

Background and reasons for appealing against the condition at paragraph 4 of the decision are as follows:

Original plans and application were submitted by Architectural Technician, Nigel Forrester of Building Design Services as the agent as agreed on our behalf.

The property 20 Church Lane, ST14 5JZ lies neither within a Conservation Area nor a Designated Heritage Area.

The application is to convert an existing garage and demolish a 1985 built conservatory and replace it with an extension less than 5 square meters greater than the original footprint.

In his email correspondence with me on 17 May 2021 the County Archaeologist writes "The archaeological watching brief will be required where substantial groundworks are required associated with the proposals." I submit that this small area outside the existing foot print does not constitute "substantial groundworks". The County Archaeological confirmed on 21 May 2021 that the garage conversion is of no interest.

The reason given for including the condition at paragraph 4 is stated as being in accordance with policies SP1, SP25 and DP5 of the East Staffordshire Local Plan. This document was adopted in full by the Council on 15 October 2015.

The Council gave planning permission for three residential extensions, after the adoption of the Local Plan, also outside both the Conservation Area and Designated Heritage Area and within similar proximity to the site of the Roman Fort where the new cemetery is now:

1. P/2016/01530 6 Swinson Close, ST14 5LG Erection of a two storey side extension (also with Nigel Forrester as the agent)
2. P/2017/00021 14 Dove Lane, ST14 5LA Erection of a two storey side extension
3. P/2019/00701 14 Dove Lane, ST14 5LA Erection of a single storey front extension and porch

None of these applicants were required to have a written scheme of archaeological investigation, to have site work implemented in full accordance with this scheme and, unless first agreed by the Local Planning Authority, the site not brought into use until a site investigation and post-excavation assessment had been completed.

I therefore submit that Council have failed to show consistency in implementing their own policies and the inclusion of the condition at paragraph 4 is not only excessive but also arbitrary and unfairly prejudicial to me.

Furthermore it appears that while considering the inclusion of the condition at paragraph 4, Planning Officer Alan Harvey consulted Nigel Forrester to ask for his opinion. Nigel Forrester agreed to the inclusion of the condition at paragraph 4 without any consultation with myself or my wife and acting beyond his remit. Having been the agent for the application at 6 Swinson Close, Nigel Forrester's response seems even more bizarre.

I completed the purchase of 20 Church Lane on 15 August 2019 having first ensured it was neither in the Conservation Area nor Designated Heritage Area. It was and remains in a state of neglect, both garage and conservatory leak rain water.

At that time I also researched similar properties in the area and noted that 6 Swinson Close and 14 Dove Lane had undertaken far more substantial building works and extensions, after the adoption of the Local Plan, without any clauses I found unacceptable such as the one at paragraph 4. I would not have bought the house had I known I would be unable to repair and improve it without the need for a Written Scheme of Archaeological Investigation with its cost, potential exponential cost and subsequent impositions. I believe I had a reasonable expectation this condition would not be attached.

Furthermore, in number 1 of the Informative(s) of the decision it states

“During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with the relevant plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.”

However, at no point during the consideration of the proposal were either my wife or I, the applicant, involved in any negotiations. We are not the agent and the agent did not have any contact with us during this time.

I submit that to allow the condition at paragraph 4 to remain creates an unwelcome precedent and could have a negative impact on house prices outside the Conservation and Designated Heritage Areas in this area.

The Local Planning Authority does not appear to have taken into account paragraph 197 of the National Planning Policy Framework and that a “balanced judgement” has not been used for such a small project in an non designated area.

Appendices:

Terms of engagement letter from Nigel Forrester.

Decision letter from ESBC dated 13 May 2021.

Correspondence from the County Archaeologist dated 17 and 21 May 2021

Screenshots of SP1, SP25 and DP5.

Correspondence between Planning Officer Alan Harvey and Nigel Forrester dated 6 and 7 May 2021 showing Nigel Forrester being consulted about the possibility of the inclusion of the condition at paragraph 4.

Screenshots from ESBC planning portal showing the application and subsequent conditions for the four applications mentioned here.

ESBC map showing Conservation Area and Designated Heritage Area.

ESBC map showing 6 Swinson Close, 14 Dove Lane, 20 Church Lane and the site of the Roman Fort under the new cemetery labelled "Graveyard".

Screenshot of paragraph 197 of the NPPF.