- 7.1 A breach in planning control has taken place involving significant and disproportionate sized extensions to the original building within the Green Belt.

- 7.2 The extensions and alterations to the front façade do not appear subservient to the original design and overwhelm the scale of the original Stourbridge Lodge. The design does not consider the local vernacular and do not contribute to local distinctiveness or to the surrounding rural area and is therefore contrary Parts 12 and 13 of the NPPF and to Policies GB1, EQ4 and EQ11 of the South Staffordshire Core Strategy Development Plan adopted 2012, as well as the National Design Guide [2021].

## **8. EXPEDIENCY OF ENFORCEMENT ACTION**

- 8.1 Planning Enforcement action is a discretionary power which may be exercised where there has been a breach of planning control which affects public amenity or otherwise affects land or buildings meriting protection in the public interest.
- 8.2 Permitted development rights were removed in 2006 and 2007 to prevent the overdevelopment of Stourbridge Lodge and safeguard the amenity of the area however despite this, the owners went ahead and carried out the unauthorised development. The unauthorised development took place soon after 29<sup>th</sup> June 2018, there is therefore an urgent need to issue an Enforcement Notice to so as not to compromise the Council's ability to take enforcement action.
- 8.2 The Council consider that planning permission should not be given, (and has already been refused in respect of one application), because planning conditions could not overcome these objections to the development. The development is contrary to both National and Local Planning Policy and the Council now considers it both expedient and within the public interest to proceed with formal enforcement action to remedy the harm caused by this development.

## **9. NOTICES TO BE SERVED UPON**

- i) SARAH ELIZABETH WALKER  
Stourbridge Lodge,  
Prestwood,  
Stourbridge  
DY7 5AQ
- ii) ADRIAN LLOYD  
Stourbridge Lodge,  
Prestwood,  
Stourbridge  
DY7 5AQ

- iii) NATIONAL WESTMINSTER BANK PLC  
Mortgage Centre,  
P.O. Box 123,  
Greenock  
PA15 1EF.

**REPORTING OFFICER**

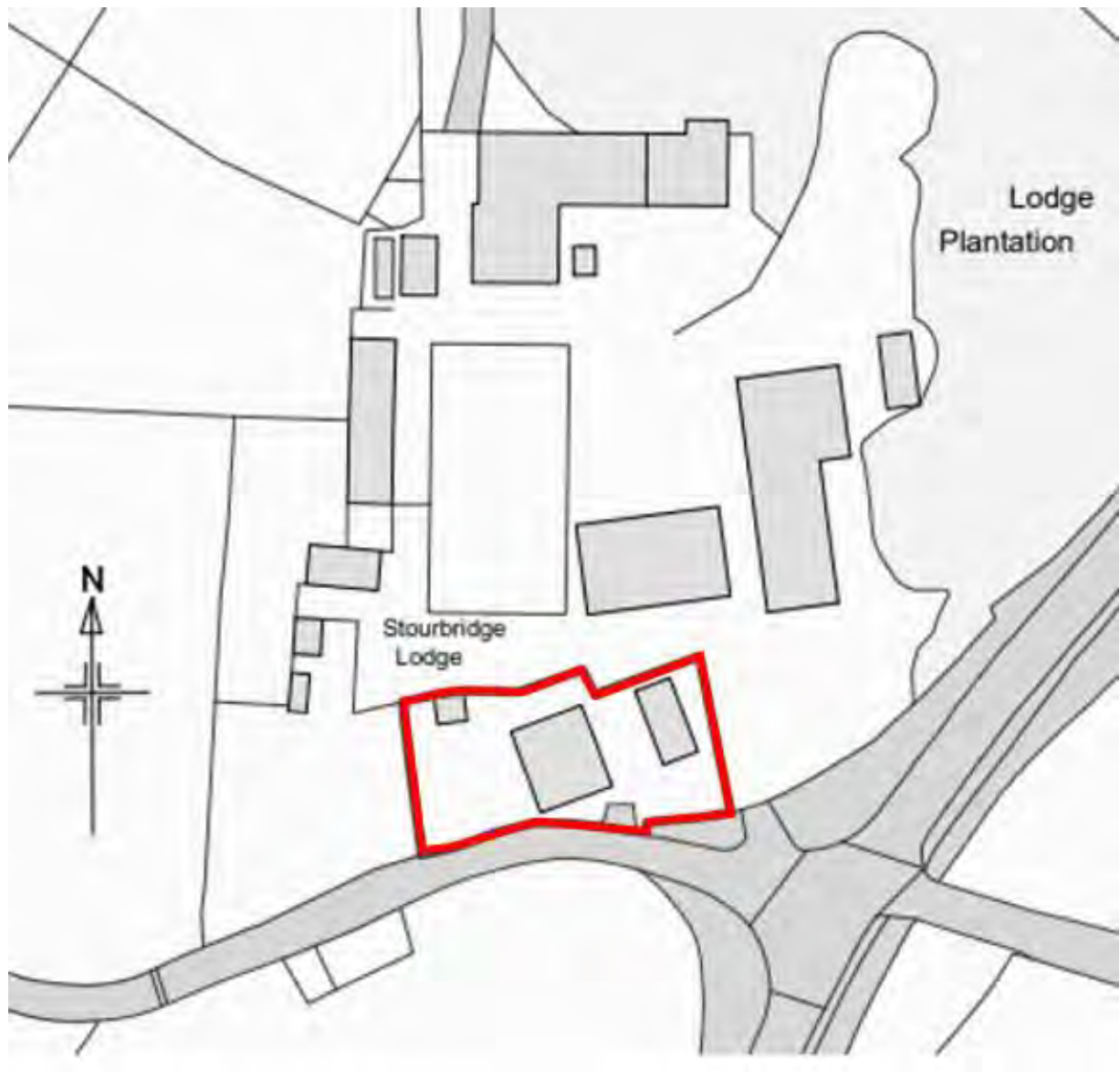
Report prepared by:



**Mark Bray**  
**Senior Planning Enforcement Officer**

**Date: 25<sup>th</sup> April 2022**

RED LINE PLAN TO ACCOMPANY ENFORCEMENT NOTICE  
STOURBRIDGE LODGE, WOLVERHAMPTON ROAD, PRESTWOOD, STOURBRIDGE



SCALE 1:1250



## Appendix 1

Pre-existing Development Restoration Plan (to include infill extension shaded in blue)



# **IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED**

**BY THE PLANNING AND COMPENSATION ACT 1991)**

## **ENFORCEMENT NOTICE**

**ISSUED BY: SOUTH STAFFORDSHIRE DISTRICT COUNCIL**

- (1) THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(a) of the above Act, at the Land described below. It considers that it is expedient to issue this Notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important information.

**(2) THE LAND AFFECTED**

Land, (“the Land”) at Stourbridge Lodge, Wolverhampton Road, Prestwood, Stourbridge, South Staffordshire DY7 5AQ, outlined in red for identification purposes on the site plan (“the Plan”) attached to this notice.

**(3) THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission, unauthorised operational development on the Land consisting of the construction of a two-storey front to rear extensions on the western elevation, first floor extension on the eastern elevation and remodelling of front central elevation with additional dormer extension.

**(4) REASONS FOR ISSUING THIS NOTICE**

Stourbridge Lodge is a large-detached dwelling situated off the A449 Wolverhampton Road, Prestwood. Immediately to the north is Prestwood Farm which consists of a series of modern portal framed buildings and associated facilities, with open countryside to the south. The Land lies within the West Midlands Green Belt.

Permitted development rights under Schedule 2, Part 1, Class A, Class B, Class C, Class D, Class E and Part 2 Class A and Class B were removed from the Land following the granting of planning permission references 06/00966/FUL and 07/01216/FUL dated 7th July 2007 and 19th December 2007 respectively.

The unauthorised operational development on the Land took place less than four years ago and is not immune from enforcement action.

On 16th November 2021, the Council refused an application for the unauthorised development under application reference 21/00027/FUL, as inappropriate development within the Green Belt. Reasons for refusal:

- 1. The proposal represents inappropriate development in the Green Belt. Although the other considerations advanced by the applicant have been considered, they do not amount to the 'very special circumstances' required to outweigh the harm to the Green Belt by virtue of the scheme's inappropriateness. The development therefore conflicts with Policy GB1 of the South Staffordshire Core Strategy and the National Planning Policy Framework.*
- 2. There are several existing trees on the site which due to their size and position make an important contribution to the character and appearance of the area. Insufficient information has been supplied to assess the impact the development has had on existing trees. As such, it is unclear if the development has had a harmful impact on existing trees, contrary to Policy EQ4 of the of the South Staffordshire Core Strategy and the National Planning Policy Framework.*
- 3. The proposed extensions are of such a mass and design that they do not appear subservient to the original design and overwhelm the scale of the original Stourbridge Lodge The design does not consider local vernacular and the surrounding rural area, conflicting with Policies EQ4 and EQ11 of the Core Strategy 2012, as well as the National Design Guide [2021].*

Paragraph 147 of the National Planning Policy Framework (NPPF) states that inappropriate development is, by definition harmful to the Green Belt, and should not be approved except in very special circumstances.

Paragraph 149 of the NPPF confirms that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt unless they fall under certain listed exceptions. Included in this list, and not to therefore be regarded as inappropriate development is 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.' Policy GB1 of the adopted Core Strategy seeks to protect the Green Belt against inappropriate development and is broadly consistent with the Framework.

The Council's 'Green Belt and Open Countryside Supplementary Planning Guidance (GBOC SPD) sets a range of between 20-40% to establish if extensions are disproportionate over and above the size of the original building. This percentage range relates to the floor area of the original/extended dwelling

The construction of two double storey front to rear extensions to the eastern and western elevations and remodelling of front central elevation with additional dormer extension of Stourbridge Lodge far exceed the acceptable percentage range and therefore represent inappropriate development in the Green Belt. There are no very special circumstances for the development and it is therefore contrary to paragraphs 147 and 149 of the (NPPF), and Policy GB1 of the South Staffordshire Core Strategy Development Plan adopted 2012.

Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

The National Design Guide [2021] states:

"Context is the location of the development and the attributes of its immediate, local and regional surroundings...Well-designed places are: integrated into their surroundings so they relate well to them; and influenced by and influence their context positively." (paragraphs 39 & 40). The Guide further states in paragraph 43 that "Well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation, including the architecture prevalent in the area, including the local vernacular and other precedents that contribute to local character, to inform the form, scale appearance, details and materials of new development."

The National Design Guide also notes that "Well-designed new development...includes considering the composition of street scenes, individual buildings and their elements; the scale and proportions of buildings; façade design, such as the degree of symmetry, variety, the pattern and proportion of windows and doors, and their details." (paragraph 53). Further, "Well-designed places contribute to local distinctiveness. This may include: adopting typical building forms, composition, articulation, proportions, features, materials, details, patterns and colours of an area; drawing upon the architectural precedents that are prevalent in the local area, including the proportion of buildings and their openings." (paragraph 56)

Policy EQ4 of the Core Strategy seeks for development to respect the intrinsic rural character and local distinctiveness of the South Staffordshire landscape, and should be maintained and where possible enhanced.

Policy EQ11 of the Core Strategy requires that new development "respect local character and distinctiveness, including that of the surrounding development and landscape in accordance with Policy EQ4, by enhancing the positive attributes whilst mitigating the negative aspects", and that "in terms of scale, volume, massing and materials, development should contribute positively to the street scene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area."

The extensions to the eastern and western elevations and remodelled front central elevation with additional dormer extension are of such a mass and design that they do not appear subservient to the original design and overwhelm the

scale of the original Stourbridge Lodge. The design does not consider the local vernacular and does not contribute to local distinctiveness or to the surrounding rural area and is therefore contrary to Policies EQ4 and EQ11 of the South Staffordshire Core Strategy Development Plan adopted 2012, as well as the National Design Guide [2021].

The Council consider that planning permission should not be given, because planning conditions could not overcome these objections to the development.

**(5) WHAT YOU ARE REQUIRED TO DO**

- i) Remove from Stourbridge Lodge the double storey extension to the western elevations extending from front to rear of the property, as marked on the Plan.
- ii) Remove from Stourbridge Lodge the first-floor extension to the eastern elevation as marked on the Plan.
- iii) Remove from Stourbridge Lodge the front remodelled façade and additional dormer extension as marked on the Plan and rebuild in accordance with the Plan set out in Appendix 1.
- iv) Permanently remove from the Land all materials that arise from compliance with steps i) & ii)
- v) Permanently remove from the Land all materials that arise from compliance with step iii) above.
- vi) Following completion of steps (i), (ii) and (iii) restore Stourbridge Lodge back to its pre-existing condition that it was in before the unauthorised development commenced, and fully in accordance with the plans at Appendix 1, save for the infill extension to the rear of the property, located in the position shaded blue on Appendix 1 that was constructed in excess of four years ago that may be retained.

**Time period for Compliance in Respect of Steps 5.1 i), ii), & iv) above:**

Six months from the date this notice takes effect.

**Time period for Compliance in Respect of Steps 5.1 iii) v) and vi) above:**

Twelve months from the date this notice takes effect.

**(6) WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 1<sup>st</sup> July 2022 unless an appeal is made against it beforehand.

Dated: 27<sup>th</sup> May 2022

*Amber Peters*

Signed :

**On behalf of Corporate Director Infrastructure and Business Growth**

On behalf of South Staffordshire District Council  
Council Offices  
Wolverhampton Road,  
Codsall, Staffordshire  
WV8 1PX

## **IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

### **Town and Country Planning Act 1990 (as amended)**

**Enforcement Notice relating to land and premises** on Land at Stourbridge Lodge,  
Wolverhampton Road, Prestwood, Stourbridge, South Staffordshire DY7 5AQ.

