

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/25/3365688

Appeal By

MR PAUL ROUND

Site Address

Mile Flat
Greensforge
KINGSWINFORD
DY6 0AU

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 ☐

Please state where:

Elm Tree Farm
Mile Flat
Greensforge
KINGSWINFORD
DY6 0AU

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

Yes ☒ No ☐

s102 of the Town and Country Planning Act 1990? If yes please provide reference number(s)

Please provide our reference numbers:

APP/C3430/C/25/3365691 and APP/C3430/C/25/3365692

- | | | | |
|---|-----|--|-------------------------------------|
| 4.a. Has the local planning authority received the correct fee payable for the deemed planning application/ground (a) to be considered? | Yes | <input checked="" type="checkbox"/> No | <input type="checkbox"/> |
| 5.a. Is the appeal site within a conservation area? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 5.b. Is the appeal site adjacent to a conservation area? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |

PART 3

- | | | | |
|---|-----|-----------------------------|-------------------------------------|
| 6.a. Does the notice relate to building, engineering, mining or other operations? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 6.b. Is the area of the alleged breach different from the above? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 6.c. Does the alleged breach create any floor space? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |

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 | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 7.b. the deposit of materials remaining after mineral extraction? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 7.c. the storage of minerals in the open? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 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 | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 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 | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |

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 | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 11. Has any planning permission been granted previously in respect of the development? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 12. Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 13. Has a planning contravention notice been served? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 14.a. the appeal site is within 67 METRES OF A TRUNK ROAD? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 14.b. the appeal site is CROWN LAND (as defined in s293 of the Act)? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 14.c. a STOP NOTICE has been served in addition to the enforcement notice? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 14.d. the appeal site is in or adjacent to or likely to affect a SSSI? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |

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

If YES, please send the comments of Natural England or attach details, including relevant extracts of any protected species standing advice that has been considered.

☒ see 'Questionnaire Documents' section

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 ☐ No ☒

14.h. the appeal site is within 400m of an area of underground or surface mineral interest? Yes ☐ No ☒

14.i. the appeal site is within 250m of a waste landfill site? Yes ☐ No ☒

14.j. does the development affect the setting of a listed building or ancient monument? Yes ☐ No ☒

14.k. has importation of waste materials been involved in the development? Yes ☐ No ☒

14.l. does the appeal involve persons claiming gypsy/traveller status, whether or not this is accepted by the planning authority? Yes ☐ No ☒

PART 5

16.a. Is the appeal site subject to an ARTICLE 4 Direction? Yes ☐ No ☒

17. Have any development rights been restricted by means of a planning condition? Yes ☒ No ☐

If YES, please send relevant permission.

☒ 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 ☐ No ☒

19. Will any consultation be carried out on the possibility of planning permission being granted if the appeal is confirmed as valid? Yes ☐ No ☒

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 ☐ No ☒

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 ☐ No ☒

Environmental Impact Assessment - Environmental Statement (ES)

20.e. Has the appellant supplied an environmental statement? Yes ☐ No ☒

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.	21/07/2025
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 1,2,4,EQ4,11 and GB1	
<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	
South Staffs Design Guide 2018 and 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.

☐

PART 7

23. A true copy of the Enforcement Notice

☒ [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

24/00068/BOC

Completed by

Emma Posillico

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)

01902696274

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/25/3365688
Appeal By	MR PAUL ROUND
Site Address	Mile Flat Greensforge KINGSWINFORD DY6 0AU

The documents listed below were uploaded with this form:

Relates to Section:	PART 4
Document Description:	14.e. Comments of natural England or attach details, including relevant extracts of any protected species standing advice that has been considered.
File name:	10 Protected species.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:	11 DN 24-00149-VAR.pdf
File name:	12 Appeal Decision.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:	9 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:	8 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:	4 Core strategy front page.pdf
File name:	5 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:	7 GB and OC SPD Adopted April 2014.pdf
File name:	6 Design Guide SPD 2018.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: 3 Enforcement Notice plan.pdf

Relates to Section: PART 7
Document Description: 25. A list of those served with the Notice.
File name: 3 Lost those served notice.pdf

The documents listed below are to follow by post:

Relates to Section: PART 4
Document Description: 14.e. Comments of natural England or attach details, including relevant extracts of any protected species standing advice that has been considered.

Completed by Not Set

Date 16/06/2025 14:54:26

LPA South Staffordshire District Council



Authorisation for Enforcement Action

THE AUTHORITY TO AUTHORISE THE ACTIONS PROPOSED IS DELEGATED TO THE CORPORATE DIRECTOR OF PLACE AND COMMUNITIES, BY VIRTUE OF PART 3 OF THE CONSTITUTION.

ENFORCEMENT REFERENCE: 24/00068/BOC

ADDRESS: The Stableyard, Mile Flat, Greensforge, Kingswinford, DY6 0AU outlined in red on the plan ("the Plan") attached to the notice; (referred to as "the Land")

BREACH OF PLANNING CONTROL:

Without planning permission, the construction of closed board timber fence along the western site boundary as well as between the dwellings' gardens, on the Land in the approximate position shaded blue within Appendix 1 ("the Fence").

SITE DESCRIPTION:

The land to the south of Mile Flat Farm, now known as The Stableyard, is a rectangular parcel of land accessed from Mile Flat Road and positioned some 50m from the highway, extending southwest to the Dawley Brook and northeast to the boundary with Mile Flat House. Prior to redevelopment, the land held several buildings of an agricultural appearance which were used for the stabling of horses, as well as several paddocks and the Mile Flat Farm dwelling to the north.

On 28 August 2020, P Mobberley Carpenters Limited and Harrison Round LTD purchased the Land (then including the Mile Flat Farm dwelling). On 9 April 2021, the Mile Flat Farm dwellinghouse, garden and eastern paddock were sold to the current landowners, Terence James Quigley and Susan Elizabeth Quigley. On 22 April 2021, planning permission was granted for The Stableyard Development as "Demolition of existing buildings and erection of 5no. dwellings with associated parking and garden areas with foul treatment plant."

In May 2022, a closed board timber fence was erected along the northern site boundary of The Stableyard Development, a shared property boundary with the Mile Flat Farm dwelling to the north. Planning permission 21/00058/FUL and 21/00058/COND indicate post-and-rail fencing with hedging for all site boundaries, as well as post-and-rail fencing for portions of the gardens between the dwellings within The Stableyard. The Stableyard Development did appeal to have Permitted Development rights reinstated. Whilst the appeal was granted, the Inspector withheld Permitted Development rights for Schedule 2, Part 2, Class A of the GPDO; as such permission is required for gates, walls, fences or other means of enclosure at The Stableyard Development. Portions of the post-and-rail fencing approved within

21/00058/COND have been installed as closed board, full height fencing, and are identified in the approximate position shaded blue within Appendix 1.

It should be noted that the hedging approved within 21/00058/COND has also not been installed; however, condition four of permission 21/00058/FUL requires that the approved landscape scheme be completed within 12 months of the completion of the development. Whilst the development is near completion, the requirement for hedging cannot be included within this Enforcement Notice as the 12-month completion period has not yet been reached.

RELEVANT PLANNING HISTORY:

2018 – Application 18/00835/FUL approved with conditions for “Demolition of existing buildings and erection of 4no. dwellings with associated parking and garden areas.”

2021 – Application 21/00058/FUL approved with conditions for “Demolition of existing buildings and erection of 5no. dwellings with associated parking and garden areas with foul treatment plant.”

2022 – Application 21/00058/COND discharged/partially discharged the following conditions: “Condition 3 (Materials), Condition 4 (Landscape Scheme), Condition 10 (Natural England License), Condition 12 (Biodiversity Enhancement Measures- Swallows), Condition 13 (Biodiversity Type), Condition 14 (Biodiversity Enhancement Measures- Bats) and Condition 15 (Boundary Fence Details).”

2024 – Application 24/00149/VAR refused by the District Council for: “To remove condition 5 on application 21/00058/FUL – to reinstate permitted development rights.”

**Refusal was appealed and appeal was granted under decision APP/D3430/W/24/3342944; however, Inspector did not reinstate PD rights for Schedule 2, Part 2, Class A of the GPDO.*

CASE SUMMARY:

On 22nd April 2021, planning permission 21/00058/FUL was granted for The Stableyard Development as “Demolition of existing buildings and erection of 5no. dwellings with associated parking and garden areas with foul treatment plant.”

- Condition 15 of the Decision Notice stated that “Within 3 months of commencement of the development, boundary fence details for gardens that include gaps of minimum 130mm square at ground level at least every 10m running length or that do not seal to the ground at all between posts with a 120mm gap from fence base to ground shall be submitted to the Local Planning Authority for approval. The development shall be carried out in accordance with the approved details.”

On 4th July 2022, application 21/00058/COND was submitted to the District Council to discharge various conditions within permission 21/00058/FUL, including Condition 15 noted above. Correspondence relating to the application follows:

- On 19th July 2022, Senior Planning Officer Laura Moon emailed the agent for the application and informed him that “Regarding the proposed boundary treatments

for the above, we would expect to see the use of post-and-rail fencing for the entire development, please amend the plans accordingly.”

- On 29th July 2022, the agent responded to Mrs Moon that “feather edge fencing was being proposed in locations where privacy is necessary; for example, to the gardens that back onto the adjacent properties along Mile Flat and between plots.”
- On 23rd August 2022, Mrs Moon responded to the agent that condition 15 could not be discharged unless post-and-rail fencing was provided for the whole development. Mrs Moon noted that “There is adequate separation distances between the new development and the neighbouring property, and to protect the rural character of the area, post-and-rail fencing should be used.”
- On 22nd September 2022, after reviewing a proposed amended plan for boundary treatments at The Stableyard Development, Mrs Moon responded to the agent that “the attached document does not propose a post-and-rail fence for the whole development. As a compromise we would allow the fence between the plots to be close boarded halfway down and then post-and-rail for the rest.”

The agent agreed to this scheme and submitted amended plans which were subsequently approved. On 23rd September 2022, Condition 15 was discharged showing post-and-rail fencing around the site boundary with feather board fencing allowed for half the length of the gardens between the dwellings at the northern end of The Stableyard Development. Google Street View imagery indicates closed board timber fencing was already in place along the northern and western site boundaries by the time Condition 15 was discharged for post-and-rail fencing.

On 15th February 2024, planning application 24/00149/VAR “To remove condition 5 on application 21/00058/FUL – to reinstated permitted development rights” at The Stableyard Development was validated for consideration.

On 27th February 2024, Mrs Moon was visiting The Stableyard Development to post a site notice for application 24/00149/VAR. Mrs Moon subsequently submitted a complaint to the Enforcement Team that a closed board fence had been erected along the front boundary of The Stableyard Development, when the boundary treatment approved within permission 21/00058/COND was post-and-rail fencing with hedging.

On 11th March 2024, Planning Enforcement officer Kate Evans issued a letter to the owners of The Stableyard Development, P Mobberley Carpenters Limited and Harrison Round LTD, requesting removal of the closed board fence.

On 17th April 2024, planning application 24/00149/VAR “To remove condition 5 on application 21/00058/FUL – to reinstated permitted development rights” was refused by the District Council. This refusal was subsequently appealed.

On 12th December 2024, appeal decision APP/D3430/W/24/3342944 was issued, allowing permission 24/00149/VAR; however, permitted development rights for Schedule 2, Part 2, Class A of the GPDO - gates, walls, fences or other means of enclosure, remained removed from The Stableyard Development.

On 8th January 2025, Kate Evans emailed Robert Mills-Pereira, the agent for permission 24/00149/VAR, noting that given the results of the appeal decision, the closed board fence remains in contradiction to the boundary treatment plans approved within permission 21/00058/COND. Given the Planning Inspector's report issued with the appeal decision, as well as the Planning Officer's July/August 2022 advice that closed board fencing would not be appropriate, Ms Evans did not invite a retrospective planning application and required the closed board fence be removed from the site by 5th February 2025.

On 9th January 2025, Mr Mills-Pereira responded to Ms Evans' email, noting that the closed board fence was installed by the developers of The Stableyard, but on the property of Mile Flat Farm to the north.

- Mr Mills-Pereira noted that "all dwellings and property in the Green Belt enjoy permitted development rights. The only instance where they are not maintained is when the LPAs remove them."
- Mr Mills-Pereira continued that as Mile Flat Farm maintained permitted development rights, the erection of the closed board fence did not require planning permission.

On 9th January 2025, Ms Evans responded to Mr Mills-Pereira, noting that the closed board fencing is within the red line of permission 21/00058/FUL and forms the boundary treatment approved within 21/00058/COND.

- Ms Evans noted that ownership of the fence is not a material planning consideration and that permission was granted for the site boundary to be bordered with a post-and-rail fence.
- Ms Evans required removal of the closed board fence by no later than 20th February 2025.

On 15th January 2025, Mr Mills-Pereira issued an email to Ms Evans that "it (the fence) may be on the site boundary but it is owned by the neighbour who will say that she enjoys permitted development rights."

On 22nd January 2025, Ms Evans issued an email to Mr Mills-Pereira emphasizing again that the closed board fence was not within the approved plans for 21/00058/FUL or 21/00058/COND and is required to be removed.

On 4th February 2025, Mr Mills-Pereira forwarded an email that he previously sent to the owners of The Stableyard Development, noting that "the fence belongs to the purchasers and the land transaction was completed before the condition was imposed."

- Mr Mills-Pereira included an email that was previously issued to him on 23rd January 2025 by the owners of The Stableyard, which included a photograph of a hand-drawn plan of various property boundaries between The Stableyard and Mile Flat Farm. The hand-drawn plan indicated inward "Ts" to define the ownership of the boundaries, according to Mr Mills-Pereira.
- Regarding the western and southern site boundaries of The Stableyard, the "Ts" were shown outside of the western and southern boundaries of The Stableyard, indicating ownership of the fence by the owner(s) of the surrounding land. As this land has not been sold off, it remains under the ownership and responsibility of P Mobberley Carpenters Limited and Harrison Round Ltd.

On 4th February 2025, Ms Evans responded to Mr Mills-Pereira, noting that the unauthorised fence is required to be removed by 20th February 2025.

On 4th February 2025, Mr Mills-Pereira responded to Ms Evans, requesting a plan indicating which fencing the District Council considered to be unauthorised.

- Ms Evans responded the same day with a plan indicating the northern and western site boundaries of The Stableyard were approved for post-and-rail fence and hedging, but closed board fencing had been erected.
- Ms Evans also identified that the plans showing the “T” marking, previously emailed by Mr Mills-Pereira, was a photograph of a hand-drawn plan, not showing any formal acceptance as a legal document by a solicitor or landowners.
- Ms Evans noted that as the onus of proof is on the applicant, Mr Mills-Pereira may submit formal plans that have legal standing to establish ownership.
- Ms Evans emphasized that as the owners of The Stableyard also own the land to the west of the “T” indicated to show the western site boundary of The Stableyard, the developers of the property remain responsible for both sides of the fencing.
- Ms Evans noted that an Enforcement Notice would be served on the owner and anyone with an interest in the Land.

*It should be noted that at the time this email was issued, the District Council was not aware that closed board fencing had also been erected to delineate the gardens of the dwellings constructed at The Stableyard. The original complaint only noted the northern property boundary being delineated by the closed board timber fence. The western site boundary was visible during an analysis of available aerial imagery, also installed between March 2021 and August 2022.

On 5th February 2025, Mr Mills-Pereira emailed a letter to Ms Evans, again noting that Mile Flat Farm and the surrounding land was sold to Terence and Susan Quigley by P Mobberley Carpenters Limited and Harrison Round Ltd on 9th April 2021; permission 21/00058/FUL was issued after this date (on 22nd April 2021).

- Mr Mills-Pereira noted that the permission was imposed on land that was no longer under the ownership or control of the applicant (P Mobberley Carpenters Limited and Harrison Round Ltd) on the northern site boundary.
- Mr Mills-Pereira noted that the fence along the western site boundary of The Stableyard is still owned by P Mobberley Carpenters Limited and Harrison Round Ltd, so the associated condition could be regarded as effective.
- Mr Mills-Pereira stated that as the District Council agreed to having closed board fencing for half the length of the dwelling gardens, retaining the western site boundary as a closed board fence was sensible with no impact on the openness of the Green Belt.

On 5th February 2025, due to continued responses from Mr Mills-Pereira without any offer for compliance, Ms Evans requested that Emma Posillico respond to Mr Mills-Pereira’s above-summarised letter.

On 6th February 2025, Mrs Posillico emailed Mr Mills-Pereira to further detail the Council’s position that the northern fence forms part of the site boundary for The Stableyard Development and was erected after permission 21/00058/FUL was issued, which included

condition 15, requiring boundary fence details to be submitted to the Local Planning Authority for approval.

- Mrs Posillico also noted to Mr Mills-Pereira that he *“acted as the agent in preparing the planning statement submitted with application 24/00149/VAR to reinstate PD rights to the Stableyard development. It does not appear that the argument was made, at the time of submission of application 24/00149/VAR or during the appeal of its refusal, that the northern/front closed board fence was erected either on the neighbour’s property or under their ownership. The Council is a bit befuddled as to why that argument is being presented now but was not presented to the Inspectorate when the refusal was appealed. That would seemingly be a material consideration, if the argument is that the fence was erected under residential PD rights for a separate property. Below is a screenshot of the planning appeal form, where Certificate A is checked, indicating that the appellant is the sole owner of any part of the land to which the appeal relates.”*
- Mrs Posillico also confirmed to Mr Mills-Pereira that the District Council had concerns with the fences along both the northern and western site boundaries of The Stableyard impacting the openness of the Green Belt. Mrs Posillico referenced the Inspector’s decision for appeal decision APP/C3430/W/24/3342944 where paragraphs 17 and 25 noted how the closed board timber fencing (in situ at the time of the Inspector’s site visit) harmed the visual openness and rural character of the area.
- Mrs Posillico again provided the deadline of 20th February 2025 to remove the fence.

On 6th February 2025, Mr Mills-Pereira responded to Mrs Posillico’s email, again noting that the fence along the northern site boundary of The Stableyard Development was allegedly erected under the permitted development rights of Mile Flat Farm dwelling. Mr Mills-Pereira noted again that when the fence was erected, the developer did not know about the “intended conditions” to be imposed, and that the property sale of Mile Flat took place before the grant of planning permission.

On 10th February 2025, Kate Evans and Emma Posillico visited The Stableyard Development to take photographs of the unauthorised fences. It was discovered that closed board fencing has also been erected between the gardens of each dwelling/plot, as well as along the western property boundary. Given the previous response from Mr Mills-Pereira, that the northern closed board fence is under the ownership of Mile Flat Farm, the officers visited Mile Flat Farm as well. The officers spoke with Mr Terence Quigley, who stated that the closed board fence is within his ownership. Mr Quigley noted that he does not want to remove the fence as it provides privacy between the gardens of the dwellings constructed at The Stableyard and the garden of Mile Flat Farm.

On 12th February 2025, Emma Posillico emailed Mr Mills-Pereira and Mr Terence Quigley of Mile Flat Farm. Mrs Posillico provided a copy of planning permission 07/01309/FUL, issued in February 2008 for a two-storey rear extension to the dwelling at Mile Flat Farm.

- She confirmed that said permission has been implemented, as documented in subsequent planning applications for Mile Flat Farm and confirmed during the site visit

on 10th February. Within permission 07/01309/FUL, Mrs Posillico high-lighted that condition 3 removed permitted development rights for gates, fences and walls; she also provided the red line boundary for the permission, which includes the current area of the southern property boundary where the closed board fence has been erected.

- Mrs Posillico reiterated that the deadline for removing the closed board fence remains 20th February.
- She informed Mr Mills-Pereira and Mr Quigley that if the fences were not removed, and post-and-rail fencing installed, Enforcement Notices would be served on both parties for unauthorised closed board fencing.

On 12th February 2025, Mr Mills-Pereira responded to Mrs Posillico's email, noting that permission 07/01309/FUL is a "householder" permission and is limited to the dwellinghouse and its curtilage. Mr Mills-Pereira argued that the "farmland at issue" was not related to permission 07/01309/FUL.

On 12th February 2025, Mrs Posillico responded to Mr Mills-Pereira that permission 07/01309/FUL pertains to the red line boundary of the plan submitted with the application. That red line plan clearly includes the area where the fence has been erected. Mrs Posillico advised Mr Mills-Pereira that if he wishes to argue that the approved red line boundary was not valid, he should do so when appealing a forthcoming Enforcement Notice.

On 12th February 2025, Mr Mills-Pereira responded further to Mrs Posillico, stating that the red line boundary plan included with permission 07/01309/FUL was not stamped "approved" whereas the other documents included within the permission file were.

On 12th February 2025, Mrs Posillico responded further to Mr Mills-Pereira to note that the Location Plan/red line boundary was included with permission 07/01309/FUL. It was not stamped "approved" as it had not been modified from the original application documents. The other plans (ie elevations and floor plans) had been amended throughout the application process; the final plans were stamped "amended" and "approved" for clarity, whilst the initial floor plans and elevations were stamped "superseded." Mrs Posillico notified Mr Mills-Pereira that the District Council would not continue ineffective communication and would move forward with serving an Enforcement Notice on both properties.

On 10th March 2025, Pardip Sharma authorised the service of an Enforcement Notice on both properties but expressed concern that ownership of the closed board fence on the shared property boundary is not clearly defined, which could present challenges in possible future prosecution. It was agreed to serve a Section 330 Notice on all four property owners (P Mobberley Carpenters Limited, Harrison Round Ltd, Terence and Susan Quigley) to obtain their interpretation of the ownership of the fence in writing. The Section 330 Notices were postal to all four parties on 26th March 2025.

On 22nd April 2025, the Section 330 Notices were returned by all four parties. Each response denotes that the closed board fence along the southern property boundary of Mile Flat Farm is owned by Terence and Susan Quigley. As such, one Enforcement Notice will be served on Terence and Susan Quigley related to the closed board fence along the shared property

boundary; a separate Enforcement Notice will be served on Mobberley Carpenters Limited and Harrison Round Ltd related to the unauthorised closed board fencing within The Stableyard Development.

POLICY CONSIDERATIONS:

South Staffordshire Adopted Core Strategy 2012

Core Policy 1: The Spatial Strategy

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

Core Policy 4: Promoting High Quality Design

Policy GB1: Development in the Green Belt

Policy EQ4: Protecting the Character and Appearance of the Landscape

Policy EQ11: Wider Design Considerations

Adopted Supplementary Planning Document

Green Belt and Open Countryside SPD 2014

South Staffordshire Design Guide 2018

National Planning Policy Framework (NPPF) December 2024

Chapter 12: Achieving Well-Designed Places

Paragraph 135c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting...

Chapter 13: Protecting Green Belt land

Paragraph 153 When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness.

REASONS FOR ISSUING THE NOTICE:

- (i) It appears to the Council that the above breach of planning control has occurred within the last 4 years and is not time immune from enforcement action.
- (ii) The fences by reason of their height, length and closed board timber design, introduces a generic suburban character which has harmed the character and appearance of the site and the rural landscape. The removal of permitted development rights within implemented permission 21/00058/FUL on the Land was required for Green Belt and design reasons. The Council's Design Guide states that "for sites near or adjacent to the wider countryside, landscape design should be kept simple, reflecting the simple, informal rural setting." This erection of the closed board timber fence is contrary to Core Policies 1, 2 and 4, as well as Policies GB1, EQ4 and EQ11 of the South Staffordshire Adopted Core Strategy 2012; the Green Belt and Open Countryside Supplementary Planning Document 2014; and paragraphs 135c) and 153 of the NPPF 2024.

- (iii) The Council consider that planning permission should not be given. Permitted development rights were removed within implemented permission 21/00058/FUL for The Stableyard Development. Planning application 24/00149/VAR, to reinstate permitted development rights, was allowed on appeal, but Schedule 2, Part 2, Class A permitted development rights for gates, walls, fences or other means of enclosure, remain removed. Within appeal decision APP/C3430/W/24/3342944, the Inspector emphasized within paragraphs 17 and 25 how the closed board timber fencing (in situ at the time of the Inspector's site visit) harmed the visual openness and rural character of the area. Within planning permission 21/00058/COND, permission was granted for a post-and-rail fence and adjacent hedging, which should be installed to reflect the simple, informal rural setting and provide privacy for both the occupants of Mile Flat Farm and The Stableyard Development.

STEPS TO BE TAKEN:

- (i) Remove the Fences in their entirety, including any concrete used to set the fence posts, located in the approximate position indicated by the solid blue line as shown on Appendix 1;
- (ii) Fill the resulting excavations with compacted topsoil and resurface to match the adjacent land;
- (iii) Install the post-and-rail fencing in the locations approved within permission 21/00058/COND as noted within the document titled "Notes relating to Planning Conditions 12, 13, 14 and 15 prepared by Camlad Ecology Ltd dated 23rd September 2022, included as Appendix 2; and
- (iv) Remove from the Land all materials arising from compliance with i), ii) and iii) above.

PERIOD FOR COMPLIANCE:

The period for compliance with steps 5 (i) (ii) (iii) and (iv) is three (3) months from the date this notice takes effect.

EXPEDIENCY OF ENFORCEMENT ACTION:

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.

Planning permission 21/00058/FUL and 21/00058/COND required the erection of post-and-rail fencing and the planting of edging/shrubs throughout The Stableyard Development.

Appeal decision APP/D3430/W/24/3342944 confirmed the removal of permitted development rights for Schedule 2, Part 2, Class A - gates, walls, fences or other means of enclosure for The Stableyard Development.

The property owners of both Mile Flat Farm and The Stableyard Development and their planning agent have provided no indication that they intend to remove the fences from the Land. The planning agent has been misleading by submitting application 24/00149/VAR to restore permitted development rights to The Stableyard Development, including appealing the Council's refusal. The planning agent did not so much as mention Mile Flat Farm and Mr & Mrs Quigley until after the appeal was determined and the Council inquired as to the removal of the fence.

This leaves the Council with little alternative but to take enforcement action to protect and restore the character and appearance of the rural area and the openness of the Green Belt. As such, it is now considered both expedient and within the public interest to proceed with formal enforcement action to remedy the harm caused by this development.

CASE OFFICER DECLARATION:

I hereby declare that I have adhered to the Council's Planning Enforcement Policy & Procedures, and that based on the evidence gathered during my investigation I recommend the service of the notice attached to this form, including, where relevant, the amendments made by the named Officers below.

I have given consideration to South Staffordshire Council's Planning Policies, the National Planning Policy Framework, and to the Government's Enforcement and post-permission matters guidance during the course of my investigation and in the construction of the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

CASE OFFICER: Emma Posillico

POSITION: Senior Planning Enforcement Officer

DATE: 25th February 2025

Signed:

Emma Posillico

LINE MANAGER COMMENTS, INSERTIONS OR REVISIONS:

DECLARATION:

I hereby declare that I have reviewed the case and support the Case Officer declaration above.

Based on my review of the evidence gathered during the investigation, it is both expedient and in the public interest to serve the notice attached to this form, including, where relevant, my amendments detailed above, and those made by the other named Officers.

I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission](#)

[matters](#) guidance during my review of the investigation and my amendments to the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

NAME: Catherine Gutteridge
POSITION: Planning Enforcement Team Manager
DATE: 28th February 2025

Signed: 

DEVELOPMENT MANAGEMENT COMMENTS, INSERTIONS OR REVISIONS:


DECLARATION:

I hereby declare that I have reviewed the case and support the Officer declarations above.

Based on my review of the evidence gathered during the investigation, it is both expedient and in the public interest to serve the notice attached to this form, including, where relevant, my amendments detailed above, and those made by the other named Officers.

I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission matters](#) guidance during my review of the investigation and my amendments to the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

NAME: Tom Nutt
POSITION: Assistant Team Manager
DATE: 03.03.2025

Signed: 

LEGAL SERVICES COMMENTS, INSERTIONS OR REVISIONS:

DECLARATION:

I hereby declare that I have reviewed the case and support the Officer declarations above.

Based on my review of the evidence gathered during the investigation, it is both expedient and in the public interest to serve the notice attached to this form, including, where relevant, my amendments detailed above, and those made by the other named Officers.

I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission matters](#) guidance during my review of the investigation and my amendments to the attached



notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

NAME: Pardip Sharma

POSITION: Solicitor

DATE: 10 03 25

Signed: Pardip Sharma

AUTHORISING OFFICER COMMENTS, INSERTIONS OR REVISIONS:

DECLARATION:

I hereby declare that I have reviewed the case and support the Officer declarations above.

Based on my review of the evidence gathered during the investigation, it is both expedient and in the public interest to serve the notice attached to this form, including, where relevant, my amendments detailed above, and those made by the other named Officers.

I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission matters](#) guidance during my review of the investigation and my amendments to the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

Annette Roberts

Corporate Director of Place and Communities

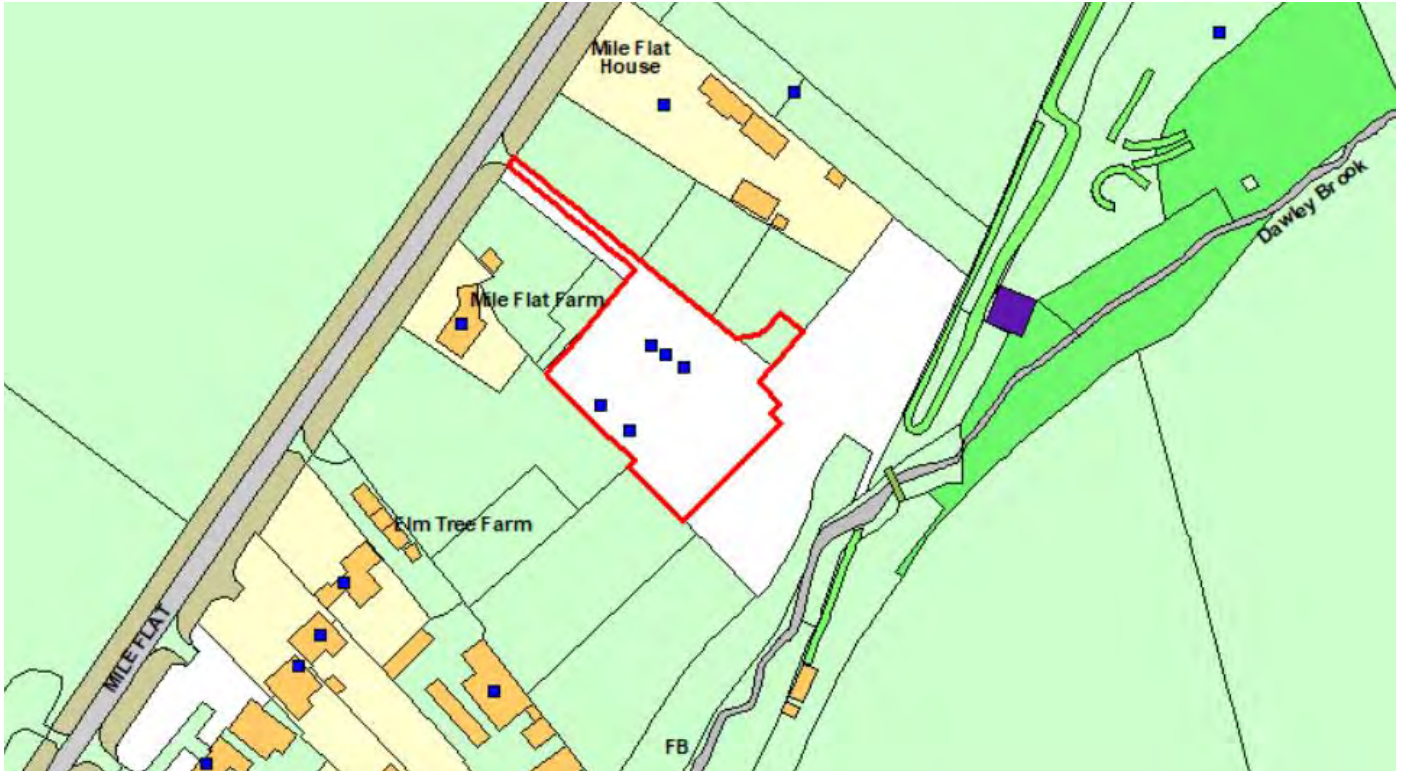
Signed:

DATE: 29 April 2025



RED LINE PLAN TO ACCOMPANY ENFORCEMENT NOTICE

The Stableyard, Mile Flat, Greensforge, Kingswinford, DY6 0AU



PLANNING ENFORCEMENT REFERENCE: 24/00068/BOC



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SCALE 1: 2150

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 NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act, at the Land described below. They consider 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 additional information.

