DELEGATED DECISION REPORT

SMD/2017/0593	**PARK MILL FARM SHAY**	**PROPOSED NEW**
Valid 04/09/2017	**LANE**	**AGRICULTURAL BUILDING TO**
	FOXT	**REPLACE TWO NISSEN HUTS.**
		(FULL - MINOR)

MAIN ISSUES

- Principle of development (open countryside);
- Design and visual impact;
- Amenity;
- Protected species.

DESCRIPTION OF SITE

The application site is a property known as Park Mill Farm, Shay Lane, Foxt. The property is accessed directly off Shay Lane, a steeply dropping road/access which provides access to a number of properties and links directly to the main road running through the village. The application site consists of a detached dwelling and a range of outbuildings to the north of the house, having a liner north/south arrangement. The outbuildings are constructed using a variety of materials; traditional looking stone barn, corrugated sheeting, blockwork and two dilapidated Nissan buildings. The parking/turning area, outbuildings and dwelling are all positioned on relatively level land which is lower than Shay Lane. The open fields to the west drop steeply towards a field hedge boundary and then the woodland beyond.

PROPOSAL

The application is for the erection of a single, detached agricultural building to replace two dilapidated Nissan hut buildings which are located to the west of the access drive/parking turning area; the land being lower than the hardstanding. The agricultural building would have a rectangular shaped footprint measuring approximately 9.4m x 13.9m. It would have an eaves height of approximately 3m and then a shallow pitched roof with a ridge height of approximately 3.8m. The building would have low level brick walls with timber panelling above. The proposal also includes the construction of a new access track, this would link directly to the existing parking/turning area and would involve building up the land to create a sloping access to the northern facing side of the building and its main entrance door.

The application is accompanied by a Planning Supporting Statement which informs that;

- The farm has been used for agriculture for more than 100 years;
- Shed would allow for the housing of animals (DEFRA standards);

- Currently a working farm of 130 sheep, 2 donkeys and 12 chickens;
- Approx 18 acres of land and further 12 acres of rented land;
- Farm eligible for Small Farm payments (5.5 acres of land for grazing and meadows for producing winter hay feed);
- Building to be used for housing livestock in poor weather, lambing, fodder storage and farm machinery;
- Proposal would tidy up/enhance the land.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Core Strategy Development Plan Document (Adopted 2014)

SS1	Development Principles
SS1a	Presumption in Favour of Sustainable Development
SS6b	Smaller Villages Area Strategy
SS6c	Other Rural Areas Area Strategy
DC1	Design Considerations
DC3	Landscape and Settlement Setting
R1	Rural Diversification
NE1	Biodiversity and Geological Resources

National Planning Policy Framework

Paragraph(s) 1 to 17
Section(s)

1: Building a Strong, Competitive Economy
3: Supporting a Prosperous Rural Economy
7: Requiring Good Design
11: Conserving and Enhancing the Natural Environment

Supplementary Planning Guidance

Design Principles for development in the Staffordshire Moorlands: Agricultural Buildings

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2015/0415	Demolition of 2 external store rooms and erection of a single storey rear extension. Permitted Development

CONSULTATIONS

Publicity

Site Notice expiry date: 27/10/17

Neighbour consultation period ends: 17/10/17

Public Comments: None received.

Ipstones Parish Council: Recommend approval.

Rights of Way (SCC): No objections raised (Further details included within the officer report below).

Environmental Health: No objections subject to conditions.

Severn Trent Water: No objections. The proposal has minimal impact upon the public sewerage system therefore there are no objections to the proposals and no drainage condition is required.

Ecology (SMDC): A bat survey is not required and the footpath does not appear to be impacted upon by the proposal.

OFFICER COMMENTS

Principle of Development

For the purposes of planning policy consideration the application site is located within the open countryside just outside of the village of Foxt. The site is not within the Green Belt nor does it form part of a Conservation Area. There are no Listed Buildings within or close to the property however a public footpath does run through the site; footpath number 52 Ipstones Parish (confirmed by Staffordshire County Council).