This local planning authority, South Staffordshire Council, has issued an enforcement notice relating to the above land and I now serve on you a copy of that notice as you have an interest in the land. Copies of the notice are also being served on the other parties listed on the Notice who, it is understood, also have an interest in the land.

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the notice. Unless an appeal is made, as described below, the notice will take effect on 1st July 2022 and you must ensure that the required steps, are taken within the period(s) specified in the notice.

**Please see the enclosed information sheet from The Planning Inspectorate which tells you how to make an appeal.**

If you decide that you want to appeal against the enforcement notice you must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before 1st July 2022.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds: -

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by Section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £924.00. This amount is double the usual Planning Application fee. You should pay this fee to South Staffordshire Council (made payable to South Staffordshire Council). Joint appellants need only pay one set of fees. If you do not wish to proceed under Ground (a) then no fee is payable.

If you decide to appeal, when you submit your appeal, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

One appeal form and a copy of the Enforcement Notice together with a cheque for £924.00 made payable to South Staffordshire Council should be sent to the Council addressed to:-

Corporate Director Planning & Infrastructure  
South Staffordshire District Council  
Planning Department  
Council Offices  
Wolverhampton Road,  
Codsall,  
WV8 1PX

If you do not appeal against this enforcement notice, it will take effect on 1st July 2022 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the periods specified in paragraph 5 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

Planning Enforcement Contact Officer:

**Mark Bray**  
**Senior Planning Enforcement Officer**

**South Staffordshire District Council**  
**Planning Department**  
**Council Offices**  
**Wolverhampton Road**  
**Codsall,**  
**South Staffordshire,**  
**WV8 1PX**

**Tel: 01902 696900**

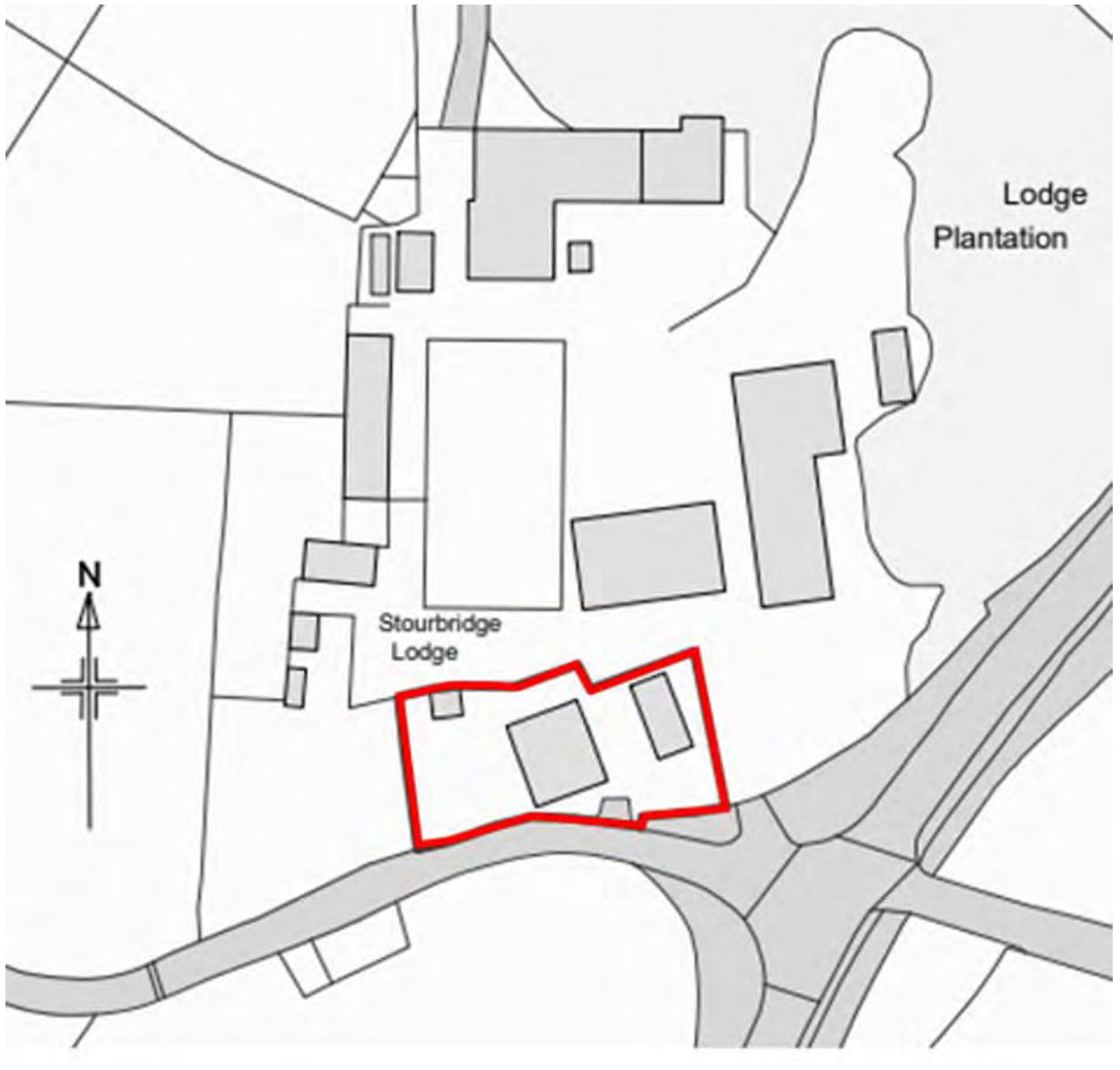
**E-mail: [m.bray@sstaffs.gov.uk](mailto:m.bray@sstaffs.gov.uk)**



**PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE**

- i) SARAH ELIZABETH WALKER  
Stourbridge Lodge,  
Prestwood,  
Stourbridge  
DY7 5AQ
- ii) ADRIAN LLOYD  
Stourbridge Lodge,  
Prestwood,  
Stourbridge  
DY7 5AQ
- iii) NATIONAL WESTMINSTER BANK PLC  
Mortgage Centre,  
P.O. Box 123,  
Greenock  
PA15 1EF.

RED LINE PLAN TO ACCOMPANY ENFORCEMENT NOTICE  
STOURBRIDGE LODGE, WOLVERHAMPTON ROAD, PRESTWOOD, STOURBRIDGE



## Appendix 1

Pre-existing Development Restoration Plan (to include infill extension shaded in blue)





CST Room 3/13  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

Direct Line 0303-444 5000

Fax No 0117-372 8782

## THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Planning Casework Service area of the Planning Portal ([www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)); or
- by getting enforcement appeal forms by phoning us on 0303 444 5000 or by emailing us at [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

**You MUST make sure that we receive your appeal before the effective date on the enforcement notice.**

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:-

- the name of the local planning authority;
- the site address;
- your address; and
- the effective date of the enforcement notice.

We MUST receive this before the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.

**171A Expressions used in connection with enforcement.**

- (1) For the purposes of this Act—
  - (a) carrying out development without the required planning permission; or
  - (b) failing to comply with any condition or limitation subject to which planning permission has been granted,constitutes a breach of planning control.
- (2) For the purposes of this Act—
  - (a) the issue of an enforcement notice (defined in section 172);
  - (aa) the issue of an enforcement warning notice (defined in section 173ZA); or
  - (b) the service of a breach of condition notice (defined in section 187A),constitutes taking enforcement action.
- (3) In this Part “planning permission” includes permission under Part III of the 1947 Act, of the 1962 Act or of the 1971 Act.

**171B Time limits.**

- (1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.
- (2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.
- (2A) There is no restriction on when enforcement action may be taken in relation to a breach of planning control in respect of relevant demolition (within the meaning of section 196D).
- (3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.
- (4) The preceding subsections do not prevent—
  - (a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or
  - (b) taking further enforcement action in respect of any breach of planning control if, during the period of four years ending with that action being taken, the local planning authority have taken or purported to take enforcement action in respect of that breach.

## **172A Assurance as regards prosecution for person served with notice**

(1) When, or at any time after, an enforcement notice is served on a person, the local planning authority may give the person a letter—

(a) explaining that, once the enforcement notice had been issued, the authority was required to serve the notice on the person,

(b) giving the person one of the following assurances—

(i) that, in the circumstances as they appear to the authority, the person is not at risk of being prosecuted under section 179 in connection with the enforcement notice, or

(ii) that, in the circumstances as they appear to the authority, the person is not at risk of being prosecuted under section 179 in connection with the matters relating to the enforcement notice that are specified in the letter,

(c) explaining, where the person is given the assurance under paragraph (b)(ii), the respects in which the person is at risk of being prosecuted under section 179 in connection with the enforcement notice, and

(d) stating that, if the authority subsequently wishes to withdraw the assurance in full or part, the authority will first give the person a letter specifying a future time for the withdrawal that will allow the person a reasonable opportunity to take any steps necessary to avoid any risk of prosecution that is to cease to be covered by the assurance.

(2) At any time after a person has under subsection (1) been given a letter containing an assurance, the local planning authority may give the person a letter withdrawing the assurance (so far as not previously withdrawn) in full or part from a time specified in the letter.

(3) The time specified in a letter given under subsection (2) to a person must be such as will give the person a reasonable opportunity to take any steps necessary to avoid any risk of prosecution that is to cease to be covered by the assurance.

(4) Withdrawal under subsection (2) of an assurance given under subsection (1) does not withdraw the assurance so far as relating to prosecution on account of there being a time before the withdrawal when steps had not been taken or an activity had not ceased.

(5) An assurance given under subsection (1) (so far as not withdrawn under subsection (2)) is binding on any person with power to prosecute an offence under section 179.】

## **173 Contents and effect of notice.**

(1) An enforcement notice shall state—

(a) the matters which appear to the local planning authority to constitute the breach of planning control; and

(b) the paragraph of section 171A(1) within which, in the opinion of the authority, the breach falls.

- (2) A notice complies with subsection (1)(a) if it enables any person on whom a copy of it is served to know what those matters are.
- (3) An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.
- (4) Those purposes are—
- (a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or
  - (b) remedying any injury to amenity which has been caused by the breach.
- (5) An enforcement notice may, for example, require—
- (a) the alteration or removal of any buildings or works;
  - (b) the carrying out of any building or other operations;
  - (c) any activity on the land not to be carried on except to the extent specified in the notice; or
  - (d) the contour of a deposit of refuse or waste materials on land to be modified by altering the gradient or gradients of its sides.
- (6) Where an enforcement notice is issued in respect of a breach of planning control consisting of demolition of a building, the notice may require the construction of a building (in this section referred to as a “replacement building”) which, subject to subsection (7), is as similar as possible to the demolished building.
- (7) A replacement building—
- (a) must comply with any requirement imposed by any enactment applicable to the construction of buildings;
  - (b) may differ from the demolished building in any respect which, if the demolished building had been altered in that respect, would not have constituted a breach of planning control;
  - (c) must comply with any regulations made for the purposes of this subsection (including regulations modifying paragraphs (a) and (b)).
- (8) An enforcement notice shall specify the date on which it is to take effect and, subject to sections 175(4) and 289(4A), shall take effect on that date.
- (9) An enforcement notice shall specify the period at the end of which any steps are required to have been taken or any activities are required to have ceased and may specify different periods for different steps or activities; and, where different periods apply to different steps or activities, references in this Part to the period for compliance with an enforcement notice, in relation to any step

or activity, are to the period at the end of which the step is required to have been taken or the activity is required to have ceased.

(10) An enforcement notice shall specify such additional matters as may be prescribed, and regulations may require every copy of an enforcement notice served under section 172 to be accompanied by an explanatory note giving prescribed information as to the right of appeal under section 174.

(11) Where—

(a) an enforcement notice in respect of any breach of planning control could have required any buildings or works to be removed or any activity to cease, but does not do so; and

(b) all the requirements of the notice have been complied with,

then, so far as the notice did not so require, planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of the construction of the buildings or works or, as the case may be, the carrying out of the activities.

(12) Where—

(a) an enforcement notice requires the construction of a replacement building; and

(b) all the requirements of the notice with respect to that construction have been complied with,

planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of that construction.

### **173ZA Enforcement warning notice: Wales**

(1) This section applies where it appears to the local planning authority that—

(a) there has been a breach of planning control in respect of any land in Wales, and

(b) there is a reasonable prospect that, if an application for planning permission in respect of the development concerned were made, planning permission would be granted.

(2) The authority may issue a notice under this section (an “enforcement warning notice”).

(3) A copy of an enforcement warning notice is to be served—

(a) on the owner and the occupier of the land to which the notice relates, and

(b) on any other person having an interest in the land, being an interest that, in the opinion of the authority, would be materially affected by the taking of any further enforcement action.

(4) The notice must—

(a) state the matters that appear to the authority to constitute the breach of planning control, and

(b) state that, unless an application for planning permission is made within a period specified in the notice, further enforcement action may be taken.



(5) The issue of an enforcement warning notice does not affect any other power exercisable in respect of any breach of planning control.

#### **173A Variation and withdrawal of enforcement notices.**

(1) The local planning authority may—

- (a) withdraw an enforcement notice issued by them; or
- (b) waive or relax any requirement of such a notice and, in particular, may extend any period specified in accordance with section 173(9).

(2) The powers conferred by subsection (1) may be exercised whether or not the notice has taken effect.