2. **THE LAND TO WHICH THIS NOTICE RELATES**

The Land ("the Land") situated at The Stableyard, Mile Flat, Greensforge, Kingswinford, DY6 0AU outlined in red on the plan ("the Plan") attached to the notice.

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

Without planning permission, the construction of closed board timber fence along the western site boundary as well as between the dwellings' gardens, on the Land in the approximate position indicated by the solid blue line as shown on Appendix 1 ("the Fence").

4. **REASONS FOR ISSUING THIS NOTICE**

UNAUTHORISED DEVELOPMENT

- (i) It appears to the Council that the above breach of planning control has occurred within the last 4 years and is not time immune from enforcement action.
- (ii) The fence by reason of its height, length and closed board timber design, introduces a generic suburban character which has harmed the character and appearance of the site and the rural landscape. The removal of permitted development rights within implemented permission 21/00058/FUL on the Land was required for Green Belt and design reasons. The Council's Design Guide states that "for sites near or adjacent to the wider countryside, landscape design should be kept simple, reflecting the simple, informal rural setting." This erection of the closed board timber fence is contrary to Core Policies 1, 2 and 4, as well as Policies GB1, EQ4 and EQ11 of the South Staffordshire Adopted Core Strategy 2012; the Green Belt and Open Countryside Supplementary Planning Document 2014; and paragraphs 135c) and 153 of the NPPF 2024.
- (iii) The Council consider that planning permission should not be given. Permitted development rights were removed within implemented permission 21/00058/FUL for The Stableyard Development. Planning application 24/00149/VAR, to reinstate permitted development rights, was allowed on appeal, but Schedule 2, Part 2, Class A permitted development rights for gates, walls, fences or other means of enclosure, remain removed. Within appeal decision APP/C3430/W/24/3342944, the Inspector emphasized within paragraphs 17 and 25 how the closed board timber fencing (in situ at the time of the Inspector's site visit)

harmed the visual openness and rural character of the area. Within planning permission 21/00058/COND, permission was granted for a post-and-rail fence and adjacent hedging, which should be installed to reflect the simple, informal rural setting and provide privacy for both the occupants of Mile Flat Farm and The Stableyard Development.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Remove the Fence in its entirety, including any concrete used to set the fence posts, located in the approximate position indicated by the solid blue line as shown on Appendix 1;
- (ii) Fill the resulting excavations with compacted topsoil and resurface to match the adjacent land;
- (iii) Install the post-and-rail fencing in the locations approved within permission 21/00058/COND as noted within the document titled "Notes relating to Planning Conditions 12, 13, 14 and 15 prepared by Camlad Ecology Ltd dated 23rd September 2022, included as Appendix 2; and
- (iv) Remove from the Land all materials arising from compliance with i), ii) and iii) above.

6. TIME FOR COMPLIANCE

The period for compliance with steps 5 (i) (ii) (iii) and (iv) is three (3) months from the date this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 28 May 2025, unless an appeal is made against it beforehand.

Dated: 30 April 2025

Signed: 

Annette Roberts

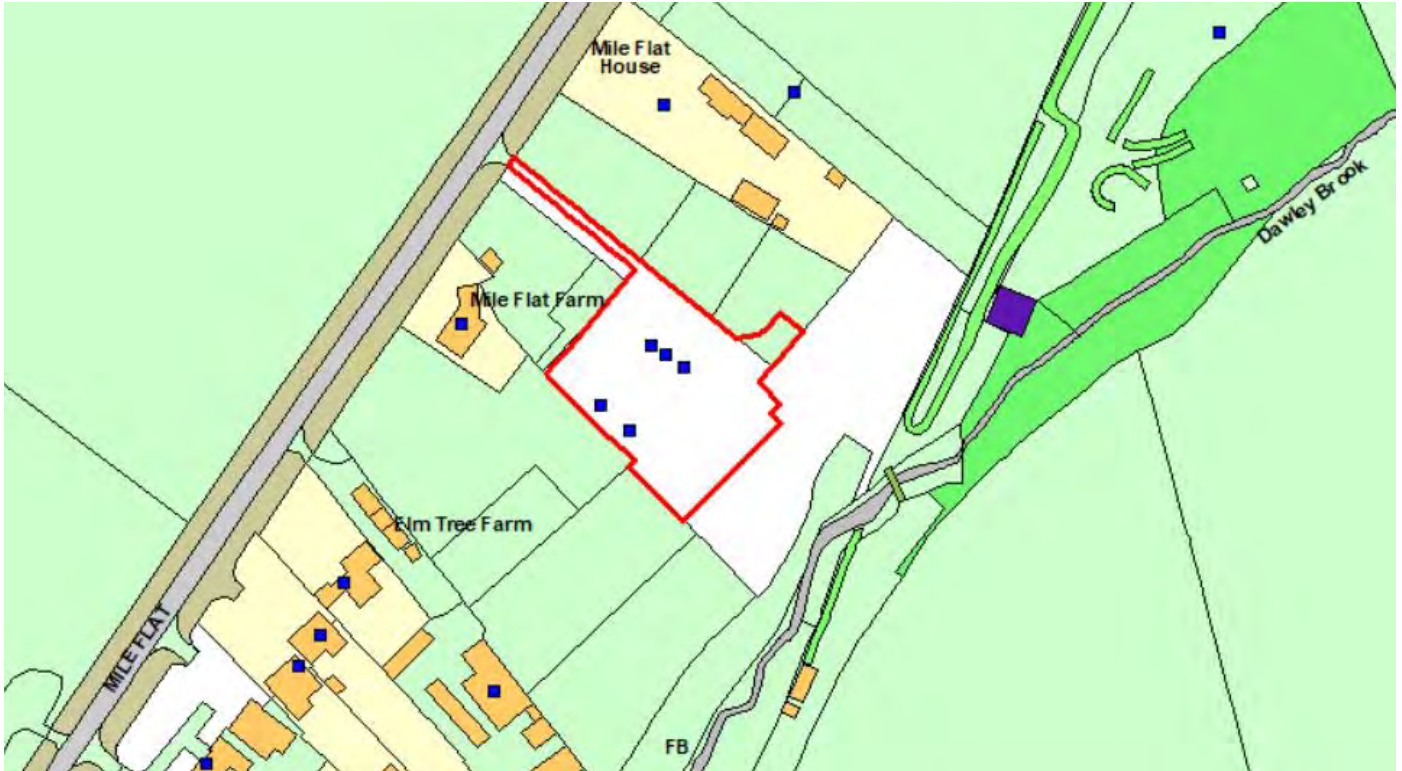
Corporate Director of Place and Communities, South Staffordshire District Council, Council Offices, Wolverhampton Road, Codsall, South Staffordshire WV8 1PX

Nominated Officer:

Emma Posillico, Planning Enforcement Team, South Staffordshire District Council, Council Offices, Wolverhampton Road, Codsall, South Staffordshire WV8 1PX

RED LINE PLAN TO ACCOMPANY ENFORCEMENT NOTICE

The Stableyard, Mile Flat, Greensforge, Kingswinford, DY6 0AU



PLANNING ENFORCEMENT REFERENCE: 24/00068/BOC



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SCALE 1:2150

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Town and Country Planning Act 1990 (as amended)

Enforcement Notice relating to land and premises The Stableyard, Mile Flat, Greensforge, Kingswinford, DY6 0AU outlined in red on the plan (“the Plan”) attached to the notice (referred to as “the Land”).

This local planning authority, South Staffordshire Council, has issued an enforcement notice relating to the above land and you are served with a copy of that notice as you have an interest in the Land. Copies of the notice are also being served on the 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 **28 May 2025** 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 **28 May 2025**.

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;

- h) 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;
- i) 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 **£596**. 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.

Payment of **£596** payments then select 'planning enforcement appeal'. Once your appeal has been lodged with the Planning Inspectorate, the Council requires a digital copy of all appeal documents to be sent to appeals@sstaffs.gov.uk.

If you do not appeal against this enforcement notice, it will take effect on **28 May 2025** 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 6 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.

PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE

P Mobberley Carpenters Limited
14 Ryefield Way
Kingswinford
DY6 9XF

And/of

Harrison Round Ltd
14 Ryefield Way
Kingswinford
DY6 9XF

ANNEX

YOUR RIGHT OF APPEAL.

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate acting on behalf of the Secretary of State before the date specified in paragraph 7 of the notice. The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in paragraph 6 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.

Relevant Extracts from the Town & Country Planning Act 1990

[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); 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.] ¹

Notes

¹ Added by Planning and Compensation Act 1991 c. 34 Pt I s.4(1) (January 2, 1992 except as it relates to breach of condition notices and subject to transitional provision specified in SI 1991/2905; July 27, 1992 otherwise subject to transitional provisions in SI 1992/1630 art.3)

Extent

Pt VII s. 171A(1)-(3): England, Wales

[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 ten years beginning with the date on which the operations were substantially completed. ²
- (2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwelling house, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach. ³
- (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). ⁴

- (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.”] ¹

Notes

1. Added by Planning and Compensation Act 1991 c. 34 [Pt 1 s.4\(1\)](#) (January 2, 1992 except as it relates to breach of condition notices and subject to transitional provision specified in SI 1991/2905; July 27, 1992 otherwise subject to transitional provisions in SI 1992/1630 art.3)
2. S.171B(1)(a) and (b) substituted for words by Levelling-up and Regeneration Act 2023 c. 55 [Pt 3 c.5 s.115\(1\)](#) (April 25, 2024: substitution has effect as SI 2024/452 reg.3(b) subject to transitional provision specified in SI 2024/452 reg.5)
3. S.171B(2)(a) and (b) substituted for words by Levelling-up and Regeneration Act 2023 c. 55 [Pt 3 c.5 s.115\(2\)](#) (April 25, 2024: substitution has effect as SI 2024/452 reg.3(b) subject to transitional provision specified in SI 2024/452 reg.5)
4. Added by Enterprise and Regulatory Reform Act 2013 c. 24 [Sch.17 para.4](#) (October 1, 2013: insertion has effect as SI 2013/2227 subject to savings and transitional provisions specified in SI 2013/2148 art.5(4)(b) and SI 2013/2146 art.4(2))

[171BA Time limits in cases involving concealment

- (1) Where it appears to the local planning authority that there may have been a breach of planning control in respect of any land in England, the authority may apply to a magistrates' court for an order under this subsection (a “planning enforcement order”) in relation to that apparent breach of planning control.
- (2) If a magistrates' court makes a planning enforcement order in relation to an apparent breach of planning control, the local planning authority may take enforcement action in respect of—
 - (a) The apparent breach, or
 - (b) Any of the matters constituting the apparent breach, at any time in the enforcement year.
- (3) “The enforcement year” for a planning enforcement order is the year that begins at the end of 22 days beginning with the day on which the court's decision to make the order is given, but this is subject to subsection (4).
- (4) If an application under section 111(1) of the Magistrates' Courts Act 1980 (statement of case for opinion of High Court) is made in respect of a planning enforcement order, the enforcement year for the order is the year beginning with the day on which the proceedings arising from that application are finally determined or withdrawn.
- (5) Subsection (2)—
 - (a) Applies whether or not the time limits under section 171B have expired, and
 - (b) Does not prevent the taking of enforcement action after the end of the enforcement year but within those time limits.] ¹

Notes

- 1 Added by Localism Act 2011 c. 20 Pt 6 c.5 s.124(1) (April 6, 2012 subject to SI 2012/628 arts 9, 12, 13, 16 and 18-20)
- Extent

[171BB Planning enforcement orders: procedure

- (1) An application for a planning enforcement order in relation to an apparent breach of planning control may be made within the 6 months beginning with the date on which evidence of the apparent breach of planning control sufficient in the opinion of the local planning authority to justify the application came to the authority's knowledge.
- (2) For the purposes of subsection (1), a certificate—
 - (a) Signed on behalf of the local planning authority, and
 - (b) Stating the date on which evidence, sufficient in the authority's opinion to justify the application came to the authority's knowledge, is conclusive evidence of that fact.
- (3) A certificate stating that matter and purporting to be so signed is to be deemed to be so signed unless the contrary is proved.
- (4) Where the local planning authority apply to a magistrates' court for a planning enforcement order in relation to an apparent breach of planning control in respect of any land, the authority must serve a copy of the application—
 - (a) On the owner and on the occupier of the land, and
 - (b) On any other person having an interest in the land that is an interest which, in the opinion of the authority, would be materially affected by the taking of enforcement action in respect of the apparent breach.
- (5) The persons entitled to appear before, and be heard by, the court hearing an application for a planning enforcement order in relation to an apparent breach of planning control in respect of any land include—
 - (a) The applicant,
 - (b) Any person on whom a copy of the application was served under subsection (4), and
 - (c) Any other person having an interest in the land that is an interest which, in the opinion of the court, would be materially affected by the taking of enforcement action in respect of the apparent breach.
- (6) In this section "planning enforcement order" means an order under section 171BA(1).]¹

Notes

¹ Added by Localism Act 2011 c. 20 Pt 6 c.5 s.124(1) (April 6, 2012 subject to SI 2012/628 arts 9, 12, 13, 16 and 18-20)

Extent

Pt VII s. 171BB(1)-(6): England, Wales

[171BC Making a planning enforcement order

- (1) A magistrates' court may make a planning enforcement order in relation to an apparent breach of planning control only if—

Town and Country Planning Act 1990 Page 207

- (a) The court is satisfied, on the balance of probabilities, that the apparent breach, or any of the matters constituting the apparent breach, has (to any extent) been deliberately concealed by any person or persons, and

- (b) The court considers it just to make the order having regard to all the circumstances.
- (2) A planning enforcement order must—
 - (a) Identify the apparent breach of planning control to which it relates, and
 - (b) State the date on which the court's decision to make the order was given.
- (3) In this section “planning enforcement order” means an order under section 171BA(1).] ¹

Notes

¹ Added by Localism Act 2011 c. 20 Pt 6 c.5 s.124(1) (April 6, 2012 subject to SI 2012/628 arts 9, 12, 13, 16 and 18-20)

Extent

Pt VII s. 171BC(1)-(3): England, Wales

[Planning contravention notices] ¹

[172. — Issue of enforcement notice.

- (1) The local planning authority may issue a notice (in this Act referred to as an “enforcement notice”) where it appears to them—
 - (a) That there has been a breach of planning control; and
 - (b) That it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.
- (2) A copy of an enforcement notice shall be served—

Town and Country Planning Act 1990 Page 213

- (a) On the owner and on the occupier of the land to which it relates; and
- (b) On any other person having an interest in the land, being an interest which, in the opinion of the authority, is materially affected by the notice.
- (3) The service of the notice shall take place—
 - (a) Not more than twenty-eight days after its date of issue; and
 - (b) Not less than twenty-eight days before the date specified in it as the date on which it is to take effect.] ¹

Notes

¹ Substituted by Planning and Compensation Act 1991 c. 34 Pt I s.5(1) (November 25, 1991 for certain purposes specified in SI 1991/2728 art.2; January 2, 1992 otherwise subject to transitional provisions specified in SI 1991/2905)

Commencement

Pt VII s. 172: August 24, 1990 (1990 c. 8 Pt XV s. 337(2))

Extent

Pt VII s. 172(1)-(8): England, Wales

[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.

Town and Country Planning Act 1990 Page 214

- (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.]¹

Notes

¹ Added by Localism Act 2011 c. 20 Pt 6 c.5 s.125 (April 6, 2012 subject to SI 2012/628 arts 9, 12, 13, 16 and 18-20)

Extent

Pt VII s. 172A(1)-(5): England, Wales

[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.

Town and Country Planning Act 1990 Page 215

- (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.]¹

Notes

¹ Substituted by Planning and Compensation Act 1991 c. 34 Pt I s.5(1) (November 25, 1991 for certain purposes specified in SI 1991/2728 part.2; January 2, 1992 otherwise subject to transitional provisions specified in SI 1991/2905)

Commencement

Pt VII s. 173: August 24, 1990 (1990 c. 8 Pt XV s. 337(2))

Town and Country Planning Act 1990 Page 216

Extent

Pt VII s. 173(1)-(12)(b): England, Wales

[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.]¹

Notes

¹ Added by Planning and Compensation Act 1991 c. 34 Pt I s.5(1) (November 25, 1991 for certain purposes specified in SI 1991/2728 art.2; January 2, 1992 otherwise subject to transitional provisions specified in SI 1991/2905)

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;

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- (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.]²
- (3) An appeal under this section shall be made [...] ³ —
 - (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 property 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] ³

- (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.]³¹
- (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 [...] ⁴; and
 - (b) Continues so to occupy the land when the appeal is brought.

Notes

¹ Substituted by Planning and Compensation Act 1991 c. 34 Pt I s.6(1) (January 2, 1992 subject to transitional provisions specified in SI 1991/2905)

² Added by Localism Act 2011 c. 20 Pt 6 c.5 s.123(4) (April 6, 2012 subject to SI 2012/628 arts 9, 12, 13, 16 and 18-20)

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³ S.174(3)(c) inserted in relation to Wales by Town and Country Planning (Electronic Communications) (Wales) (No. 1) Order 2004/3156 art.3 (January 1, 2005)

⁴ Words omitted by Planning and Compensation Act 1991 c. 34 Sch.7 para.22 (January 2, 1992)

Commencement

Pt VII s. 174: August 24, 1990 (1990 c. 8 Pt XV s. 337(2))

Extent

Pt VII s. 174(1)-(6)(b): England, Wales

P Partially In Force

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.]¹

(4) Where an appeal is brought under section 174 the enforcement notice shall [subject to any order under section 289(4A)]² 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.

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(7) [...] ³

Notes

¹ Added by Planning Act 2008 c. 29 Sch.10 para.5 (April 6, 2009 in relation to England and Wales for purposes specified in SI 2009/400 art.3(j); not yet in force otherwise)

² Words added by Planning and Compensation Act 1991 c. 34 Pt I s.6(2) (January 2, 1992 subject to transitional provisions specified in SI 1991/2905)

³ Repealed by Planning (Consequential Provisions) Act 1990 c. 11 Sch.4 para.3 (January 2, 1992: repeal has effect on January 2, 1992 for purposes specified in SI 1991/2698 art.3 subject to transitional provisions specified in SI 1991/2698 art.4 and on April 6, 2009 in relation to England only, for purposes specified in SI 2009/849 art.2(2)-(3) subject to transitional provisions specified in SI 2009/849 art.3; not yet in force otherwise)

Commencement

Pt VII s. 175: August 24, 1990 except for the provision specified in 1990 c.11 Sch.4 para.7; January 2, 1992 for purposes specified in SI 1991/2698 art 3; not yet in force otherwise (1990 c. 8 Pt XV s. 337(2); 1990 c. 11 Sch. 4 para. 7; SI 1991/2698 art. 3)

Extent

Pt VII s. 175(1)-(7): England, Wales

P Partially In Force

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.]¹

(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
 - (c) Of section 175(1) within the prescribed period.
- (4) If [section 175(3) would otherwise apply and] **2** the Secretary of State proposes to dismiss an appeal under paragraph (a) of subsection (3) [of this section] **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.

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Notes

1 S.176(1)-(2A) substituted for s.176(1)-(2) by Planning and Compensation Act 1991 c. 34 Sch.7 para.23 (January 2, 1992)

2 Words inserted by Planning Act 2008 c. 29 Sch.10 para.6(a) (April 6, 2009 in relation to England and Wales for purposes specified in SI 2009/400 art.3(j); not yet in force otherwise)

3 Words inserted by Planning Act 2008 c. 29 Sch.10 para.6(b) (April 6, 2009 in relation to England and Wales for purposes specified in SI 2009/400 art.3(j); not yet in force otherwise)

Commencement

Pt VII s. 176: August 24, 1990 (1990 c. 8 Pt XV s. 337(2))

Extent

Pt VII s. 176(1)-(5): England, Wales

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;]¹
 - (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 19.]²
- [(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.]²

[(1C) If the land to which the enforcement notice relates is in England, subsection (1)(a) applies only if the statement under section 174(4) specifies the ground mentioned in section 174(2)(a).]³

(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

Town and Country Planning Act 1990 Page 221

(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.

(5) [Where an appeal against an enforcement notice is brought under section 174 and—

(a) The land to which the enforcement notice relates is in Wales, or

(b) That land is in England and 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 in respect of the matters stated in the enforcement notice as constituting a breach of planning control.]⁵

[(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

(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.

Notes

¹ Substituted by Planning and Compensation Act 1991 c. 34 Sch.7 para.24(1)(a) (January 2, 1992)

² S.77(1)(c), (1A) and (1B) substituted for s.77(1)(c) by Planning and Compensation Act 1991 c. 34 Sch.7 para.24(1)(b) (July 27, 1992 subject to transitional provisions specified in SI 1992/1630 art.3)

³ Added by Localism Act 2011 c. 20 Pt 6 c.5 s.123(5) (April 6, 2012 subject to SI 2012/628 arts 9, 12, 13, 16 and 18-20)

⁴ Substituted by Planning and Compensation Act 1991 c. 34 Sch.7 para.24(2) (January 2, 1992)

⁵ Words and s.177(5)(a)-(b) substituted for words by Localism Act 2011 c. 20 Pt 6 c.5 s.123(6) (April 6, 2012 subject to SI 2012/628 arts 9, 12, 13, 16 and 18-20)

⁶ Added by Planning and Compensation Act 1991 c. 34 Pt I s.6(3) (January 2, 1992 subject to transitional provisions specified in SI 1991/2905)

Commencement

Pt VII s. 177: August 24, 1990 (1990 c. 8 Pt XV s. 337(2))

Extent

Pt VII s. 177(1)-(8): England, Wales

Customer Support Team
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Direct Line: 0303 444 5000

Email: enquiries@planninginspectorate.gov.uk

1. THIS IS IMPORTANT

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

- online at the [Appeals Casework Portal](https://acp.planninginspectorate.gov.uk/) (<https://acp.planninginspectorate.gov.uk/>); or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

You MUST make sure that we RECEIVE your appeal BEFORE the effective date on the enforcement notice.

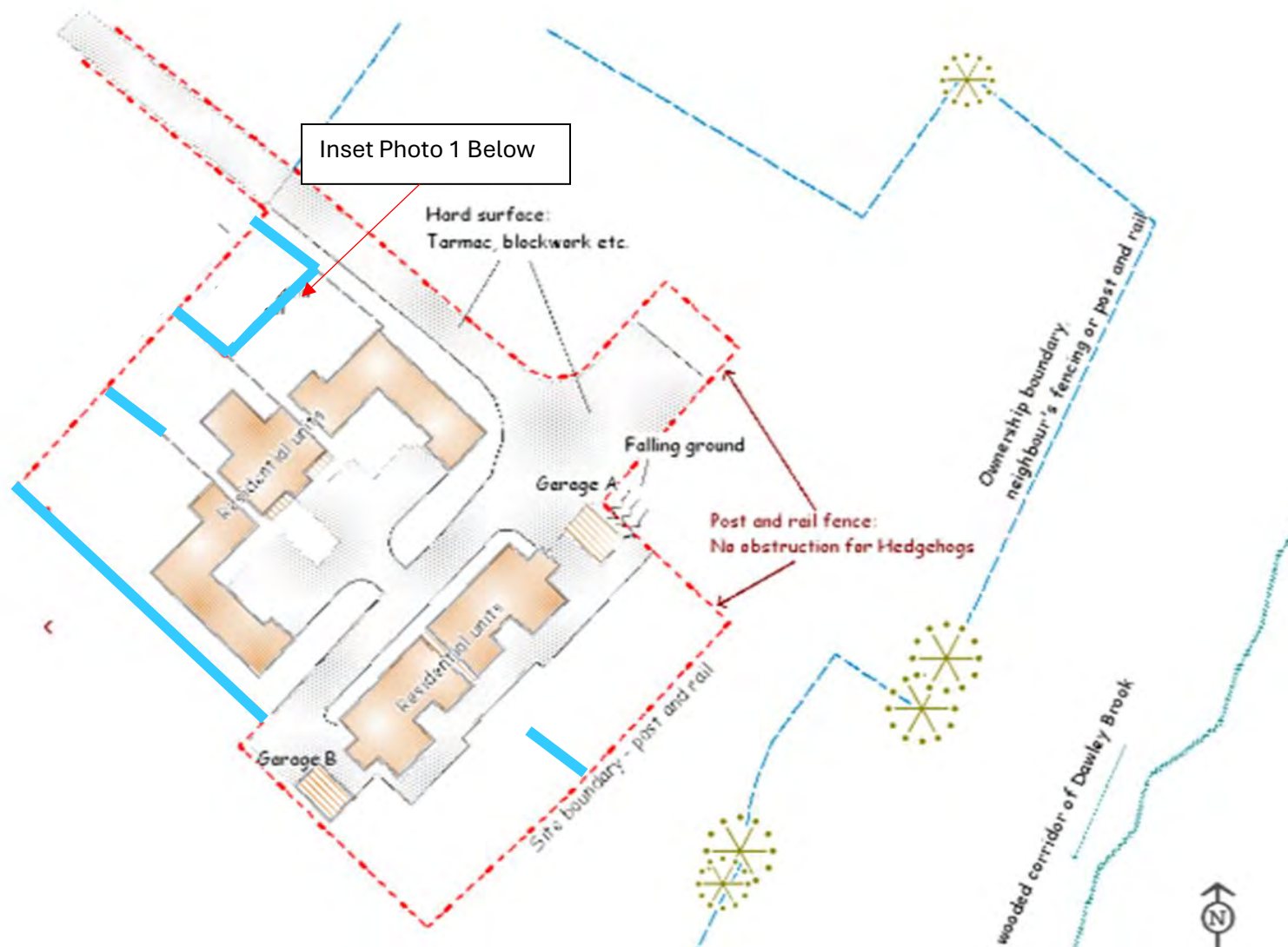
Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal> (<https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>).

In exceptional circumstances you may give written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site 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.

Appendix 1

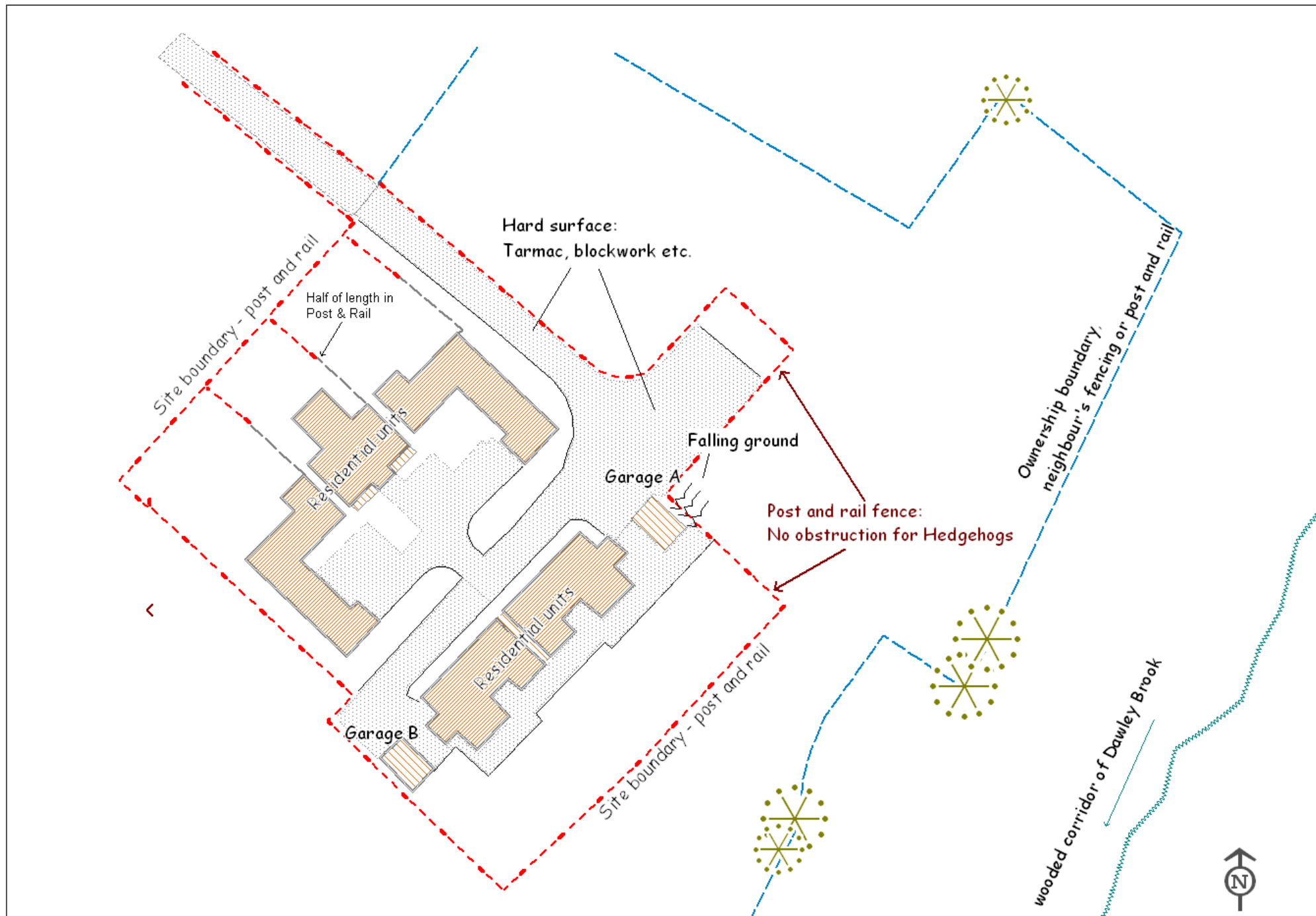


Please note: Map above does not scale and is provided only as a visual representation of the location of the following:

-Closed board timber fence, to be removed ■

Photo 1: An additional horizontal fence has been added, mid-garden, within the northeastern plot of The Stableyard Development. The LPA is uncertain what the intention of this additional fencing is, but it is not shown within the approved boundary treatment of 21/00058/COND and should be removed to preserve openness. Photos provided below for clarity.





