DELEGATED DECISION REPORT

SMD/2017/0461 0462, 0463 AND 0464 Valid 10/07/2017	**LEE FARM MILL LANE RUSHTON SPENCER**	**REMOVAL OF CONDITION 3 OF PLANNING PERMISSION SMD/2017/0219** **(FULL - MINOR)**

MAIN ISSUES

- Whether or not the proposed removal of the conditions would lead to inappropriate development in the Green Belt
- The impact on the character and appearance of the area

DESCRIPTION OF SITE

The approved applications site comprises part of an open field in the countryside less than a mile to the west of the village of Rushton Spencer. It belongs to Lee Farm and the existing farm buildings complex lies to the north side of Mill Lane, a country road leading to the village to the east. It is a dairy farm with several large fields within the farm property which spans both sides of the road. The site itself is about 200 metres to the south of the road and the access to the site would be taken from this road. An area of woodland lies to the east of the site. The farmland rises upwards from the road towards the site (southwards).

PROPOSAL

The proposal is for the removal of Condition 3 of the four planning permissions for dairy farm buildings/developments which make up the proposed new replacement farm buildings complex lying to the opposite side of the road to the existing farm complex. These permissions (which are recent renewals are refs SMD/2017/0219, 0220, 0221 and 0222. Condition 3 of each permission is the same and reads as follows:

"Within two calendar months of the first use and occupation of the agricultural building hereby approved (also read in conjunction with planning applications SMD/2017/0220, SMD/2017/0221 and SMD/2017/0222), the buildings as identified to be demolished on plan PL01 received on 23/08/12 forming part of planning application SMD/2012/0567 / 12/00376/FUL shall be demolished in their entirety and completely removed from the site. The land on which they were sited shall then returned back to agricultural grassland."

The reason for the conditions is "in the interests of the visual amenities of the area".

The applicant wants to remove the condition from each of the four permissions and the justification for this is given in the agent's Design and Access Statement which states that the conditions are not "reasonable" and "necessary" and therefore should

not have been applied to the permissions. It also states *"it is considered that the condition is not necessary in relation to the approved applications for the new farm buildings. The new farm complex is required due to the continuing difficulties of the historic farm complex in operating a dairy farming enterprise – which the applicant currently does and intends to do so from the new farm complex. However, the existing buildings will potentially still have a use, either as a low key agricultural activity (i.e. general storage) or another use subject to planning approval (e.g. equestrian)."*

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Core Strategy Development Plan Document (Adopted 2014)

S01 Spatial Objectives
SS1 Development Principles
SS1a Presumption in Favour of Sustainable Development
DC1 Design Considerations
T1 Development and Sustainable Transport
SS6c – Other Rural Areas Strategy

National Planning Policy Framework

Sections 7 (Design) and 9 (Green Belts)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

The most recent approvals are as follows:

SMD/2017/0219: A "major" planning application for the main livestock building to accommodate the dairy herd (90 cows). It would have dimensions of 49 x 24 metres and a height of 5.0 metres. It would comprise clear plastic sheeting on the roof and longest walls and would be open both ends (with sheeted gates). It would provide Winter shelter for the cows and be used for milking. The proposed access point with the road would be improved and a new access road to the four structures would be included within this application. The access road would be 3m wide and comprise road plannings for all except the first 12 metres next to the road which would comprise a bound materials (i.e. tarmac).

SMD/2017/0220: A "minor" application for the general agricultural storage building (for straw and machinery) which would be placed to the east of the dairy building and would be the second largest of the three buildings with ground dimensions of 27 x 12 metres and a height of 6.5 metres. It would be open to the west (facing the dairy building) and have anthracite fibre cement roofing and a mix of box profile cladding and timber boarding on a concrete panel base.