(3) The local planning authority shall, immediately after exercising the powers conferred by subsection (1), give notice of the exercise to every person who has been served with a copy of the enforcement notice or would, if the notice were re-issued, be served with a copy of it.

(4) The withdrawal of an enforcement notice does not affect the power of the local planning authority to issue a further enforcement notice.

#### **174 Appeal against enforcement notice.**

(1) A person having an interest in the land to which an enforcement notice relates or a relevant occupier may appeal to the Secretary of State against the notice, whether or not a copy of it has been served on him.

(2) An appeal may be brought on any of the following grounds—

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

(2A) An appeal may not be brought on the ground specified in subsection (2)(a) if—

- (a) the land to which the enforcement notice relates is in England, and
- (b) the enforcement notice was issued at a time—
  - (i) after the making of a related application for planning permission, but
  - (ii) before the end of the period applicable under section 78(2) in the case of that application.

(2B) An application for planning permission for the development of any land is, for the purposes of subsection (2A), related to an enforcement notice if granting planning permission for the development would involve granting planning permission in respect of the matters specified in the enforcement notice as constituting a breach of planning control.

(2C) Where any breach of planning control constituted by the matters stated in the notice relates to relevant demolition (within the meaning of section 196D), an appeal may also be brought on the grounds that—

- (a) the relevant demolition was urgently necessary in the interests of safety or health;
- (b) it was not practicable to secure safety or health by works of repair or works for affording temporary support or shelter; and
- (c) the relevant demolition was the minimum measure necessary.

(2D) An appeal against an enforcement notice may not be brought on the ground that planning permission ought to be granted in respect of a breach of planning control constituted by a matter stated in the notice, as specified in subsection (2)(a), if—

- (a) the land to which the enforcement notice relates is in Wales, and
- (b) the enforcement notice was issued after a decision to refuse planning permission for a related development was upheld on an appeal under section 78 (and for this purpose development is “related” if granting planning permission for it would involve granting planning permission in respect of the matter concerned).

(2E) An appeal may not be brought on the ground that a condition or limitation ought to be discharged, as specified in subsection (2)(a), if—

- (a) the land to which the enforcement notice relates is in Wales, and
- (b) the enforcement notice was issued after a decision to grant planning permission subject to the condition or limitation was upheld on an appeal under section 78.

(2F) For the purposes of subsections (2D) and (2E), references to a decision that has been upheld on an appeal include references to a decision in respect of which—

- (a) the Welsh Ministers have, under section 79(6), declined to determine an appeal or to proceed with the determination of an appeal;
- (b) an appeal has been dismissed under section 79(6A).

(3) An appeal under this section shall be made

(a) by giving written notice of the appeal to the Secretary of State before the date specified in the enforcement notice as the date on which it is to take effect; or

(b) by sending such notice to him in a properly addressed and pre-paid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before that date; or

(c) by sending such notice to him using electronic communications at such time that, in the ordinary course of transmission, it would be delivered to him before that date.

(4) A person who gives notice under subsection (3) shall submit to the Secretary of State, either when giving the notice or within the prescribed time, a statement in writing—

(a) specifying the grounds on which he is appealing against the enforcement notice; and

(b) giving such further information as may be prescribed.

(5) If, where more than one ground is specified in that statement, the appellant does not give information required under subsection (4)(b) in relation to each of those grounds within the prescribed time, the Secretary of State may determine the appeal without considering any ground as to which the appellant has failed to give such information within that time.

(6) In this section “relevant occupier” means a person who—

(a) on the date on which the enforcement notice is issued occupies the land to which the notice relates by virtue of a licence and

(b) continues so to occupy the land when the appeal is brought.

### **175 Appeals: supplementary provisions.**

(1) The Secretary of State may by regulations prescribe the procedure which is to be followed on appeals under section 174 and, in particular, but without prejudice to the generality of this subsection, may—

(a) require the local planning authority to submit, within such time as may be prescribed, a statement indicating the submissions which they propose to put forward on the appeal;

(b) specify the matters to be included in such a statement;

(c) require the authority or the appellant to give such notice of such an appeal as may be prescribed;

(d) require the authority to send to the Secretary of State, within such period from the date of the bringing of the appeal as may be prescribed, a copy of the enforcement notice and a list of the persons served with copies of it.

(2) The notice to be prescribed under subsection (1)(c) shall be such notice as in the opinion of the Secretary of State is likely to bring the appeal to the attention of persons in the locality in which the land to which the enforcement notice relates is situated.

(3) Subject to section 176(4), the Secretary of State shall, if either the appellant or the local planning authority so desire, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(3A) Subsection (3) does not apply to an appeal against an enforcement notice issued by a local planning authority in England.

(3B) Subsection (3) does not apply to an appeal against an enforcement notice issued by a local planning authority in Wales.

(4) Where an appeal is brought under section 174 the enforcement notice shall subject to any order under section 289(4A) be of no effect pending the final determination or the withdrawal of the appeal.

(5) Where any person has appealed to the Secretary of State against an enforcement notice, no person shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.

(6) Schedule 6 applies to appeals under section 174, including appeals under that section as applied by regulations under any other provisions of this Act.

(7) Subsection (5) of section 250 of the Local Government Act 1972 (which authorises a Minister holding an inquiry under that section to make orders with respect to the costs of the parties) shall apply in relation to any proceedings before the Secretary of State on an appeal under section 174 as if those proceedings were an inquiry held by the Secretary of State under section 250.

#### **176 General provisions relating to determination of appeals.**

(1) On an appeal under section 174 the Secretary of State may—

(a) correct any defect, error or misdescription in the enforcement notice; or

(b) vary the terms of the enforcement notice,

if he is satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority.

(2) Where the Secretary of State determines to allow the appeal, he may quash the notice.

(2A) The Secretary of State shall give any directions necessary to give effect to his determination on the appeal.

(3) The Secretary of State—

(a) may dismiss an appeal if the appellant fails to comply with section 174(4) within the prescribed time; and

(b) may allow an appeal and quash the enforcement notice if the local planning authority fail to comply with any requirement of regulations made by virtue of paragraph (a), (b), or (d) of section 175

(1) within the prescribed period.

(4) If the Secretary of State proposes to dismiss an appeal under paragraph (a) of subsection (3) or to allow an appeal and quash the enforcement notice under paragraph (b) of that subsection, he need not comply with section 175(3).

(5) Where it would otherwise be a ground for determining an appeal under section 174 in favour of the appellant that a person required to be served with a copy of the enforcement notice was not served, the Secretary of State may disregard that fact if neither the appellant nor that person has been substantially prejudiced by the failure to serve him.

### **177 Grant or modification of planning permission on appeals against enforcement notices.**

(1) On the determination of an appeal under section 174, the Secretary of State may

(a) grant planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters or in relation to the whole or any part of the land to which the notice relates;]

(b) discharge any condition or limitation subject to which planning permission was granted;

(c) determine whether, on the date on which the appeal was made, any existing use of the land was lawful, any operations which had been carried out in, on, over or under the land were lawful or any matter constituting a failure to comply with any condition or limitation subject to which planning permission was granted was lawful and, if so, issue a certificate under section 191.

(1A) The provisions of sections 191 to 194 mentioned in subsection (1B) shall apply for the purposes of subsection (1)(c) as they apply for the purposes of section 191, but as if—

(a) any reference to an application for a certificate were a reference to the appeal and any reference to the date of such an application were a reference to the date on which the appeal is made; and

(b) references to the local planning authority were references to the Secretary of State.

(1B) Those provisions are: sections 191(5) to (7), 193(4) (so far as it relates to the form of the certificate), (6) and (7) and 194

(1) (a) applies only if the statement under section 174(4) specifies the ground mentioned in section 174(2)(a).

(2) In considering whether to grant planning permission under subsection (1), the Secretary of State shall have regard to the provisions of the development plan, so far as material to the subject matter of the enforcement notice, and to any other material considerations.

(3) The planning permission that may be granted under subsection (1) is any planning permission that might be granted on an application under Part III.

(4) Where under subsection (1) the Secretary of State discharges a condition or limitation, he may substitute another condition or limitation for it, whether more or less onerous.

(4A) Section 100ZA (which makes provision about restrictions on the power to impose conditions or limitations on a grant of planning permission in relation to land in England) applies in relation to conditions substituted

under subsection (4) as it applies in relation to conditions imposed on a grant of planning permission to develop land which is granted on an application made under Part 3.

(5) Where—

(a) an appeal against an enforcement notice is brought under section 174, and

(b) the statement under section 174(4) specifies the ground mentioned in section 174(2)(a),

the appellant shall be deemed to have made an application for planning permission

(5A) Where—

(a) the statement under subsection (4) of section 174 specifies the ground mentioned in subsection

(2) (a) of that section;

(b) any fee is payable under regulations made by virtue of section 303 in respect of the application deemed to be made by virtue of the appeal; and

(c) the Secretary of State gives notice in writing to the appellant specifying the period within which the fee must be paid,

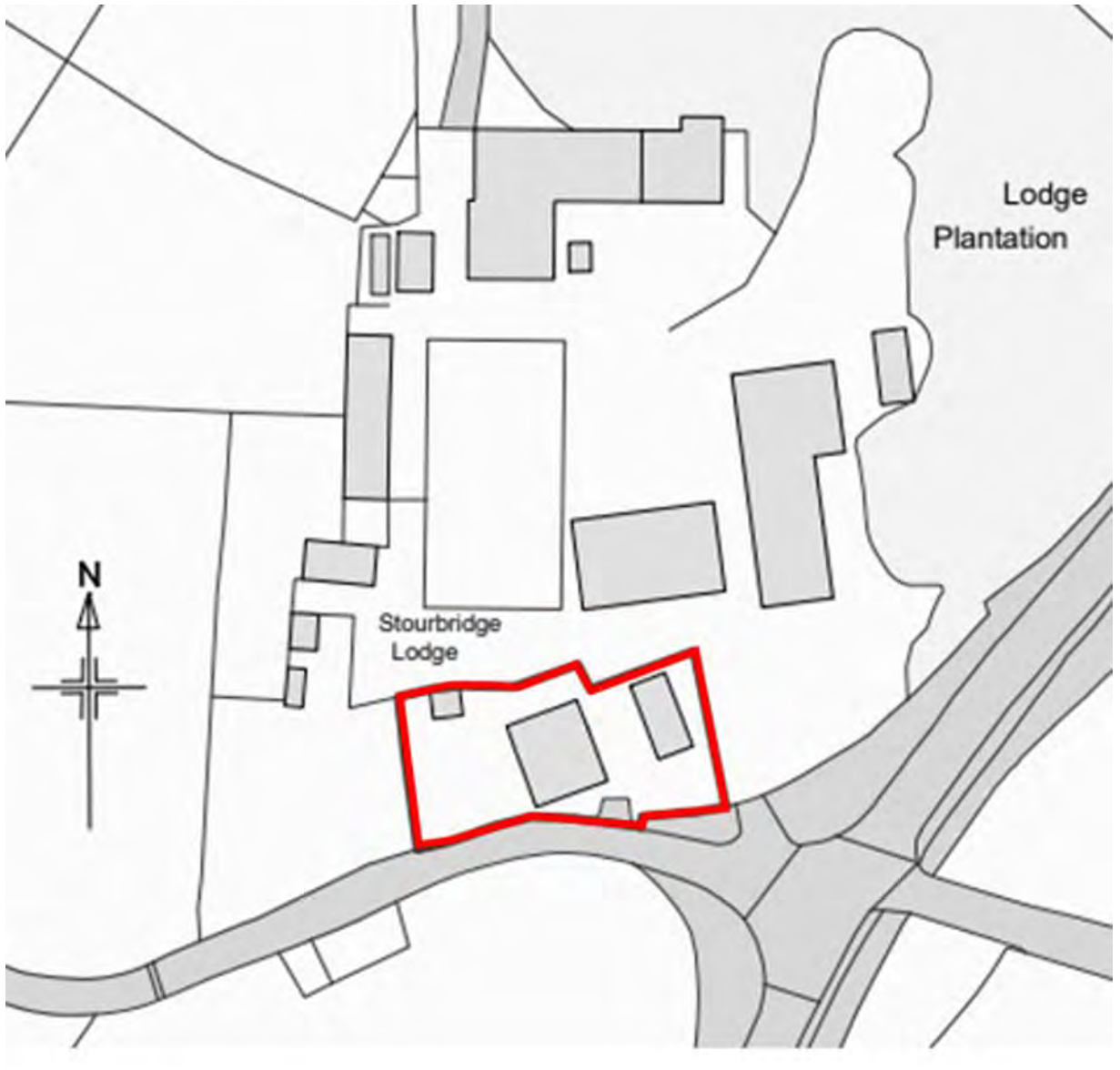
then, if that fee is not paid within that period, the appeal, so far as brought on that ground, and the application shall lapse at the end of that period.

(6) Any planning permission granted under subsection (1) on an appeal shall be treated as granted on the application deemed to have been made by the appellant.

(7) In relation to a grant of planning permission or a determination under subsection (1) the Secretary of State's decision shall be final.

(8) For the purposes of section 69 the Secretary of State's decision shall be treated as having been given by him in dealing with an application for planning permission made to the local planning authority.

RED LINE PLAN TO ACCOMPANY ENFORCEMENT NOTICE  
STOURBRIDGE LODGE, WOLVERHAMPTON ROAD, PRESTWOOD, STOURBRIDGE



**PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE**

- i) SARAH ELIZABETH WALKER  
Stourbridge Lodge,  
Prestwood,  
Stourbridge  
DY7 5AQ
- ii) ADRIAN LLOYD  
Stourbridge Lodge,  
Prestwood,  
Stourbridge  
DY7 5AQ
- iii) NATIONAL WESTMINSTER BANK PLC  
Mortgage Centre,  
P.O. Box 123,  
Greenock  
PA15 1EF.