Mile Flat Farm - Condition 15, Hedgehog access

Sketch plan by Camlad Ecology, for illustration only
Based on drawing 1265-WD-019, Lewis Architecture Ltd.

Not to scale

APPENDIX 2 - PAGE 2

Mile Flat Farm, Planning Consent 21/00058/FUL

Notes relating to Planning Conditions 12, 13, 14 and 15

Overview

The buildings have been designed according to established principles and their alignment responds to the local landscape and road layout. They are essentially single storey buildings or have a ground floor with dormer rooms into the roof space. Against this, the ecology conditions 12, 13 and 14 are over-specific and do not allow for a number of ecologically sound options, such as placing bat boxes on strong poles adjacent to the small trees on the ownership boundary, and thus closer to a semi-natural corridor along Dawley Brook.

There are no walls that are both high enough for swift boxes and have unobstructed entry and exit for swifts; the high and plain gable end walls of units 1, 2 & 3 are facing each other across narrow passageways (see drawings 1265-WD-004 and 1265-WD-012, Lewis architecture Ltd.). The layout does not provide north or east facing walls, which are most suitable for bird and bat boxes. There are only north east and possibly south east facing walls that would not risk the boxes over-heating, and most of these have wildlife-problematic features such as large windows; the buildings are designed for human occupation.

The most suitable wall for swift boxes is the north east facing wall of one garage (garage A on following plans), as this will have fairly steeply falling ground at its foot.

It must also be noted that not all future residents will favour wildlife above convenience; a sparrow terrace close to a bedroom window might not be popular at 5am. Locations should be chosen that support the willing retention of wildlife features.

Condition 12, Swallow nest feature

The central building of the northern group has a wide porch feature, extending across the width of the south east facing wall (Architect's drawing 1265-WD-012). This can provide the sheltered and shaded 'fly-in' location favoured by swallows. A cup type swallow nest base, either a Schwegler 10 swallow nest, or a similar wood chip + concrete cup, will be placed in the eastern corner of this, with at least 150mm clearance above. A droppings tray may also be fitted. This location is shown on the following sketch plan, 'Conditions 12 & 13, bird box placement'.

Condition 13, Swift boxes and sparrow terraces

One set of swift boxes comprising either a Schwegler 17A triple swift box or single or double units, such as Schwegler 17, or Vivara pro Woodstone swift box, to provide at least three units in wood chip and concrete, will be placed on the north east facing wall of Garage A, located to provide the greatest drop below the boxes.

Two sparrow terraces with either two or three nest units will be fitted close together on the north east facing wall of garage B.

These locations are shown on the following sketch plan, 'Conditions 12 & 13, bird box placement'.

APPENDIX 2 - PAGE 3

Condition 14, Bat boxes

Wall mounted bat boxes, either Schwegler 1FQ or Woodstone Beaumaris, will be placed above a drop of at least 2m; these are suited to a wide range of species. Bat tubes such as Schwegler 1FR, Ibstock B or SKU 003 may also be used within the walls of the garages.

One box or tube, as specified above, will be placed close to the outer corners of the north east or south east facing walls of garages A & B. One box will be placed just under the eaves (corbles) on the north east facing gable end of unit 5, not over the utility room roof. The position should be at least 300mm beyond the margins of that roof. All of these locations avoid exterior lighting locations, as shown on architect's drawings 1265-A-004A & 004B, and incidental lighting from windows.

These locations are shown on the following sketch, 'Condition 14, bat box placement'.

Condition 15, Hedgehog access

Fencing between the development site and other land within the ownership boundary will be post and rail fence with the lowest rail at least 150mm above ground level; this will not provide any obstruction to hedgehog movement between the site and the adjacent grassland or the wooded corridor around Dawley Brook. If at any time it becomes necessary to further stockproof the post and rail fencing, any wire mesh used will have openings of at least 130mm square in its bottom row.

Close board fencing between gardens will have openings of at least 130mm square as specified in Condition 15. Locations are shown on the following sketch, 'Condition 15, Hedgehog access'.

Camlad Ecology Ltd., for Craylon Ltd

June 2022

Updated September 2022, with minor changes to swallow nest and fence details, correcting a mistake and clarifying a fence detail.

PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE

P Mobberley Carpenters Limited
14 Ryefield Way
Kingswinford
DY6 9XF
And/of

Harrison Round Ltd
14 Ryefield Way
Kingswinford
DY6 9XF



South Staffordshire Council

Core Strategy

December 2012



Further information can be found at
www.sstaffs.gov.uk



A Local Plan for
South Staffordshire

Core Strategy Development Plan Document

Adopted 11th 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.

Promoting High Quality Design

Introduction

- 7.53 Planning has a key role to play in achieving better-designed buildings and enhancing the environment of our villages. Good design has an important role in promoting sustainable development and protecting local character and distinctiveness. Good design in the creation of buildings, streets and spaces is an important component of enriching and improving the quality of life for the community.

Core Policy 4: Promoting High Quality Design

The Council will expect all development proposals to achieve a high quality of design of buildings and their landscape setting, in order to achieve the vision of a high quality environment for South Staffordshire. Support will be given to proposals that are consistent with the detailed design policy set out in Policy EQ11 and the guidance in the adopted Village Design Guide Supplementary Planning Document (or subsequent revisions), and be informed by any other local design statements, and meet the following requirements:

- a) to provide an attractive, functional, accessible, safe, healthy and secure environment;
- b) to respect and enhance local character and distinctiveness of the natural and built environment including opportunities to improve the character and quality of the area and the way it functions;
- c) to incorporate measures to reduce the risk of flooding and prepare for the predicted effects of climate change;
- d) to make a positive contribution to the public realm including the incorporation of public art where appropriate;
- e) to adopt sustainable construction principles and use locally sourced and recycled materials wherever possible;
- f) to incorporate accessibility measures to meet the needs of users and facilitate access through sustainable forms of transport;
- g) to facilitate and encourage physical activity through outdoor sport, recreation (informal sport and play) walking and cycling;
- h) to secure improvements to public spaces and the provision of additional public spaces.

Development proposals will be assessed against the design criteria in the Village Design Guide Supplementary Planning Document (or subsequent revisions) and where appropriate should take into account the actions and recommendations contained in the Council's Conservation Area

Management Plans.

Development proposals should be consistent with other local planning policies.

Explanation

- 7.54 The Council has adopted a Village Design Guide Supplementary Planning Document with the aim of promoting the highest standards of design and construction in new development and to encourage buildings that are sustainable in construction and in use. The Council will also promote a high standard of landscape design to secure the best environment. Supported by the strong commitment to protect South Staffordshire's environmental assets, the Council will seek to ensure that the historic character of our villages is maintained and enhanced and that new development respects local character and distinctiveness. Development should be designed to create a safe, healthy and secure environment and make efficient use of resources. This approach reflects Strategic Objectives 5 and 14.
- 7.55 All new buildings and spaces must enhance and respect their surroundings and contribute towards local character and distinctiveness. Developments must be of the appropriate scale, design and materials for their location and conform to the design principles set out in above Policy. Public art may make a contribution in enhancing local character and distinctiveness and will be supported wherever appropriate.
- 7.56 Further detailed guidance on design and the requirements for new development is set out below in Policy EQ11 and reference should be made to the adopted Village Design Guide Supplementary Planning Document (or subsequent revisions). All those proposing development will be advised to refer to the Department for Transport Manual for Streets, the Commission for Architecture and the Built Environment (CABE) Building for Life standards, the CABE document Physical Activity and the Built Environment, Sport England's Active Design and the web-based toolkit the 'West Midlands Sustainability Checklist (Advantage West Midlands)'. Those proposing new housing development are also advised to consult the Government document 'Code for Sustainable Homes' which provides a national standard for the construction of new homes.
- 7.57 Reference to 'Building for Life', the 'West Midlands Sustainability Checklist' and the Department for Transport Manual for Streets is to ensure that early in the development stage, careful attention is given to high quality and sustainable design principles. Reference to the Council's adopted Village Design Guide (or subsequent revisions) is also essential to ensure that careful attention is given to the requirements and guidance relevant to the distinctiveness of South Staffordshire.

Key Evidence

Sustainable Community Strategy 2008 - 2020

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 CABE 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.*



South Staffordshire Council

South Staffordshire Design Guide

2018



Further information can be found at
www.sstaffs.gov.uk



Preface

This design guide was produced for South Staffordshire Council by LUC. Illustrations and architectural input by Tate Harmer Architects.



Environmental Planning
Design & Management

www.landuse.co.uk

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Himley Hall Registered Park and Garden was once owned by the National Coal Board before being sold to Dudley Council in 1966 following the decline of the coal mining industry in the area. The Hall's landscaped parkland reflects the character of the surrounding South Staffordshire countryside and fieldscapes.

1. Introduction



Littleton Green Community School, Huntington shows how modern design can enhance the local area.

Purpose of the guide

This District Design Guide has been produced to help you understand the Council's requirements for the design of new development in South Staffordshire.

The Council will only approve applications for new developments that give due consideration to good design. The core principles of good design that are most important to the Council are set out in this guide. The guide has been produced to amplify and illustrate the policies set out in the Council's Local Plan¹. It does not repeat all the policies relevant to every type of development; therefore, the relevant **policy documents appropriate to your specific development** should be consulted in addition to this guide to ensure that you have met all the requirements. Particular documents relevant to each of the principles set out in this guide are signposted at the end of each chapter and are listed in Chapter **7. References (p. 65)**.

The guide is for everyone involved in planning and designing new developments in South Staffordshire. It is a Supplementary Planning Document (SPD) and therefore a material consideration in determining planning applications.

More detail on how the document sits within the framework of local and national planning policy is set out on the following pages.

Good Design

"Achieving good design is about creating places, buildings or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations" ².

Well-designed new developments enhance our places, making them sustainable, safe and inclusive. Good design does not necessarily cost more. It is about:

- *understanding the site context, maximising opportunities for conservation and enhancement;*
- *carefully considering each element of the proposal in terms of how it will appear, how it will be used and how it will sit in its surroundings;*
- *having a clear vision and aspiring to create a design that will positively improve our environment.*

Well designed places:

- *are attractive places to live, work and visit;*
- *function well; supporting mixed uses, well-used public spaces and encourage ease of movement;*
- *help to establish a strong sense of place, valued by people;*
- *are safe, inclusive environments;*
- *are sustainable, adaptable and resilient.*

¹ South Staffordshire Local Plan - including the Adopted Core Strategy, 2012

² National Planning Policy Framework Planning Practice Guidance: Design, 2014

Contemporary design

Contemporary design and innovation will be encouraged in new developments.

South Staffordshire is a rural district and its identity is tied to its history, historic buildings, its landscape and settlements. Nevertheless, contemporary design and innovation are equally valued and can sit alongside the historic and rural characteristics of the district.

The key aspiration for all design, whether inspired by modern design or historic design, is that it is *good design*. New buildings can be sympathetic with their surroundings without needing to copy older buildings.

Some local examples of good design are illustrated opposite.

Avoid standard pattern-book designs

Standardised pattern-book style designs are rarely acceptable in South Staffordshire. Standard style houses and streets create 'anywhere' places, which are **difficult to find your way around and do little to** inspire or enrich the environment. The villages in South Staffordshire have grown up within the landscape, gradually, over time. Elements of history are still visible when we look around, making places interesting, meaningful and creating links between the built environment and the landscape.



College Farm Dovecote in Four Ashes uses a modern design with glass to create a new space between the refurbished original buildings.

Creating places with new character

There may be some areas which do not have noticeable or distinctive character. Such areas should not be viewed as an excuse for poor design, but an opportunity to create new character through good design.

Developers should take opportunities to create positive environments. The Council will encourage this approach; the creation of attractive, usable and connected places are important aspirations for new development.

Good design is not only for Conservation Areas or more sensitive sites.

All applications for new development are expected to show consideration for good design.



The simple style and low height of the Highgate Common Visitor's Centre sits well in its surrounding landscape. An interesting roof style allows windows to be added into the stepped elevation without compromising the simplicity of form.



This barn conversion has retained old elements whilst adopting a contemporary style. Retaining the old walls provides character and is a reminder of its past farming history. The historic natural stone sits comfortably alongside more modern materials.

Local examples of good design



The form of these retirement flats in Kinver reflects almshouses, creating an historic link with the previous Victorian chapel on the site. The development maintains the scale of the traditional buildings in High Street, with the roof span a key element of this.



This college building responds to its context by adopting a similar overall height and eaves height to the existing building. This provides a sense of harmony and unity that ties the two buildings together.



This modern terrace is constructed from a local red brick and incorporates traditional construction details seen throughout South Staffordshire, including brick detailing and traditional timber window frames.



This sensitive conservatory has been designed to sit comfortably alongside the traditional stone construction house by incorporating traditional stone masonry and simple glazing and framing.



These dwellings in the grounds of Patshull Hall show sensitive attention to detail. The architectural style is traditional but not directly copied from the Hall. The brick elevations incorporate stone cills and cornices from Hollington Tearne Quarry. The scale of the new buildings is clearly subservient to the Hall itself.



This housing development in Burnhill Green uses local materials and expertise and modern green-energy technology. The development filled a gap in the hamlet and is sympathetic to the rural surroundings, with a similar character to the nearby buildings of the 19th century cottages on the Patshull estate. A village green is re-instated to promote a sense of community.

Planning policies

When determining planning applications the Council will consider national and local policies as well as other relevant supplementary documents, evidence base documents and guidance, including this design guide.

The key national and local policies and supporting guidance, and information relevant to the design of new development, are summarised on the following pages.

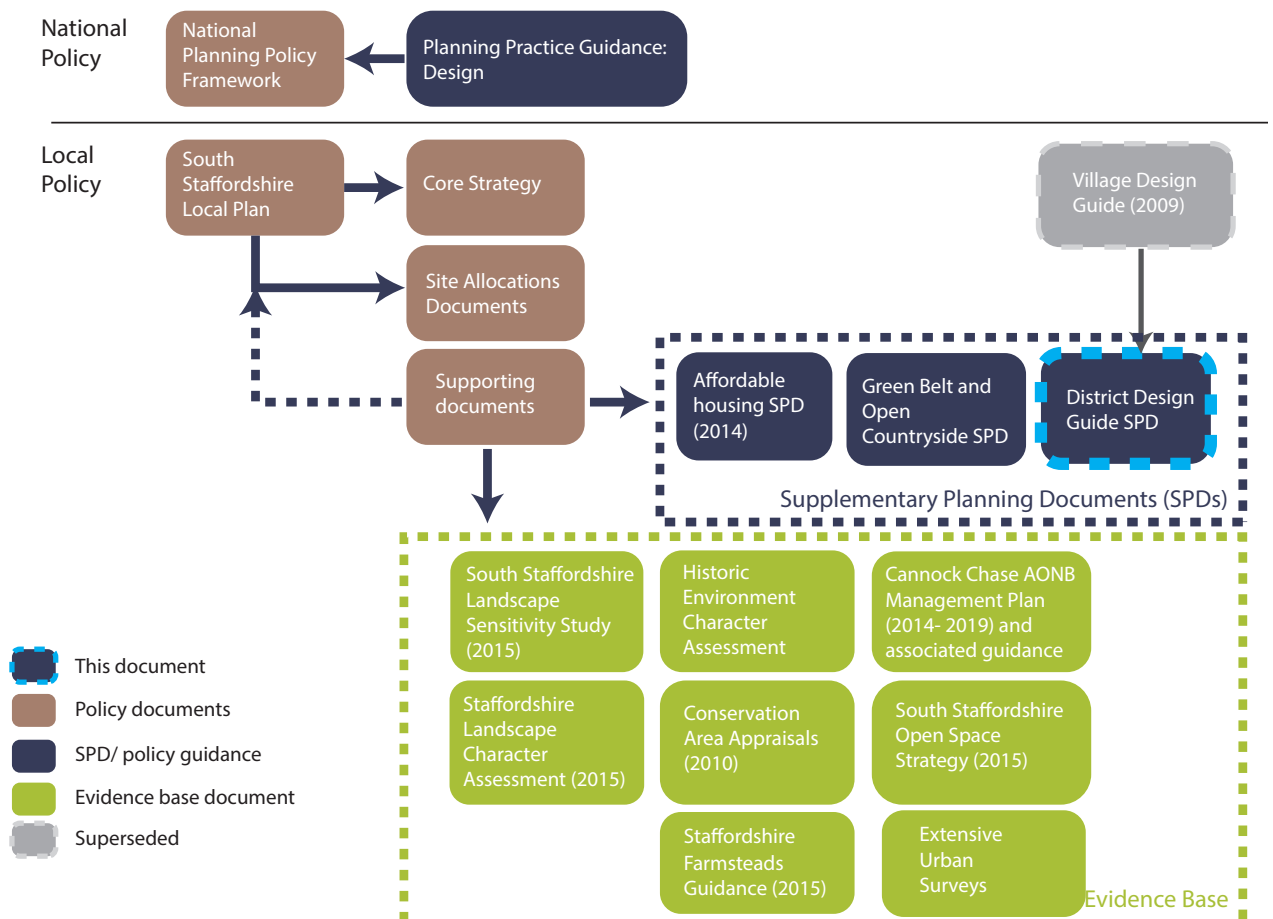
Some relevant documents are shown in the diagram below. Many of these documents contain useful guidance for siting and designing new development. For example, the Green Belt and Open Countryside SPD is relevant for **developments in these areas (this is as defined on the Local Plan Policies Map, but includes most of the landscape outside villages)**. The SPD provides further details and illustration of the principles contained in the Local Plan including the use, size and positioning of new buildings or extensions. The Affordable Housing

and Housing Mix SPD provides guidance on the detailed policy requirements for the delivery of affordable housing and housing mix; it also includes reference to Lifetime Homes standards.

The Evidence Base documents were produced to inform the Local Plan and contain useful information on South Staffordshire's landscape and built environment, as well as guidance on how new developments may best be integrated. The Staffordshire Farmsteads Guidance contains guidance for proposed barn conversions based on the existing character of South Staffordshire's farmsteads. The Historic Environment Character Assessment provides detail on the historic character and heritage features around the settlements of South Staffordshire. The South Staffordshire Landscape Character Assessment and Sensitivity Study describe and evaluate the character and sensitivities of the South Staffordshire landscape.

References to all documents can be found in Chapter [7. References \(p. 65\)](#).

Relevant policy documents & how the District Design Guide sits within these



National Policy

Promoting high quality design in the National Planning Policy Framework

The Government has emphasised the role of good design of the built environment in the National Planning Policy Framework (NPPF, 2012) as well as within the supporting national planning guidance:

“in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area” (NPPF, para. 63)

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions” (NPPF, para. 64).



Summary box: the NPPF Planning Practice Guidance on Design, 2014

The NPPF Planning Practice Guidance on design identifies some key points to take into account:

- **Promoting local character and landscape setting:** *this means successfully integrating all forms of new development with the surrounding context, and reinforcing locally distinctive patterns of development, local man-made and natural heritage and culture.*
- **Promoting safe connected and efficient streets:** *streets need to support the character and use of an area, be functional and accessible for all, to be safe and attractive public spaces and encourage a locally appropriate mix of movement (of vehicles, cyclists and pedestrians).*
- **Promoting a network of green spaces (including parks) and public places:** *These should be designed with a purpose in mind, and wherever possible deliver a range of social and environmental goals.*
- **Promote cohesive and vibrant neighbourhoods:** *The vitality of neighbourhoods is enhanced by creating variety, choice and a mix of uses to attract people to live, work and play in the same area.*
- **Address crime prevention:** *Designing out crime and designing in community safety should be central to the planning and delivery of new development.*
- **Promote efficient use of natural resources:** *The structure, layout and design of places can reduce energy and water use and mitigate against flooding, pollution and over heating as well as help to sustain natural ecosystems*
- **Promote access and inclusion:** *Places should be designed so that they can be accessed and used by everyone, recognising and accommodating differences in the way people use the built environment.*

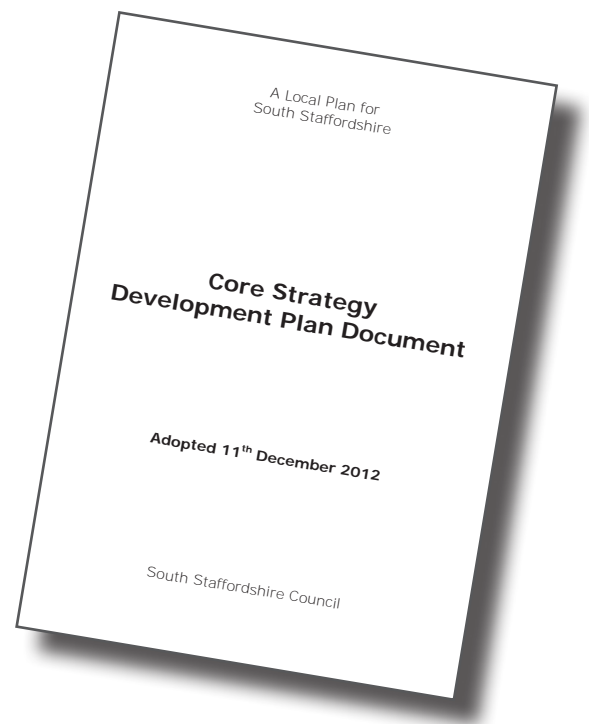
Promoting high quality design in South Staffordshire's Local Plan

The South Staffordshire Local Plan places great importance on promoting high quality design - refer in particular to Core Policy 4: Promoting High Quality Design and Policy EQ 11: Wider Design Considerations.

Policy EQ11 covers the themes of use (incorporating a mix of uses), movement (creating connections and safe, inclusive access), form (respecting local character and distinctiveness and creating a positive street scene) and space (creating pedestrian-friendly streets with a range of green and open spaces). These principles are also covered in this design guide.

"Development proposals must seek to achieve creative and sustainable designs that take into account local character and distinctiveness" (Policy EQ11)

"Good design in the creation of buildings, streets and spaces is an important component of enriching and improving the quality of life for the community" (para 7.53)



Summary box: some of the most relevant policies in the South Staffordshire Local Plan

- Core Policy 2: Protecting and Enhancing the Natural and Historic Environment
- Core Policy 3: Sustainable Development and Climate Change
- Core Policy 4: Promoting High Quality Design
- Policy EQ1: Protecting, Enhancing and Expanding Natural Assets
- Policy EQ3: Conservation, Preservation and Protection of Heritage Assets.
- Policy EQ4: Protecting and Enhancing the Character and Appearance of the Landscape
- Policy EQ5: Sustainable Resources and Energy Efficiency
- Policy EQ9: Protecting Residential Amenity
- Policy EQ12: Landscaping
- Core Policy 7: Employment and Economic Development
- Core Policy 8: Hierarchies of Centres
- Policy EV3: Canals and Canalside Development
- Policy EV6: Re-use of Redundant Rural Buildings
- Policy EV11: Sustainable Travel
- Policy EV12: Parking Provision
- Core Policy 13: Community Safety
- Policy CS1: Designing Out Crime
- Core Policy 14: Open Space, Sport and Recreation
- Policy HWB2: Green Infrastructure



The modern addition on the front of this college building respects the proportions of the original building whilst using glass to distinguish between old and new. The entrance is given a modern lighter feel while the original building retains its prominence.

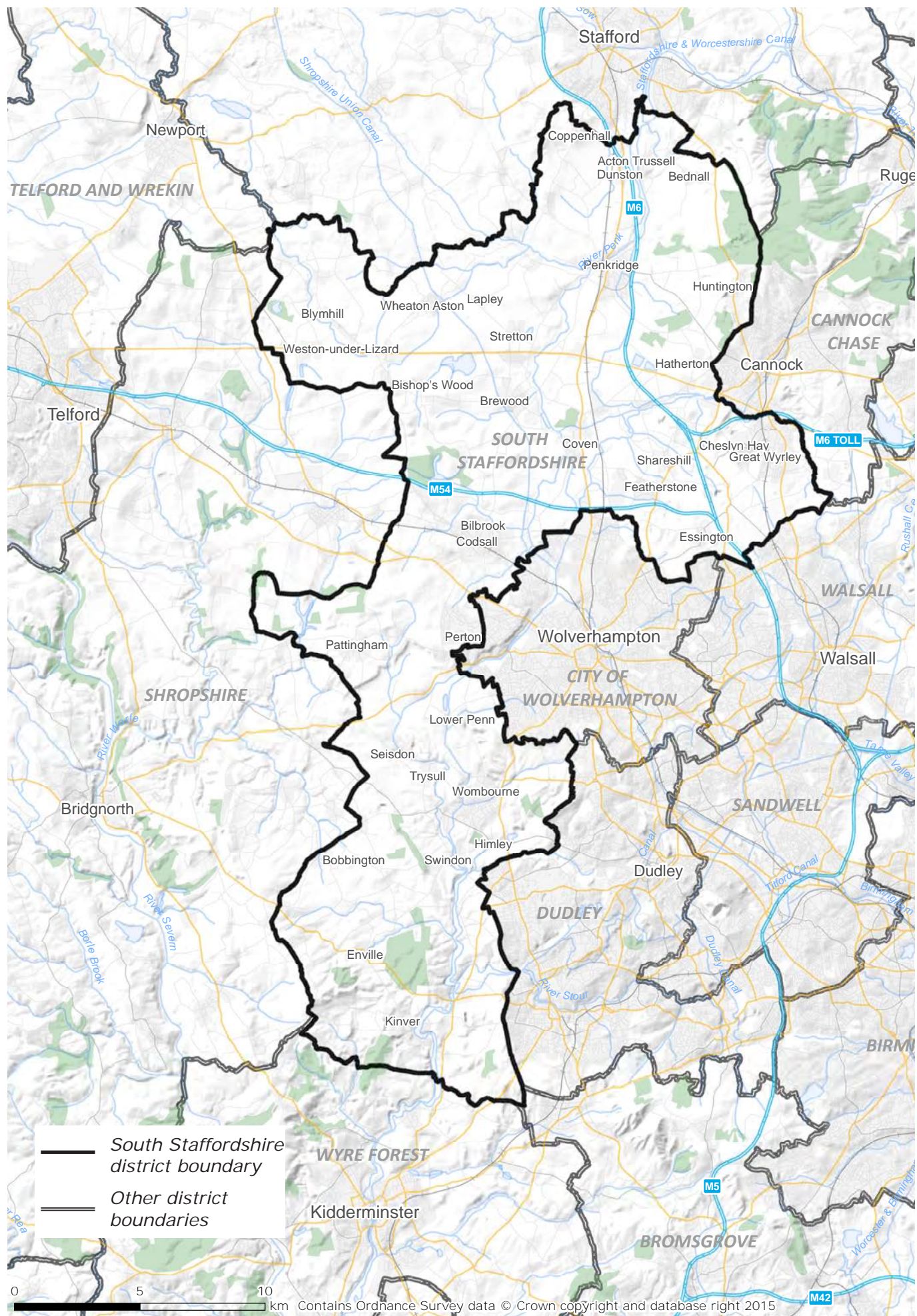


References for good design and planning policies

- + *Urban Design Compendium 1 & 2*
- + *By Design*
- + *Building for Life 12*
- + *NPPF Planning Practice Guidance: Design*
- + *South Staffordshire Local Plan, Core Strategy*
- + *Manual for Streets*
- + *Planning for Places (CABE)*
- + <http://www.planningportal.gov.uk/>

(See **Chapter 7. References** for full details of these publications.)

Map of South Staffordshire district in context



2. South Staffordshire's Character



Part of Enville village, seen from St Mary's Church

South Staffordshire is unique and special

South Staffordshire is unique and special. It is a predominantly rural district, there are no towns - rather, a collection of villages scattered across the landscape. The traditional South Staffordshire villages have expanded gradually over time, beginning as small farming communities and growing up around a church or market place.

The rural landscape has been, and remains, integral to the character of the district; and the settlements are closely tied to it.

Despite the changes within settlements and the landscape in the 20th century, the historic landscape remains prominent. Many of the settlements retain a medieval layout, populated with historic timber framed buildings whilst **outside of the villages medieval field patterns** and winding lanes enclosed by high hedgerows survive.

Evidence of Prehistoric and Roman land use is spread across the district³. This includes **potential Iron and Bronze Age sites identified** near Teddesley, Penkridge, Pattingham and near Dunston. The Iron Age hillfort at Kinver includes large earthen ramparts and is a Scheduled Monument.

³ Further details can be found in *South Staffordshire's Historic Environment Assessment*

The legacy of two Roman forts and associated settlements at Pennocrucium and at Greensforge and associated roman roads is still legible within the landscape.

Watermill sites, some of which have Early Medieval origins, point to early industry in the district which used the power of the rivers to mill corn. The iron-working industry in the Stour and Smestow valleys also developed using water power, from the late 16th century.

Much of South Staffordshire's development **was influenced by the interlocking large landed estates** that historically formed around half of its area. These often originated as sites of medieval manor houses and grew into country estates with nearby workers' cottages in the 18th and 19th centuries. A number of landscape parks date from this period (such as Weston Park, Enville, Teddesley Park and Patshull Park). The areas around Kinver, Swindon, **Brewood** and Wombourne all lay within the cores of the medieval Royal Forests that covered much of the district into the early 14th century.

The woodlands were used for hunting and as a source of timber and minerals from the middle ages, although from the 11th **century** were subject to forest laws by the Crown. Below-ground mining of coal, clay and iron is known to have existed from the 13th century. Coal mining and quarrying in the 18th and 19th centuries

was concentrated in the north east of the district, and led to the expansion of industrial villages such as Featherstone, Great Wyrley and Huntington; the industry of the area was also closely associated with the development of the communications network of canals, tramways and later the railways.

