

KEN WAINMAN ASSOCIATES LTD

Planning Consultant & Bat Surveyor

31a St Edward Street, Leek, Staffordshire, ST13 5DN

Tel:01538 386808 Mob: 0797 877 4785

Email: Ken@sgaplanners.co.uk

Planning Applications Team
Staffordshire Moorlands District Council
Moorlands House
Stockwell Street
Leek
Staffordshire Moorlands

10th May 2016

Dear Mrs Curley

Prior Approval Application for a Proposed Change of Use of Agricultural Building to a Dwellinghouse (Class C3) and for Associated Operational Development Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 3, Class Q at Cresswell Ford Farm, Dilhorne on behalf of Mr & Mrs Wagstaff - Application Number DET/2016/0024

I refer to the representations made by Mr Colin Mattin of Cresswell Ford Farm regarding the above application and would offer the following comment:-

The applicants most vehemently deny the suggestion that the application buildings have not been used for agricultural purposes. The supporting planning statement clearly identifies that there is and has always been a genuine agricultural activity carried out at Cressford Farm. The introduction of a commercial compost business is the result of diversification at Cressford Farm and in no way has this or indeed any other business activity superseded the agricultural use on the site. The buildings have clearly been used for agricultural use and whilst it is accepted that they are in need of some minor repair works they are still functional and used for agricultural purposes. Cresswell Ford Farm has been part of Cressford Farm since it was bought by the applicant in 2004.

There is no requirement under Schedule 2 Part 3 Class Q of the General Permitted Development Order for livestock to be contained within the title number. There is a requirement however for the site to be in agricultural use as part of an established agricultural unit. . For the purposes of Part 3— “agricultural building” means a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business; and “agricultural use” refers to such uses. Agricultural use is therefore much wider than simply

having livestock on the land. For the reasons specified in the planning statement it is considered that the application site complies with this fundamental requirement of the permitted development regulations.

With regards to the issue of access I have attached a copy of the title deeds relating to the application site. It is clear from this document that there is a right of access to the buildings and that this is not restricted to agricultural use. In any event it is important to note that land ownership and rights of access are civil matters which are dealt with under separate legislation and not material matters for consideration as part of the planning process. Similarly these points apply to the issue regarding site boundaries and ownership. Development within close proximity of a shared boundary such as in this case will be subject to the Party Wall Act rather than be a consideration of the planning application.

With regards to the issue of environmental regulations Cressford Farm does operate a composting plant. This is carried out on a separate parcel of land on the opposite side of Dilhorne Road and in association with all the necessary permits and regulations. Due to a reduction in the scale of operations at the composting site the Environment Agency granted an exemptions certificate in 2012. Effectively this means that the site is not bound by the regulations quoted by the objector. **A copy of the certificate is attached however given that this document is commercially sensitive it is provided on the understanding that this is not released for public consideration.**

Furthermore it should also be noted that when planning permission was granted for the compost facility in 2001 by the County Council both the applicants own dwelling, Cressford Farm, and that of the objector Cresswell Ford Farm, both lay within the 250m distance specified by the regulations. In fact the objectors dwelling lies closer to the compost facility than the dwellings proposed by the conversion of the agricultural building. Finally it should be noted that the environmental regulations are relevant to the use of open and closed composting systems. They are not intended to be used in reverse for the consideration of residential development. If this was the case then the composting facility would not have been granted consent due to its adverse impact on residential dwellings.

The applicants strongly refute the allegations that any works have been undertaken to move on the bat colony. An independent ecological survey has been submitted with this application. Whilst the building was initially considered as offering high potential for bats an extended survey effort only recorded it as serving a temporal satellite roost for a small population of less than 10 Common pipistrelle and a low impact status temporal satellite roost for brown long eared bats. The submitted plans provide mitigation measures for any bats displaced as part of the proposed development.

The suggestion that there are incorrect or implied statements within the accompanying planning statement is simply inaccurate. The applicants business at Cressford Farm is and always has been agriculture. The creation of a waste composting business was simply a means of diversification to supplement the existing agricultural use. Diversification has been a common way for farmers to provide additional income streams due to a number of wide ranging problems facing the agricultural industry from reduction in milk prices, bovine TB, mad cow disease etc. The list is fairly extensive. Whilst some farmers have chosen to diversify by providing holiday accommodation in redundant agricultural buildings, letting farm buildings for caravan storage etc the applicants chose to start a waste composting business. The creation of such a business has supported the continued agricultural use at Cresswell Ford Farm and assisted with the effective management and upkeep of the farm and its associated land holding.

The fact that the agricultural building was not implemented was not due to the fact that it was no longer required but solely down to a change in personal circumstances. Unfortunately Mrs Wagstaff has been ill and receiving medical treatment for a number of years. This has meant that certain capital projects such as additional farm buildings have had to be put on hold.

The condition of the application building does not make it unsafe for use and the accompanying structural report in no way implies this. Whilst part of the roof has indeed collapsed this is contained to a small part of the building and certainly does not make the remainder unusable. It has and is currently being used for agricultural storage and isolation of sick and injured animals as and when required. The wood for the approved but unimplemented agricultural building is indeed stored in the application building and not the adjacent lean to as suggested by the neighbour.

I hope that the above provides some clarification on the points raised by the objector and neighbour Mr Mattin. It is my clear view that the proposal fully accords with the provisions of Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 and is therefore permitted development. I look forward to receiving confirmation of this in due course. Should you require any additional information in the meantime then please do not hesitate to contact me.

Kind Regards

Ken Wainman

Ken Wainman Associates Ltd