A Local Plan for  
South Staffordshire

# **Core Strategy Development Plan Document**

**Adopted 11<sup>th</sup> December 2012**

South Staffordshire Council

## **Core Policy 1 – The Spatial Strategy for South Staffordshire**

The rural regeneration of South Staffordshire will be delivered through the implementation of the following Spatial Strategy. The principal aim will be to meet local needs, whilst recognising the constraints that impact upon the District, and support and improve infrastructure and service delivery in the District.

Throughout the District, growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy set out below and the Council will work with partners to deliver the infrastructure, facilities and services required to support this growth. An integral part of the Strategy will be to protect, maintain and enhance the natural and historic environment and the local distinctiveness of the District and retain and reinforce the current settlement pattern.

In relation to the District's existing communities and settlements, appropriate proposals which contribute to their improved sustainability, cohesion and community wellbeing, will be supported.

Development proposals will be expected to make efficient use of land and prioritise the use of Previously Developed Land (brownfield land) in sustainable locations, provided it is not of high environmental value, whilst safeguarding the character of existing residential areas.

### Main Service Villages

Bilbrook, Brewood, Cheslyn Hay, Codsall, Great Wyrley, Kinver, Penkridge, Perton and Wombourne are defined as **Main Service Villages** and will be the main focus for housing growth, employment development and service provision. Village centres will be the focus for new shopping and small scale office development to maintain their vitality and viability.

### Local Service Villages

Coven, Essington, Featherstone, Huntington, Pattingham, Swindon and Wheaton Aston are defined as **Local Service Villages** where limited development will be supported where it meets local needs, whilst recognising the constraints that impact upon the District. Employment development will be limited to that which meets local business and community needs and maintains the vitality and viability of these communities. Shopping and office development will be located in the village centres.

### Small Service Villages

Bednall, Bobbington, Bishops Wood, Dunston, Shareshill, and Trysull are defined as **Small Service Villages** where very limited development may be acceptable for the provision of rural affordable housing where it clearly supports a local need and contributes to the sustainability of those local communities. Employment development will be limited to rural employment and diversification which meets local business and community needs.



### Other Villages and Hamlets

The villages defined as **Other Villages and Hamlets** are not identified for growth, and development will only be permitted in exceptional circumstances for the provision of rural affordable housing to meet identified local needs. New development in these locations will therefore be limited to rural affordable housing schemes provided through rural exception sites and the conversion and re-use of redundant rural buildings to appropriate uses.

### Outside the Service Villages

Outside the service villages, the objective of the Spatial Strategy is to protect the attractive rural character of the countryside where new development will be restricted to particular types of development to meet affordable housing needs, support tourism, provide for sport and recreation and support the local rural economy and rural diversification.

As part of the strategy for employment and economic development, support will continue to be given to the four existing freestanding strategic employment sites (i54, Hilton Cross, ROF Featherstone/Brinsford and Four Ashes).

### The Green Belt and Open Countryside

The South Staffordshire portion of the West Midlands Green Belt as defined on the Policies Map, will be protected from inappropriate development and proposals will be considered in the light of other local planning policies and the policy restrictions relating to Green Belt in the NPPF, however the Council will consider favourably sustainable development which accords with this Spatial Strategy.

The general extent of the Green Belt and the area defined as Open Countryside will be protected and maintained for the Plan period but some land will need to be released from the Green Belt and Open Countryside in some locations at the Main and Local Service Villages to deliver the proposed development strategy and enable the sustainable growth of these villages. A partial review of Green Belt boundaries and a review of Major Developed Sites in the Green Belt will be carried out through the Site Allocations DPD.

### Delivering the Strategy

The Spatial Strategy will be delivered through the Core Policies and Development Policies. In all cases development should not conflict with the local planning policies, particularly the environmental policies. Development should be designed to be sustainable, seek to enhance the environment, and should provide any necessary mitigating or compensatory measures to address harmful implications.

## **Explanation**

- 6.4 South Staffordshire lies on the edge of the West Midlands Conurbation close to the Major Urban Areas of the Black Country and has its own distinctive character. A key aspect of South Staffordshire's local distinctiveness is based around its ethos and philosophy of being a 'community of communities'. The settlement pattern of South Staffordshire is that of a rural area with many villages of different sizes situated within 27 parishes. There is no single dominant settlement and many of our residents rely on the services provided within towns and cities outside the District to meet some of their 'higher order' needs including hospitals, certain types of retail needs, and certain types of leisure and employment opportunities. This is in part because they are not able to meet their needs locally. Similarly, many of the people who work in and use the facilities of the District, actually live outside it.
- 6.5 The Spatial Strategy for South Staffordshire is to spread development geographically around the District based on a Settlement Hierarchy. The principal aim of the Strategy is to meet local needs whilst recognising the constraints that impact upon the District, and support the retention of existing facilities and services in villages in a sustainable way and where possible improve them. The Settlement Hierarchy classifies villages as Main Service Villages, Local Service Villages and Small Service Villages and the very small villages in the District are classified as Other Villages and Hamlets. The Settlement Hierarchy is shown on the following map.



- 7.3 South Staffordshire is comprised of a variety of landscapes, with historic landscapes, extensive areas of forest, areas of heathland, commons, rivers and water courses. Some landscape character types have suffered losses or degradation, and the District's landscape is affected by change arising from development, mineral working and agriculture. There are a number of initiatives covering part of the District that aim to achieve enhancements to the existing landscape and create valuable new habitats that can play a part in increasing biodiversity value within the District and these include the Forest of Mercia.
- 7.4 There are currently 11 sites of Special Scientific Interest (SSSI) in the District including Motte Meadows, Kinver Edge and Highgate Common. Motte Meadows is also a National Nature Reserve and a Special Area of Conservation (SAC) designated under the Habitats Directive. There are also many other Sites of Biological Importance (SBI) across the District of various habitat types that require on-going protection and management including important areas of lowland heathland and ancient woodland. In addition, there are 5 Local Nature Reserves (LNR) in the District including Shoal Hill Common and Wom Brook Walk. The western edge of the Cannock Chase Area of Outstanding Natural Beauty (AONB) lies within the District.
- 7.5 South Staffordshire has a total of 19 conservation areas, most of them based upon historic village centres, which include canal conservation areas covering the Staffordshire and Worcestershire Canal, Shropshire Union Canal, and the Stourbridge Canal. There are over 850 listed buildings and structures in the District and a range of other buildings and structures of local importance. In addition, there are 23 Scheduled Ancient Monuments (SAMs).

### **Core Policy 2: Protecting and Enhancing the Natural and Historic Environment**

The Council will support development or other initiatives where they protect, conserve and enhance the District's natural and heritage assets including ecological networks internationally, nationally and locally important designations. Particular support will be given to initiatives to improve the natural environment where it is poor and increase the overall biodiversity of the District including the development of green infrastructure links and to improve the historic environment where it is identified as at risk.

Development or initiatives will generally be supported which:

- a) will not have a detrimental impact upon the interests and significance of a natural or heritage asset;
- b) are not contrary to the control of development within internationally, nationally or locally designated areas including the Green Belt and Open Countryside, Cannock Chase Area of Outstanding Natural Beauty and Motte Meadows Special Area of Conservation, and contribute to the conservation and enhancement of the character of the landscape and local distinctiveness;



- c) are consistent with the sustainable management of the asset including the repair and reuse of historic buildings;
- d) protect and improve water and air quality;
- e) provide mitigation or compensatory measures to address any potential harmful implications and supporting enhancement measures.

Development proposals should be consistent with the NPPF, the Supplementary Planning Documents on the Historic Environment and Biodiversity and other local planning policies.

Development proposals should have regard to and support the actions and objectives of the Severn and Humber River Basin Management Plans (RBMPs) and also have regard to the River Severn and River Trent Catchment Flood Management Plans (CFMPs).

### **Explanation**

- 7.6 The Policy should be regarded as a positive policy that will support the protection and enhancement of South Staffordshire's natural and historic environment and reflects the importance attached to the assets in Strategic Objectives 3, 4 and 5. The natural and heritage assets in South Staffordshire can be identified as follows:

- The South Staffordshire portion of the West Midlands Green Belt
- The Open Countryside – its landscape character and appearance;
- The best and most versatile agricultural land;
- The character and setting of villages;
- Cannock Chase Area of Outstanding Natural Beauty (AONB);
- The Forest of Mercia;
- Statutory and local areas of wildlife and biological importance, including a National Nature Reserve, Sites of Scientific Interest;
- Motte Meadows Special Areas of Conservation (SAC);
- Protected species and their habitats;
- Regionally Important Geological/Geomorphological Sites;
- Ancient and semi-natural woodlands and veteran trees;
- Trees, woodlands and hedgerows;
- Areas of lowland heath;
- Rivers, watercourses and their floodplains, canals and ponds;
- Buildings, structures and areas of townscape, historic and architectural value and their setting – listed buildings, conservation areas, buildings of special local interest;
- Registered parks and gardens of historic interest including historic landscape areas;
- Sites or structures of archaeological importance – Scheduled Ancient Monuments, sites shown on the Sites and Monuments Record (SMR);
- Land of open space, recreational and amenity value;
- The public rights of way network.

- 7.7 Supporting, enhancing and protecting these assets will require the maintenance of strong partnerships with key partners, such as English Heritage, Natural England and the Environment Agency. The policies in the Core Strategy will contribute to the protection and management of the Cannock Chase AONB and contribute towards the aims and objectives of the Forest of Mercia. The Core Strategy will also make a major contribution towards achieving the objectives of the Staffordshire Biodiversity Action Plan (SBAP).
- 7.8 The approach to the management and protection of the Cannock Chase AONB will be covered in a Supplementary Planning Document (SPD). Further Supplementary Planning Documents will be prepared in relation to biodiversity and landscape character and linked to the relevant Core Strategy policies.

### **Key Evidence**

Sustainable Community Strategy 2008 – 2020  
South Staffordshire Council Plan –2012 - 2016  
Habitats Regulation Assessment Review of the Core Strategy 2010  
Staffordshire Biodiversity Action Plan 2001  
Staffordshire Geodiversity Action Plan 2004  
Staffordshire Ecological Records  
Tree and Woodland Strategy 2010  
Open Space Strategy 2009  
Conservation Area Appraisals and Management Plans 2010  
Village Design Guide SPD 2009  
Buildings of Special Local Interest  
Historic Environment Assessment 2011  
Cannock Chase AONB Management Plan 2009 - 2014  
Evidence Base relating to Cannock Chase SAC and the Appropriate Assessment of Local Authority Core Strategies 2010  
Cannock Chase Visitor Impact Mitigation Strategy 2010  
Assessment of Physical and Environmental Constraints 2009  
Planning for Landscape Change – Staffordshire County Council SPD 1996-2011  
Humber River Basin Management Plan 2009  
Severn River Basin Management Plan 2009  
River Severn Catchment Flood Management Plan 2009  
River Trent Catchment Flood Management Plan 2010  
Air Quality Updating and Screening Assessment 2009

### **Delivery and Monitoring**

Through Development Policies EQ1, EQ2 ,EQ3 and EQ4

The monitoring arrangements are set out in the Monitoring Framework in Appendix 1.

own survey work, will help to explain how the historic built environment has evolved and to identify buildings for the local list.

- 7.19 This comprehensive evidence base will emerge as a Supplementary Planning Document which encompasses the Historic Environment, identifying the main issues, and will also be used to inform and refresh the Village Design Guide.
- 7.20 In order to ensure that buildings at risk are saved or not degraded further, sometimes 'enabling development' is the only viable option. In this case paragraph (b) of this policy will be used in conjunction with guidance 'Enabling Development and the Conservation of Significant Places' issued by English Heritage in 2008 or subsequent guidance for enabling development.

### **Key Evidence**

Sustainable Community Strategy 2008 - 2020  
Conservation Area Appraisals and Management Plans 2010  
Village Design Guide SPD 2009  
Buildings of Special Local Interest (on going)  
Historic Environment Character Assessment 2011  
Assessment of Physical and Environmental Constraints 2009  
West Midlands Farmsteads and Landscapes Project 2010

### **Delivery and Monitoring**

Through the Development Management process in consultation with English Heritage, the County Council and other partners  
Conservation and Design advice  
Conservation Area Management Plans  
Village Design Guide SPD (or subsequent revisions)  
Historic Environment SPD  
LSP Environmental Quality Delivery Plan

The monitoring arrangements are set out in the Monitoring Framework in Appendix 1.

### **Policy EQ4: Protecting and Enhancing the Character and Appearance of the Landscape**

The intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Trees, veteran trees, woodland, ancient woodland and hedgerows should be protected from damage and retained unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved. For visual and ecological reasons, new and replacement planting should be of locally native species.

The Council will encourage and support the creation of new woodlands



and the management of existing woodlands particularly where they contribute to community forestry. Reference should be made to the Council's Tree and Woodland Strategy.

Throughout the District, the design and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings, and not have a detrimental effect on the immediate environment and on any important medium and long distance views.

The siting, scale, and design of new development will need to take full account of the nature and distinctive qualities of the local landscape. The use of techniques, such as landscape character analysis, to establish the local importance and the key features that should be protected and enhanced, will be supported.