The Staffordshire and Worcestershire Canal opened in 1772, completed by the legendary engineer James Brindley and the Shropshire Union Canal also opened in 1835, engineered by Thomas Telford. The canals include numerous locks and bridges and impart local character and distinctiveness.

Despite the urbanisation and sprawl of many surrounding areas (particularly the West Midlands conurbations of Wolverhampton,

Dudley and Birmingham to the east and north east), South Staffordshire has retained its rural identity.

The settlements consist of scattered farms, small hamlets and larger villages set in attractive countryside. Many of the settlements retain links to the surrounding countryside and to their history, with the historic village centres and historic buildings still present.



Canals add character and distinctiveness to the landscape of South Staffordshire



The historic character of the district is very important to retain. Many timber framed buildings dating from the medieval period are still present in and close to the historic cores of the district's villages, such as this house in Penkridge.

Traditional settlement patterns

The pattern of settlement in South Staffordshire is predominantly dispersed, with individual scattered farmsteads, small clusters of properties, historic houses, hamlets and larger villages linked with winding lanes. Summaries of many of the villages are provided in [Appendix 1](#).

Many farmsteads are associated with the 18th and 19th century estate landscapes, which grew from the medieval pattern of fields, routeways and woodlands.

The village summaries show that the villages which are particularly distinctive and attractive tend to have recurring elements and features that bring a sense of unity and consistency - for instance, buildings of the same or similar materials, scales or forms.

The traditional pattern of villages

Traditional villages of South Staffordshire often began as a cluster of individual farms which expanded gradually over time, often around

a community use such as a parish church or market place. Over time, the villages grew outwards, with smaller buildings such as farm workers' cottages lining smaller, winding streets. A number of villages (Penkridge, Brewood and Kinver) retain in the layout of regular building plots evidence for an initial phase of deliberate planning.

Today, the centre of traditional villages is often identifiable by the church or market place surrounded by larger, historic buildings. Further out from the centre, smaller scale winding streets lead you out of the village. This pattern is known as an informal hierarchy: there is a main focal point (such as a church spire) surrounded by a subtle mixture of scales, forms and rhythms of buildings, streets and spaces. This variety creates richness and texture in the environment.

New development should aim to reflect this subtle diversity and avoid a standardised approach.



Traditional villages such as Brewood grew around an historic core, often with a church. Brewood developed around an ancient market place. Surviving buildings date from the 17th Century.

A compact, nucleated village with a historic core



An illustration of the pattern of the village of Wheaton Aston, showing the approximate location of the historic village core (in red). Wheaton Aston is an example of a traditional rural compact village. It has medieval origins, having developed slowly from the 13th Century as the focus for a small farming community. The cluster of farmhouses and cottages around the parish church represents the historic core of the village surrounded by tight winding lanes, few buildings dating from the medieval period survive. In the 19th and 20th centuries it expanded to meet the canal to the north.



This building in Brewood village centre adopts similar materials, form and style to its neighbours, with particular attention to detail in elements such as windows and the door portico, adding richness and variety to the street scene.

A dispersed village with loose clusters of buildings



Dunston is an example of a traditional dispersed village. Scattered groups of buildings form evenly spaced loose clusters, many arranged in a courtyard form and connected by narrow lanes. Typical buildings are brick and modest in scale.



Typical red brick modest scale houses in Dunston, with landscaped planting used to define driveway entrances and street corners.

The traditional pattern of settlement in the countryside

The settlement outside of the villages tends to be scattered individual farmsteads and small clusters of properties.

Traditional farmsteads are usually either large isolated farmsteads, courtyard farmsteads - where the working buildings are arranged around one or more yards - or small and medium-scale farmsteads, which tend to be loosely clustered in and around the small villages and hamlets across the district.⁴

New development in the countryside could take inspiration from these traditional building groups when considering the scale of buildings and arrangement and orientation of elements on the site (such as service areas). Arranging new development in this way can help to reduce the perception of bulky units.



Horsebrook shows a typical arrangement of scattered individual dwellings, some of which are historic barns. Barns and farmhouses have a close connection to the surrounding landscape.

⁴ See the Staffordshire Historic Farmsteads Guidance - Farmsteads Character Statement



This successful barn conversion retains the original brick detailing whilst simple roof lights have been used to bring light into the building without compromising the traditional form.



This development on Himley Lane, Swindon, uses the traditional farmstead layout - common in South Staffordshire - whilst creating contemporary homes with high energy performance and modern materials.

Special character in South Staffordshire

*The **character** of a place is created by special or distinctive features which recur across a particular area, giving it a sense of local identity.*

It means that when you visit a certain area, you take away a memory of what that place was like. Character is important because it adds richness, variety and rhythm to our environments.

It means that places are distinctive, have a sense of identity and are not all the same.

The features, elements or patterns that are important to the character of one area may not be the same for another. One area may have a strong sense of identity as a result of its rolling landform and wide open views. There may be a particular type of brick used in the village which makes the buildings have a sense of unity or style. Timber-framed buildings, small, winding rural lanes, small scale river valleys and wide open fields, can all contribute to a sense of character.

Areas of different character

Character varies as you travel through South Staffordshire. The character of the landscape changes as a result of the changes in geology and landform - which cause differences in vegetation and the types of materials available to be used in the construction of buildings.

Broadly, the district is divided into three areas of different character. These areas are listed below and shown on the map overleaf: **'National Character Areas in South Staffordshire'**. They are described individually in more detail in the next section.

- *Staffordshire Plain*
- *Cannock Chase and Cank Wood*
- *Mid-Severn Sandstone Plateau*

National Character Areas

National Character Areas are areas of different character across the whole of England. They have been drawn and described by Natural England, to inform our understanding of what makes places special.

The three areas listed above are parts of three of these National Character Areas.

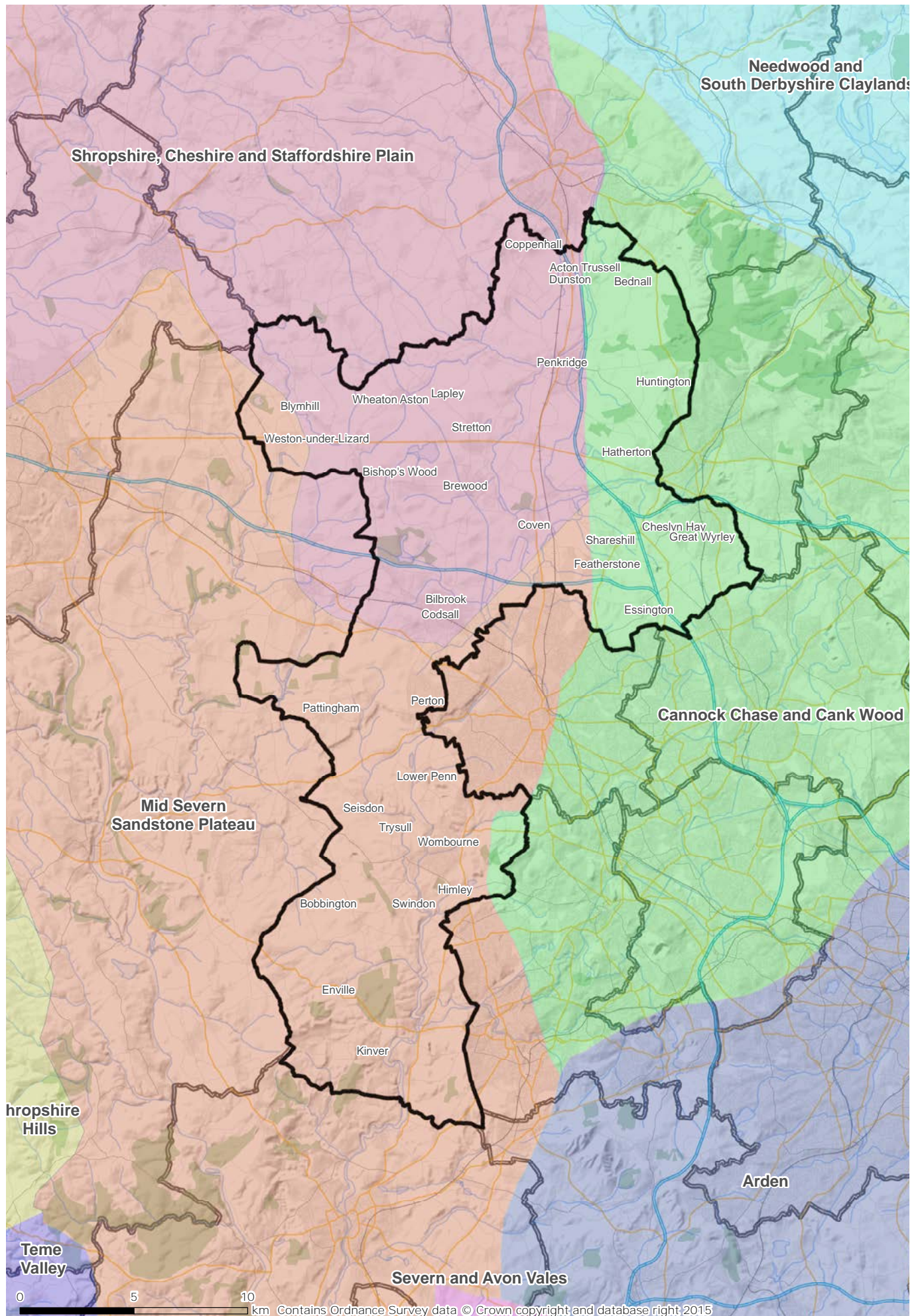
- Staffordshire Plain is part of National Character Area **61**
- Cannock Chase and Cank Wood is part of National Character Area **67** (Cannock Chase and Cankwood)
- Mid-Severn Sandstone Plateau is part of National Character Area **66**.

Local Character Areas

At a more local level, there are of course many variations in character as you travel around. For **example, the former coalfields area in the east** of the district around Cheslyn Hay, Featherstone, Great Wyrley etc. is characterised by small scale villages with 19th century terraced cottages.

These local variations are represented as smaller 'local character areas', which have been drawn and described by South Staffordshire Council. More information on these local character areas can be found in the South Staffordshire Landscape Character Assessment.

National Character Areas in South Staffordshire



Character areas in more detail



A farmstead in the South Staffordshire Plain, a typical sight when travelling through the district. Typical barns sit low in the landscape and farmsteads are formed of clusters of brick buildings.

Character of the Staffordshire Plain

Countryside

The countryside of the Staffordshire Plain is characterised by a broad, open, gently rolling agricultural landscape. On the whole, the limited woodland cover leads to wide-ranging views. Landscape features which contribute to the character include:

- *Extensive gently undulating plain*
- *Historic parkland and agricultural estates e.g. at Weston and Chillington.*
- *Strong field patterns and generally well-maintained boundaries*
- *Diverse wetland habitats including meres, wet woodland and ponds are scattered across the landscape - the result of glacial deposits.*

Settlement

Settlement and the built environment in the Staffordshire Plain is characterised by scattered large farmsteads and dispersed hamlets which are seen as part of the landscape. They are defined and enclosed by woodland groups. Villages are quite often sited on higher ground, and tall features such as churches are visible landmarks in the low lying landscape.

Features of the built environment important to the character of the area include:

- *Dense, tightly formed villages with traditional village centres arranged around a church or market place*
- *Scattered large farmsteads, consisting of buildings orientated towards each other, forming tight clusters*
- *Historic farmhouses and villages of mellow red brick and tiled roofs.*

Some specific guidance for new development in the area is included below. **This should be read alongside the design principles listed in Chapter 3. Design Principles (p. 21)** and further information on many of the individual villages is provided in the Village Summaries in [Appendix 1](#).

Design guidelines for new development in the Staffordshire Plain

- **For new development in the countryside, consider how it will be seen in views across the landscape:** pay attention to the scale of the development, its form and colour of materials so that it is harmonious with other features in views.
- **For new larger developments in the countryside lower lying structures are likely to be less intrusive in views.** Use planting around larger buildings to blend them into the landscape.
- **Plant hedge boundaries**, especially where there is an opportunity to extend existing hedges.

- **Where new development abuts the countryside, pay particular attention to the design of the development boundaries.** Planting such as tree groups, grass margins or hedges is likely to be appropriate.
- **Avoid sprawling villages:** pay particular attention to sites on the edges of villages to make sure development does not disrupt the containment and pattern of the village.
- **Where development is within a village, pay attention to the scale of nearby buildings and spaces so that the natural pattern of the village is still recognisable.** This is particularly the case where villages are characterised by a hierarchy of scale, with larger buildings in the centre and smaller buildings at the edges.



A low lying farmstead bordered by tall trees, reducing its overall visual impact in the landscape

Villages within the Staffordshire Plain

Bilbrook	Lapley
Bishops Wood	Penkridge
Brewood	Stretton
Codsall	Wheaton Aston
Coven	
Coppenhall	
Dunston	

Refer to **Village Summaries - Appendix 1** for further information about these villages

Character of Cannock Chase and Cank Wood

Countryside

The countryside of Cannock Chase and Cank Wood is characterised by rolling plateaux with scattered woodlands and a peaceful, strongly rural character in the northern part of the area. In the far east of the area, previous coal and clay extraction has shaped the landscape and villages.

Landscape features particularly important to countryside character include:

- *Significant tracts of heathland exhibiting an unspoilt, almost wilderness character*
- *Extensive coniferous plantations, woodlands and historic parklands.*
- *Former industrial areas associated with colliery working characterise the eastern areas adjacent to Wolverhampton and Cannock.*
- *Historic parklands are present in pockets across the landscape. These are more formal areas with special character.*



Typical heathland of Sherbrook Valley within the Cannock Chase AONB

Settlement

Settlement and the built environment in Cannock Chase and Cank Wood is characterised by, in the northern part of the area, little development, mainly of groups of farmsteads and cottages connected by winding ancient lanes. The southern and eastern parts of the area have a more industrial character and saw substantial growth in the 19th and 20th centuries.

Features of the built environment important to the character of the area include:

- *Winding ancient lanes in the northern part of the area.*
- *Terraced housing and estates.*
- *Historic farmsteads.*

Some specific guidance for new development in the area is included below. **This should be read alongside the design principles listed in Chapter 3. [Design Principles](#) and further information on many of the individual villages is provided in the village summaries in [Appendix 1](#).**

Design guidelines for new development in Cannock Chase and Cank Wood

- ***For larger developments in the former-industrial areas of the countryside take opportunities for further landscape restoration such as tree and hedgerow replanting.***
- ***For new development in villages which have ex-industrial character,***

take opportunities to regenerate and enhance character, taking inspiration from industrial elements in new design, such as local building materials, retaining historic arrangements of farmsteads.

- ***For larger industrial and commercial developments in the countryside, arrange units in logical groupings such as along transport corridors.***
- ***Ensure new development respects the character of the AONB and its setting.***
- ***For larger industrial and commercial developments in the countryside, blend development into the surrounding environment with planting, materials which blend in harmoniously and with signage which is sympathetic to the surrounding environment.***
- ***Avoid sprawling villages: pay particular attention to sites on the edges of villages to make sure they do not disrupt the containment and pattern of the village.***

Villages within Cannock Chase and Cank Wood

Acton Trussell	Hatherton
Bednall	Hilton
Cheslyn Hay	Huntington
Essington	Shareshill
Featherstone	Teddesley Hay
Great Wyrley	

Refer to [Village Summaries - Appendix 1](#) for further information about these villages



View across the South Staffordshire landscape from a winding ancient lane.



The Mid Severn Sandstone Plateau

Character of Mid-Severn Sandstone Plateau

Countryside

The countryside of the Mid-Severn Sandstone Plateau is characterised by broad, open, rolling landform allowing wide views. The south west part of the area is deeply rural and is particularly influenced by parkland estates. A wooded character is created by prominent woodlands on higher ground. There is a long history of occupation with evidence of activity in prehistoric and Roman times. Landscape features particularly important to countryside character include:

- *Undulating landscape with tree-lined ridges.*
- *Kinver Edge, the pronounced ridge with distant views from the ridge across the flat landscape to the west.*
- *Woodlands on higher ground are important in giving a well-wooded impression of the landscape.*
- *The Staffordshire and Worcestershire Canal, and the Stourbridge Canal.*
- *Parklands and estates e.g. Enville, Weston Park - with 18th century landscape gardens.*
- *Sunken rural lanes known as 'holloways'*
- *Small wooded stream-side dells, known locally as dingles, for example along the valley of Smestow Brook. Trees include lines of alder, willow and poplar and the occasional native black poplar.*

Settlement

Settlement and the built environment in the Mid-Severn Sandstone Plateau is characterised by a mixed pattern but generally there are scattered hamlets, farmsteads and medieval agricultural villages linked by frequent roads. Larger villages include Kinver and Wombourne. Estate villages including Shareshill and Enville impart a cohesive character and distinctive style to the area whilst Victorian villas within village cores (e.g. Trysull and Seisdon) add diversity to the built fabric.

Features of the built environment important to the character of the area include:

- *Soft mid-red brick.*
- *Kinver Forest influenced the buildings nearby - especially Kinver - there is a resulting variety of timber-framed buildings.*
- *Estate villages and country estates including the 18th century Patshull Hall and Park.*

Some specific guidance for new development in the area is included below. **This should be read alongside the design principles listed in Chapter 3. *Design Principles*** and further information on many of the individual villages is provided in the village summaries in **Appendix 1**.

Design guidelines for new development in Mid Severn Sandstone Plateau

- **Consider the design of roofs and the form of buildings** where developments are located in the open agricultural landscape, particularly where they may be seen from high vantage points. Avoid sprawling developments and contain new development within existing boundaries where possible.
- **Integrate larger units into the landscape.** For example, by designing the shapes of buildings so that they fit within the environment, using materials which blend in and softening boundaries with planting.
- **Respect and enhance historical features** in the landscape and villages.



Enville Manor is typical example of historic building in South Staffordshire, with red brick, clay roof tiles and timber framed windows. New development should respect and respond to these historic design features.

Villages within the Mid-Severn Sandstone Plateau

Bobbington	Pattingham
Enville	Perton
Hilton	Seisdon
Himley	Swindon
Kinver	Trysull
Lower Penn	Weston-under-
Patshull	Lizard
	Wombourne

Refer to **Village Summaries - Appendix 1** for further information about these villages

References for Character

- + **Village Summaries - Appendix 1**
- + **South Staffordshire District Council website:** <<<http://www.sstaffs.gov.uk/>>>
- + **Staffordshire Landscape Character Assessment (2015)**
- + **South Staffordshire Conservation Area Appraisals**
- + **South Staffordshire Local Plan**
see Policies EQ11: Wider Design Considerations; EQ1: Protecting, Enhancing and Expanding Natural Assets

(See **Chapter 7. References** for full details of the publications).

3. Design Principles

Design principles

This section sets out the principles for the design of new development in South Staffordshire. The Council wishes to see evidence that applications for new development have considered these principles.

Further guidance on the information to include in planning applications is provided in **Chapter 6. Process (p. 57)**. In addition to these design principles, also refer to the area-specific guidance on **Character areas in more detail (p. 16)** and the **Village Summaries in Appendix 1; Chapters 4. Major developments (p. 47)** and **5. Minor developments (p. 53)**.

Good design is not only about how a development looks, but how it works for the people who live, visit and work there.

Urban design principles

For larger developments where a number of buildings and streets are proposed, refer to the **urban design principles of place-making**. Urban design principles apply to rural contexts as well as urban areas.

It is recommended that a suitably qualified professional (such as a landscape architect, urban designer or architect) is engaged at the early stages of developing a proposal. All schemes for masterplans or larger sites should start with a clear vision for the future of the place.

The principles of good urban design are explained in detail within a broad catalogue of references, some of which are listed on **p. 7**. They are not repeated in this design guide, however, some key terms are listed below:

- **legibility** (*making it easy for people to find their way around and understand a place*);
- **permeability** (*making it easy for people to enter and move through a place and into other places*);
- **landmarks, views and focal points** (*which help create legible places and give a sense of identity*);
- **gateways** (*creating strong entrances and sense of arrival*);
- **hierarchy of connected streets and spaces** (*varying the width of buildings and streets in proportion to each other and in relation to the function of the street*);
- **inclusive access** *with emphasis on pedestrians (considering ease of access for elderly, young and disabled people)*.

Design Principles

A Landscape & Open Space

B The Site & its Context

C Layout & Connectivity

D Building Scale & Form

E Materials & Details

The design principles listed here have been divided into sections for ease of use, however they do overlap with each other and some elements are relevant to more than one principle. They are presented here roughly in the order they might apply during the design process.



Landscape & Open Space

Landscape and open space (the natural landscape as well as streets or public squares) should be the starting point for new development. This should be the framework within which the design evolves. New development should sit well in relation to its surrounding landscape and major developments should incorporate a number of different types of open spaces.

Landscape and open space as an integral part of the development

Landscape and open space should be an integral part of the scheme's design, complementing and enhancing the development and the wider area. **For larger developments landscape and open space should be considered first, and will form a framework within which the design evolves.** This helps to settle the development into its surroundings and should encourage links outside the development to the surrounding countryside or public realm, even where new development is located within a village.

Good quality landscape not only creates richer and more attractive environments, it is also highly **cost effective**.



Designing buildings around a strong landscape framework helps to articulate the design, providing a sense of character and place. Tree-lined avenues, formal gardens and woodlands provide strong settings & links to the surroundings.

Engaging professionals

It is important that a suitably qualified professional such as a landscape architect is engaged early on in the process of designing larger schemes.

Creating attractive, safe and lively spaces

Well-designed spaces are those which are carefully considered in terms of who will use them, how they are accessed, whether the boundaries create suitable enclosure whilst maintaining physical and visual links to the surroundings and whether they look attractive, with features such as trees and planting that thrive and attract wildlife.

Providing attractive, high quality landscapes requires careful consideration of the size and shape of spaces including entrances and boundaries, planting, types of materials, **colours, textures and shapes which could reflect or contrast with the patterns of surrounding features, trees, buildings and other structures.**

Natural surveillance of open spaces is created by designing building frontages to look out onto them, helping to build safe environments.



A mixture of trees, hard and soft landscape create a strong setting for the contemporary architectural buildings at Oxford Brookes University, and visual links along footpaths to the green surroundings. Carefully chosen materials create texture and unity and complement the architecture of the development.

A. Landscape & Open Space

Public art, street furniture and lighting can enliven the public realm - also see [Street design & inclusive access \(p. 35\)](#) for further guidance on designing the public realm.

New planting

New planting should be used to create an attractive environment and enhance biodiversity. It can also be used to frame views and screen elements such as services or parking. Specifying appropriate plant species includes plants which will enhance biodiversity, provide seasonal change and will be able to be managed and maintained properly.

Trees proposed in streets or public spaces are more likely to be delivered and maintained (by the Council or a management company) than those proposed in private front or back gardens - this should be a consideration when reviewing larger schemes with large areas of planting proposed on private land.

Native trees and plants provide good opportunities for biodiversity. Ornamental planting provides seasonal/colour benefits and can enhance local character. Looking at good examples of plant combinations near the site may help - including which species are present, how they are grouped and how they relate to site conditions such as soil types and drainage.

Consult the Council's Landscape Character Assessment and Chapter [2. South Staffordshire's Character \(p. 9\)](#) to see what may be appropriate for the area in question.



Riverside Court in Kinver has been planned around a central courtyard, setting the building back from the road and creating a community space with natural surveillance from overlooking windows.

Retain existing natural features and habitats

For all types of development, whether large or small, conserving and enhancing the existing natural features on site will help to blend the development in with its surrounding environment. It will provide immediate impact, where new planting may otherwise take years to establish and is also beneficial for biodiversity, retaining important established habitats. Opportunities should be taken to protect and enhance key natural features where possible.



The planted courtyard creates an attractive view from the cafeteria of this new building. Retaining the mature tree softens the view of other buildings behind. Benches and lighting create a comfortable and functional space.



Informal planting of meadow flowers and trees attracts wildlife and allows views to the landscape beyond.

Different types of landscape and open space

There are many different types of landscape and open space, both natural and man made, from the rural open countryside to natural green spaces such as Kinver Edge, Shoal Hill Common, Baggeridge Country Park, Highgate Common and Cannock Chase Area of Outstanding Natural Beauty - as well as urban parks and market squares.

It is vital that a variety of publicly accessible spaces is included within larger developments, and that they link with each other and link the development to its surrounding environment. Links can be made with features such as footpaths, street trees, planters, permeable verges and green roofs.

Examples of different types of landscape and open space

Sports pitches	Market squares
Back gardens	Swales (areas of planting for flood storage and drainage)
Street trees	Playgrounds
Green roofs	Roadside verges
Nature reserves	Canals and rivers
Allotments	Native woodlands
Village greens	

For larger developments, hierarchies can be a useful way of arranging different types of spaces linked together. Larger more formal spaces around areas of community use might form a focal point, incorporating new features such as trees, sculptures and planting, whilst smaller areas of planting line minor streets.

The Triangle in Swindon, Wiltshire, is a development of 42 homes around a central shared garden. Landscaped green space is integral to the design.

Green infrastructure

Where different types of landscape and open spaces are linked together, it is also known as **green infrastructure**. This is particularly effective where links are created between residential areas, recreational sites and open countryside. Designing in green infrastructure to a scheme from the beginning can also replace some of the need for conventional 'grey' infrastructure by acting as flood storage and natural drainage.

Landscape and open spaces can have many different uses. Not only can they make developments look attractive but soft landscaping can provide drainage, mitigate effects of climate change and provide habitats for wildlife; new public spaces provide room to play, socialise and enliven places which contribute positive health benefits..

Sustainable solutions & biodiversity

Sustainable Drainage Systems (SuDS)

Development proposals should respond to potential climate change, considering aspects such as shade (tree planting or canopies) and flooding.

SuDS mimic nature by managing rainwater close to where it falls. They include features such as swales, rain gardens, retaining ponds, permeable paving and green roofs to reduce surface water runoff rates, allow rainwater to infiltrate and reduce reliance on sewer systems. Incorporating features such as these forms cost efficient and attractive solutions.



Swales and other sustainable drainage systems (SuDS) can be incorporated to reduce the potential impact of new and existing developments with respect to surface water drainage discharge.

A. Landscape & Open Space

Contributing to the surrounding character

Creating links between natural areas (green infrastructure such as hedgerows, trees and planting), can connect habitats, enable water to drain across a larger area and improve the quality of our environment. New development should work with the surrounding landscape structure where possible, fitting with existing patterns such as field boundaries and hedgerows and responding to the character of the surrounding area (also see Section **B. Context & Local Distinctiveness** (p. 28)).

Take opportunities to create connections between new development and treasured open spaces, footpaths, canals or rivers, and the wider landscape, and to add character through new landscape features, particularly to landscapes which have been degraded.

Creating views to natural elements outside the development enhances experiences of nature and can help to fit development into its surrounding environment. A particular view to a 'landscape landmark' can provide focal points within a development and can be used to aid orientation. For example, views of a village green, canal, hill, farmstead or group of mature trees could be used as landmarks.

Settlement boundaries and interfaces

The rural landscape setting is the context for almost all development in South Staffordshire. This means that development at village edges can be widely visible and can affect how we see the character of both the villages and the countryside. Consideration of village edges and interfaces with the rural surroundings is therefore vitally important.



Particular views to 'landscape landmarks' should be retained and provide focal points around which to plan a development.

Pay close attention to the treatment of the boundaries of a new development where it adjoins the countryside. Where there is the opportunity for a developer to blend the development into its surrounding environment, these opportunities should be taken. For example, areas of woodland planting adjacent to the development edge, or integrating an existing village green can help to 'soften' the edges and make a smooth transition between the development and the wider countryside. Also see **p. 50** for examples of good boundary treatment, and an example of riverside setting on **p. 47**.

Development within or adjacent to a waterway corridor should take advantage of the waterside setting. This should include a green corridor of native plants appropriate to the context, and other **green infrastructure** links such as signed walkways or cycleways that connect to other recreational areas or facilities.

Impacts on landscape and views

Can the wider landscape be used to mitigate certain aspects of the new development? For example, siting the development on the lower valley slopes may have less of a visual impact in longer views.



This building at the Yorkshire Sculpture Park is set into the hillside and below the tree canopy of the surrounding woodland. The green roof of the building in combination with carefully placed hedge and grassed areas blends the building seamlessly into the surrounding landscape from elevated viewpoints.



This artificial swale and channel has been designed to manage surface water run-off and provides an attractive and functional addition to the street.

Summary

- Create a landscape framework early in the design process, responding to existing features within and surrounding the site.
- Good quality landscape not only creates richer and more attractive environments, it is also highly cost effective. Attractive settings encourage investment.
- Take opportunities to retain and enhance existing landscape features and biodiversity elements such as retaining existing mature trees.
- For larger developments, include a variety of different types of green and open spaces.
- Where possible, create connections (via footpaths, views or natural features) with canals, rivers, trees and green spaces.
- Respond to potential climate change by considering issues of shade and flooding.
- Incorporate features to attract wildlife, create biodiversity and create links to existing habitats.
- Pay close attention to the village edge and interface with the rural countryside.
- Consider how the new development can contribute or work within the wider environment.

References for Landscape & Open Space

- + *South Staffordshire Landscape Character Assessment and Supplementary documents on Landscape Character and Biodiversity*
- + *Chapter 2. South Staffordshire's Character (p. 9)*
- + *'Why Invest in Landscape' and 'Profitable Places: Why housebuilders invest in landscape' - Landscape Institute*
- + *South Staffordshire Local Plan* > see Policies EQ12 Landscaping; EV3 Canals and Canalside Development; HWB2 Green Infrastructure; EQ11 Wider Design Considerations; Core Policy 14 Open Space, Sport and Recreation
- + *For Space About Dwellings Standards: Appendix 6 of the Local Plan*
- + *South Staffordshire Open Space Strategy*
- + *Local Green Infrastructure Initiatives* (e.g. Forest of Mercia, Cannock Chase AONB Management Plan, Staffordshire BAP, West Midlands GI Prospectus)
- + *Green Belt and Open Countryside Planning Document (SPD)*
- + *For further guidance on SUDs, see the Landscape Institute website and CIRIA Susdrain network*

(See [Chapter 7. References](#) for full details of the publications).

B. Context & Local Distinctiveness

The site and its context

All developments should be designed for their specific sites: developers should consider the characteristics of a site and its context (the surrounding environment) when deciding where to locate the landscape and open spaces and buildings within plots, considering views to and from the surrounding environment. New development should achieve a harmonious relationship with the surrounding village or landscape context.

Understand the character and key features of the place

What a particular site, place or area is like, and how it feels, is described as its 'character' (see Chapter 2. **South Staffordshire's Character** (p. 9)). Character is the result of certain distinctive features, elements or patterns which combine and re-occur across an area. Character is important because it adds richness, variety and rhythm to our environments. It means that places are distinctive, have a sense of identity and are not all the same.

