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PLANNING / DESIGN AND ACCESS STATEMENT



PROPOSAL : **Change of use of Farm Yard and buildings to Livestock Haulage Base.**

ADDRESS : **Bark House Farm, Hulme Lane, Werrington, ST3 5BH**

APPLICANT : **Mr & Mrs G Ibbs**

DATE : **May 2016**

Registered in England No 3775545

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1.0 INTRODUCTION

Sammons Architectural Ltd have been appointed by Mr & Mrs G Ibbs (C&R Livestock Haulage Ltd) to prepare and re-submit a planning application to Staffordshire Moorlands District Council for the change of use of Farm Yard and buildings to Livestock Haulage Base. A previous application was submitted (SMD/2015/0462), which was determined by Planning Committee on 3rd March 2016. However, Members did advise at that meeting to take on board their comments and encouraged a re-submission. This application has sought to address the concerns previously raised by Members and removing such features as the security fencing, whilst submitting supporting information to demonstrate the 'very special circumstances' surrounding this proposal to outweigh the harm created by its inappropriateness in terms of Green Belt policy.

2.0 USE

The current use of the site is best described as an agricultural farm complex. The site itself is located outside any defined settlement boundary and therefore considered to be located in the open countryside, which is also defined as Green Belt in the Development Plan.

3.0 AMOUNT

The site measures approximately 0.47ha.

4.0 LAYOUT

The site comprises a number of buildings of portal framed, timber boarded construction. The surrounding area is predominantly agricultural.

5.0 SCALE

The scale of the proposal will be relatively low and will re-use the existing buildings that are currently present on site.

6.0 LANDSCAPING

The application site is reasonably well screened, but additional landscaping is proposed by this application.

7.0 APPEARANCE

The appearance of the proposal will generally be as existing, as the original building will be used.

8.0 ACCESS

The proposal will use the existing access to the site from Hulme Lane.

9.0 PLANNING POLICY

As you will be aware Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that when determining a planning application, the decision maker must make their determination in accordance with the Development Plan unless material considerations indicate otherwise. Given this obligation, this chapter therefore considers national guidance relevant to the application as well as the Core Strategy Development Plan Document (March 2014):

Core Strategy,

SS1 – Development Principles
SS1a – Presumption in Favour of Sustainable Development
SS6c - Other Rural Areas Area Strategy
DC1 – Design Considerations
DC3 – Landscape and Settlement Setting
R1 – Rural Diversification
NE1- Biodiversity and Geological Resources
T1 - Development and Sustainable Transport

National Planning Policy Framework

There is considerable planning policy and guidance relevant to the planning application proposal at both local and national levels. The NPPF is significant as it sets out the Government's commitment for a positive response to planning proposals that would deliver sustainable development in order to assist growth to the economy. It has been made clear that the planning system has a key role in facilitating growth and development should be supported with a presumption in favour of granting planning permission. This change of emphasis provides an important background to the application proposal.

National Planning Policy Framework places a strong emphasis on promoting economic growth and sets out policies for the control of development. The Development Plan represents the starting point for the determination of this application, which in this instance is the Core Strategy. The guidance contained within the National Planning Policy Framework is also relevant, in particular the following Chapters:

Paragraphs 1 – 17.
Section 1:Delivering Sustainable Development.
Section 3: Supporting a prosperous rural economy
Section 7:Requiring Good Design.
Section 9: Protecting the Green Belt
Section 11: Conserving and Enhancing the Natural Environment.

Within the NPPF it is also worth noting the following relevant paragraphs:

- Planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise (para 2).
- Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas, (para 10)
- Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise, (para 11).
- At the heart of the NPPF is a presumption in favour of sustainable development. LPA's should approve proposals which accord with the development plan without delay (para 14).
- The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future (para 18)
- The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system (para 19)

- Support existing business sectors, taking account of whether they are expanding or contracting (para 21)
- Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. Promote the development and diversification of agricultural and other land-based businesses. Support rural tourism that benefit businesses in rural areas, communities and visitors that respect the character of the countryside (para 28)
- As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para 87)
- A local planning authority should regard construction of new buildings as inappropriate in Green Belt, unless it is listed as one of the exceptions (para 89)

10.0 SUMMARY

The previous application was refused for the following reason:

This site is located within the Green Belt where there is a presumption against inappropriate development. The application proposals represent a significant material change of use of farm yard land which does not satisfy the exception criteria set out in paragraphs 89 and 90 of the NPPF and is therefore considered to be inappropriate development and substantial weight is given to this harm. Harm to the Green Belt is caused through a loss of openness resulting from the siting of HGV's at the site and moderate weight is attached to this factor. Further moderate harm would arise from the impact that the proposed development would have on the character and appearance of the countryside. Finally, additional slight harm would arise from a more intensive site use and increased noise and disturbance on the amenity of neighbouring residential properties, and the compatibility of the proposed vehicles serving the site with the rural highway network. Significant weight in favour of the development is attached to the benefits of the scheme through facilitating an operation which contributes towards the rural economy. However this does not amount to the very special circumstances which would clearly outweigh all of the harm which has been identified and as such very special circumstances do not exist. The proposal would therefore be contrary to Policies SS1, SS1a, SS6c, DC1, DC3 and R1 of the Adopted Core Strategy Development Plan Document and guidance contained within the National Planning Policy Framework.

The Council acknowledged in the presentation of the application at Planning Committee on 3rd March 2016 that the proposal was finely balanced and ultimately recommended refusal for the reason above. The proposal is considered very similar to the existing use, especially in terms of hours of operation. The business will operate from 05.00hrs to 20.00hrs Mon to Sat and 08.00hrs to 13.00hrs. However, the time on Sunday will be used for vehicle maintenance only. It should also be noted that no objection was raised by Environmental Health or SCC Highways and therefore the proposal is considered not to raise any adverse issues with regards to residential amenity or highway respectively. It is therefore considered that the only real issue that requires addressing is the case for 'very special circumstances' that outweigh the harm to the Green Belt by virtue of the inappropriateness of the proposal. Whilst the Council acknowledged the contribution of the business to the rural economy within Staffordshire Moorlands, it is believed it did not appreciate how critical this business is to the District. The following is a summary to demonstrate why this proposal is considered to represent 'very special circumstances':

- This business needs to find an alternative site as their current location will no longer be available shortly due to the owners wanting to develop the site.
- This business is the only one of its kind in the Moorlands.
- A alternative haulier of similar capacity could not be found within and approximate 50 mile radius and the likelihood is that the nearest could well be located as far afield as Carlisle.

- No alternative sites are available that are suitable for this business in a 10 mile radius of Leek. This is confirmed in the letter dated 7th April 2016 from Daniel & Sons.
- The loss of this business would have a detrimental impact on the Moorlands and surrounding area as there are no alternative hauliers, which will adversely impact on the value of local livestock.
- The value of this business to the local economy is apparent when Leek Auctions confirm in a letter dated 7th April 2016 that the applicant is the only business with sufficient capacity to handle 80% of their weekly output as they do.
- 9no. letters of support from local business' and a petition with 252 signatures from customers demonstrate the importance of this business to the local economy.

11.0 CONCLUSION

The Government has a strong commitment to growth and provides a strong presumption in favour of development and is committed to increasing levels of growth. Paragraph 186 of the NPPF states that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. It goes on to state in paragraph 187 that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible.

Whilst this proposal represents ‘inappropriate development’ in the Green Belt that is harmful by definition proposal is not one of the exceptions listed in paragraph 89 of the NPPF. Therefore, this proposal is considered to require 'very special circumstances' to outweigh the harm created. It is considered that this application has demonstrated the uniqueness of the business and its importance to the rural economy of Staffordshire Moorlands and surrounding areas in North Staffordshire. The applicant can't find any alternative sites and this site genuinely the only available site that could accommodate such a business.

Paragraph 18 of the National Planning Policy Framework confirms that the Government is committed to securing economic growth in order to create jobs and prosperity in the UK. It goes on to state in paragraph 28 that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. In addition, it states that support should be given to the sustainable growth and expansion of all types of business and enterprise in rural areas. If the Council fail to support this proposal, it will potentially place a business that is vital to the rural economy in jeopardy. The ramifications of this would impact on many business' reliant on the service that C&R Livestock Haulage Ltd provide. This would undoubtedly and significantly impact on the economy as a whole due to the rural economy making such a significant contribution to the District and North Staffordshire.

The application is considered to accord with the Development Plan Policies and guidance contained within the National Planning Policy Framework. It is considered that there are ‘very special circumstances’ attached to this proposal that outweigh the harm created by virtue of its inappropriateness. No objections were previously raised by Environmental Health or Highways, so no adverse issues arise with regards to residential amenity of highway safety. The proposed security fencing that was present on the last application has been removed from this proposal and is to be replaced by post and rail fencing, whilst the only external lighting will be in the form of down light on the lorry washout area. Finally, the business is very important to the rural economy and associated business' that rely on the service provided. The Local Authority is therefore respectfully requested to endorse this re-submitted application for this important rural business and grant planning permission accordingly.