Proposals should retain and strengthen the components of landscape character and local distinctiveness, with particular attention to the detailing of any proposal and its relationship with existing buildings, features and vegetation. Proposals within the Historic Landscape Areas (HLA) defined on the Policies Map should have special regard to the desirability of conserving and enhancing the historic landscape character, important landscape features and the setting of the HLA. The County Council's Landscape Character Assessment and Historic Landscape Characterisation will provide an informed framework for the decision making process.

Where possible, opportunities should be taken to add character and distinctiveness through the contribution of new landscape features, particularly to landscapes which have been degraded.

Development within the Cannock Chase Area of Outstanding Natural Beauty (AONB) and its setting as shown on the Policies Map will be subject to special scrutiny, in accordance with national policy and any additional guidance, in order to conserve and enhance the landscape, nature conservation and recreation interests of the area.

Proposals that contribute to the objectives of the Cannock Chase AONB Management Plan, the Forest of Mercia and other local initiatives that will contribute to enhancing landscape character will be supported.

Development proposals should be consistent with the adopted Village Design Guide Supplementary Planning Document (or subsequent revisions), the Supplementary Planning Documents on Landscape Character and Biodiversity and other local planning policies.

### **Explanation**

- 7.21 The landscape of South Staffordshire is rich and varied and includes part of the Cannock Chase Area of Outstanding Natural Beauty (AONB). It is an important objective of the Core Strategy to protect the character and appearance of the landscape and conserve this heritage for the future. The

NPPF states that the highest status of protection in relation to landscape and scenic beauty should be given to AONBs, and the extent of the Cannock Chase AONB, to which the national policy applies, is shown on the Policies Map.

- 7.22 There are 13 historic parklands and gardens in South Staffordshire, at Chillington, Enville, Four Ashes, Hatherton, Hilton, Himley/Wodehouse, Somerford, Stretton, Teddesley, Patshull, Prestwood, Wergs and Weston. The parklands at Chillington Hall, Enville, and Weston Park are of particularly high quality and have been identified as Grade ii\* in the National Register of Historic Parks and Gardens by English Heritage. Patshull Hall and Himley Hall have been identified as Grade ii.
- 7.23 Historic parklands are valuable heritage assets and important to the distinctive rural character of South Staffordshire. They may contain avenues of trees, woodlands, individual veteran trees, areas of wood pasture, lakes and other water features, historic earthworks, moats, hedges, banks and green lanes which are all valuable habitats for wildlife. They also have potential for environmental education and tourism, as well as contributing to the attractiveness of the landscape.
- 7.24 The historic parklands and gardens in South Staffordshire, including those designated as Registered Parks and Gardens have been designated as 'Historic Landscape Areas' (HLAs) to protect them from inappropriate development and management. The principle of the HLAs was first established in the 1996 Local Plan and has been carried forward into the new local planning strategy to ensure that these areas are retained for the future.
- 7.25 The Council will encourage and support the conservation, enhancement and sustainable management of these heritage assets through the preparation of conservation management plans. The Council will work with landowners, English Heritage, the Staffordshire Gardens and Parks Trust, the Garden History Society, Natural England, Staffordshire Wildlife Trust and Staffordshire County Council on matters relating to historic parklands and gardens.
- 7.26 The Policy is consistent with the NPPF. Any development which will have an impact on the landscape should address the intrinsic character of its surroundings, and seek where possible to retain and strengthen the intrinsic character of areas. Landscape character analysis will be an important technique in many circumstances, utilising detailed work already undertaken by Staffordshire County Council in the Supplementary Planning Document 'Planning for Landscape Change' and work on historic landscape characterisation. More detailed guidance on landscape character will be included in a Supplementary Planning Document.

### **Key Evidence**

Sustainable Community Strategy 2008 - 2020  
Planning for Landscape Change – Staffordshire County Council SPG 1996-2011

Village Design Guide SPD 2009  
Conservation Area Appraisals and Management Plans 2010  
Open Space Strategy 2009

### **Delivery and Monitoring**

Through Development Policy EQ13  
LSP Environmental Quality Delivery Plan  
Conservation Area Management Plans  
Village Design Guide SPD (or subsequent revisions)

The monitoring arrangements are set out in the Monitoring Framework in Appendix 1.

### **Development Policies**

7.58 The following Development Policies support Core Policy 4.

#### **Policy EQ11: Wider Design Considerations**

The design of all developments must be of the highest quality and the submission of design statements supporting and explaining the design components of proposals will be required. Proposals should be consistent with the design guidance set out in the adopted Village Design Guide Supplementary Planning Document (or subsequent revisions) and be informed by any other local design statements.

Development proposals must seek to achieve creative and sustainable designs that take into account local character and distinctiveness, and reflect the principles set out below. The Council will encourage innovative design solutions.

##### **A. Use**

- a) mixed use developments will be encouraged where the uses are compatible with and complementary to each other and to other uses in the existing community, and where the development will help support a range of services and public transport (existing or new);
- b) proposals should where possible promote a density and mix of uses which create vitality and interest where appropriate to their setting;

##### **B. Movement**

- c) opportunities should be taken to create and preserve layouts giving a choice of easy and alternative interconnecting routes, including access to facilities and public transport and offer a safe, attractive environment for all users;

- d) provision should be made, especially within the proximity of homes, for safe and attractive walking and cycling conditions, including the provision of footpath links, cycleways and cycle parking facilities, and links to green infrastructure in accordance with Policies EV11 and HWB2;

**C. Form**

- e) proposals should respect local character and distinctiveness including that of the surrounding development and landscape, in accordance with Policy EQ4, by enhancing the positive attributes whilst mitigating the negative aspects;
- f) in terms of scale, volume, massing and materials, development should contribute positively to the streetscene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area;
- g) development should relate to and respect any historic context of the site, including plot patterns and street layout taking account of the guidance contained in Policy EQ3;
- h) development within or adjacent to a waterway corridor should take advantage of the waterside setting with an appropriate green corridor taking account of the aims and objectives of Policy HWB2;
- i) development should take every opportunity to create good design that respects and safeguards key views, visual amenity, roofscapes, landmarks, and focal points;
- j) development should take account of traditional design and forms of construction where appropriate, and avoid the use of inappropriate details;
- k) development should incorporate high quality building design and detailing, with particular attention given to appropriately designed elements;
- l) development must ensure a high standard of access for all and that safe and easy access is available to all potential users, regardless of ability, age or gender;
- m) sustainable forms of development should be designed, incorporating renewable energy use, minimising waste production and providing opportunities for recycling, and minimising pollution. Development should seek to minimise water use including the incorporation of water recycling and harvesting, and ensure the use of Sustainable Drainage Systems (SUDS). Use or re-use of sustainable materials will be encouraged. Orientation and layout of development should maximise the potential for passive solar heating, taking account of the implications of solar heat gain;

#### **D. Space**

- n) proposals should create pedestrian-friendly places that allow for necessary vehicular access;
- o) places should be safe and secure, with effective natural surveillance;
- p) well designed private and semi-private open space should be incorporated for all buildings, appropriate to the character of the area;
- q) opportunities should be taken to support the development of a varied network of attractive, and usable publicly accessible spaces;
- r) provision for parking should where possible be made in discreet but planned locations within the development;
- s) design should seek to retain existing important species and habitats and maximise opportunities for habitat enhancement, creation and management in accordance with Policy EQ1.

The Council's Space About Dwelling standards are set out in Appendix 6.

Development proposals should be consistent with other local planning policies.

#### **Explanation**

- 7.59 The Council attaches significant importance to securing a high level of design quality in the District and this is reflected in the adopted Village Design Guide SPD (or subsequent revisions). The NPPF also refers to the importance of achieving high quality and inclusive design and the CABI publication "Making Design Policy Work" highlights a number of important issues to take into account in developing a policy approach to design.
- 7.60 The design guidance set out in the above Policy identifies the importance of local character and distinctiveness, and gives guidance on achieving sustainable development, use, movement, form and space. Achieving safe designs will be important and issues relating to community safety are addressed in Core Policy 13 and Policy CS1.

#### **Key Evidence**

Sustainable Community Strategy 2008 – 2020  
 Southern Staffordshire Surface Water Management Plan Phase 1 2010  
 Planning for Landscape Change – Staffordshire County Council SPG 1996-

### **Policy GB1: Development in the Green Belt**

Within the South Staffordshire portion of the West Midlands Green Belt as defined on the Policies Map, development acceptable within the terms of national planning policy set out in the NPPF will normally be permitted where the proposed development is for either:

**A.** A new or extended building, provided it is for:

- a) purposes directly related to agriculture or forestry; or
- b) appropriate small-scale facilities for outdoor sport or recreation, nature conservation, cemeteries and for other uses of land which preserve the openness of the Green Belt and which do not conflict with its purposes; or
- c) affordable housing where there is a proven local need in accordance with Policy H2; or
- d) limited infilling\* and limited extension(s), alteration or replacement of an existing building where the extension(s) or alterations are not disproportionate to the size of the original building, and in the case of a replacement building the new building is not materially larger than the building it replaces. Guidance in these matters will be contained in the Green Belt and Open Countryside Supplementary Planning Document (SPD).

**B.** The re-use of a building provided that:

- e) the proposed use of any building (taking into account the size of any extensions, rebuilding or required alterations), would not harm the openness of the Green Belt or the fulfilment of its purposes.

**C.** Changes of Use of Land:

- f) the carrying out of engineering or other operations, or the making of a material change of use of land, where the works or use proposed would have no material effect on the openness of the Green Belt, or the fulfilment of its purposes.

**D.** Development brought forward under a Community Right to Build Order.

Development proposals should be consistent with other local planning policies.

*\*Footnote: Limited infilling is defined as the filling of small gaps (1 or 2 buildings) within a built up frontage of development which would not exceed the height of the existing buildings, not lead to a major increase in the developed proportion of the site, or have a greater impact on the openness of the Green Belt and the purpose of including land within it.*

# **Green Belt and Open Countryside Supplementary Planning Document (SPD)**



**South  
Staffordshire  
Local Plan**

**April 2014**

## Contents

|           |   |           |
|-----------|---|-----------|
| <b>1.</b> | <b>Introduction</b>                                       | <b>1</b>  |
|           | <b>Purpose of the SPD</b>                                 | <b>1</b>  |
|           | <b>The Green Belt</b>                                     | <b>1</b>  |
|           | <b>Open Countryside Beyond West Midlands Green Belt</b>   | <b>2</b>  |
|           | <b>Using this SPD</b>                                     | <b>3</b>  |
| <b>2.</b> | <b>Core Strategy Green Belt Policy GB1</b>                | <b>4</b>  |
|           | <b>3. Replacement of existing buildings</b>               | <b>5</b>  |
|           | <b>4. Alterations to existing buildings</b>               | <b>7</b>  |
|           | <b>5. Limited Infilling</b>                               | <b>9</b>  |
| <b>6.</b> | <b>Core Strategy Open Countryside Policy OC1</b>          | <b>11</b> |
|           | <b>7. Replacement of Existing Buildings</b>               | <b>12</b> |
|           | <b>8. Alterations or extensions to existing buildings</b> | <b>13</b> |
|           | <b>9. Limited Infilling</b>                               | <b>14</b> |



## 1. Introduction

### What is the purpose of the SPD?

- 1.1 This Supplementary Planning Document (SPD) seeks to provide greater detail on the issues and implications of proposals for various development types on sites within the Green Belt and Open Countryside in South Staffordshire.
- 1.2 Once adopted, the SPD will form part of the South Staffordshire Local Plan where the SPD is referenced in the policies.
- 1.3 This document is in addition to the policies contained in the Local Plan and is not the starting point for decision making. This document provides guidance as to how the policies will be interpreted and is not formal planning policy in its own right.
- 1.4 The SPD is divided into sections and is directly linked to policies GB1 and OC1 of the adopted Core Strategy, where the SPD is specifically mentioned.
- 1.5 All proposals for development in the Green Belt shall be compliant with the guidance contained in the Village Design Guide SPD<sup>1</sup>. In many circumstances, good design principles can contribute to the acceptability of potential impact.
- 1.6 Please note that this SPD and the guidance contained within it applies to developments where planning permission is required and does not affect your existing permitted development (PD) rights if you have them. The PD fallback position will be taken into account when assessing proposals.
- 1.7 The SPD covers three elements:
  - Replacement of existing buildings
  - Extension or alteration of existing buildings
  - Limited infilling



### The Green Belt

- 1.8 There are 5 main purposes of the Green Belt, which are upheld by South Staffordshire Council through planning new development in the most appropriate locations and through the careful management of all developments.
- 1.9 The purposes of the Green Belt are as follows:
  - To check the unrestricted sprawl of large built-up areas;
  - To prevent neighbouring towns merging into one another;
  - To assist in safeguarding the countryside from encroachment;
  - To preserve the setting and special character of historic towns; and
  - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

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<sup>1</sup> The VDG is being updated and will be renamed South Staffordshire Design Guide.

- 1.10 **In the Council's role in protecting the Green Belt, policies are contained** in the Core Strategy which are used in the determination of planning applications and will be used when allocating sites for future developments. Around 80% of the district is made up of Green Belt land, which surrounds the majority of settlements in the district and is present in all 5 localities. Due to the restrictive nature of Green Belt policy at a national and a local level, the Council will seek to protect the Green Belt from inappropriate development and to maintain the character and openness of the Green Belt.
- 1.11 This document seeks to clarify policy set out in policy GB1 and how this will be used in decision making in Development Management.
- 1.12 It is important to note that Core Policy 1: The Spatial Strategy of the Core Strategy applies to the Green Belt, which encourages development to be in sustainable locations. See the Core Strategy for further details.
- 1.13 Where the Core Strategy is silent on Green Belt issues, the Council will defer to the NPPF which is a material planning consideration. A recent appeal decision<sup>2</sup> has confirmed that the supporting text to GB1 makes it clear that in order to be acceptable, any proposals must comply with the provisions of the NPPF.