Establish what the character is through an appraisal of the site and its surrounding landscape or village - see Chapter 6. Process (p. 57). This includes identifying important features or characteristics within the site and in the surrounding area. The characteristics of a site or area may include particular materials, building styles, colours, natural features, landform and street patterns, etc.

Respect and reinforce local character and distinctiveness

Good design will take inspiration from existing features or characteristics. This includes retaining key features on site such as a mature tree or a view to the surrounding countryside or taking inspiration from certain architectural details or roof shapes. Whatever the characteristics are, new development does not need to replicate features from the surrounding environment, but can take inspiration from it. **The most appropriate design solutions are as often to be found in contemporary design as traditional design.**

Safeguard and enhance the setting of valued features

Where there are valued features that are particularly important for local distinctiveness, opportunities should be taken to retain and enhance these within the design of new development. This may include taking advantage of a waterside setting by creating footpaths with signage and natural planting (see p. 47 for an example); safeguarding key views to a church spire; respecting the shapes and forms of nearby roofscapes of distinctive buildings and creating new views to landscape features.

Protect and enhance landscape/village character

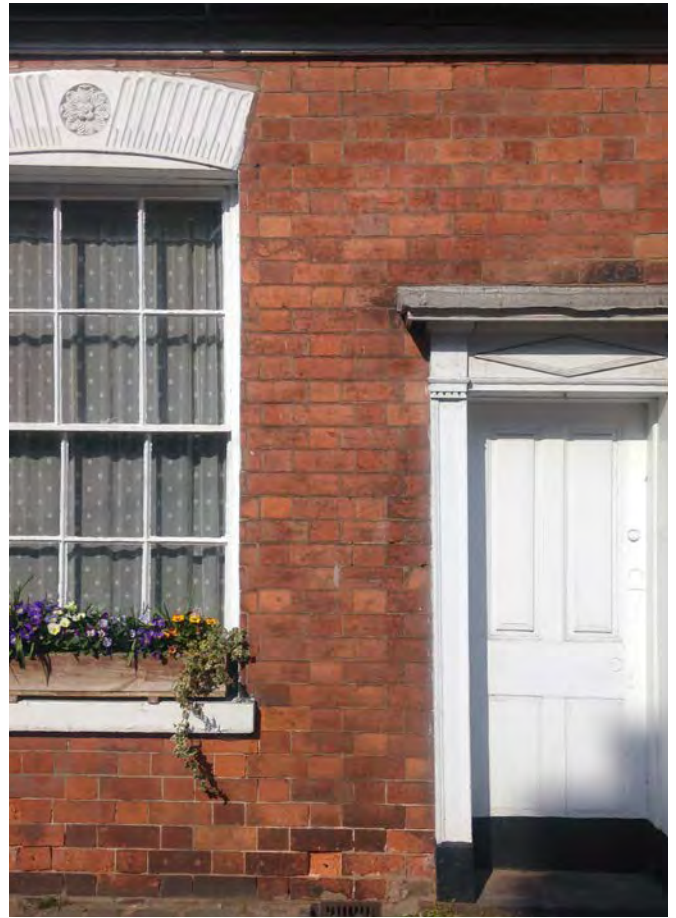
The siting and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings. Where development may have an impact on landscape character or views, an appropriate assessment should be undertaken with reference to the Landscape Character Assessment.

The siting, scale and design of development is particularly important, giving consideration to how the development will appear in distant views and how it relates to features such as **woodlands, field boundaries, hilltops or canals** as well as other buildings. Developments should be sensitively designed for their location, aiming to achieve a sense of harmony and balance.



Wooded slopes provide an important landscape setting to Kinver

B. Context & Local Distinctiveness



Traditional details can be incorporated into contemporary designs: the above left image shows the success of making reference to historical design details (above right) without directly copying the historic architectural style.



Contemporary design should respond to the context by responding to existing structures and using complimentary materials whilst avoiding standardisation. The image above shows a timber shingle clad extension to a listed former inn.



Modern refurbishment can benefit from responding to the agricultural context of South Staffordshire. This example takes on the traditional structure of an agricultural barn, with traditional window sizes and clay tiles.

B. Context & Local Distinctiveness

Richness in historic features

Evidence of human occupation dating back to prehistoric times has been found in South Staffordshire. Whether in the villages or countryside, this presence of history within the environment adds richness and meaning to our experiences. Historic villages have grown organically over time, with new development following on from what was there before creating strong local identities.

It is important that new development is conceived in harmony with the past, and that opportunities for drawing on the contribution made by the historic environment including the Historic Landscape Character are taken into account. The historic context of the site, including plot patterns or street layout should be respected.

There are many ways in which references to the history of a place might be incorporated within new development. For example, the line of a historic route might be used as the main thoroughfare within a new development, a view to a landmark feature could be framed, or different materials could be used to mark out where historic features once stood.



At Himley Lane, Swindon, the architects and developer worked closely with Council Officers to reflect the local context by taking inspiration from local buildings such as the pub. References to the village vernacular include traditional brickwork, timber windows, maximising open countryside views, small front gardens with sensitively designed boundaries and patterns of roof lines.

Creating character and identity

Some places may have no distinctive character, or features may have been removed as part of more recent development. Here is an opportunity to **create** character through new development! Developers should use opportunities to create character, where this is possible, thereby adding to the sense of local identity and creating pleasant environments. New development can bring cohesion to the wider area.

Usually where new character is being created, it will be appropriate to draw inspiration for design from the surrounding context, whether the local area or from further afield.

No place for standardisation

Developments consisting of standardised pattern-book building and layout designs are not appropriate in South Staffordshire.

They bear no, or little, relationship with the character of the places in the district. In fact, they can disrupt the harmonious balance, variety and rhythm that makes these environments so pleasant to live in.

Look at patterns of development when siting developments and consider how it fits in within existing patterns of settlement or the character of the landscape (refer to Chapter [2. South Staffordshire's Character](#) (p. 9)).



This scheme pays less attention to the local context. Buff coloured materials are not common in the district, and this development therefore looks out of place. The large scale of the buildings have little variety in height or roof line and the overall identity of the development could place it anywhere .

B. Context & Local Distinctiveness



The parish church (top), historic mill buildings and the river (above) in Penkridge provide a distinctive landscape setting to the village. The hedge alongside the road (top image) provides a strong boundary to the settlement



Burnhill Green is a high quality development in a rural context. Red bricks, traditional lime mortar and reclaimed roof tiles tie the development to its local context. Consideration of the appearance of the design and consultation with the local community result in a development which maintains the character of the local area.

Summary

- A site appraisal will establish the key features and character of the site.
- Retain and use existing features on the site to keep a sense of character and local identity.
- Take opportunities to reinforce local character and distinctiveness, for example by creating new views to key features.
- Protect and enhance local landscape or village character by ensuring the development is sited and located in harmony with the surroundings - fit in and relate to the surrounding buildings, features and context.
- Take into account historic features and character - new design can be conceived in harmony with the past.
- Create character where none exists, taking opportunities to give new developments a strong sense of place.

References for Context & Local Distinctiveness

+ Village summaries - [Appendix 1](#)

+ [Chapter 2. South Staffordshire's Character \(p. 9\)](#)

+ [South Staffordshire Landscape Character Assessment](#)

+ [South Staffordshire Conservation Area Appraisals](#)

+ [By Design](#)

+ [Urban Design Compendium](#)

+ [South Staffordshire Local Plan](#) > see Core Policy 4 Promoting High Quality Design; Policies EQ4 Protecting and Enhancing the Character and Appearance of the Landscape; EQ1 Protecting, Enhancing and Expanding Natural Assets; EQ11 Wider Design Considerations; EQ3 Conservation, Preservation and Protection of Historic Assets

(See [Chapter 7. References](#) for full details of the publications).

Layout and connectivity

Developers should carefully plan the layout (the arrangement and position of buildings, streets and open spaces) and connectivity (links between streets, footpaths and spaces). The layout of a new development should fit within the existing landscape or street scene, so that the new development relates to its environment and streets are connected.

*This is of greatest importance to **major developments** when planning the location of buildings, streets and spaces within a site. It is also relevant for **minor developments** to ensure that connections are made to the surroundings and to inform where a building is positioned within its plot.*

Urban design principles

For larger developments where a number of buildings and streets are proposed, it is always necessary to follow good urban design principles of place-making when planning the layout of buildings, streets and spaces.

Urban design principles apply to both urban and rural contexts. Further information is available in published guidance - see [References for Layout & Connectivity \(p. 37\)](#). Also refer to [Chapter 4. Major developments \(p. 47\)](#) for further design guidance on larger developments.

It is recommended that an appropriate design professional (such as a landscape architect, urban designer or architect) is engaged early on in the process who can develop masterplans for **schemes that are cost efficient, functional and will enhance existing places.**

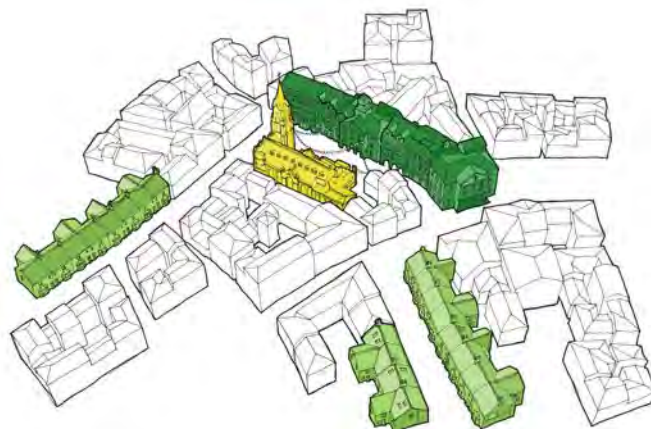
Density & mixed uses

Density describes the amount of development in a space. Good design will establish densities which are appropriate for each particular location **taking into account existing character and heritage assets.** Traditional villages in South Staffordshire have higher densities in the centre and become less dense towards the edges. Higher densities are more appropriate within local and village centres.

Non-traditional villages may have different patterns of density. To establish the appropriate density for new developments, look at surrounding buildings and consider the different types of housing.


Vary densities within larger sites (over half a hectare). This can follow a hierarchical pattern, based on arranging a higher density of development along principal routes, around crossroads or community centres or public spaces and lower densities along tertiary or minor routes (see the diagram below for an example).

Mixed use developments will be encouraged. The mixture of uses should be appropriate for the area and the existing uses in the community, helping to enhance the vitality of village centres. Developments should help support a range of services and public transport where appropriate.



 *Primary focal building*

 *Higher density, larger scale buildings*

 *Lower density, smaller scale village edge buildings*

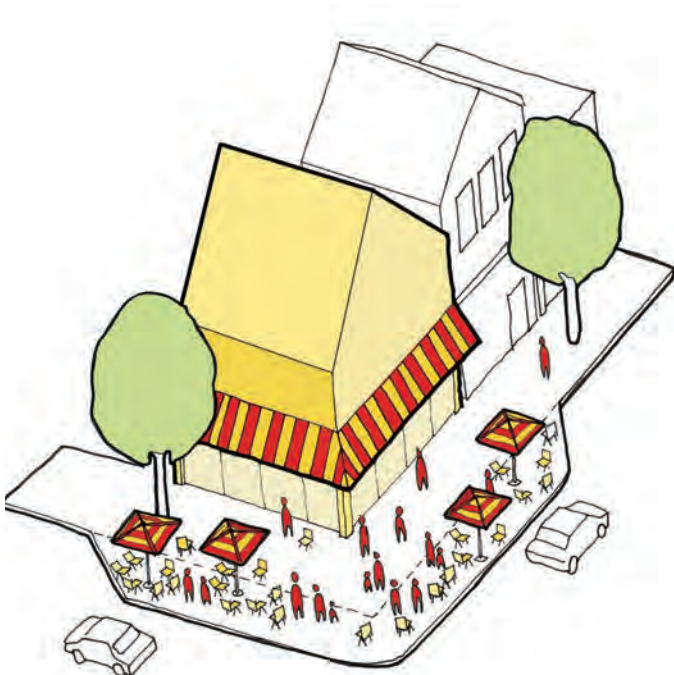
Example of a hierarchy layout - see [p. 48](#) for further details

Safe, secure & navigable layouts

Arrangement of buildings

The positioning of buildings helps to define the edges of streets. Developers should ensure that buildings face the street to create an 'active frontage', avoiding blank elevations to the street and public spaces. Private spaces and gardens are usually more secure when located facing inwards. One type of arrangement that may be appropriate is 'perimeter blocks' - see [p. 47](#) where buildings form the edge and space is in the middle.

Where buildings overlook streets and spaces this encourages natural surveillance, increasing safety and encouraging people to look after their local areas.



The positioning of buildings can help to define the edges of streets. Developers should ensure that buildings face the street to create an 'active frontage', avoiding blank elevations to the street and public spaces.

The arrangement of new buildings should take account of the position and orientation of existing and new buildings. There should be careful consideration of how existing views within the area might be affected, or where new interesting views can be created. It will usually be appropriate to follow the pattern of existing building lines.

Within larger schemes opportunities for achieving enclosure through the arrangement, placement and treatment of buildings should be incorporated. This may include inclusion of buildings to terminate views, limit street width or create views and visual links to other spaces.



Larger structures and landmark buildings can be used to reduce the perceived length of village streets and to aid orientation, acting as local landmarks and retaining the intimate environment of shorter, clustered streets.



Varying the alignment of streets to incorporate corners, and additional features such as trees, planting, street furniture, pedestrian crossings or parallel parking can be an effective means of controlling traffic speeds and can help to create vibrant and active streets.

C. Layout & Connectivity

Open spaces

Existing or new open spaces should be integrated into the layout of new development, and can create links between focal points as well as habitats and other functions (see Chapter [A. Landscape & Open Space \(p. 23\)](#)). Open spaces should be overlooked by building frontages and be located at prominent locations within the street network. Provision of open spaces also provides opportunities for incorporating sustainable solutions such as Sustainable Drainage (SuDS) - see [p. 25](#).

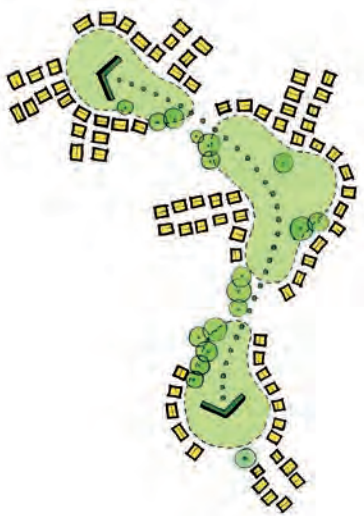
Landmarks and views

Developments should consider and respect key views and landmarks. Local landmarks such as churches, spires and bridges add interest, a sense of history and local identity. Creating new views to landmarks or framing existing views of them can help people navigate new areas as well as creating a focal point.

There may be **opportunities for creating new local landmarks or focal points at village entrances or corner sites**. Landmarks can be used to aid orientation in places.

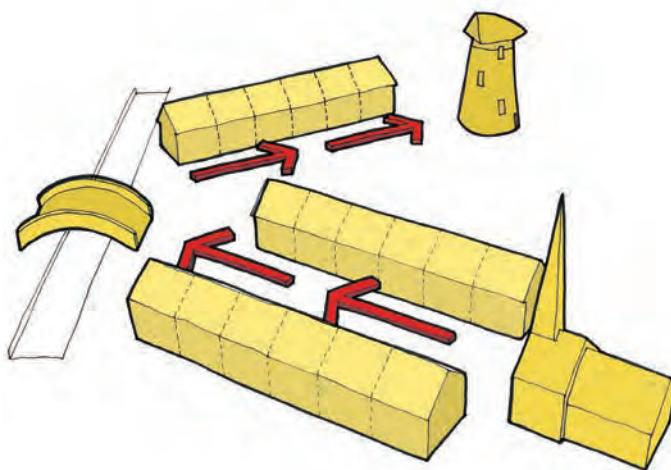
Accommodating parking and servicing

Parking should be integrated into the design discreetly and used as an opportunity to accommodate landscaping and planting. Servicing and other functions should likewise be integrated into the design so that they do not compromise the design quality of elements such as building elevations.



New developments should respond to and link existing landscaped areas and green spaces. Landscape architects can help to integrate landscape frameworks into development proposals.

On-street parallel parking can be an effective **method of controlling traffic speeds**. There may be a range of different types of parking in a new development. For example, parking spaces integrated at the side of properties, encouraging natural surveillance and active use of streets. Rear parking courts can create unsupervised areas vulnerable to car crime and reduce social interactions on streets, as people tend to access their homes via the back doors. Parking in front gardens should also be avoided if possible, as it reduces permeable surfaces.



Views to local landmarks should be retained, acting as visual links to aid orientation and retain area characteristics.



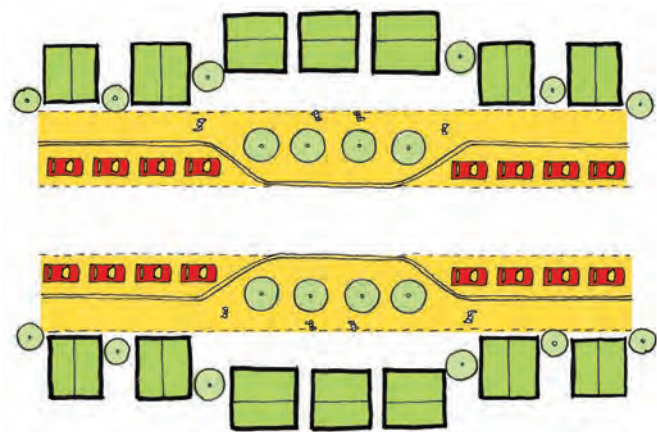
This development effectively incorporates the entrance to its parking area within the line of building frontage. Breaks and features such as this help to add interest and variety to the street.



Bespoke street furniture in Kinver High Street helps to create a vibrant and active street scene.



This parking in Kinver has been sensitively designed around mature trees with permeable surfacing to minimise damage to the existing retained trees.



On-street parking can be designed to provide safe places for pedestrians to walk and cross, whilst the layout may be used to reduce vehicle speeds to create 'Home Zones' incorporating green landscape design. See [p. 49](#) for more guidance on Home Zones.

Connections & network of routes

Both new and existing streets should be well connected. This may involve creating new links and logical through routes between existing streets or to an existing footpath or open space, taking account of existing desire lines. Routes should be provided to connect key destinations such as bus stops, shops and open spaces, and provide for safe use by pedestrians and cyclists as well as vehicles. Appropriate facilities such as cycle parking should be provided at key destinations. **New development should be encouraged to enhance the network of routes in line with the County Council 'Rights of Way Improvement Plan.'**

Pedestrian links, such as from the new development to the village centre or nearby footpaths and to long distance trails such as the Staffordshire Way, Monarch's Way and Sustrans cycle network will be important elements of a well-connected scheme. These should form safe and attractive links, especially where they are near houses, and make links to green infrastructure corridors such as signposted footpaths/cycle paths alongside canals.

Characteristic street patterns should be retained or created where possible, in order to create legible places that make it easy for people to find their way around. Hierarchies of streets, routes and spaces can help to achieve a logical pattern to the layout of new developments.

Street design & inclusive access

How streets and public corridors will work for all users, including pedestrians, cyclists and disabled people should be a key consideration during their design. Access for all, from streets to houses to public buildings, should be incorporated.

A street or space is formed by the buildings that surround it. Buildings which have front doors and windows facing streets and spaces create lively and well-supervised streets. Avoid large gaps between buildings, blank walls and garden fences facing the street.

Varying the alignment of streets, from straight to curved and incorporating additional features such as trees, planting, street furniture, pedestrian crossings or parallel parking can be an effective means of controlling traffic speeds and can help to create vibrant and active streets.

C. Layout & Connectivity

New development in the countryside

Within the countryside, the arrangement of buildings should relate well to the landform. It may be appropriate to take inspiration from traditional patterns of settlement in the countryside (see ***Traditional settlement patterns (p. 11)***) in the layout of built elements. Particularly the typical farmstead groupings, where building clusters are oriented **towards each other and form well-defined groups**.



A typical South Staffordshire farmstead. Using typical farmstead arrangements as a reference for the layout of new development can be an effective way of responding to the rural context of the area.



This new development in Himley Lane, Swindon, references typical barn forms within the scheme by including long, narrow buildings with pitched roofs. These building types are at the edges of the development, creating a sensitive edge with the adjacent landscape and a recognisable pattern in building heights which become lower towards the edges.

Summary

- Larger developments should follow good urban design principles including legibility, permeability, landmarks, views, gateways, hierarchies and inclusive access.
- Development density should be appropriate to the location of the development - higher densities will be more appropriate within local and village centres.
- Layout should fit within the existing landscape or street scene - consider the grain and density of immediately surrounding areas.
- Safe, secure and navigable layouts, incorporating natural surveillance and active frontages of buildings.
- Incorporating well connected open spaces, parking and servicing as well as sustainable solutions into the scheme layout.
- Creating and enhancing views to new or existing focal points can aid navigation and create a sense of place.
- Create connections between new and existing routes.
- Create accessible streets that work for all types of users including cycling, pedestrians and parking.
- Development in the countryside could respond to typical farmstead arrangements to organise buildings together.



Create green links between settlements and waterways, taking opportunities to provide footpaths, cycle paths and visual links to key features such as bridges

References for Layout & Connectivity

+ [Chapter 2. South Staffordshire's Character \(p. 9\) and p. 11](#) On traditional settlement pattern

+ [Building for Life](#)

+ [Urban Design Compendium](#)

+ [By Design](#)

+ [Manual for Streets](#)

+ [Building Regulations Part M](#)

+ [Secured by Design](#)

+ [South Staffordshire Local Plan](#)
> see Policies EQ11 Wider Design Considerations; CS1 Designing Out Crime

+ For parking standards: [Appendix 5 of the Local Plan](#)

(See [Chapter 7. References](#) for full details of the publications).

D. Building Scale and Form

Building scale and form

Developers should consider the scale (the height and size relative to surrounding features) and form (shape) of proposed buildings. The aim should be for buildings that fit harmoniously into their surrounding environment; preserving, enhancing or creating the rhythms and patterns of the buildings, street scene or landscape in the surrounding area.

*This is important for **minor developments** (and individual buildings) as well as **major developments**.*

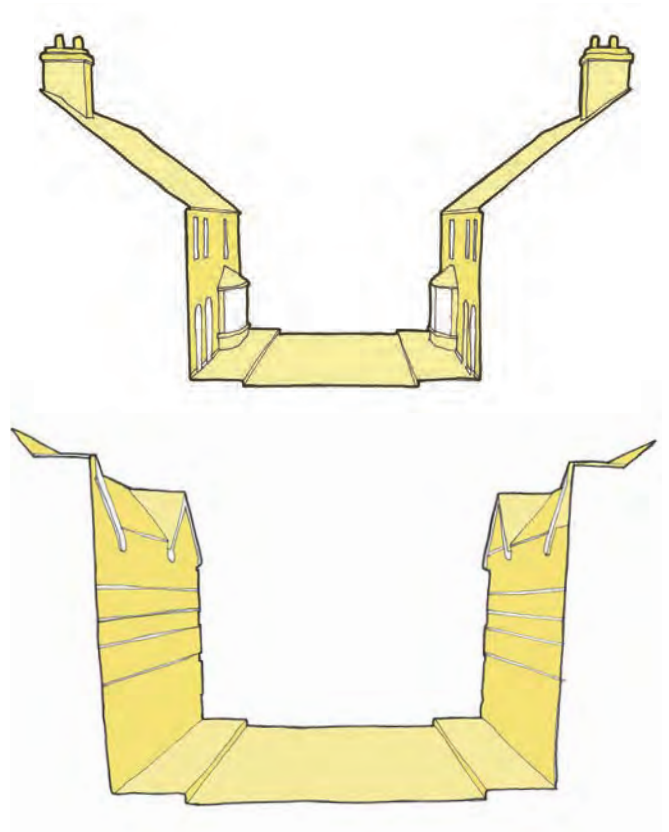
Scale and proportion

The scale, volume and massing of development should contribute positively to the street scene and surrounding buildings, respecting the scale of spaces and buildings in the local area.

Buildings, streets and spaces should be in proportion and balance with each other. Where a new building or buildings are too large and bulky in comparison to the open spaces and streets around them, places feel cramped and oppressive. Extensions to existing buildings should usually be in proportion to the original building to ensure that additions do not look disjointed or out of place. The scale of buildings should be attractive when viewed from neighbouring areas.

Overshadowing and overlooking

New buildings should consider their potential effects on neighbouring buildings and avoid overshadowing and overlooking.



Keeping building height and massing in proportion with the existing street: lower building heights are more appropriate in narrower streets (top) whilst wider streets can accommodate larger buildings



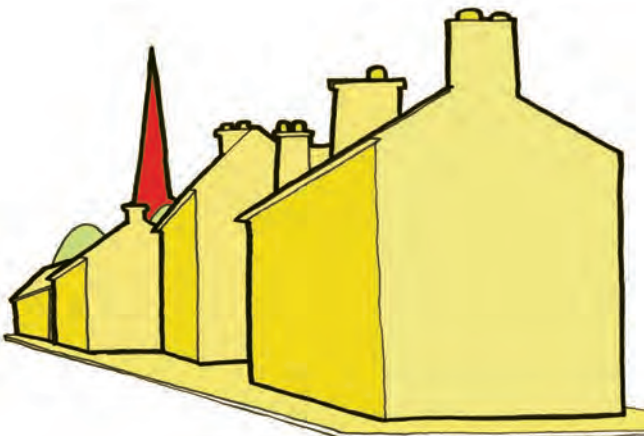
This barn conversion incorporates both modern and original features, with careful attention to maintaining a rhythm in the window openings, and retaining the hierarchy of scale between the original house and the later extensions.



This photo shows typical variation of scale, form and mass in a South Staffordshire village, giving the built environment a human scale.



The modest scale of the buildings in Enville means that the landscape and wooded skyline remains prominent beyond, emphasising the rural character of the settlement.



New developments should respect the existing shape and rhythm of skylines and designers should make sure that new buildings do not obstruct views to local landmarks.

Form, rhythm and variety

Buildings should take account of the scale and form of neighbouring buildings and key features, ensuring that they respond positively to the street scene.

New buildings should take opportunities to preserve and enhance existing rhythms in the street scene for example by incorporating subtle changes in height, size and form between buildings. Within larger developments, subtle variety in building form and scale can add interest and vitality. However, new buildings should avoid stark or sudden changes in scale.

Skylines

The pattern that buildings make en-mass when viewed from further away, should be considered. This means respecting the shape of skylines, so that new buildings do not disrupt the existing pattern of development, and especially in cases where skylines are particularly distinctive.

The design of roofs should be considered carefully, so that they fit within the wider context.



An example of an historic church steeple in Brewwood remains clearly visible in the village street scene.

D. Building Scale and form

Landmarks and views

Developers should make sure that new buildings do not detract from local landmarks or views.

New buildings can act as focal points and landmarks where they are located in a prominent location such as a corner site or next to a public open space. In these cases, increasing the height of buildings can enforce their importance as focal points.

The shape of buildings might also consider the way in which they interact with neighbouring buildings, the pattern of sunlight and whether they overlook spaces or streets, such as looking out onto green spaces and continuing the established building line. Consider how buildings are accessed and how it works with the internal layout and orientation to achieve maximum daylight.

High quality design and sustainable development

High architectural design quality adds richness, individuality and diversity to our environments.

Developers should take care to ensure that the **form of buildings fit well into their surrounding environment**. The shape of buildings could take inspiration from surrounding buildings or features, or the landscape, and this can improve the appearance of places. Incorporating traditional designs and construction techniques alongside modern developments can help to tie buildings to their local place.

Sustainable developments

Building designs should look to incorporate **sustainable solutions such as energy efficient layouts and orientation to maximise solar gain for passive solar heating, sustainable drainage (see [p. 25](#)), renewable energy, minimising waste production and providing opportunities for recycling and minimising pollution**. Developments should seek to minimise water use and incorporate water recycling and rainwater harvesting.

Buildings in villages

Within historic village cores, properties face the street. The buildings often have vertical emphasis with steep, narrow roof pitches, commonly set in narrow plan plots ('burgage' plots) - e.g. [p. 46](#) shows typical narrow plots in the village of Kinver.

Buildings in the countryside

The broad scale of much of South Staffordshire's landscape means that development is often visible from quite long distances. New **buildings should fit in well with the surrounding landscape**. For example, buildings might be low and wide, with the shape of the building mimicking the slope of the land.

Large farmsteads and farm houses are typical of the types of building forms traditionally found in the South Staffordshire landscape.



Barns are typical of South Staffordshire landscapes. Their long narrow dimensions and simple forms mean that they sit comfortably in large, flat fields.

Summary

- *Make sure the scale, proportion and mass of new development is harmonious with surrounding buildings, spaces and streets.*
- *Variety in scale, form and mass creates richness in the streetscape. For larger developments, diversity rather than a standardised approach is imperative.*
- *Modern and innovative solutions in building form are encouraged. Designs could take inspiration from existing patterns.*
- *A high quality design. Development should take every opportunity to create good design which seeks to be creative and sustainable. The Council will encourage innovative design solutions.*



The award winning Foster Centre at South Staffordshire College responds to the existing college buildings through its similarity of scale and proportions. Both the overall height and eaves heights are matched- this successfully ties the building to its surrounding context.



A successful example of how larger buildings can be used as local landmarks, useful for people orientating themselves, and help to limit long streets in villages, creating more intimate streets and passageways.

References for Building Scale and Form

- + Village summaries in [Appendix 1](#)
- + [Conservation Area Appraisals in South Staffordshire](#) to establish whether there is a special characteristic vernacular form in the village.
- + [Urban Design Compendium](#)
- + [By Design](#)
- + [Building Regulations Part M](#)
- + [South Staffordshire Local Plan](#) - see Policies EQ11 Wider Design Considerations

(See [Chapter 7. References](#) for full details of the publications).

Materials & Details

Materials and details used in a new development are very important, in terms of fitting into the surroundings and enhancing the sense of local distinctiveness through locally sourced materials and craftsmanship.

Existing materials and details

Take note of what materials and details are in the surrounding area - early methods of building construction drew on a ready supply of good local materials and local craftsmanship, and this has resulted in buildings having a sense of unity and distinctive character.

Materials and details in settlements are not all the same - for example, there are subtle differences in the types or arrangements of bricks used, which adds texture and variety.