SMD/2017/0221: A "minor" application for the livestock building for calves and heifers. It would have ground dimensions of 23 x 12 metres and a height of 6.5 metres. It would be placed immediately adjacent to the storage building, to the south of it and where the ends of the two buildings would "meet". Due to the form and height of the two buildings being the same, it would appear as one elongated

building. However, it would be distinguished from the storage building by having a timber east wall in contrast to the box profile cladded east wall of the storage building. Timber boarding would also be placed on the south end elevation. The west side of the building would be open (facing the dairy building).

SMD/2017/0222: A “minor” application for an open midden, an enclosure with concrete panel walls on three sides with a height of 2.0 metres. It would have dimensions of 18.3 x 18.3 metres. It would be placed in the south-east corner of the proposed yard and to the south of the calves livestock building.

The above are renewals of the permissions below for the replacement dairy farm buildings complex:

12/00376: Dairy building and access road (relates to new application 0219 above). Approved.
12/00383: General purpose storage building (relates to 0220). Approved.
12/00377: Livestock building for calves (relates to 0221). Approved.
12/00384: Midden (relates to 0222): Approved.

CONSULTATIONS

Publicity

Site Notice expiry date: 1.9.17
Neighbour consultation period ends: N/A
Press Advert: N/A

Public Comments

None.

Town / Parish Comments

None.

OFFICER COMMENTS

The four permissions were for a new farm buildings complex on a large rectangular concrete yard and were to replace the existing farm buildings at Lee Farm. According to the applicant a new complex was needed due to the difficulties of the historic farm building complex in operating a dairy farm enterprise.

The existing buildings are untidy and appear rather derelict and are also visible from the road (despite some tree screening) which is on higher ground than the farm complex. The new approved complex, despite being in the middle of open fields, would be set back much further from the road on higher ground to the south of the road and would not be particularly prominent when viewed from the road. I consider it is reasonable and necessary to attach a condition requiring the removal of the untidy existing buildings which do not contribute positively to the appearance of the area.

Furthermore, the site is in the Green Belt. Although new buildings are generally "inappropriate" and harmful to the openness of the Green Belt, new farm buildings are not inappropriate. However, the Design and Access Statement states the existing buildings will "potentially" still have a use either as low key agricultural activity (general storage) or another use subject to planning approval (e.g. equestrian). It mentions storage due to their being "no likelihood of a re-use for livestock purposes" as this is discouraged by United Utilities and is in a Drinking Water Safeguard Zone. The report also states that the applicant is selling the existing farm complex. It is therefore not definite any new owner will use them for any form of agricultural purposes. Furthermore, the recent approvals were for direct replacements of both livestock and storage buildings which comprise the farm building complex. If there was evidence of agricultural need for the existing farm buildings as well as new farm buildings then the proposal could be in line with Green Belt policy but the D&A Statement clearly does not justify this.

Finally, the NPPF states "when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."

Whilst new farm buildings are not inappropriate development in considering applications in the Green Belt it is important to also consider the impact on openness. A "Major" new farm complex in the Green Belt will clearly impact on openness. This constitutes "other harm". However, it was considered at the time of the application that this was off-set to some degree by the removal of the existing buildings and this contributed to the very special circumstances in this case. Consequently, the condition was necessary to make the development acceptable in planning terms, and without it the overall planning balance tips against the proposal.

CONCLUSION / PLANNING BALANCE

To conclude, the recent permissions were for a replacement farm buildings complex in a less harmful location in terms of landscape impact and the character and appearance of the area, replacing substandard untidy buildings which are also more visually prominent from the country road. The removal of the condition would also allow a substantial increase in the amount of development at the farm and much of it would cease to be used for agricultural purposes and this would therefore impact on the openness of the Green Belt and undermine Green Belt policy. The imposition of conditions requiring the removal of the untidy buildings with no evidence of any agricultural re-use or future requirement, was therefore reasonable and necessary. Therefore, in the interests of the openness of the Green Belt and the visual amenities of the area, the applications to remove the conditions should be refused.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Chris Johnston
Recommendation Date: 29.9.17

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council