### **The Open Countryside beyond the West Midlands Green Belt**

- 1.14 The Open Countryside is located in the north west of the district and makes up a proportion of localities 1 and 2. 80% of the District is Green Belt, with the remaining 20% being Open Countryside and land within village envelopes. The main settlements surrounded by Open Countryside are:



- Penkridge (north)
- Dunston
- Coppenhall
- Acton Trussell
- Wheaton Aston
- Weston Under Lizard
- Great Chatwell
- Brineton
- Blymhill

- 1.15 It is important to note that National Policy 1: The Presumption in Favour of Sustainable Development of the Core Strategy applies to the Open Countryside,

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<sup>2</sup> APP/C3430/A/13/2196656

**namely that the 'presumption in favour of sustainable development' is applicable.**

However, the Open Countryside of South Staffordshire has a traditional agricultural landscape, with this being the main land use. Due to the important character of this landscape, the Council will retain this character by ensuring that development remains sympathetic to its setting and therefore development is restricted. This is reflected in policy OC1 of the adopted Core Strategy.

### Using this SPD

- 1.16 The following principles are relevant in the application of guidance provided in this SPD
- 1.17 All applications for development in the Green Belt will be assessed using all relevant policies in the Development Plan, and Green Belt policy will not be used in isolation. Preference will be given to those sites in sustainable village locations. It is recommended that applicants request pre-application advice prior to submitting an application to ascertain whether or not an application is likely to be acceptable.
- 1.18 The principle of applying a range of percentage increases for extensions, alterations or replacements dwellings is to allow for flexibility in the application of the policy. For some proposals, a 20% (10%) increase may be considered disproportionate; whereas a 40% (20%) increase on a different building, in a different location may be acceptable. All proposals will therefore be considered on the individual merits of the case.
- 1.19 The onus is on the applicant to provide evidence of very special circumstances and each proposal is taken on its merits.
- 1.20 Where reference is made to floor area, this will be calculated on the basis of external floor area.
- 1.21 The Council expects good design to be an integral part of any proposal and this is supported by the Village Design Guide.

## 2. The Green Belt Policy

### **Core Strategy Policy GB1: Development in the Green Belt**

Within the South Staffordshire portion of the West Midlands Green Belt as defined on the Policies Map, development acceptable within the terms of national planning policy set out in the NPPF will normally be permitted where the development is for either:

A. A new or extended building, provided it is for:

- a) purposes directly related to agriculture or forestry; or
- b) appropriate small-scale facilities for outdoor sport or recreation, nature conservation, cemeteries and for other uses of land which preserve the openness of the Green Belt and which do not conflict with its purposes; or
- c) affordable housing where there is a proven local need in accordance with Policy H2; or
- d) limited infilling\* and limited extension(s), alteration or replacement of an existing building where the extension(s) or alterations are not disproportionate to the size of the original building, and in the case of a replacement building the new building is not materially larger than the building it replaces. Guidance in these matters will be contained in the Green Belt and Open Countryside Supplementary Planning Document (SPD).

B. The re-use of a building provided that:

- e) the proposed use of any building (taking into account the size of any extensions, rebuilding or required alterations), would not harm the openness of the Green Belt land or the fulfilment of its purposes.

C. Changes of Use of Land:

- f) the carrying out of engineering or other operations, or the making of a material change of use of land, where the works or use proposed would have no material effect on the openness of the Green Belt, or the fulfilment of its purposes.

D. Development brought forward under a Community Right to Build Order.

Development proposals should be consistent with other local planning policies.

*\*Footnote: Limited infilling is defined as the filling of small gaps (1 or 2 buildings) within a built up frontage of development which would not exceed the height of the existing buildings, not lead to a major increase in the developed proportion of the site, or have a greater impact on the openness of the Green Belt and the purpose of including land within it.*

### 3. Replacement of existing buildings

#### Use

- 3.1 The replacement of an existing building is an acceptable form of development within the Green Belt as stated in policy GB1; this is also considered to be acceptable in terms of the NPPF (providing it is in the same use). Should an application be submitted for a replacement building in a different use, this would constitute inappropriate development – see para 1.13. In such cases the **applicant will be required to demonstrate 'very special circumstances' in order to outweigh the harm to the Green Belt.**

#### Size

- 3.2 **The Council's adopted policy (GB1) on replacement buildings states that the replacement must not be materially larger than the building it replaces.** In order to judge this a range of floor area increases will be used as guidance, this range is between 10-20%. This will be the basis for making a judgment on planning applications put before the Council, however all applications will be judged on their merits on a case by case basis. We will require complete floor plans and elevations (of both existing and proposed), because we will, as part of the application process, calculate floor areas and in some cases volume. If the proposal is for a building that is considered to be materially larger it will be contrary to policy GB1 and is likely to be unsuccessful. However, intelligent architectural design can sometimes increase usable floor area, whilst reducing bulk and impact of the building on the openness of the Green Belt. For example this can include subterranean levels and reduced building height.

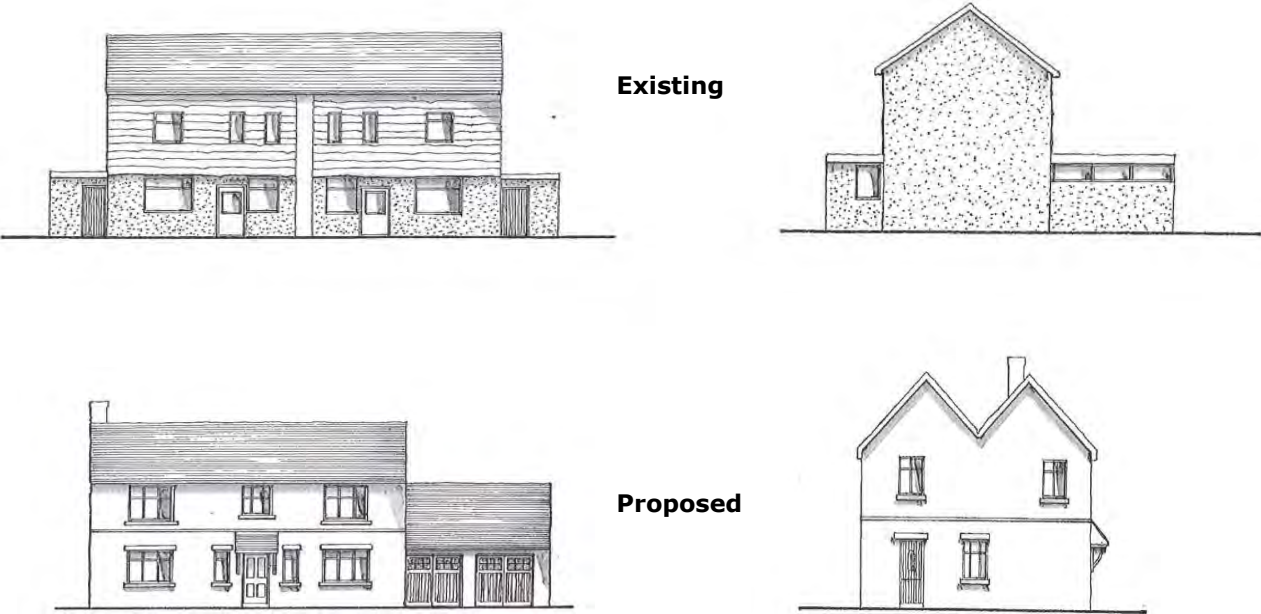
#### Positioning

- 3.3 In some instances replacement buildings are desired elsewhere on a site. Sometimes the replacement of buildings can have a greater or lesser impact dependent on their location on a site. In these cases the Council will assess the existing site and the impact the existing building has on the site. If the new position would be incongruous, and/or more open to view, or reduce the openness of the Green Belt, the proposal is less likely to be acceptable. However, if it is considered to improve the openness, it is likely to weigh in favour of the application.

#### Other buildings on site

- 3.4 Generally off-setting garden or ancillary buildings would not be an acceptable approach to adding bulk, massing, floor area or volume to a new building. Ancillary buildings are usually low and sometimes constructed from more natural materials such as timber which blend into the landscape. Some ancillary buildings have been softened over time with landscaping and have a minimal impact on openness. Therefore these types of buildings are unlikely to be acceptable to adding significantly to a replacement building. The opportunity to off-set ancillary buildings in lieu of a larger replacement building will be dealt with on a case by case basis. If off-setting is considered to be an acceptable approach by the Council, removal of Permitted Development rights may be considered.

**Acceptable Replacement Dwelling – Not Materially Larger**



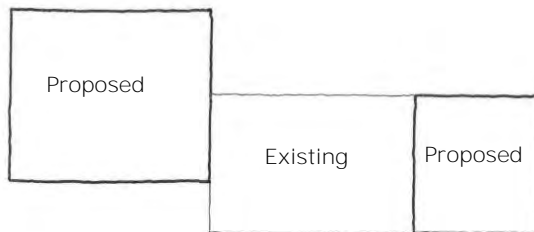
**Unacceptable Replacement Dwelling – Materially Larger**





#### 4. Alterations or extensions to existing buildings

- 4.1 Extensions and alterations to buildings are not considered in National or Local planning policy to constitute inappropriate development, providing that any extension or alteration is not disproportionate and therefore by definition harmful to the openness of the Green Belt. This element of policy guidance was historically specific to dwellings. However following the publication of the NPPF and the requirement for Local Plan policies to conform to national guidance, the reference to buildings was introduced into policy GB1. This approach will therefore be reflected in the guidance to be in accordance with Local and National planning policy.
- 4.2 In relation to dwellings, the Council has historically applied a 30% limit on extensions to dwellings in the Green Belt; this related to an increase in 30% of footprint over the original footprint. [NB. Original footprint is that which existed on 01 July 1948 or as originally built if building constructed after that date.
- 4.3 For this SPD a percentage range is considered to be the most appropriate approach; this range is between 20-40%. A range is proposed to recognise that a **'one size fits all' approach is not always suitable.**
- 4.4 Anything above the 20-40% range will be likely to be disproportionate simply because it would not be in proportion with the host building and therefore would be likely to have an impact on openness. This range will be applied to floor area, rather than footprint which had been used historically (for dwellings). The reason for this is that often single storey additions can have a limited impact on the openness of the Green Belt, and conversely multiple storey or bulky additions can have a significant detrimental impact on openness, whilst remaining within a percentage limit.
- 4.5 All cases will be dealt with on an individual basis and the Council will make a judgement, as part of the decision making process, as to whether the extension is disproportionate or not. If the extensions or alterations are likely to appear disproportionate the application will be unacceptable in Green Belt terms.
- 4.6 If, however, an applicant or agent considers that additions deemed disproportionate by the Council are absolutely necessary for the function of the building, or have a limited effect on the openness of the Green Belt, or will bring **community or economic benefit, then a case to demonstrate 'Very Special Circumstances' will be required in the form of a** supporting statement. This element will then be weighed up, including the quality of the design, in the planning balance and will form part of the decision making process.
- 4.7 If the **'Very Special Circumstances' are considered to outweigh the harm to the** openness of the Green Belt and the application is acceptable, it will be determined by the Regulatory Committee which is not bound to follow the officer recommendation.

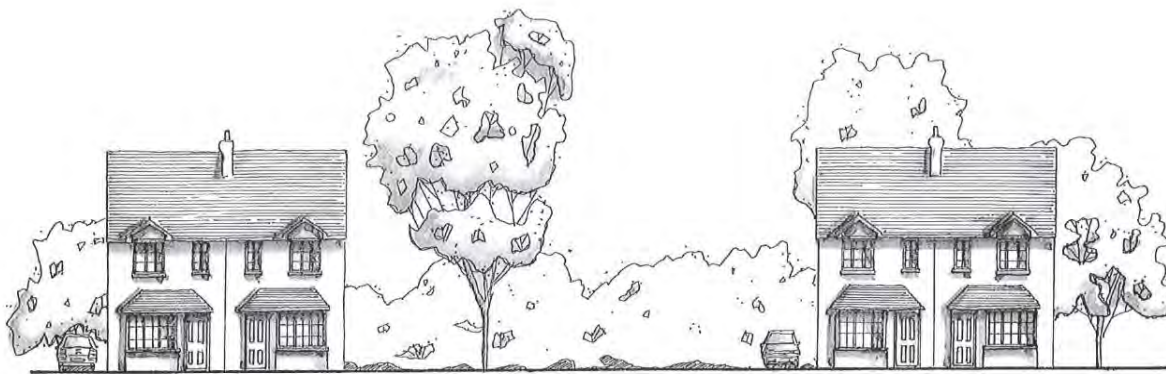


## Disproportionate/Proportionate Extensions



## **5. Limited Infilling**

- 5.1 Limited infilling does not constitute inappropriate development in Green Belt terms and was not previously defined in the 1996 Local Plan. However in the Core Strategy it is defined in policy GB1 as the filling of small gaps (1 or 2 buildings) within a built up frontage of development, which would not exceed the height of the existing buildings, not lead to a major increase in the developed proportion of the site, or have a greater impact on the openness of the Green Belt and the purpose of including land within it.
- 5.2 Limited infilling will be considered to be acceptable where it would not harm the character or the openness of the Green Belt. For example, a strong ribbon of development with a gap suitable for an additional building would not necessarily be harmful to the openness of the Green Belt, as it would strengthen the ribbon. This is providing the building is no higher than, and is sympathetic to the surrounding buildings. The design of the building would need to be suitable and the development would need to be acceptable in terms of other appropriate policies within the Core Strategy.
- 5.3 An example of limited infilling that is also likely to be acceptable is within a tight cluster of buildings, where the additional building is unlikely to impact on the openness of the area, due to its position within the cluster.
- 5.4 In both examples, a building at the end of a ribbon, or the edge of a cluster does not fall within the definition of limited infilling, and would therefore constitute inappropriate development and would therefore be unacceptable.
- 5.5 **Where 'infilling' is considered to constitute 'appropriate development' in the Green Belt**, as defined in Policy GB1 and the NPPF, it is important to remember that all relevant policies in the Development Plan for South Staffordshire need to be considered when making decisions on planning proposals. However, developments should be in sustainable locations in accordance with policy CP1 of the Local Plan.