The village summaries in [Appendix 1](#) point out notable elements and details that occur in particular areas - for instance the well-detailed chimneys and fish scale banding of roof tiles in Penkridge, gable-end details in Wheaton Aston or the terracotta string-course details in Cheslyn Hay, reflecting the local brick and tile making industries. See [Traditional settlement patterns \(p. 11\)](#) for more examples of local vernacular.

Conservation Areas

The Council has produced Conservation Area Appraisals and Management Plans to guide the preservation and enhancement of these areas. New developments proposed in these areas may be subject to stricter requirements for materials or appearance. Developers should contact the Council in the pre-application stage to discuss this.

However, attention to details and sensitive consideration of materials is not just for Conservation Areas and sensitive sites; this applies to all areas.



Interesting gable end detail on a building in Kinver adds distinctiveness and character to the street scene



Both of these modern developments show a sensitivity towards historical architectural design in and around South Staffordshire. The developments incorporate traditional details in a contemporary way without directly copying the existing buildings.

Materials

Texture and colour

The palette of colours found across the district is based on mellow, earthy reds and reddish-brown colours. Where historic villages survive, the overriding quality is soft, earthy coloured buildings that blend into the landscape.

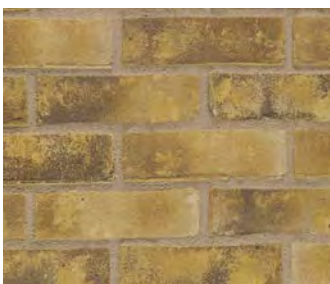
New development does not have to copy existing materials and details, but development should reflect and respond to the surrounding context enough to create a sense of harmony and balance with the surroundings.

Innovative and new materials can add character to a new development, especially in areas with fewer existing features of local identity.

Sustainability

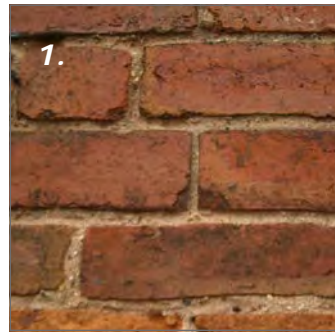
Consideration of where materials will be sourced from, their longevity, and whether they are fit for purpose, is also very important. Reclaimed materials from the local area can be a sustainable option as well as adding character to a new development.

Consider how the quality of materials used for streets and public spaces will be maintained - will they be easy to maintain, provide durability and be of a high standard and quality in the long term.



The use of yellow stock and sandstone is not common in the District, in contrast to other parts of the county, and is largely confined to the construction of key civic or church buildings.

X



1. *The locally occurring Keuper Marl Clay was historically accessible and is widely used in many of the estates and larger villages. The distinctive local brick is red-brown in colour, soft in construction and weathers to produce a rough texture.*



2. *The most common roofing material is the red-brown clay tiles made from local Keuper Marl Clay. The clay tiles - called plain tiles - are of small scale, typically 265mm x 165mm, with a fine sand texture.*



3. *Rendered surfaces on the District's historic buildings were painted in a limewash, limited to a range of colours including cream, near white or stone. Brighter and pastel colours are not widely found.*



4. *Blue-grey Welsh slate is also common across the district. Slate is lighter, more durable and weatherproof than clay. The colour can vary subtly from dark blue/grey to purple/grey.*

E. Materials & Details



Successful new developments consider the local historical context in terms of roof pitches, construction, materials and detail. The character of South Staffordshire is defined by these features and their incorporation into contemporary design helps to visually connect new developments with the area.



This modern extension uses timber shingle cladding to visually connect the two buildings through colour. By matching the existing roof pitch the original building is respected in terms of ridge height and overall scale. A visual break between the two has been used to define the division between the old and new.



This barn conversion retains existing details such as the ventilation holes and the building and roof is left intact and uncluttered without being broken up with features such as roof lights /dormers.

Details

Much of the beauty and character of the villages in South Staffordshire lies in the details of buildings - features such as the roof tiles, roof pitch angle, simple brick cornice or string course, create the rhythm and texture that makes attractive environments.

Responding to local characteristics

New development will be most successful where it takes inspirations from the surrounding environment. Use details to enhance local distinctiveness and identity through reflecting existing patterns from the surrounding area, or incorporating local craftsmanship.

Details in a new development should give particular attention to:

- *how patterns, styles and finishes of windows and doors reflect or respond to those occurring locally;*
- *how walls are constructed, such as the style of brickwork used;*
- *whether features such as chimney stacks and porches are appropriate;*
- *which roof type, structure and pitch is most appropriate to the local context - for example in most settlements complex roof structures are best avoided and eaves and verges are best kept simple;*
- *how storage structures and security measures can be inbuilt and designed to reduce clutter.*
- *lighting designs and light sources, ensuring they are in keeping with the character of the area.*

Avoid the use of inappropriate details: aim for simplicity, remembering the agricultural origins of the majority of places in the district - the use of a large palette of materials for buildings or streets and complicated or fussy designs should be avoided.

Elements that relate to a property's previous function create interest, character and can educate people in the history of the area.

Larger developments

Using consistent details in a larger development helps to create an individual identity and sense of unity. This may be achieved through features such as repeating the use of a darker red brick detail above doors or windows.

Well-designed boundaries to development

Well-designed boundaries to development can achieve visual coherence and clearly distinguish between public and private spaces. Long sections of blank facades should be avoided, particularly adjacent to public spaces.

The method of enclosure, particularly for minor developments should be an opportunity to unify the street frontage - for example, continuing the adjacent walling detail in the choice of the brickwork, bonding or coping.

Shop frontages

Shop frontages should be carefully considered: see South Staffordshire's Shop Front Design Guide. Shop signage should not create stark contrasts or be over-dominant.



This modern development on a corner plot in Brewood shows consideration of details of the surrounding context. It reflects the pattern of surrounding buildings in its similarity of scale, roof pitch and form. The simple detailing of the windows has shown consideration to local styles such as those on opposite buildings. The brick boundary wall continues the line of the existing wall to the right.

Summary

- *Select materials which reflect the location and context of the development - how the space or building will be used, where it lies in relation to existing buildings, settlements, and rural landscapes as well as what the practical requirements are.*
- *Use materials and details to enhance local distinctiveness and identity through reflecting existing patterns or local craftsmanship.*
- *Innovation in the type of materials used and the design and finish of buildings and spaces is encouraged, but should reference the existing context.*
- *Avoid the use of inappropriate details: aim for simplicity.*
- *Retain and re-use elements that relate to a property's previous function.*
- *Ensure that lighting designs and light sources are in keeping with the character of the area.*

References for Materials & Details

- + [South Staffordshire Local Plan](#) - see Policy EQ11 Wider Design Considerations
- + [South Staffordshire Shop Front Design Guide](#)
- + [Staffordshire Farmsteads Guidance](#)
- + [Conservation Area Appraisals](#)
- + [Village summaries](#) - [Appendix 1](#)
- + [Chapter 2. South Staffordshire's Character \(p. 9\) and p. 11](#) onwards for examples of local vernacular.

(See [Chapter 7. References](#) for full details of the publications).



Aerial view of Kinver village

4. Major developments

This section brings together some of the design principles that are most relevant to major developments. Also refer to the design principles in Chapter 3. [Design Principles \(p. 21\)](#) for further information.

Major residential developments

Developments which work with their context

Major developments where a number of units and streets are planned, can transform street scenes and create new character in places.

The design process for these types of developments should follow good urban design principles of place-making (see [Urban design principles \(p. 21\)](#)).

It is recommended that an appropriate design professional (such as a landscape architect, urban designer or architect) is engaged early on in the process to develop a masterplan for the scheme.

Developments should sit easily within their surrounding environment, taking account of the surrounding character, whether rural or urban, and building the proposal's layout around existing features (such as **waterside locations**, trees, landmarks, views or historic elements).

Good example



Perimeter blocks: In this example, the development responds to its context of the adjacent village junction on one side and river on the other. At the junction, the development creates a continuous frontage, where terraced houses face onto both streets. This provides continuity with the existing pattern of built form.

On the river side of the development, detached villas face the river. They overlook the footpath alongside the river, creating natural surveillance.

A variety of scales and building forms are used to create richness across the site and in response to surrounding character. Private space including gardens and parking areas are arranged in the middle of the block so that the outer parts of the development are active and outward-facing.

Poor example



This is an example of a poor design response to context. It is a standardised response, which is inward-looking, where buildings are arranged around a cul-de-sac and rear gardens oriented to the street. The development turns its back on the surrounding streets, and the streets and spaces are not well enclosed. The surroundings are ignored and become detached.

Creating logical patterns in the layout

Within the site itself, the pattern and arrangement of spaces, buildings and streets should work well and look good, so that places are easy for people to find their way around.

Hierarchies of spaces, buildings and streets

Hierarchies are one way of creating a logical pattern in a new place. This is the traditional pattern of South Staffordshire villages - see [The traditional pattern of villages \(p. 11\)](#) where larger or more formal elements are grouped together around focal points. The scale of buildings, streets and spaces tends to increase in size towards the centre of the village. At the top of the hierarchy is often a parish church or market place with larger houses, farmhouses and barns, and smaller vernacular buildings grouped around a variety of street widths.

Towards the edges of the settlement, a lower density of development can help make for a smoother transition between built up areas and the natural landscape.

Richness and variety

Hierarchies are also one way in which to create **subtle variation** in scales and forms as well as a logical sense of rhythm and pattern. As buildings and spaces gradually become larger towards the centre and around focal points, it provides interest, emphasis and richness within the street scene. Large or abrupt differences in scale are rarely appropriate, but small or gradual step changes can add character to a development.

Masterplans for housing schemes should incorporate an appropriate mix of uses, including a mix of housing types, affordable housing, employment and community uses.

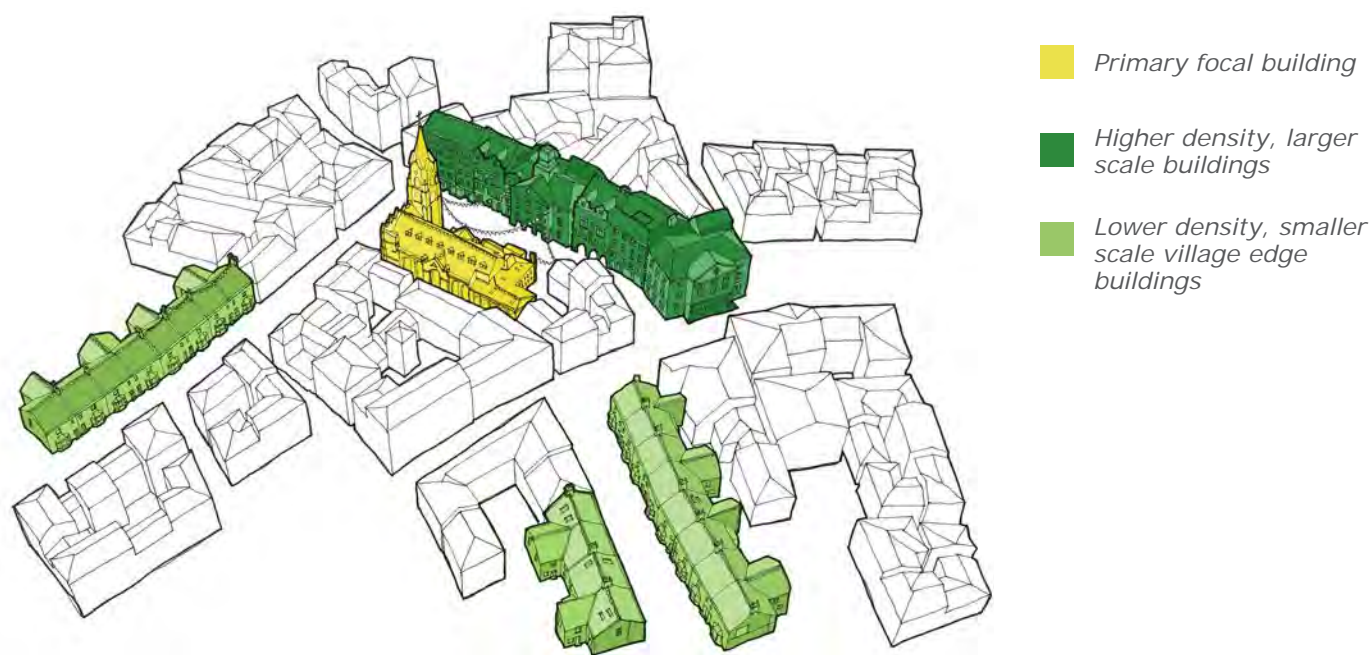


Diagram showing the hierarchy of the building in a settlement related to their proximity to the centre of the settlement.

Making new places easy to find your way around

Making places easy for people to find their way around can be achieved with design features such as incorporation of:

- *Links*
- *Landmarks and focal points*
- *Gateways*

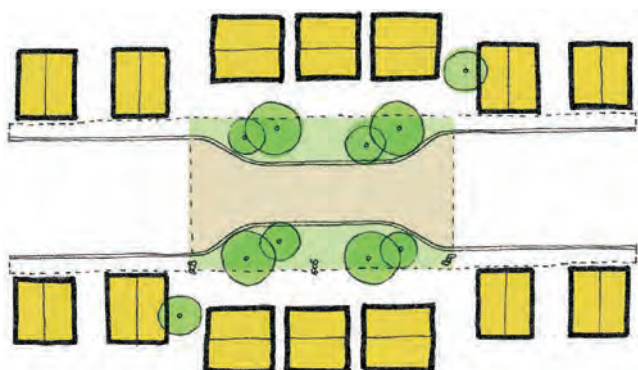
See [Safe, secure & navigable layouts \(p. 33\)](#) for more explanation of these.

Streets as places

Well-designed developments will have links between streets and spaces from within and outside the development so that it is easy for people to access the buildings and spaces within and around it.

Well-designed streets are multi-functional spaces - not just for cars to move through or park on. Depending on the location and role of the street, it can also be for socialising, shopping or informal play.

The needs of pedestrians are as important as those of other road users. For the majority of minor streets it will be appropriate to ensure that pedestrians are given priority and in some areas **“home zones”** could be used to reduce traffic speed and create a sense of place.



‘Home Zones’ and ‘Living Streets’ can be introduced to meet the needs of pedestrians and cyclists, reducing the dominance of cars and lowering speeds whilst providing opportunities for green space

There are many excellent examples of how **street design has influenced responsive driver behaviour** and has increased social interaction. Lessons learned from successful case studies should be applied. In particular, thought should be given to whether shared spaces would be appropriate in residential streets, and how streets can creatively accommodate trees, vegetation and public space.

The use of quality paving materials such as block paving rather than tarmac can improve the kerb appeal of a scheme and can be cheaper due to reduced costs of drainage systems.

Parking

There are many different approaches to providing parking, but it should be considered from the outset and integrated with landscaping and other potential uses. Shared surface treatments could be an effective way of approaching on-street parking. Refer to [Accommodating parking and servicing \(p. 34\)](#) for further guidance on parking.



A successful ‘Home Zone’ achieved with an implied gateway established with local brickwork and a change in surface treatment to identify the shared surface zone.

Commercial developments

Siting

For larger buildings, carefully consider where the development is located in relation to surrounding hills and slopes, screening vegetation and views. Can the wider landscape be used to mitigate certain aspects of the new development? For example, siting the development at the lower valley slopes may have less of a visual impact in longer views (also see [p. 26](#), [p. 28](#) (setting of valued features) and [p. 36](#)). A group of trees might be used to screen the development from certain views.

Building layout

Group buildings together to form a logical arrangement in the landscape for example, relating buildings to each other could adopt the form of typical farmstead-style arrangements which are traditional to South Staffordshire. Consider the views towards the development and how the buildings will appear on the skyline.

Integrate the design of parking, landscaping and signage to create a cohesive layout.



Building layout may take inspiration from agricultural-style arrangements such as this conversion of a former agricultural complex at Dunston Business Park.

Landscape and boundaries

Attention to the landscape and boundaries will be particularly important to ensure large commercial developments are not over-dominant in the landscape - also see [Settlement boundaries and interfaces \(p. 26\)](#) and [Well-designed boundaries to development \(p. 45\)](#).

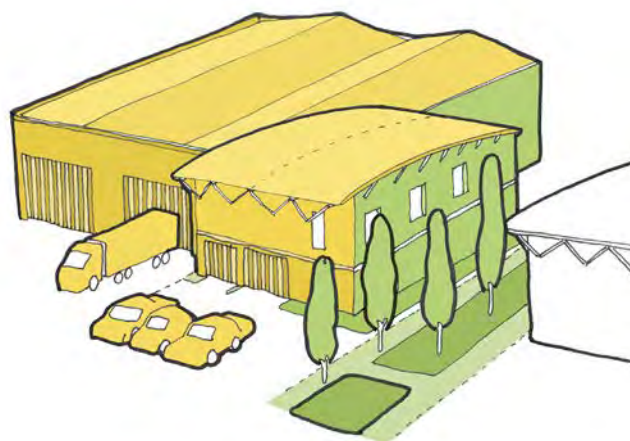
Colours and materials

Refer to [E. Materials & Details \(p. 42\)](#).

Colours and materials on larger buildings should be sensitively considered so that buildings relate well to their surroundings. The visual impact of buildings in the wider landscape and in key views should be considered. Darker colours of materials usually help these types of buildings to blend into the surrounding landscape when viewed against a wooded backdrop but other colours may be appropriate depending on the **specific context**. Planting can help to soften interfaces.

Frontages

Public frontages should be considered and contribute positively to the public realm.



Reduce "clutter" or screen bulky developments from views by carefully considering layouts. Integrating the landscaping, signage and car parking into overall layout helps to create a logical and visually acceptable arrangement.



Modern commercial developments should respond to the context both materially and in terms of an integrated, design led landscape scheme



Here, neat hedgerows and grass verges provide natural landscape boundaries to developments, retaining visual connections to the wider countryside.

Summary

- Where appropriate, use existing landscape features to inform the overarching structure and layout of the development.
- Hierarchies can create logical patterns in new developments, where gradients of building scale and form are grouped around focal points.
- Well-designed developments will have links between streets and spaces from within and outside the development.
- Integrate the design of parking, landscaping and signage to create a cohesive layout.
- Take account of the surrounding landscape and context when siting larger developments.
- Attention to materials and details and boundaries is very important to ensure larger developments fit well into their surroundings.

References for Major Developments

+ **Also refer to** the design principles in Section 3 of this Design Guide

+ **Chapter 2. South Staffordshire's Character (p. 9)**

+ **By Design**

+ **Urban Design Compendium**

+ **Manual for Streets**

+ **Urban Design Lessons - Housing Layout and Neighbourhood Quality**

+ **Affordable Housing SPD**

+ *Design professionals should be employed to advise on these types of schemes.*

(See **Chapter 7. References** for full details of the publications).



Landscape view towards Shareshill

5. Minor developments

Minor developments

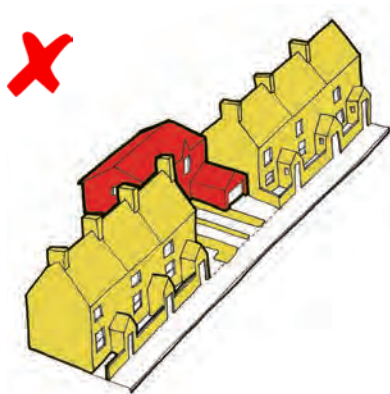
This section brings together some of the design principles that are most relevant to minor developments.

Respecting the surrounding village scene

South Staffordshire's villages usually have a loose hierarchy, where larger buildings and streets are found in the centre of villages, and other parts of the village have a more irregular mix of scales and forms. The variations of scale and form in buildings and streets can be quite subtle. Minor developments should fit in with the general pattern of the surrounding environment, taking account of the subtle variations in scale and form, and contribute to a sense of cohesion and unity.

Infill

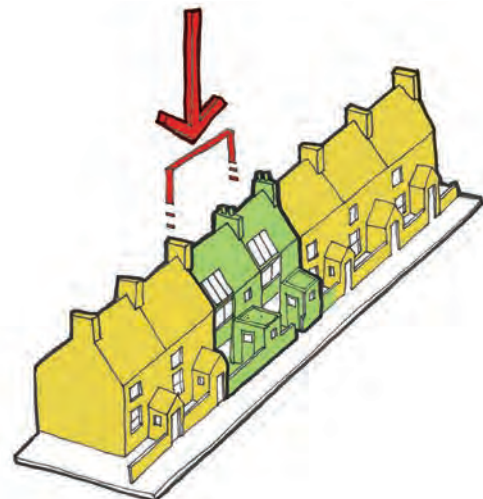
For infill developments where a particular street has an established pattern of building heights, developments should aim to continue the established pattern, without creating a sharp or sudden change in height or building scale.



Here, the new infill development is not sympathetic with the surrounding pattern of buildings. The lower roof pitch and lower ridge of the roof breaks up the continuity of the street, the building materials are unrelated and stand out starkly, and the set-back disrupts the building line.



This modern infill development respects and continues the rhythm of the existing street.



Along this street, the repetition of certain building elements such as the chimneys, porches and windows, creates a visual rhythm. Infill proposals should aim to reflect the rhythm in the proposed building. Some variation is acceptable—for example larger windows, roof lights to an attic room, and similar materials but with subtly different detailing. This creates individuality and interest, whilst still fitting in well with the surrounding buildings.

Infill in a village centre

Infill development on prominent village centre plots should be given particular attention in the form and detail of buildings. These are opportunities for new buildings to be landmarks, but they should also relate well to the neighbouring buildings and features.



This illustration shows an infill site at a junction of two streets between two and three storey terraces. New development on the site will need to mediate between the scale and character of the two streets as well as create a suitable landmark on the prominent corner location.

This development steps up in height from one side to the other, by subdividing the site into different units. It incorporates a clock tower, forming a focal feature above the entrance to emphasise the prominent landmark location. The design of the development has subtle variations in scale so that the block of buildings has a visual cohesion and interest.

This is a poor example, as it relates poorly to surrounding buildings. The building line is set back and car parking is visually disruptive. The poor detailing, signage and glazing all contribute to a building which is not appropriate for its infill context.

Extensions

Generally, extensions should be subservient to the main building. The extension should respect the scale and form of the main building and its relationship to adjacent buildings, including the gaps in between them. Developers should consider the overall effect of the extension on the appearance of the building as a whole, and extensions should not detract from the original building or nearby buildings by overshadowing.

For extensions, additions should fit in with the character and form of the existing building. Special attention to detail should be paid to the design of extensions where they form an addition to a building with historic or architectural merit.

It is generally not appropriate for extensions (other than small porches or canopies) to project forward of the existing front facade of a building.



An example of a successful extension, showing careful detailing and sensitively responding to the stone construction of the house. The extension is subservient to the main house in terms of scale, mass and height.

Barn conversions

Conversion of existing rural and agricultural buildings should retain as many of the original building's qualities as possible. They should be legible as former agricultural buildings. It will usually be appropriate to retain the original internal spaces where there are full height spaces and roof structures exposed.

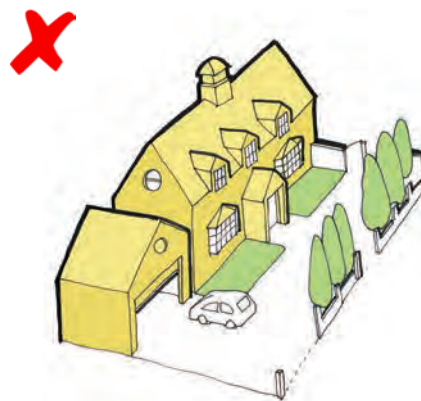
New elements should preferably be designed so that they are distinguishable from the original building. For example, there may be a change in materials.

Many traditional buildings form part of a larger group, with other outbuildings. These buildings provide a history and context for how older buildings were used historically. The other buildings in the group should usually be retained. New additions such as garages should be set back from the main building and use similar materials or style to create overall unity.

The simple qualities of barns and agricultural buildings should be retained, with minimal fussy adornments as this tends to create a generic suburban character that disguises the building's history and interest. Restoring original features such as boundary walls can enhance the character of the existing site.



This successful barn conversion retains the original brick detailing whilst simple roof lights have been used to bring light into the building without compromising the traditional form.



This is an inappropriate barn conversion. Architectural additions such as dormer windows, bay windows and a porch conceal the original building. The ornately adorned boundary adds a 'suburban' character. The new garage is too large and prominent in relation to the main building.



This barn conversion retains the original building outline using flush fitting conservation roof lights. The original barn openings have been retained, and therefore the windows and doors retain their original proportions as much as possible. The new windows have been created in the less visible end gable by opening (but not enlarging) the blocked window and creating a new window alongside. The ventilation holes have been retained with internal glazing.

Overlooking and overshadowing

Development should not create overshadowing, overlooking or reduce the existing scale of the street.

Boundaries

Ensure boundaries are not visually intrusive and note that planning consent is required for any boundary structure adjacent to the highway if over 1m in height.

It is especially important to pay attention to detail at the development boundaries of minor developments in order to create a unified street scene. Usually it will be appropriate to continue the pattern of adjacent boundaries (such as low walls, fences or hedges) as well as matching the building line and degree of set back from the pavement.

For sites near or adjacent to the wider countryside, landscape design should be kept **simple, reflecting the simple, informal rural setting.** Include native planting rather than 'suburban' borders.

Garages

Garages should be positioned and designed so that they do not stand out abruptly from their surroundings, especially when they are located in more rural locations. One idea to help **garages fit in to their surrounding environment** is to take inspiration from small, historic out buildings typical of the rural areas of South Staffordshire.



This barn conversion retains the arrangement of buildings looking inward to a central courtyard.



An example of a refurbished mill in Penkridge. Important qualities which have been retained include the simple building form and brickwork detailing.

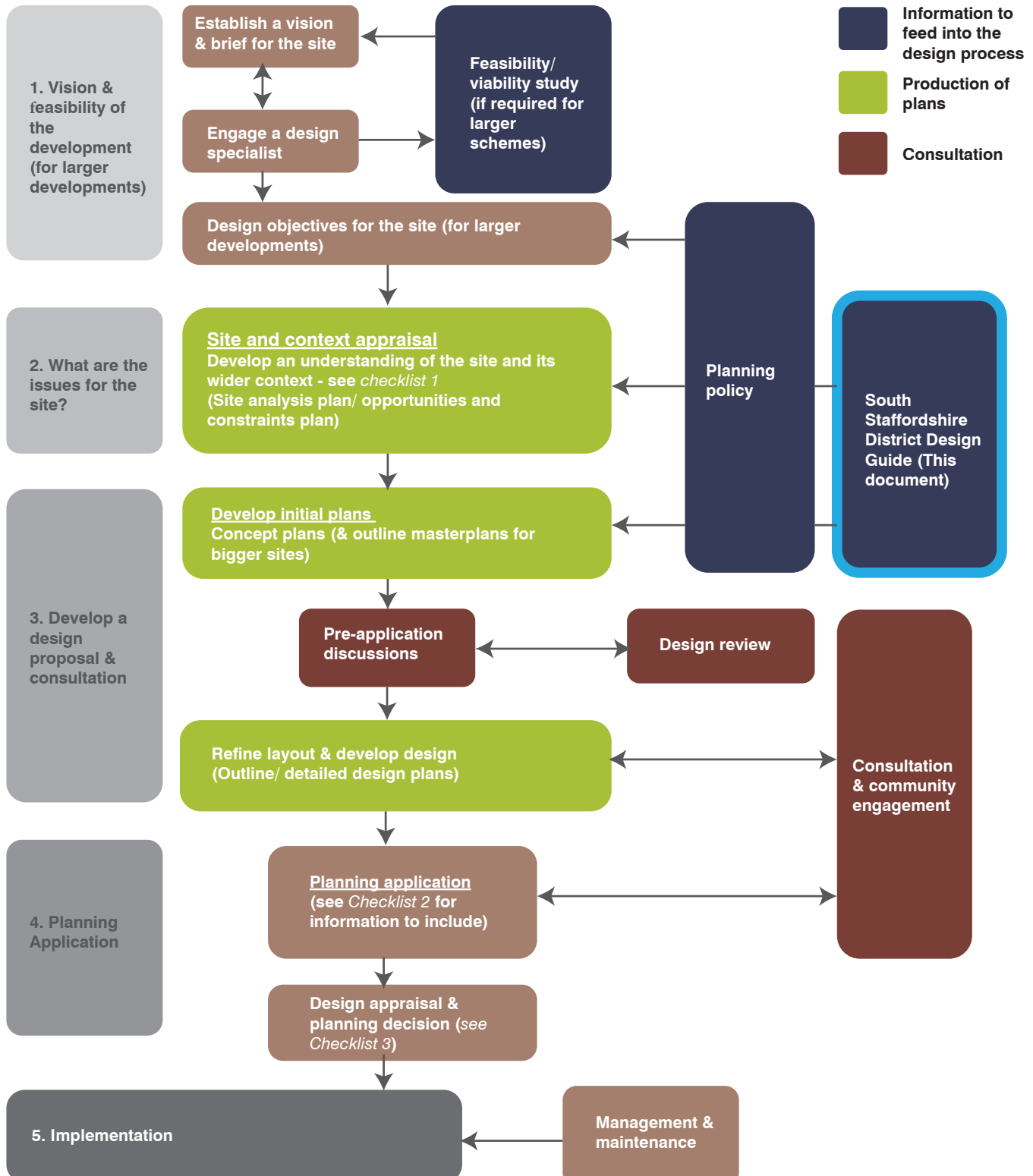
References for Minor Developments

- + **Chapter 3 Design Principles (p.25)**
- + **Chapter 2. South Staffordshire's Character (p. 9)**
- + **Staffordshire Farmsteads Guidance**
- + **Conservation Area Appraisals - see Council website <http://www.sstaffs.gov.uk/>**
- + **Listed buildings - see Council website or Historic England -<https://www.historicengland.org.uk/>**
- + **Appendix 6 of the Local Plan - Space About Dwellings Standards**
- + **Green Belt and Open Countryside SPD**

(See **Chapter 7. References** for full details of the publications).

6. Process

This chapter sets out the main steps applicants should take when planning and designing new development, and then goes on to set out the process for submitting an application and the information required by the Council.



Site and context appraisal

The design of a high quality new development must be based on a good understanding of the site, and the opportunities and constraints each site presents. It is also important to understand the wider surroundings of the site (its context). A context and site appraisal must be carried out before designing the scheme.