**Limited Infilling**

## 6. The Open Countryside beyond the West Midlands Green Belt Policy

### **Core Strategy Policy OC1 – Development in the Open Countryside Beyond the West Midlands Green Belt**

The Open Countryside beyond the South Staffordshire portion of the West Midlands Green Belt as defined on the Policies Map will be protected for its own sake, particularly for its landscapes, areas of ecological, historic, archaeological, agricultural and recreational value.

Development within the Open Countryside will normally be permitted where the proposed development is for either:

A. A new or extended building, provided it is for:

- a) purposes directly related to agriculture or forestry; or
- b) appropriate small-scale facilities for outdoor sport or recreation, nature conservation, cemeteries and for other uses of land which preserve the appearance or character of the Open Countryside beyond the Green Belt; or
- c) affordable housing where there is a proven local need in accordance with policy H2; or
- d) limited infilling\* and limited extension(s), alteration or replacement of an existing building where the extensions(s) or alterations are not disproportionate to the size of the original building, and in the case of a replacement building the new building is not materially larger than the building it replaces. Guidance in these matters will be contained in the Green Belt and Open Countryside Supplementary Planning Document (SPD).

B. The re-use of a building provided that:

- e) the proposed use of any building (taking into account the size of any extensions, rebuilding or required alterations), would not harm the appearance or character and local distinctiveness of the Open Countryside beyond the Green Belt.

C. Changes of Use of Land:

- f) the carrying out of engineering or other operations, or the making of a material change of use of land, where the works or use proposed would have no material effect on the appearance and character of the Open Countryside beyond the Green Belt.

D. Development brought forward under a Community Right to Build Order.

Development proposals should be consistent with other local planning policies.

*\*Footnote: Limited infilling is defined as the filling of small gaps (1 or 2 buildings) within a built up frontage of development which would not exceed the height of the existing buildings, and not lead to a major increase in the developed proportion of the site.*

## 7. Replacement of existing buildings

### Use

- 7.1 The replacement of an existing building is an acceptable form of development within the Open Countryside, **providing that 'it is not materially larger than the building it replaces'**, as stated in policy OC1. Should an application be for a replacement building in a different use, the judgment on suitability will be based on the social, environmental and economic implications of that use, having regard **to Policy NP1 ('presumption in favour of sustainable development')**, and additional paraphernalia resulting from that use. Whether or not the new use is likely to have a greater impact on the character of the landscape than the existing use is likely to be an important factor in the decision.

### Size

- 7.2 **The Council's adopted policy (OC1)** on replacement buildings states that the replacement must not be materially larger than the building it replaces. In order to judge this a range of floor area increases will be used as guidance; this range is between 10-20%. This will be the basis for making a judgement on planning applications put before the Council. We will require complete floor plans and elevations (of both existing and proposed), because we will, as part of the application process, calculate floor areas and in some cases volume. If the proposal is for a building that is harmful to the character of the landscape it will be contrary to policy OC1 and is likely to be unsuccessful. However, intelligent architectural design can sometimes increase usable floor area whilst reducing bulk and impact of the building on the character of the landscape. For example, this can include subterranean levels and reduced building height.


### Positioning

- 7.3 In some instances replacement buildings are desired elsewhere on a site. Sometimes the replacement of buildings can have a greater or lesser impact based on their location on a site. In these cases the Officer will assess the existing site and the impact the existing building has on the site. If the new position would be incongruous and/or more open to view, or have an impact on the character of the landscape, the proposal is less likely to be acceptable. However, if it is considered to improve the openness, it is likely to weigh in favour of the application.

### Other buildings on site

- 7.4 Generally, off-setting garden or ancillary buildings would not be an acceptable approach to adding bulk, massing, floor area or volume to a new building. Ancillary buildings are usually low and sometimes made from more natural materials such as timber which blend into the landscape. Some ancillary buildings have been softened over time with landscaping and have a minimal impact on the character of the area. Therefore these types of buildings are unlikely to be acceptable to adding significantly to a replacement building. The opportunity to off-set ancillary buildings in lieu of a larger replacement building will be dealt with on a case by case basis. If off-setting is considered to be an acceptable approach by the Officer, removal of Permitted Development rights may be considered.

## 8. Alterations or extensions to existing buildings

- 8.1 Extensions and alterations to buildings are not considered in local planning policy to be unacceptable within the Open Countryside. This is providing that any extension or alteration is not disproportionate to the original building.
- 8.2 The size of extension must be proportionate to the building and not adversely harm the intrinsic character of the Open Countryside.
- 8.3 For this SPD a percentage range is considered to be the most appropriate approach; this range is between 20-40%. A range is proposed to recognise that a **'one size fits all'** approach is not always suitable.
- 8.4 Anything above the 20-40% range will be likely to be disproportionate, simply because it would not be in proportion with the host building and therefore would be likely to have an impact on the character of the landscape of the Open Countryside. This will be applied to floor area, rather than footprint which had been used historically (for dwellings). The reason for this is that often single storey additions can have a limited impact on the character of the area and conversely multiple storey or bulky additions can have a significant detrimental impact on character whilst remaining within a percentage limit.
- 
- 8.5 All cases will be dealt with on an individual basis and the Council will make a judgement as part of the decision making process as to whether the extension is disproportionate or not. If the extensions or alterations are likely to appear disproportionate, the application will be unacceptable in the Open Countryside as per policy OC1.
- 8.6 If however an applicant or agent considers that additions deemed disproportionate by the Council are absolutely necessary for the function of the building, or will bring community or economic benefit, then a case to justify the development will be required in the form of a supporting statement. This element will then be weighed up, including the quality of the design, in the planning balance and will form part of the decision making process.
- 8.7 If the justification put forward is considered to outweigh the harm to the character of the Open Countryside and the application is acceptable, it will be determined by the Regulatory Committee which is not bound to follow the officer recommendation.

## 9. Limited Infilling

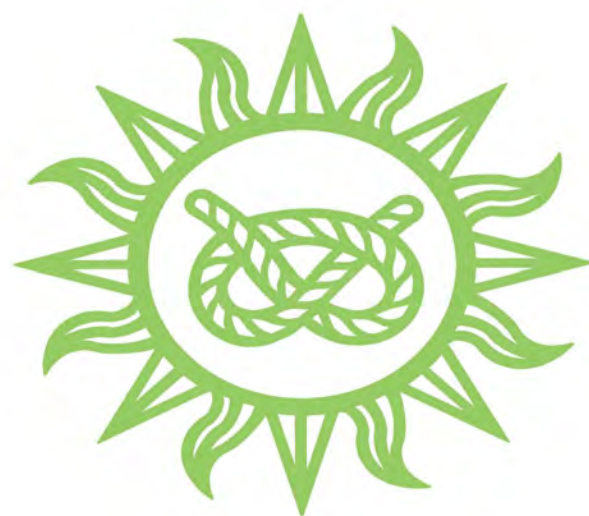
- 9.1 Limited infilling is acceptable within the Open Countryside and was previously defined in the 1996 Local Plan. Limited infilling has been defined in policy OC1 of the Core Strategy as the filling of small gaps (1 or 2 buildings) within a built up frontage of development, which would not exceed the height of the existing buildings and not lead to a major increase in the developed proportion of the site.
- 9.2 Limited infilling will be considered to be acceptable where it would not harm the character of the Open Countryside. For example, a strong ribbon of development with a gap suitable for an additional building would not necessarily be harmful to the character of the Open Countryside or the landscape as it would strengthen the ribbon and the character of that area. This is providing the building is no higher than, and is sympathetic to the surrounding buildings. The design of the building would need to be suitable and the development would need to be acceptable in terms of other appropriate policies within the Core Strategy.
- 9.3 An example of limited infilling that is also likely to be acceptable is within a tight cluster of buildings, where the additional building is unlikely to impact on the openness of the area due to the position within the cluster.
- 9.4 In both examples, a building at the end of a ribbon, or the edge of a cluster does not fall within the definition of limited infilling, and would therefore be unacceptable.









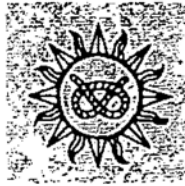


## **The Local Plans Team**

**Strategic Development and  
Planning Services  
South Staffordshire Council  
Council Offices  
Wolverhampton Road  
Codsall  
South Staffordshire  
WV8 1PX**

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**If you require this information in another  
format e.g., in large print, Braille, audio or in  
a language other than English, please contact  
the Customer Services Team on 01902  
696000**



# **SOUTH STAFFORDSHIRE COUNCIL**

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**Town and Country Planning Act 1990**

**Town and Country Planning (General Development Procedure) Order 1995**

## **GRANT OF PLANNING PERMISSION**

This permission does not carry any approval or consent which may be required under any enactment, bylaw, order or regulation (e.g. in relation to Building Regulations or the Diversion of Footpaths etc) other than Section 57 of the Town and Country Planning Act, 1990.

Application Number: 06/00966/FUL

Proposed: Alterations, extensions and changes to residential curtilages

At: Stourbridge Lodge Wolverhampton Road Prestwood Stourbridge South  
Staffordshire DY7 5AQ

In pursuance of their power under the above mentioned Act, South Staffordshire Council hereby **GRANT** planning permission for the development described above in accordance with the details given in the application numbered above,

Subject to the following condition(s):

1. Before the development commences details of the facing materials to be used for the external elevations shall be submitted to the Local Planning Authority for approval. The development shall be carried out in the approved materials.
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any other subsequent equivalent Order, no development within the following classes of development shall be carried out without the prior approval of the Local Planning Authority:
  - a. Schedule 2, Part 1, Class A - extensions and alterations
  - b. Schedule 2, Part 1, Class B - roof alterations including dormer windows
  - c. Schedule 2, Part 1, Class C - other roof alterations including roof lights
  - d. Schedule 2, Part 1, Class D - porches
  - e. Schedule 2, Part 1, Class E - garden buildings and structures
  - i. Schedule 2, Part 2, Class A - gates, fences and walls
  - j. Schedule 2, Part 2, Class B - access
3. No existing trees, shrubs or hedges on the site or its boundaries shall be lopped, topped or cut down without the prior consent of the Local Planning Authority. If any existing trees, shrubs or hedges are cut down or die, they shall be replaced with the same species (unless otherwise agreed with the Local Planning Authority) within the next available planting season and shall be maintained to the satisfaction of the Local Planning Authority.
4. Before the development commences the existing trees, shrubs and hedges on the site shall be protected by fencing constructed in accordance with BS5837:2005 in positions to be agreed with the Local Planning Authority which shall be retained throughout the development of the site in the approved positions.
5. Before development commences all construction work, drainage runs and other excavations within the spread of the trees shown in brown on the approved plan shall be agreed by the Local Planning Authority. All work shall be carried out in accordance with BS5837:2005 Guide for Trees in relation to Construction.
6. The destruction by burning of any materials during the construction period shall not take place

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within 6 metres of the canopy spread of any trees or hedges shown to be retained on the approved plans.

The reasons for the Council's decision to grant permission for development subject to compliance with the conditions hereinbefore specified are:-

1. To safeguard the visual amenity of the area and the existing building in particular in accordance with policy BE26 of the adopted Local Plan.
2. To safeguard the amenity of the area in accordance with policy BE26 of the adopted Local Plan and the site is in the Green Belt within which, in accordance with the planning policies in PPG2 and policy GB1 of the adopted Local Plan, there is a presumption against inappropriate development.
3. To safeguard the amenity of the area in accordance with policy BE26 of the adopted Local Plan
4. To safeguard the amenity of the area in accordance with policy BE26 of the adopted Local Plan
5. To safeguard the amenity of the area in accordance with policy BE26 of the adopted Local Plan
6. To safeguard the amenity of the area in accordance with policy BE26 of the adopted Local Plan

Signed

Dated: 12 July 2007



Sarah Poxon  
Development Control Manager

Mr And Mrs Walker  
C/O Mr M Davies  
7 Millpool Close  
Wombourne  
Nr Wolverhampton  
South Staffordshire  
WV5 8HS



# South Staffordshire Council

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## Town and Country Planning Act 1990

## Town and Country Planning (General Development Procedure) Order 1995

### GRANT OF PLANNING PERMISSION

This permission does not carry any approval or consent which may be required under any enactment, bylaw, order or regulation (e.g. in relation to Building Regulations or the Diversion of Footpaths etc) other than Section 57 of the Town and Country Planning Act, 1990.