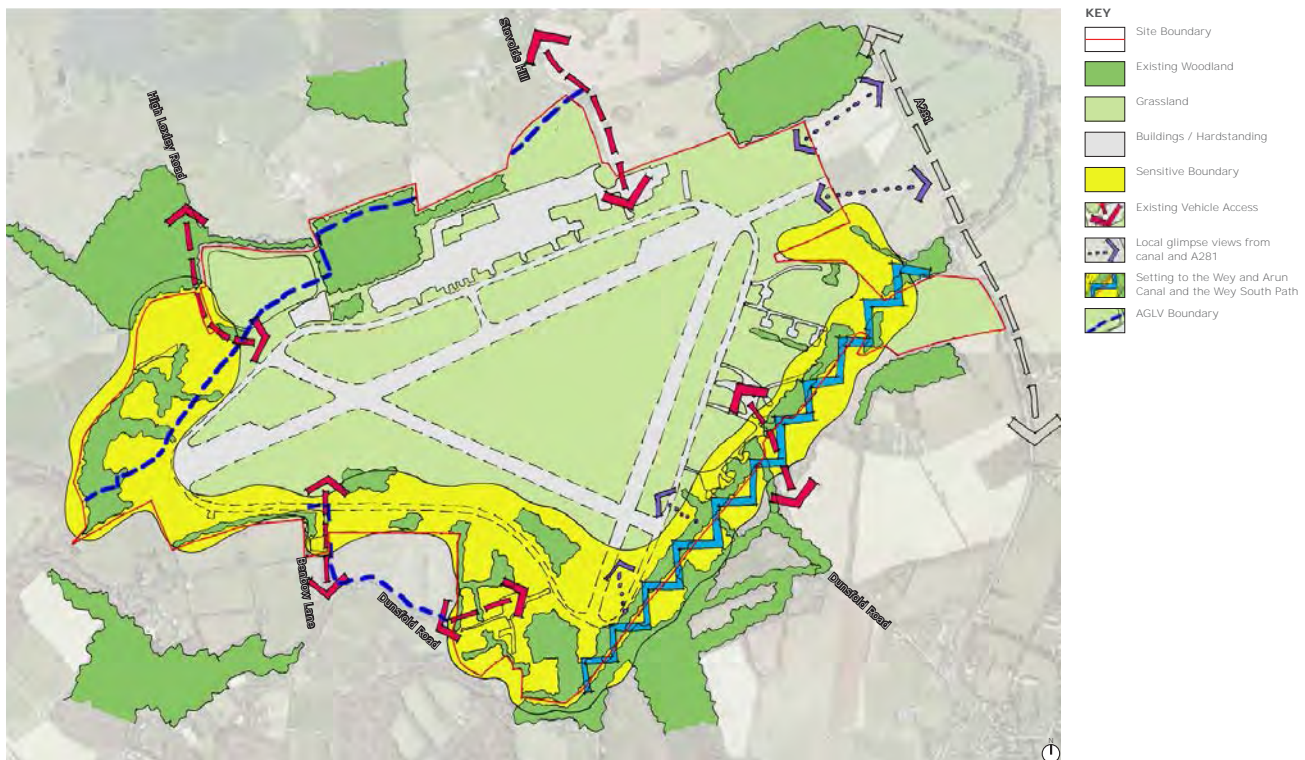
Each site and context appraisal will vary according to the particular location of the site and the type and size of development being proposed.

Checklist 1 overleaf shows the aspects should be covered in a site and context appraisal.

Evidence of the site appraisal should be submitted with the planning application to **show how it has influenced the development's** design. This should include annotated plans, photographs and/or sketches.

For larger sites, the site appraisal plan may be used to inform a site opportunities and constraints plan as illustrated below.

Landscape Design Appraisal - Site Analysis /Constraints



Example of a site appraisal plan

Checklist 1: Information that may inform site and context appraisal

Site & adjacent area - overview	<ul style="list-style-type: none"> • <i>Site history</i> • <i>Character of the site & surroundings</i> • <i>Key natural features</i> • <i>Key heritage assets or structures</i> • <i>Layout & form of existing buildings or built elements</i> • <i>Relationship of the site to the village or landscape context</i>
Physical & natural features	<ul style="list-style-type: none"> • <i>Landscape & vegetation: green spaces; trees & their spread, height & condition; hedges</i> • <i>Boundary features & whether they are to be retained</i> • <i>Wildlife habitats and whether they are to be preserved</i> • <i>Topography & levels; ground conditions</i> • <i>Microclimate: orientation, wind shelter, overshadowing</i>
Built & human features	<ul style="list-style-type: none"> • <i>Existing buildings & structures on & adjacent to the site & whether they are to be retained</i> <small>Note: for conversion of existing barns, the qualities of the existing building should be established through survey of the fabric, consideration of its original use and study of its history.</small> • <i>The height, scale & skyline the buildings create</i> • <i>Building materials</i>
Visual character	<ul style="list-style-type: none"> • <i>Visual character of the site</i> • <i>Views into & out of the site; key views & vistas</i> • <i>Landmarks in the site & surrounding area</i>
Connections & movement	<ul style="list-style-type: none"> • <i>Existing routes - footpaths/desire lines across & around the site</i> • <i>Barriers to movement</i> • <i>Proximity to public transport routes, stops & the frequency of service</i> • <i>Access points to the site</i> • <i>Existing & potential nodal points within or near the site</i>
Planning	<ul style="list-style-type: none"> • <i>Relevant local and national planning policies</i> • <i>Natural designations - e.g. protected trees and habitats.</i> <small>Note: It may be necessary to carry out an ecological survey for protected species such as bats and owls as it is an offence to damage or disturb their habitat.</small> • <i>Historic/ heritage designations - e.g. Conservation Area/listed buildings</i>
Feasibility	<ul style="list-style-type: none"> • <i>Presence of filled ground and potential sources of contamination</i> • <i>Water courses, ponds, opportunities for sustainable drainage.</i> • <i>Location of utilities</i> • <i>Land ownerships and tenures</i>

Consultation

Consulting with the local community

The process should also include consultation with the local community who may be affected by the new development.

Statement of Community Involvement (SCI)

The SCI sets out the Council's vision, standards and approach for community and stakeholder involvement in planning matters.

Applicants will always be encouraged to consider the benefits of involving the community in developing their proposals, whether it is legally required or not. Methods that may be suggested include:

- Questionnaires and surveys
- Public exhibitions or meetings
- Development briefs
- Use of websites
- Site notices

Applicants for householder and other minor schemes should discuss their proposals with neighbours.

Pre-application discussions with the Council

Early consultation with the Council is recommended, as this can highlight any major constraints on the scale or type of development proposed at an early stage.

Pre-application discussions can confirm whether the principle of development is acceptable and clarify the format, type and level of detail required to enable an application to be determined. These discussions can remain confidential where necessary.

The benefits of pre-application discussions are:

- *Advice can be sought on the principle of development before the brief and design are finalised*
- *Site, location and design options can be discussed*
- *Good quality information at an early stage means issues or concerns can be addressed before the application is submitted*
- *Getting the right advice can avoid the need to change the plans later which can be costly*
- *The necessary information to support an application can be identified and agreed*
- *The subsequent planning application may be registered more quickly*
- *Clear and complete applications are easier to process through the planning system*

Further information about the pre-application process is available on the Council's website.

Design Review

Design review allows developers, designers and the Council to make and receive constructive, impartial feedback on the design proposals as they develop, to ensure high standards of design.

It can range from informal discussions or take a more formal format such as a design workshop, involving the design team, the client and the Council. Formal pre-application discussions with the Council will form one part of design review.

Planning Officers will undertake design review when a planning application is submitted for determination, based on this Guide, utilising the **Design Appraisal Framework** provided in **Checklist 3**.

Information to include in planning applications

The following pages provide information to applicants on what information is expected to be provided in a planning application. The main aspects are:

- *A design and access statement*
- *Other supporting information*
- *Design proposals*

Householder / Other minor applications

Householder and other minor applications which don't need to provide a Design and Access Statement should ensure they consider the site context and design issues set out in this guide, and be ready to explain how their chosen approach meets the relevant requirements of Policy EQ11. This could be done as part of a covering letter to accompany the application.

Checklist 2: Information to include in Planning Applications

1. *Design and Access Statement*

A Design and Access Statement is a short structured report that supports applications for planning and listed building consent. It explains and justifies the design of the development. It should be proportionate to the complexity of the application, but need not be long. It should explain:

- *the design process used including incorporating comments from consultation or design reviews**
- *the design principles that have been applied - showing consideration for good design principles outlined in this Design Guide*
- *evidence of site appraisal (plans, photographs, sketch and written description and analysis)*
- *the alternative options considered and the reasons for the chosen site (where relevant), layout, form and detailed design*
- *how the development responds to its context*
- *how the design addresses the other requirements of Core Policy 4 and Policy EQ11 and this Design Guide*
- *how issues related to access to the development have been addressed (pedestrian, cycle and vehicular access and parking)*
- *retention and creation of green spaces and landscaping including the type and size of trees and shrubs to be provided, root protection zones*

(continued on following page)

* Recording design reviews, particularly where this has involved the Council, and writing this up concisely as part of the Design and Access Statement for a planning application is encouraged. This can help explain why certain aspects of a development have been designed in a particular way.

Checklist 2 (continued): Information to include in Planning Applications

2. Other Supporting Information

- Evidence of pre-application consultation /engagement
- Details of environmental performance:
 - *Non-residential – equivalent of Building Research Establishment's Environmental Assessment Method (BREEAM) and meet minimum 'very good' standard.*
- For developments affecting a Heritage Asset a **Statement of Significance** (including Historical, Archaeological features, **setting** and Scheduled Ancient Monuments)
 - *Management and maintenance plan*

This guide focuses on design. See the current Guidance Notes for Validation of Planning Applications for other requirements.

See **p. 65** for references.

3. Proposals

Applications should include clear drawings with adequate detail (visually and in **words**) so that planning officers can gain a realistic impression of what the scheme will be like.

Drawings should include a key, scale, **labels and specification of materials and** comprise plans, sections, and street scene views, photographs/ photomontages. 3D models may be required.

For more detail on the information required to accompany applications see:

- Guidance Notes for Validation of Planning Applications and other submissions for consideration by the Local Planning Authority

Design Appraisal Framework

The Design Appraisal Framework in **Checklist 3** indicates how applications will be reviewed by the Council with regard to design. The criteria in the checklist can be applied to the application using the scores 1-5 in the table opposite, as well as using this design guide and the relevant policies.

However, it should be noted that the scores will only give an *indication* of design quality and do not add up to give an answer on whether the development is acceptable or not in terms of design. This is because not all elements in the table are given equal weight, and professional judgement on the merits of each individual application will be applied.

The criteria in the appraisal framework relate to each of the design principles in this design guide and relevant policies. Examples of evidence that should be provided with applications to help the review process, and the standards of design expected, is provided in the right hand column.

Score descriptions for the Design Appraisal Framework

Score	
1	<i>Does not meet expectations</i>
2	<i>Some expectations have been met</i>
3	<i>Satisfactory but could be improved</i>
4	<i>Expectations have been met to a good level</i>
5	<i>Excellent design quality</i>

Checklist 3: Design Appraisal Framework

Ref. page	Criteria (How has the development considered and responded to the design principles)	Evidence	Score
27-31	A. Landscape & Open Space (Policy references <i>Core Policy 4 Promoting High Quality Design and c), d), h)</i> ; <i>EQ11 Wider Design Considerations m), p), q), s)</i> ; (<i>EQ12 Landscaping a), b), c), d), e), f)</i> ; <i>EQ4 Protecting and Enhancing the Character and Appearance of the Landscape</i>); <i>HWB2 Green Infrastructure</i> ; <i>EQ1 Protecting, Enhancing and Expanding Natural Assets</i>).		
p. 27-29	Has the landscape been designed as an integral part of the scheme, with an appropriate range of types of open space including green infrastructure links provided where possible?	Design process shows that the landscape has influenced the design of the development. Landscape and open spaces form a strong framework to the development's design and respond well to the surrounding environment. Open space provision is policy compliant in terms of quantity standards. Appropriate range of types of landscape and publicly accessible open space, including green infrastructure links, with appropriate functions, including consideration of how spaces will be used and accessed.	
p. 27	Are landscape and open spaces designed to be attractive, safe and lively?	A well-considered palette of materials for hard and soft landscape that is appropriate to the village/rural location. An appropriate maintenance plan for planted areas. Consideration of natural surveillance and access to open spaces.	
p. 28	Have existing natural features and habitats been retained and enhanced where possible?	Plan of existing features on the site including tree survey/habitats and strategies for retaining trees (e.g. tree constraints plan). Key natural features have been retained. Strategies for maintenance or additional features for enhancement.	
p. 29	Does the scheme incorporate sustainable solutions and does it provide opportunities for biodiversity?	Sustainable drainage (SuDS) and other solutions such as green roofs, swales, planted areas and permeable paving have been incorporated where possible. Habitats including native planting have been included where possible.	
p. 30	Does the design of the landscape and open space contribute to surrounding landscape character with appropriate consideration of development boundaries?	The character of the area and the landscape setting has been reviewed (e.g. with reference to the Landscape Character Assessment or relevant character guides). Key views of and from the surrounding landscape have been retained or designed in. Appropriate boundaries have been designed to fit the development into its surroundings with well-designed interfaces between adjacent features such as canals and footpaths. Opportunities have been taken to add character and distinctiveness through the creation of new landscape features, particularly to landscapes which have been degraded.	
Subtotal			/25
32-35	B. Context & Local Distinctiveness (Policy references <i>Core Policy 4 Promoting High Quality Design and b)</i> ; <i>EQ11 Wider Design Considerations e), f), g), h), i)</i> ; <i>EQ4 Protecting and Enhancing the Character and Appearance of the Landscape</i>)		
p. 32 - 34	Does the design show understanding of the character and key features of the place and is local distinctiveness respected and reinforced?	Evidence of a robust site and context appraisal supported with illustrations and plans. Including landscape, historic features (Conservation Areas/ listed buildings), key views etc. as appropriate. Explanation of how context has informed design strategy (e.g. Design and Access Statement shows how it has influenced layout, density, building scale, form, materials, details). Opportunities have been taken to create new character if appropriate.	
p. 32	Does the scheme protect and enhance local landscape/ village character?	Evidence that appropriate assessments on landscape and visual impact have been carried out if appropriate. The siting and location of development is appropriate to the local landscape context. The development has respected and enhanced local views and surrounding landscape features.	
p. 34	Does the scheme protect and enhance historic character?	Evidence that relevant historic features have been retained and respected where possible. Opportunities have been taken to enhance historic features, setting, views or associations. Evidence that appropriate assessments on heritage assets have been carried out if appropriate including reference to relevant Conservation Areas, Listed Buildings and Scheduled Monuments.	
Subtotal			/15

36-41	C. Layout & Connectivity (Policy references Core Policy 4 Promoting High Quality Design and a), f), g); EQ11 Wider Design Considerations a), c), d), i), l), n), o), r), m); EV11 Sustainable Travel)		
p. 36	Does the scheme provide appropriate densities and mix of uses?	Density and mixture of uses is appropriate to the location and context of the site and community, and enhances vitality of village centres.	
p. 37	Does the layout of the development (buildings, streets and spaces) provide safe, secure and navigable places that function well?	The layout of buildings incorporates active frontage and natural surveillance of pedestrian areas, an integrated network of open spaces and pedestrian friendly places. The design of the development is in accordance with place-making or urban design principles including legibility, permeability, landmarks views and focal points, gateways, (hierarchies of connected streets and spaces and inclusive access -see below). Parking and servicing is integrated into the overall design layout.	
p. 39	Is the development well-connected and integrated to existing routes?	The layout of the development connects with existing streets logically, retains characteristic street patterns and has routes that connect key destinations or amenities, including footpaths and cycle paths.	
p. 39	Does the scheme provide an appropriate hierarchy and network of legible routes with provision for pedestrians and cycling?	Hierarchy of routes integrated into the design with appropriate attention to vehicular/cycle/pedestrian use - e.g. evidence in Design and Access Statement. Provision of cycle parking; footpaths/ cycleways link logically to bus stops and shops. Connections are made to long distance footpaths or Sustrans routes where possible.	
p. 39	Is the development pedestrian friendly, accessible and inclusive in design?	Pedestrian friendly places that have safe provision for walking and cycling as well as vehicles e.g. shared surfaces, pedestrian crossings. Meets inclusive access standards (e.g. Building Regulations Part M). Design of streets has considered safety and social interaction.	
Subtotal			/25
42-45	D. Building Scale and Form (Policy references Core Policy 4 Promoting High Quality Design ; EQ11 Wider Design Considerations f), g), j), k), m)		
p. 42	Are buildings of appropriate scale and proportion?	Building scale, volume and massing achieves proportion and balance, contributing positively to the street scene. Development respects the scale of local buildings and spaces, including plot patterns. Building heights do not detract from local landmarks or overshadow neighbouring buildings or spaces.	
p. 43	Does the development incorporate appropriate building forms, rhythm and variety?	Building forms and rhythms contribute positively to the street scene and respect neighbouring buildings or key features. Larger development schemes show subtle variety in building forms and heights without sudden changes in scale. Developments respect distinctive skylines and key views e.g. through sensitive design of roofs.	
p. 44	Does the development provide high quality design and sustainable development?	The design of buildings is of high quality, including attention to detail in appearance and materials - explanations to approach provided in a Design and Access Statement. Innovation in building design, re-use of existing buildings where possible and incorporating sustainable solutions has been integral to the design. Sustainability standards (e.g. BREEAM) reached or exceeded. Schemes include SuDS; energy efficient layout/orientation/ renewable energy and adaptability.	
Subtotal			/15
46-49	E. Materials and Details (Policy references Core Policy 4 Promoting High Quality Design and e); EQ11 Wider Design Considerations e), f), j), k), m)		
p. 46-49	Are materials and details carefully considered and appropriate to the local context?	Sensitive consideration of materials and details in buildings and boundaries which reflect local context. Use of materials and detailing respects and enhances local distinctiveness and identity e.g. incorporate local craftsmanship or patterns, or innovative use of materials. Sensitive interpretation of traditional building form in modern materials. Sustainability of materials has been considered. High quality detailing of buildings (including elements such as roof pitch) and ancillary features or structures such as boundaries, lighting, storage and shop frontages.	
Subtotal			/5
			Total /85

7. References

Affordable Housing and Housing Mix Supplementary Planning Document, South Staffordshire Council, 2014 – see <http://www.sstaffs.gov.uk/>

Building for Life 12, CABE, 2015 – see <http://www.designcouncil.org.uk/>

Building Regulations – Part M – see <http://www.planningportal.gov.uk/buildingregulations/>

By Design - Urban Design in the Planning System: towards better practice. Detr/CABE, 2000. (now replaced by the planning practice guidance but still a useful document)

Cannock Chase AONB Management Plan (2014-2019), DEFRA, 2014 – see <http://www.cannock-chase.co.uk>

CIRIA: Susdrain network - <http://www.susdrain.org/>

Conservation Area Appraisals, South Staffordshire Council – see website <http://www.sstaffs.gov.uk/>

Design and Access Statements: How to write, read and use them: CABE, 2006 - This guidance is not current and is now archived but may still be a useful reference

Extensive Urban Surveys, Staffordshire County Council.

Farm Buildings and Traditional Farmsteads - see website <http://historicengland.org.uk>

Green Belt and Open Countryside Planning Document (SPD), South Staffordshire Council, 2014 – see <http://www.sstaffs.gov.uk/>

Historic Environment Character Assessment, South Staffordshire Council, 2011 – see <http://www.sstaffs.gov.uk/>

Manual for Streets, DfL, 2007 - <https://www.gov.uk/government/publications/manual-for-streets>

National Planning Policy Framework, DCLG, 2012 – see <https://www.gov.uk>

National Planning Practice Guidance: Design - <http://planningguidance.planningportal.gov.uk/blog/guidance/design/>

Planning for Places, CABE, 2009 <http://www.designcouncil.org.uk/>

Secured by Design - <http://www.securedbydesign.com/>

South Staffordshire Landscape Sensitivity Study, 2015

Staffordshire Landscape Character Assessment, 2015

South Staffordshire Local Plan – see <https://www.gov.uk>

South Staffordshire Open Space Strategy – see <https://www.gov.uk>

South Staffordshire Reviewed – A South Staffordshire Publication by Paul Collins & Craig Walker, 2004

Staffordshire Farmsteads Guidance – see <http://www.staffordshire.gov.uk/environment/home.aspx>

Streets for All. Historic England 2017 - <http://www.historicengland.org.uk>

The Setting of Heritage Assets. Historic England, 2017 - <http://www.historicengland.org.uk>

Understanding Place: Historic Area Assessments, Historic England - <http://www.historicengland.org.uk>

Urban Design Compendium 1 & 2, HCA – see www.homesandcommunities.co.uk/urban-design-compendium

Urban Design Lessons - Housing Layout and Neighbourhood Quality, Homes and Communities Agency, 2014

'Why Invest in Landscape', Landscape Institute, 2014

'Profitable Places: Why housebuilders invest in landscape', Landscape Institute, 2014

Useful websites

<http://www.planningportal.gov.uk/>

The government website for planning and building regulations for England and Wales

<http://www.designcouncil.org.uk/>

Design Council cabé (CABE is now part of the design council)

www.homesandcommunities.co.uk/urban-design-compendium

The urban design compendium online

<http://www.landscapeinstitute.co.uk/>

The website for the Landscape Institute

<http://www.sstaffs.gov.uk/>

South Staffordshire Council website – see the Planning Policy pages

<https://www.historicengland.org.uk/>

Historic England website

References for Design and Access Statements

What to submit in a planning application: see planning applications - 'what to submit' at

<http://www.planningportal.gov.uk/>

Writing Design and Access Statements:

+ *Design and Access Statements, 'How to write, read and use them', CABE 2006*

+ *South Staffordshire Council website - <http://www.sstaffs.gov.uk/>*

8. Glossary

Active Edges

Building frontages containing features which include activities e.g. building entrances, shop fronts, etc.

Adopted Core Strategy

The Core Strategy sets out the long-term vision for our communities, objectives and policies to guide the future development of the District. It sets out how much development will take place locally and how it will be delivered. The Core Strategy was adopted in 2012.

Adopted Local Plan

The South Staffordshire Local Plan will be made up of a number of separate documents including the Adopted Core Strategy, which collectively will guide development in the District. As and when the Council adopts documents in the Local Plan, they will supersede policies in the currently adopted Local Plan.

Biodiversity

The ecological richness of an area represented by the number of plant and animal species present; which development should enhance rather than harm.

BREEAM

The Building Research Establishment Environmental Assessment Method - a set of environmental standards. Attainment of a particular level is often encouraged and for some developments required.

Buildings of Special Local Interest (Local List)

South Staffordshire Council's list of Buildings of Special Local Interest – this identifies local buildings and structures important in their archaeological, architectural, artistic or historic terms which the Council will take action to preserve as far as possible.

Connectivity

Links between streets, footpaths and spaces.

Conservation Areas

A conservation area is an area of special architectural or historic interest designated by the council to help preserve and enhance its character and appearance. Appraisals of the conservation areas have been undertaken and further information on these is available on the Council's website.

Contemporary Design

Design particular to a specific point in time. It can be used in the context of the past, but is usually used to mean design particular to the present time period.

Context

In terms of design and architecture, the characteristics of the area in which a place, building or site sits. These include vernacular and period styles, street pattern, topography urban form, legibility, landscape and views.

Continuity

The quality of an unbroken street frontage which **creates enclosure and defines the shape of the space** thus formed. It is the most important element in creating unity of the street picture together with the street's architecture whether as a formal design or an informal common theme of style, scale, materials and building heights.

Enclosure

Enfolding of a space by its surrounding buildings, walls or landscape. The relationship between the size of the space and the height of its "walls" can give feelings ranging from **confinement to spaciousness; creating these variations in forms of space** is one of the major accomplishments of the site planning.

Evidence Base

To support the formulation of options for future development, the development of planning policies and to ensure a sound evidence base there are a number of studies, assessments and background documents that underpin the Local Plan for South Staffordshire. These studies maybe updated as and when necessary. The most up to date version will be included in the Evidence Base and may differ from the studies submitted for the Core Strategy in 2011.

Farmsteads Guidance

Staffordshire County Council have been involved in a series of projects aimed at better understanding and managing historic farmsteads within Staffordshire and the wider West Midlands region. This work has included: A survey of Staffordshire's historic farmsteads; An assessment of farmsteads across the West Midlands region; The production of guidance to inform the sustainable development of farmsteads.

Green Roof

A low pitch or flat roof on which plants are grown in a 'soil' layer in order to soften its appearance when seen from above as well as **other benefits including for biodiversity, flooding and climate change.**

Historic Environment Record (HER)

A detailed database held and maintained by Staffordshire County Council containing information about the history and archaeology of areas and places.

Historic Environment Character Assessment (HEA)

A study by South Staffordshire Council on the historic character of South Staffordshire, looking at 13 project areas around settlements.

Infill Development

Development which fills a small site sandwiched between existing buildings; or larger sites which fill a 'hole' in the urban fabric. The closeness of adjacent buildings makes it important to respect the context.

Landscape Character Assessment (LCA)

A standard methodology for identifying, describing, classifying and mapping what is distinctive about our landscapes. It shows us their variety, and helps us to understand what makes one landscape different from another.

Layout

The arrangement and position of buildings, streets and open spaces.

Legibility

The layout and design of development so as to help people form a mental map and easily identify routes through the area and their relationship to landmark features and destinations, e.g. the local centre. This implies distinctiveness in the design of each street picture and distinction between 'through' routes and intimate localised and detailed building groupings. It may also require an appreciable build-up to, and of, the neighbourhood centre.

Listed Buildings

A building or other structure officially designated as being of special architectural, historical or cultural significance. Listing a building imposes restrictions on what an owner might wish to change or modify in the structure or its fittings.

'Local Service Village'

Within South Staffordshire, smaller villages or settlements with essential facilities used by the local population.

'Main Service Village'

Within South Staffordshire, larger villages or settlements that have a good range of facilities and services.

Massing

A common phrase used by professionals to refer to the height, bulk and volume of buildings, the density of their distribution and physical closeness of their relationship. With 'scale' these are important qualities which need determining at an early design stage.

Natural Surveillance

The overlooking of public spaces from windows of nearby buildings or busier adjacent areas in order to deter crime or anti-social behaviour.

'Other Villages'

Within South Staffordshire, settlements that have a restricted range of facilities and services, **such as a church, pub or playing field.**

Permeability

A quality which provides a choice of convenient and self-evident routes along which to traverse an area.

Public Realm

The area which is freely accessible to the public. This includes streets, footpaths, parks, car parks, open land as well as the inside of some public buildings. In a wider sense it may refer to open areas which are private but comprise part of the publicly-visible scene, e.g. cricket pitches, building forecourts, etc.

Robust Design

Design which has stature and implied strength or development which can withstand the test of time and changing demands and uses. It implies **that evanescent or fleeting design fashions** should be avoided, or only accommodated when they respond to the acknowledged local design context.

Roofscape (also referred to as 'skyline')

The roof scenery of a street or urban area including roof shapes, materials and detailing, chimney stacks, tall structures and trees – the skyline and its silhouette. Especially when viewed from a distance or elevated position the **roofscape can become an important defining** feature of the townscape. Conscious roofscape design assumes an important role in new housing areas which commonly lack variety of building sizes and shapes and vertical features such as chimneys or gables, spires and turrets.

Scale

The relationship of a building and its features to human size. Small sizes of the building elements – windows, doors etc – as well as the building itself can achieve domesticity; larger building elements represent grandeur and self-importance. Scale is of overriding importance where new buildings are introduced into the context of small-scale village groupings, whilst small-scale cottage designs may be incongruous in larger-scale formal settings.

Scheduled Monuments

Monuments scheduled under the Ancient Monuments and Archaeological Areas Act 1979. This supports a formal system of Scheduled Monument Consent for any work to a designated monument. Scheduling is the only legal **protection specifically for archaeological sites.**

Setback

The distance between the front of a building and the back of the pavement. The judicious use of setbacks to achieve considered effects can have a distinctive effect on enclosure and visual richness of a street.

'Small Service Village'

Within South Staffordshire, small villages or settlements with a modest level of facilities, **such as a school or Post Office, used by the local population.**

SPD

Supplementary Planning Document.

Staffordshire Farmsteads Guidance

Staffordshire County Council in conjunction with English Heritage (now Historic England) have produced guidance to help inform and achieve the sustainable development of historic farmsteads in Staffordshire, including their conservation and enhancement.

Stakeholders

People and organisations, such as service providers and highways, heritage and other authorities, with a vested or statutory interest in a development. This includes the developer, adjoining landowners, residents, local businesses, local community and business groups, the local authority and statutory consultees.

Street Frontage

The physical boundary between the street and the adjacent buildings. A street frontage can be 'live' or 'active' when it contains access points to a building or public open space, 'dead' when it is a blank wall or glass façade, and 'absent' when there is no boundary, for example when the land use is a car park.

Street scape

The picture presented by the view along a street. This is, importantly, formed by the shape of the area enclosed by the street facades; the design **and relationship of its defining buildings, walls, structures and vegetation**; the surface of the street, wall-to-wall, and street furniture.

SUDS

Sustainable Urban Drainage Systems (also may be referred to as Water Sensitive Urban Design) are drainage systems, often combined with green space, allowing surface water to drain away seeping naturally and gradually into the ground. This can economise on costs and reduce **flooding surges.**

Supplementary Planning Document (SPD)

SPDs give more detailed guidance on policies or proposals.

Sustainability

The ability to sustain a level of building or other economic activity without adverse effects on future generations; a phrase often extended incorrectly to embrace social inclusion, economic growth and environmental friendliness within its aims.

Village scape

The pattern of topography, streets, spaces and buildings particular to that village; the view; locations of landmarks; feelings of enclosure and exposure; and of continuity and breakage of street frontages created by the layout of the buildings.

Urban Grain

The urban grain is the complexity and scale of the pattern of buildings and spaces of an urban area. The fine urban grain of many old villages and neighbourhoods is characterised by small blocks with a large number of streets, lanes and passageways and considerable variations in the spacing of, largely, small-scale buildings. Modern town centre redevelopment with large development blocks and subservient minor open space features would be examples of a coarse urban grain.

Vernacular

The traditional, local building style and materials which evolved through functional needs, without the input of professional architects.

Vista

A distant view; in the urban design sense a view towards a single point such as a landmark building channelled along an avenue or by valley sides.

CONTACTS

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Conservation Team: conservation@sstaffs.gov.uk

[gov.uk](http://www.sstaffs.gov.uk)

Development Control:

planning@sstaffs.gov.uk

Local Plan: localplans@sstaffs.gov.uk

Appendix 1

Village Summaries



South Staffordshire Council

www.sstaffs.gov.uk

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Green Belt and Open Countryside Supplementary Planning Document (SPD)



**South
Staffordshire
Local Plan**

April 2014

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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 SPD¹. 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.

¹ 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 decision² 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,

² 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.