Application Number: 07/01216/FUL  
Proposed: Alterations, extensions, changes to residential curtilage and front dormer window  
At: Stourbridge Lodge Wolverhampton Road Prestwood South Staffordshire DY7 5AQ

In pursuance of their power under the above mentioned Act, South Staffordshire Council hereby **GRANT** planning permission for the development described above in accordance with the details given in the application numbered above,

Subject to the following condition(s):

1. Before the development commences details of the facing materials to be used for the external elevations shall be submitted to the Local Planning Authority for approval. The development shall be carried out in the approved materials.
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any other subsequent equivalent Order, no development within the following classes of development shall be carried out without the prior approval of the Local Planning Authority:
  - a. Schedule 2, Part 1, Class A - extensions and alterations
  - b. Schedule 2, Part 1, Class B - roof alterations including dormer windows
  - c. Schedule 2, Part 1, Class C - other roof alterations including roof lights
  - d. Schedule 2, Part 1, Class D - porches
  - e. Schedule 2, Part 1, Class E - garden buildings and structures
  - i. Schedule 2, Part 2, Class A - gates, fences and walls
  - j. Schedule 2, Part 2, Class B - access
3. No existing trees, shrubs or hedges on the site or its boundaries shall be lopped, topped or cut down without the prior consent of the Local Planning Authority. If any existing trees, shrubs or hedges are cut down or die, they shall be replaced with the same species (unless otherwise agreed with the Local Planning Authority) within the next available planting season and shall be maintained to the satisfaction of the Local Planning Authority.
4. Before the development commences the existing trees, shrubs and hedges on the site shall be protected by fencing constructed in accordance with BS5837:2005 in positions to be agreed with the Local Planning Authority which shall be retained throughout the development of the site in the approved positions.

5. Before development commences all construction work, drainage runs and other excavations within the spread of the trees shown in brown on the approved plan shall be agreed by the Local Planning Authority. All work shall be carried out in accordance with BS5837:2005 Guide for Trees in relation to Construction.
6. The destruction by burning of any materials during the construction period shall not take place within 6 metres of the canopy spread of any trees or hedges shown to be retained on the approved plans.

The reasons for the Council's decision to grant permission for development subject to compliance with the conditions hereinbefore specified are:-

1. To safeguard the visual amenity of the area and the existing building in particular in accordance with policy BE26 of the adopted Local Plan.
2. To safeguard the amenity of the area in accordance with policy BE26 of the adopted Local Plan and the site is in the Green Belt within which, in accordance with the planning policies in PPG2 and policy GB1 of the adopted Local Plan, there is a presumption against inappropriate development.
3. To safeguard the amenity of the area in accordance with policy BE26 of the adopted Local Plan
4. To safeguard the amenity of the area in accordance with policy BE26 of the adopted Local Plan
5. To safeguard the amenity of the area in accordance with policy BE26 of the adopted Local Plan
6. To safeguard the amenity of the area in accordance with policy BE26 of the adopted Local Plan

Signed

Dated: 19 December 2007

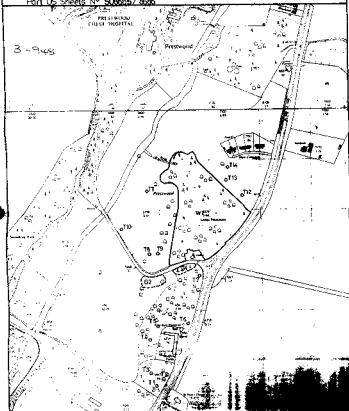


Sarah Poxon  
Development Control Manager

Mrs S Walker  
C/O Michael Davies FCIOB MCIAT  
179 Common Road  
Wombourne  
WV5 0LS

| <u>Ex. no</u> | <u>Description</u>                                   | <u>Expenditure</u> |
|---------------|--|--------------------|
| 11            | bridge planer<br>road broadened and<br>concrete work | in part No. 897    |

SOUTH STAFFORDSHIRE DISTRICT COUNCIL  
TREE PRESERVATION ORDER N° 76, 1985.  
PRESTWOOD SOUTHEAST AGRICULTURAL LAND  
Part 05 Sheets N° 500685 / 8586



South Staffordshire District Council  
JTPerry Dip.T.E.M.R.T.P., Dip.L.A., I.L.A.  
Chief Planning Officer



**List of Persons and Interested Parties**

**Appeal Ref: APP/C3430/C/22/3302201**

**Enforcement Ref: 17/00574/UNDEV**

**Appeal by: Sarah Elizabeth Walker**

**Site at: Stourbridge Lodge Wolverhampton Road Prestwood Staffordshire DY7 5AQ**

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**1 copy to the Occupier(s)**

Prestwood Farm Wolverhampton Road Prestwood Staffordshire DY7 5AQ

Prestwood Farm Cottage Wolverhampton Road Prestwood Staffordshire DY7 5AQ

Hillfield Farm The Hangar Prestwood Drive Stourton STOURBRIDGE DY7 5QS

7 Halfcot Byre Wolverhampton Road Prestwood STOURBRIDGE DY7 5DG

5 Halfcot Byre Wolverhampton Road Prestwood Staffordshire DY7 5DG

4 Halfcot Byre Wolverhampton Road Prestwood Staffordshire DY7 5DG

**1 copy to the Clerk to Kinver Parish Council**

Jennifer Cree, 95 High Street, Kinver, Nr. Stourbridge, South Staffordshire, DY7 6HD

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**1 Copy to National Westminster Bank PLC**

Mortgage Centre, P.O. Box 123, Greenock, PA15 1EF



# South Staffordshire Council

The Occupier/Others

Phone: (01902) 696274

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Date: 21 July 2022

## TOWN AND COUNTRY PLANNING ACT 1990 APPEAL UNDER SECTION 174

|                                    |  |
|------------------------------------|--|
| <b>Appellant's name:</b>           | <b>Sarah Elizabeth Walker</b>  |
| <b>Site Address:</b>               | <b>Stourbridge Lodge Wolverhampton Road<br/>Prestwood Staffordshire DY7 5AQ</b>  |
| <b>Description of development:</b> | <b>Without planning permission, unauthorised operational development on the Land consisting of the construction of a two-storey front to rear extensions on the western elevation, first floor extension on the eastern elevation and remodelling of front central elevation with additional dormer extension.</b> |
| <b>Enforcement reference:</b>      | <b>17/00574/UNDEV</b>  |
| <b>Appeal reference:</b>           | <b>APP/C3430/C/22/3302201</b>  |
| <b>Appeal start date:</b>          | <b>13 July 2022</b>  |

I refer to the above details. An appeal has been made to the Secretary of State against an enforcement notice issued by South Staffordshire District Council on 27 May 2022.

### **The enforcement notice was issued for the following reasons:**

Stourbridge Lodge is a large-detached dwelling situated off the A449 Wolverhampton Road, Prestwood. Immediately to the north is Prestwood Farm which consists of a series of modern portal framed buildings and associated facilities, with open countryside to the south. The Land lies within the West Midlands Green Belt.

Permitted development rights under Schedule 2, Part 1, Class A, Class B, Class C, Class D, Class E and Part 2 Class A and Class B were removed from the Land following the granting of planning permission references 06/00966/FUL and 07/01216/FUL dated 7th July 2007 and 19th December 2007 respectively.

The unauthorised operational development on the Land took place less than four years ago and is not immune from enforcement action.

On 16th November 2021, the Council refused an application for the unauthorised development under application reference 21/00027/FUL, as inappropriate development within the Green Belt. Reasons for refusal:

1. The proposal represents inappropriate development in the Green Belt. Although the other considerations advanced by the applicant have been considered, they do not amount to the 'very special circumstances' required to outweigh the harm to the Green Belt by virtue of the scheme's inappropriateness. The development therefore conflicts with Policy GB1 of the South Staffordshire Core Strategy and the National Planning Policy Framework.
2. There are several existing trees on the site which due to their size and position make an important contribution to the character and appearance of the area. Insufficient information has been supplied to assess the impact the development has had on existing trees. As such, it is unclear if the development has had a harmful impact on existing trees, contrary to Policy EQ4 of the of the South Staffordshire Core Strategy and the National Planning Policy Framework.
3. The proposed extensions are of such a mass and design that they do not appear subservient to the original design and overwhelm the scale of the original Stourbridge Lodge The design does not consider local vernacular and the surrounding rural area, conflicting with Policies EQ4 and EQ11 of the Core Strategy 2012, as well as the National Design Guide [2021].

Paragraph 147 of the National Planning Policy Framework (NPPF) states that inappropriate development is, by definition harmful to the Green Belt, and should not be approved except in very special circumstances.

Paragraph 149 of the NPPF confirms that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt unless they fall under certain listed exceptions. Included in this list, and not to therefore be regarded as inappropriate development is 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.' Policy GB1 of the adopted Core Strategy seeks to protect the Green Belt against inappropriate development and is broadly consistent with the Framework.

The Council's 'Green Belt and Open Countryside Supplementary Planning Guidance (GBOC SPD) sets a range of between 20-40% to establish if extensions are disproportionate over and above the size of the original building. This percentage range relates to the floor area of the original/extended dwelling

The construction of two double storey front to rear extensions to the eastern and western elevations and remodelling of front central elevation with additional dormer extension of Stourbridge Lodge far exceed the acceptable percentage range and therefore represent inappropriate development in the Green Belt. There are no very special circumstances for the development and it is therefore contrary to paragraphs 147 and 149 of the (NPPF), and Policy GB1 of the South Staffordshire Core Strategy Development Plan adopted 2012.

Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

The National Design Guide [2021] states:

"Context is the location of the development and the attributes of its immediate, local and regional surroundings...Well-designed places are: integrated into their surroundings so they relate well to them; and influenced by and influence their context positively." (paragraphs 39 & 40). The Guide further states in paragraph 43 that "Well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation, including the architecture prevalent in the area, including the local vernacular and other precedents that contribute to local character, to inform the form, scale appearance, details and materials of new development."

The National Design Guide also notes that "Well-designed new development...includes considering the composition of street scenes, individual buildings and their elements; the scale and proportions of buildings; façade design, such as the degree of symmetry, variety, the pattern and proportion of windows and doors, and their details." (paragraph 53). Further, "Well-designed places contribute to local distinctiveness. This may include: adopting typical building forms, composition, articulation, proportions, features, materials, details, patterns and colours of an area; drawing upon the architectural precedents that are prevalent in the local area, including the proportion of buildings and their openings." (paragraph 56)

Policy EQ4 of the Core Strategy seeks for development to respect the intrinsic rural character and local distinctiveness of the South Staffordshire landscape, and should be maintained and where possible enhanced.

Policy EQ11 of the Core Strategy requires that new development "respect local character and distinctiveness, including that of the surrounding development and landscape in accordance with Policy EQ4, by enhancing the positive attributes whilst mitigating the negative aspects", and that "in terms of scale, volume, massing and materials, development should contribute positively to the street scene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area."

The extensions to the eastern and western elevations and remodelled front central elevation with additional dormer extension are of such a mass and design that they do not appear subservient to the original design and overwhelm the scale of the original Stourbridge Lodge. The design does not consider the local vernacular and does not contribute to local distinctiveness or to the surrounding rural area and is therefore contrary to Policies EQ4 and EQ11 of the South Staffordshire Core Strategy Development Plan adopted 2012, as well as the National Design Guide [2021].

The Council consider that planning permission should not be given, because planning conditions could not overcome these objections to the development.

**The enforcement notice requires the following steps to be taken:**

- i) Remove from Stourbridge Lodge the double storey extension to the western elevations extending from front to rear of the property, as marked on the Plan.
- ii) Remove from Stourbridge Lodge the first-floor extension to the eastern elevation as marked on the Plan.
- iii) Remove from Stourbridge Lodge the front remodelled façade and additional dormer extension as marked on the Plan and rebuild in accordance with the Plan set out in Appendix 1.
- iv) Permanently remove from the Land all materials that arise from compliance with steps i) & ii)
- v) Permanently remove from the Land all materials that arise from compliance with step iii) above.
- vi) Following completion of steps (i), (ii) and (iii) restore Stourbridge Lodge back to its pre-existing condition that it was in before the unauthorised development commenced, and fully in accordance with the plans at Appendix 1, save for the infill extension to the rear of the property, located in the position shaded blue on Appendix 1 that was constructed in excess of four years ago that may be retained.

**The appellant has appealed against the notice on the following grounds:**

**Ground (a)** – that planning permission should be granted for what is alleged in the notice.

The appeal will be determined on the basis of **written representations**. The procedure to be followed is set out in the Town and Country Planning (Enforcement) (Written Representations Procedure) (England) Regulations 2002.

If you wish to make comments, you can do so at

<https://www.gov.uk/government/organisations/planning-inspectorate> or by emailing [teame3@planninginspectorate.gov.uk](mailto:teame3@planninginspectorate.gov.uk) If you do not have access to the internet, you can send **three** copies to:

Faiza Kanwal  
The Planning Inspectorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN.

**All representations must be received by 24 August 2022.** Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. **All representations must quote the appeal reference.**

Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal.

If you submit comments and then subsequently wish to withdraw them, you should make this request to the Planning Inspectorate by the date above.

The appeal documents (including the decision when made) can be viewed on [Enforcement Appeal Cases South Staffordshire Council \(sstaffs.gov.uk\)](https://sstaffs.gov.uk/enforcement/appeal-cases) under the enforcement reference number in the search box.

You can get a copy of one of the Planning Inspectorate's "Guide to taking part in enforcement appeals" booklets free of charge from the Planning Portal at: [www.planningportal.gov.uk/pcs](https://www.planningportal.gov.uk/pcs) or from us.

When made, the decision will be published online at <https://acp.planninginspectorate.gov.uk> and the Council website. Paper copies of the appeal decision can be obtained from the Council. Please be aware that there may be a copying fee.

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