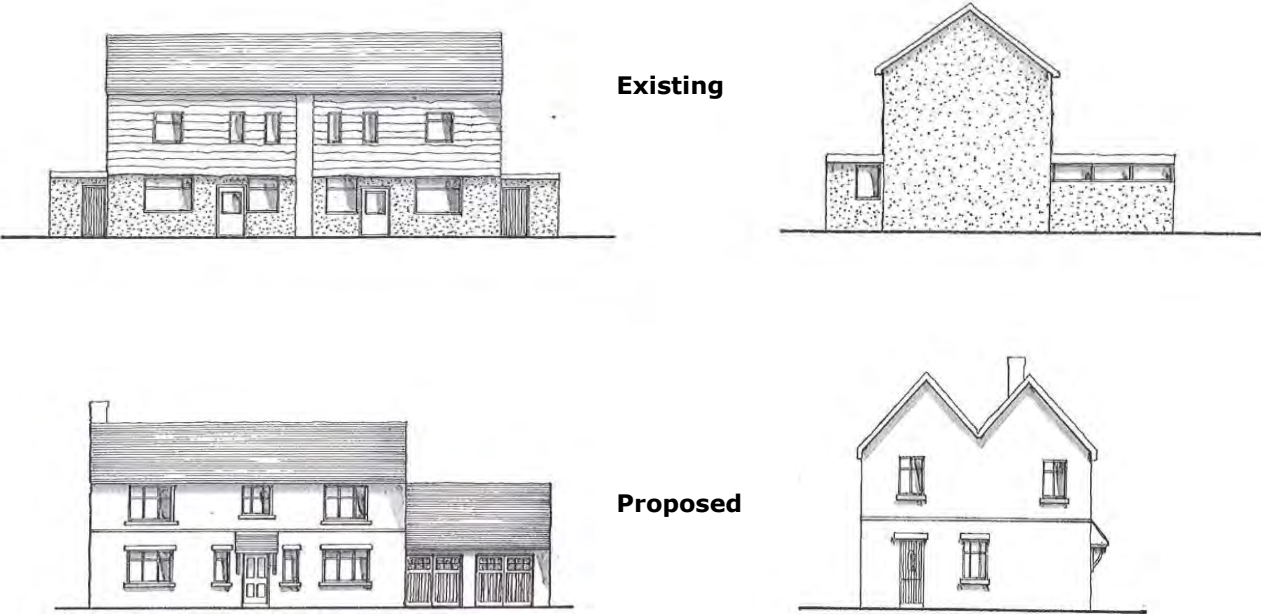
Positioning

- 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

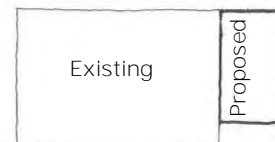
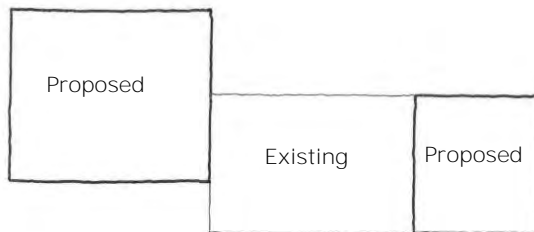


Unacceptable Replacement Dwelling – Materially Larger



4. Alterations or extensions to existing buildings

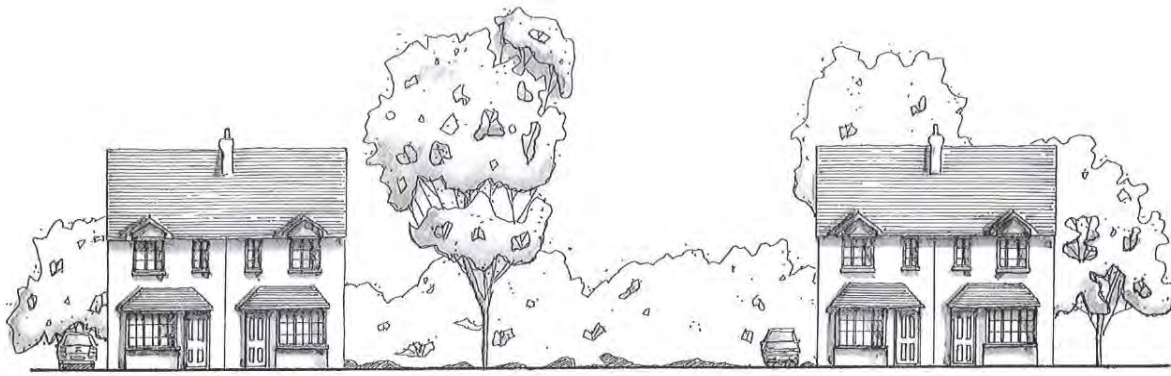
- 4.1 Extensions and alterations to buildings are not considered in National or Local planning policy to constitute inappropriate development, providing that any extension or alteration is not disproportionate and therefore by definition harmful to the openness of the Green Belt. This element of policy 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

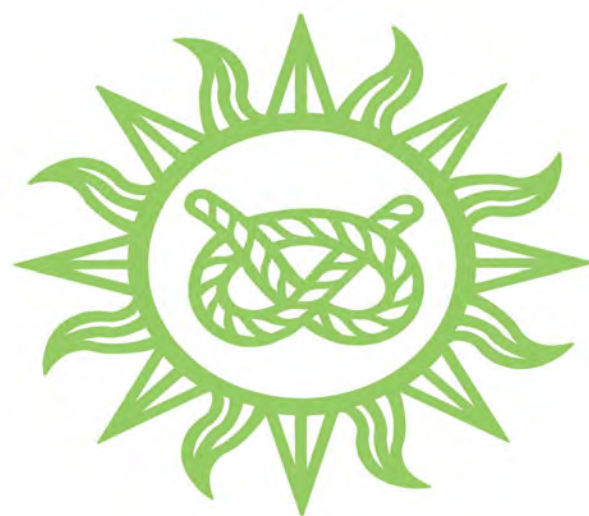
- 7.4 Generally, off-setting garden or ancillary buildings would not be an acceptable approach to adding bulk, massing, floor area or volume to a new building. Ancillary buildings are usually low and sometimes made from more natural materials such as timber which blend into the landscape. Some ancillary 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**

Telephone: (01902) 696000
Email: localplans@sstaffs.gov.uk

**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**

List of Persons and Interested Parties

Appeal Ref: APP/C3430/C/25/3365688

Enforcement Ref: 24/00068/BOC

Appeal by: Mr Jason Round

Site at: Land Adjacent Mile Flat House, Mile Flat, Greensforge, KINGSWINFORD, DY6 0AU

1 copy to the Occupier(s)

1 The Stableyard Mile Flat Greensforge Kingswinford DY6 0AU
2 The Stableyard Mile Flat Greensforge Kingswinford DY6 0AU
3 The Stableyard Mile Flat Greensforge Kingswinford DY6 0AU
4 The Stableyard Mile Flat Greensforge Kingswinford DY6 0AU
5 The Stableyard Mile Flat Greensforge Kingswinford DY6 0AU
Elm Tree Farm Mile Flat Greensforge Kingswinford DY6 0AU
Mile Flat House Mile Flat Greensforge Kingswinford DY6 0AU
Mile Flat Farm Mile Flat Greensforge Kingswinford DY6 0AU

1 copy to the Clerk to Kinver Parish Council

Jennifer Cree, 95 High Street, Kinver, Nr. Stourbridge, South Staffordshire, DY7 6HD
Email: clerk@kinver-pc.gov.uk

1 copy to the Chairman/Vice-Chairman of the Council

Councillor Philip Davis
Email: p.davis@sstaffs.gov.uk

Councillor Victor Kelly
Email: v.kelly@sstaffs.gov.uk

1 copy to the Chairman/Vice-Chairman of the Planning Committee

Councillor Robert Cope
Email: r.cope@sstaffs.gov.uk

Councillor Robert Duncan
Email: r.duncan@sstaffs.gov.uk

1 copy to the following local member(s)

Councillor Stephanie Dufty
Email: s.dufty@sstaffs.gov.uk

Councillor Paul Harrison
Email: p.harrison@sstaffs.gov.uk

Councillor Gregory Spruce
Email: g.spruce@sstaffs.gov.uk



The Occupier/Others

Phone: (01902) 696274

Email: appeals@sstaffs.gov.uk

Date: 16th June 2025

TOWN AND COUNTRY PLANNING ACT 1990 APPEAL UNDER SECTION 174

Appellant's name:	Mr Jason Round
Site Address:	Land At The Stableyard, Mile Flat, Greensforge, Kingswinford, DY6 0AU
Alleged breach:	Without planning permission, the construction of closed board timber fence along the western site boundary as well as between the dwellings' gardens, on the Land in the approximate position indicated by the solid blue line as shown on Appendix 1 ("the Fence").
Enforcement reference:	24/00068/BOC
Appeal reference:	APP/C3430/C/25/3365688
Appeal start date:	9th June 2025

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 30th April 2025

The enforcement notice was issued for the following reasons:

(i) It appears to the Council that the above breach of planning control has occurred within the last 4 years and is not time immune from enforcement action.

(ii) The fence by reason of its height, length and closed board timber design, introduces a generic suburban character which has harmed the character and appearance of the site and the rural landscape. The removal of permitted development rights within implemented permission 21/00058/FUL on the Land was required for Green Belt and design reasons. The Council's Design Guide states that "for sites near or adjacent to the wider countryside, landscape design should be kept simple, reflecting the simple, informal rural setting." This erection of the closed board timber fence is contrary to Core Policies 1, 2 and 4, as well as Policies GB1, EQ4 and EQ11 of the South Staffordshire Adopted Core Strategy 2012; the Green Belt and Open Countryside Supplementary Planning Document 2014; and paragraphs 135c) and 153 of the NPPF 2024.

(iii) The Council consider that planning permission should not be given. Permitted development rights were removed within implemented permission 21/00058/FUL for The Stableyard Development. Planning application 24/00149/VAR, to reinstate permitted development

rights, was allowed on appeal, but Schedule 2, Part 2, Class A permitted development rights for gates, walls, fences or other means of enclosure, remain removed. Within appeal decision APP/C3430/W/24/3342944, the Inspector emphasized within paragraphs 17 and 25 how the closed board timber fencing (in situ at the time of the Inspector's site visit) harmed the visual openness and rural character of the area. Within planning permission 21/00058/COND, permission was granted for a post-and-rail fence and adjacent hedging, which should be installed to reflect the simple, informal rural setting and provide privacy for both the occupants of Mile Flat Farm and The Stableyard Development.

The enforcement notice requires the following steps to be taken:

- (i) Remove the Fence in its entirety, including any concrete used to set the fence posts, located in the approximate position indicated by the solid blue line as shown on Appendix 1;
- (ii) Fill the resulting excavations with compacted topsoil and resurface to match the adjacent land;
- (iii) Install the post-and-rail fencing in the locations approved within permission 21/00058/COND as noted within the document titled "Notes relating to Planning Conditions 12, 13, 14 and 15 prepared by Camlad Ecology Ltd dated 23rd September 2022, included as Appendix 2; and
- (iv) Remove from the Land all materials arising from compliance with i), ii) and iii) above.

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.

Ground (c) – that there has not been a breach of planning control.

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 online at [Planning Inspectorate - GOV.UK \(www.gov.uk\)](https://www.gov.uk/planning-appeals) **(Please note that Planning Inspectorate will not be accepting emailed comments.)** If you do not have access to the internet, you can send your comments to:

Rebecca Gray
The Planning Inspectorate
Room 3C Hawk
Temple Quay House
2 The Square
Bristol
BS1 6PN

All representations must be received by 21st July 2025. 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 online at [Enforcement Appeal Cases \(sstaffs.gov.uk\)](https://staffs.gov.uk/enforcement/appeal-cases) by clicking on the relevant Enforcement appeal case.

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: [Taking part in a planning, listed building or enforcement appeal - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guides/taking-part-in-a-planning-listed-building-or-enforcement-appeal) 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.

Helen Benbow
Development Management Manager
Council Offices
Codsall
Wolverhampton
WV8 1PX

Telephone Enquiries: (01902) 696274 (Salindra Shakespeare)

Appeal Ref: APP/C3430/C/25/3365688

Enforcement Ref: 24/00068/BOC

Appeal by: Mr Jason Round

Site at: Land At The Stableyard, Mile Flat, Greensforge, KINGSWINFORD, DY6 0AU

The case officer will be addressing this point in their statement of case.



Town and Country Planning Act 1990
Town and Country Planning (General Development Procedure) Order 2015
(as amended)

REFUSAL OF PLANNING PERMISSION

Application Number: 24/00149/VAR
Proposed: To remove condition 5 on application 21/00058/FUL - to reinstate permitted development rights.
At: Land Adjacent Mile Flat House Mile Flat Greensforge

In pursuance of their powers under the above mentioned Act, South Staffordshire Council, hereby **REFUSE** permission for the development described in the above application.

Reasons for refusal:

1. The proposal to re-instate Schedule 2, Part 1, Class A-E and Schedule 2, Part 2, Class A would not comply with Policies GB1, EQ4 and EQ11 of the Core Strategy. The compact nature of the development and it comprising of a similar layout to the existing built form, was given material weight in the planning balance. The re-instatement of outbuildings would potentially result in further sprawl, given the layout of the gardens. In terms of design, the addition of dormer windows, Upvc conservatories, porches, sheds etc under permitted development would undermine the intention of original planning permission for a traditional barn style development. The re-instatement of permitted development rights would compromise the development by allowing the potential for a generic suburban character.

Proactive Statement - Whilst paragraph 38 of the National Planning Policy Framework (2021) requires the Local Planning Authority to work with applicants in a positive and proactive manner to resolve issues arising from the proposed development; in this instance a positive solution could not be found and the development fails to accord with the adopted Core Strategy (2012) and the National Planning Policy Framework (2023).

Signed

Dated: 17 April 2024

Helen Benbow
Development Management Team Manager

Mr Jason Round
C/O Mr Robert Mills-Pereira
1 Tower Road
Felixstowe
IP11 7PR

NOTES

APPEALS

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

Otherwise, if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

However, if you are not sure which of these time limits applies to your decision please contact the Planning Inspectorate

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

PURCHASE NOTICE

If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or the Secretary of State Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Borough Council or District Council or County Council in which the land is situated, as the case may be, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.



Appeal Decision

Site visit made on 4 November 2024

by U P Han BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2024

Appeal Ref: APP/C3430/W/24/3342944

Land adjacent to Mile Flat House, Mile Flat, Greensforge DY6 0AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Jason Round of Harrison Round Ltd against the decision of South Staffordshire District Council.
 - The application Ref is 24/00149/VAR.
 - The application sought planning permission for demolition of existing buildings and erection of 5 no. dwellings with associated parking and garden areas with foul treatment plant without complying with a condition attached to planning permission Ref 21/00058/FUL, dated 22 April 2021.
 - The condition in dispute is No 5 which states that: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any other subsequent equivalent order, no development within the following classes of development shall be carried out to the dwelling(s) hereby approved without the prior approval of the Local Planning Authority:
 - a. Schedule 2, Part 1, Class A - enlargement, improvement or other alteration
 - b. Schedule 2, Part 1, Class B - addition or alteration to the roof
 - c. Schedule 2, Part 1, Class C - any other alteration to the roof
 - d. Schedule 2, Part 1, Class D - porches
 - e. Schedule 2, Part 1, Class E - garden buildings, enclosures, pool, oil or gas storage container
 - i. Schedule 2, Part 2, Class A - gate, wall, fence or other means of enclosure.
 - The reason given for the condition is: The site is within the Green Belt within which, in accordance with the planning policies in the adopted Core Strategy, there is a presumption against inappropriate development.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing buildings and erection of 5 no. dwellings with associated parking and garden areas with foul treatment plant at Land adjacent to Mile Flat House, Mile Flat, Greensforge DY6 0AU in accordance with the application Ref 24/00149/VAR, without compliance with condition number 5 previously imposed on planning permission 21/00058/FUL dated 22 April 2021 but subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Jason Round of Harrison Round Ltd against South Staffordshire District Council. This application is the subject of a separate decision.

Background and Main Issues

3. Planning permission was granted for the erection of 5 dwellings (the approved scheme) which has been implemented. The approved scheme was found not to be inappropriate development in the Green Belt. However, the Council indicates that condition 5 is necessary to ensure that the proposal remains acceptable in Green Belt terms, particularly with regard to maintaining the openness of the Green Belt.
4. In addition, the Decision Notice and Officer Report suggest that the condition is necessary to protect the character and appearance of the site and surrounding area. These reasons are different to the one given in the Decision Notice for the approved scheme which refers to the site being within Green Belt where there is a presumption against inappropriate development. However, the Council may argue that the condition is necessary for different additional reasons. My consideration of the appeal must be based on present circumstances and so is not confined to the original reasons given for imposing the condition.
5. The appellant is seeking removal of the condition on the grounds that it is not reasonable or necessary. Furthermore, the appellant contends that permitted development is not inappropriate development and exceptional circumstances have not been demonstrated to justify the condition.
6. Given this background, the effect of the proposal on the Green Belt is a relevant matter for consideration in this appeal. Comments have been sought from the main parties with regard to the effect of the proposal on the Green Belt.
7. Accordingly, the main issues are the effect of removing the condition on:
 - the openness of the Green Belt;
 - the character and appearance of the site and surrounding area; and
 - in the event that allowing the proposal would lead to inappropriate development in the Green Belt, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Green Belt Openness

8. The appeal site is in Green Belt where, under Policy GB1 of the Core Strategy (December 2023) (the CS), development is acceptable within the terms of the National Planning Policy Framework (the Framework). The Council states that the approved scheme was determined under paragraph 154(g) of the Framework and thus found to comply with Policy GB1. The approved scheme involved the redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.
9. The Framework indicates that openness is an essential characteristic of the Green Belt with a fundamental aim of Green Belt policy being to prevent urban sprawl and keep land permanently open.

10. The development is arranged in a courtyard style with the all the front of the dwellings facing each other. The rear of the dwellings and their gardens are exposed to the surrounding area, particularly to the east and south which overlook open rolling countryside. There is a paddock to the west and three large houses with substantial curtilages to the north.
11. The appellant states their intentions are yet unconfirmed but have submitted drawings to the appeal indicating the intention to erect a garage with a pitched roof in the rear garden of plot 2 and install roof lights to the dwelling of plot 4. The garage would be accessed through the rear garden of the adjoining plot and during my site visit I saw that closed boarded timber fencing has been erected to delineate the boundary of the access. Similar fencing has also been erected to the boundaries of three of the plots in the north part of the development, enclosing their rear gardens.
12. Class A Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (the GPDO) limits the size and height of extensions or alterations that are permitted. Nevertheless, permitted development rights can in some circumstances permit sizeable extensions. Given the layout of the development, this would lead to an unacceptable reduction in the spatial and visual openness of the Green Belt. Furthermore, as the appeal site contains 5 dwellings, the cumulative impact of their enlargement would potentially cause significant harm to the openness of the Green Belt. Therefore, this part of condition 5 is necessary to make the approved scheme acceptable.
13. Class B Part 1 of the GPDO permits additions or alterations to a roof to enlarge a house. However, no part of the house once enlarged is permitted to exceed the height of the highest part of the roof of the existing house. Given the specific limitations and conditions set out in the GDPO, the exercise of this particular permitted development right would be unlikely to harm the openness of the Green Belt.
14. Class C Part 1 of the GPDO provides for other alterations to the roof of a house, such as rooflights. Such alterations would be unlikely to impact the openness of the Green Belt as they are small-scale and would not increase the overall height or mass of the buildings.
15. Class D Part 1 of the GPDO permits the erection of a porch outside any external door of a house. Given the size limitations set out in the GDPO, as well as the courtyard style layout of the development with all the front elevations of the dwellings facing inward, development under this permitted development right would be unlikely to harm the visual openness of the Green Belt.
16. Class E Part 1 of the GPDO provides for any building or enclosure, swimming or other pool incidental to the enjoyment of the dwelling. It also permits a container for the storage of oil, liquid or gas for domestic heating purposes. While such development must not exceed 50% of the total area of the curtilage, given the relatively exposed siting of the dwellings within the Green Belt, the exercise of this permitted development right would likely lead to an unacceptable reduction in the spatial and visual openness of the Green Belt.
17. Class A Part 2 of the GPDO permits the erection or alteration of a gate, fence, wall or other means of enclosure. The Council indicate that the appeal site is

subject to an enforcement case where closed boarded timber fencing has been erected in lieu of approved post and rail fencing and hedging. During my site visit I was able to see the effects of the closed boarded timber fencing which has been erected around the plots in the north part of the site. This had the effect of enclosing the site and harming the visual openness and rural character of the area. The south and east parts of the site are particularly exposed to the surrounding area and have a close visual and spatial relationship with the open countryside. The erection of similar fencing, to that which I saw during my site visit to these plots, would further enclose the site and disconnect it from its surroundings.

18. The appellant refers to a version of the Planning Practice Guidance (PPG) where it states that **"conditions restricting the future use of** permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances." The Framework states that planning conditions should not be used to restrict national permitted development rights unless there is a clear justification to do so. The latest version of the PPG states that "conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. The scope of such conditions needs to be precisely defined, by reference to the relevant provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015, so that it is clear exactly which rights have been limited or withdrawn." Condition 5 is precisely defined by reference to the relevant provisions in the GPDO and confined to a small area.
19. Notwithstanding the fact that permitted development rights have not been withdrawn in total or in part in the Green Belt in the GPDO, I have found that parts of condition 5 relating to Class A Part 1, Class E Part 1 and Class A Part 2 are necessary to make the approved scheme acceptable. Therefore, the condition passes the tests of reasonableness or necessity as set out in the PPG. The removal of permitted development rights under Class A Part 1, Class E Part 1 and Class A Part 2 is clearly justified to preserve the openness of the Green Belt.
20. For the reasons given, I find that development under Class B Part 1, Class C Part 1, and Class D Part 1 would not have a harmful effect on the openness of the Green Belt. Hence, it would comply with Policy GB1 of the CS which seeks to protect the Green Belt from inappropriate development. Nevertheless, I find that development under Class A Part 1, Class E Part 1 and Class A Part 2 of the GPDO would cause harm to the openness of the Green Belt, conflicting with Policy GB1 of the CS. In accordance with the Framework, substantial weight must be given to this harm.

Character and Appearance

21. The appeal site is set behind the large curtilage of a dwelling which faces Mile Flat. **The site's** position away from the highway, overlooking open countryside to the east and south, give it a distinctly rural character. This rural character is further enhanced by the undulating topography of the area, the Dawley Brook and the agricultural fields to the east and south of the site.
22. The design of the development reflects the rural character of the area and features a courtyard style layout along with simple single storey brick buildings that create a cohesive and aesthetically harmonious development. **Contrary to the appellant's view**, I do not consider it be typical of suburban

style housing development due to its layout and design. Class A Part 1 of the GPDO can in some circumstances permit sizeable extensions that would not appear subordinate to the host dwelling and would therefore be harmful to the character and appearance of the site and surrounding area. Therefore, this aspect of the condition is necessary to ensure the development remains sympathetic to the design of the site and the rural character of the surrounding area.

23. Given the specific limitations and conditions set out in the GPDO in relation to Class B Part 1, Class C Part 1 and Class D Part 1, any additions or alterations in these respects would be limited in scale and would therefore appear subordinate to the host dwellings. On this basis, such development would be unlikely to cause harm to the character and appearance of the site and surrounding area.
24. Under Class E Part 1 any building, enclosure, swimming or other pool would be allowed to take up to 50% of the total area of the curtilage. Due to the layout of the development, such permitted development would be clearly visible and visually obtrusive to the coherent design of the development. Consequently, it would have an unduly harmful effect on the character and appearance of the site and surrounding area.
25. The low height and visually open appearance of the existing post and rail fencing suits the countryside character of the site and surrounding area. Development under Class A Part 2 such as the erection of higher closed boarded timber fencing, which has taken place on parts of the site, would have the effect of eroding the rural character of the site and the surrounding area, as observed during my site visit.
26. For the reasons given, I find that development under Class B Part 1, Class C Part 1, and Class D Part 1 would not have a harmful effect on the character and appearance of the site and surrounding area. Consequently, it would comply with Policies EQ4 and EQ11 of the CS insofar as they require development to maintain intrinsic rural character and take account of local character and distinctiveness. Nevertheless, I find that development under Class A Part 1, Class E Part 1 and Class A Part 2 of the GPDO would cause significant harm to the character and appearance of the site and surrounding area, conflicting with the aforementioned CS policies.

Other Considerations and Very Special Circumstances

27. Development under Class A Part 1, Class E Part 1 and Class A Part 2 of the GPDO would lead to a loss of openness of the Green Belt. Substantial weight is given to the harm to the Green Belt and development should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt, and any other harm resulting from the proposal, are clearly outweighed by other considerations.
28. The appellant has drawn my attention to an appeal decision¹ relating to a site in Warrington, in the Green Belt. However, that site was described by the Inspector as being well-contained and physically restricted so is not directly comparable to the appeal site. The appellant has also referred to appeal decisions² relating to site near the appeal site. However, there is limited

¹ APP/M0655/W/20/3260646.

² APP/C3430/W/21/3278321 and APP/C3430/W/21/3278322.

information before me to establish whether they are comparable to this appeal proposal. Furthermore, the Inspector determined that the condition in dispute was necessary and reasonable to ensure that development under Class A Part 2 of the GPDO does not harm the character and appearance of the area and the openness of the Green Belt.

29. **The appellant suggests that the Council's Core Strategy policies are inconsistent with national planning policy.** However, no substantive evidence has been advanced to demonstrate how they are inconsistent. In any event, I find Policy GB1 which seeks to protect the Green Belt from inappropriate **development to be consistent with the Framework's Green Belt policies.** I also find Policies EQ4 and EQ11 which require development to reflect local **character to be consistent with the Framework's design policies.**
30. The appellant contends that the erection of fencing is required in the interests of the security and privacy of future occupiers of the dwellings. However, no substantive evidence has been submitted to demonstrate that there are, or would be, issues in relation to these matters. Notwithstanding this, I have had **due regard to the appellant's rights** under Article 1 of the First Protocol and Article 8 of the European Convention on Human Rights (ECHR), as incorporated by the Human Rights Act 1998 (HRA). These are qualified rights and interferences may be justified where they are proportionate and in the public interest.
31. I have identified harm with regard to the openness of the Green Belt and the character and appearance of the site and surrounding area under development permitted by Class A Part 2 of the GPDO. The objectives of preserving the openness of the Green Belt and achieving well-designed places are well-established planning policy aims. As such, the removal of permitted development under Class A Part 2 of the GPDO would be proportionate and necessary. It would not result in a violation of the Human Rights of the appellant. Protection of the public interest cannot be achieved by means that are less interfering of their rights.
32. The other considerations before me do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify development under development under Class A Part 1, Class E Part 1 and Class A Part 2 do not exist.

Conditions

33. Where planning permission is granted under section 73, it is not automatically subject to the conditions which were attached to the original permission. The PPG therefore advises that the conditions which continue to have effect should be restated in the interests of clarity. I have considered the conditions suggested by the Council and shall impose those conditions from the original planning permission that remain relevant, alongside replacing condition 5. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.

Conclusion

34. For the reasons given, condition 5 is not reasonable or necessary to prevent harm to the openness of the Green Belt by way of development under Class B Part 1, Class C Part 1, and Class D Part 1 of the GPDO. Nor is the condition

necessary to prevent harm to the character and appearance of the site and surrounding area by way of such development.

35. Condition 5 is necessary and reasonable, however, to ensure that development by way of Class A Part 1, Class E Part 1 and Class A Part 2 does not harm the openness of the Green Belt, and the character and appearance of the site and surrounding area.
36. In conclusion, for the reasons given above, and taking into account all other matters raised, the appeal should succeed. I will grant a new planning permission substituting condition 5 with a replacement and restating those undisputed conditions that are still subsisting and capable of taking effect.

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INSPECTOR

Schedule of Conditions

- 1) The development shall be carried out in accordance with the approved drawings: 1265/A/003 Rev A, 1265/A/005 Rev A, 1265/A/002B Rev A, 1265/A/002A Rev A, 1265/A/004B and 1265/A/004A received 19/01/2021, 23/03/2021 and 25/03/2021.
- 2) Within 3 months of any development commencing on the site a landscape scheme shall be submitted to the Local Planning Authority for approval. The approved scheme shall be implemented concurrently with the development and completed within 12 months of the completion of the development. The Local Planning Authority shall be notified when the scheme has been completed. Any failures shall be replaced within the next available planting season and the scheme shall be maintained to the satisfaction of the Local Planning Authority. The planting shall be retained and maintained for a minimum period of 10 years by the property owner from the notified completion date of the scheme. Any plant failures that occur during the first 5 years of the notified completion date of the scheme shall be replaced with the same species within the next available planting season (after failure).
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any other subsequent equivalent order, no development within the following classes of development shall be carried out to the dwellings hereby approved without the prior approval of the Local Planning Authority:
 - a. Schedule 2, Part 1, Class A - enlargement, improvement or other alteration
 - b. Schedule 2, Part 1, Class E - garden buildings, enclosures, pool, oil or gas storage container
 - c. Schedule 2, Part 2, Class A - gate, wall, fence or other means of enclosure
- 4) The development hereby approved shall not be occupied until all of the buildings labelled A, B, C, D and E on plan 1265/A/005 Rev A have been demolished and all materials removed from the site.

- 5) The development hereby permitted shall not be brought into use until the existing access to the site within the limits of the public highway has been reconstructed and completed.
- 6) The development hereby permitted shall not be brought into use until the access road, parking and turning areas have been provided in accordance with the approved plans.
- 7) The garages indicated on the approved plan shall be retained for the parking of motor vehicles and cycles. They shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority.
- 8) All site works must comply with measures set out in the Risk Avoidance Method Statement (Camlad Ecology Ltd., January 2021).
- 9) Within three months of commencement of the development, details of biodiversity enhancement measures including 1 swallow feature on the new buildings shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the buildings and retained as such thereafter.
- 10) Within 3 months of commencement of the development, details of the type and location of biodiversity enhancement measures including 1 group of 3 number swift boxes and 2 number house sparrow terraces on or integrated into north- or east- facing brickwork of the new buildings shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the buildings and retained as such thereafter.
- 11) Within 3 months of commencement of the development, details of biodiversity enhancement measures including 3 number integrated bat tubes or bat boxes within the new building, shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the buildings and retained as such thereafter.
- 12) Within 3 months of commencement of the development, boundary fence details for gardens that include gaps of minimum 130mm square at ground level at least every 10m running length or that do not seal to the ground at all between posts with a 120mm gap from fence base to ground shall be submitted to the Local Planning Authority for approval. The development shall be carried out in accordance with the approved details.

End of Conditions