Core Strategy policies SS6c and R1 make it clear that there is an aim to sustain the rural economy by enabling limited expansion/redevelopment of existing businesses, support farm diversification and, where new or replacement buildings are involved, have minimal impact on the countryside. During the site visit it was noted that the Nissan hut buildings were little more than shells and were clearly not suitable for farming use, in particular the hut closest to the driveway was simply a small corrugated, tunnel section with no means of enclosure and no doors or walls at either end. The other outbuildings are not modern; they have been there for some considerable time and are not particularly practical for modern day farming activities. In particular the stone building and the blockwork building have small window/door openings which would not be suitable for livestock access or storing fodder and farm machinery. For these reasons it is considered that the proposal is acceptable in principle, the requirement for a modern and modestly sized agricultural building is reasonable within this location.

Design/visual impact

There are no objections to the design of the proposed building, it has a simple gable/ridge form and is of reasonable proportions both for its intended positioning and future use. The application forms indicate that the building would be constructed

using brickwork and timber but there are no details about the type of brick or the timber finish. No details have been supplied concerning the roofing materials. These matters are not considered to be problematic and a suitably worded condition would secure the exact/appropriate building materials.

Consideration of the Council's adopted design guidance for agricultural buildings is considered to be necessary. The design guidance makes reference to the desire to use contrasting building materials, as is the case here. The new agricultural building would not have any adverse visual impact upon its surroundings. Whilst the building would not be seen from the road, a public footpath does run through the site and therefore there is the potential for public viewing. The new building would be located where the two Nissan huts currently stand and it is clear that land levels would have to be amended in order to secure a level floor base. However as the land rises towards the east the new building would be seen against the backdrop of the existing outbuildings and the rising ground leading to the drive and parking/turning area. This complies with the design guidance recommendations of avoiding skyline settings, setting buildings into a slope, forming a group of buildings and not blocking the principal view of the farmhouse. Due to the sloping nature of the land it is inevitable that the new access track would require some land levelling to lead safety to the new building. There is currently no suitable vehicular access to the lower level land and existing Nissan huts. The intended track would appear to be within a reasonable location, simply leading off the existing parking/turning area. It is inevitable that the track will have some visual impact and a surface materials condition would be reasonable.

It is considered that the proposal complies with Core Strategy and NPPF requirements for securing well designed developments which respect a site and its surroundings.

Amenity

The nearest neighbouring dwelling is Shay Cottage to the north of the site. This property would directly overlook the area in which the building and access track would be located. However, both the new building and extended access would be at a lower level to the cottage, as such not creating any overbearing development. The Environmental Health officer has assessed the plans and raises no objections. A condition to control building/demolition works has been requested by the Environmental Health officer in order to protect the amenity of the occupants of the nearby cottage. For similar neighbour amenity reasons a condition concerning manure/effluent management is considered reasonable.

Footpath/PROW

Staffordshire County Council (SCC) has confirmed that public footpath number 52: Ipstones Parish runs through the application site. SCC state that although the development does not appear to affect the public right of way, the attention of the applicant should be drawn to the existence of the footpath and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path. The applicants should be reminded that the granting of planning permission does not constitute authority for interference with the

right of way or its closure or diversion and that the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09). The County Council note that it is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development. The surface of the footpath must be kept in a state of repair such that the public right to use it can be exercised safely and at all times. The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.

Protected species

The Council's Country Parks/Ecology Advice officer has confirmed that a bat survey would not be necessary for this development given the negligible potential of the structure to support bats, a site visit has confirmed that this is the case. For this reason it is concluded that the proposed development would not have any adverse impact upon any protected species.

Environmental Health

In addition to commenting upon amenity (earlier in the report) the Environmental Health officer has makes the following comments;

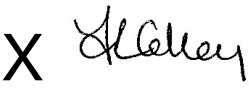
'The Nissan huts may well be made of asbestos, so care needs to be taken when these are dismantled and disposed, we would recommend that A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition of the existing buildings. The officer informs that the enforcing authority for this type of work is the Health and Safety Executive (HSE) and it is recommended that they are contacted directly to discuss requirements.'

CONCLUSION / PLANNING BALANCE

The application site is within the open countryside where agricultural development can be supported in order to enable limited rural expansion/redevelopment/diversification whilst not having any adverse visual impact upon the site's surroundings. The proposed building is considered to be of a reasonable size and design for its location and intended use. It is functional and simple in its appearance and securing specific materials details (condition) will ensure that the building fits in with its surroundings. Furthermore the proposal does not raise any amenity, footpath or protected species issues and for these reasons it is recommended that the application is approved subject to conditions and informatives.

OFFICER RECOMMENDATION : **Conditional approval**

Case Officer: Lisa Jackson
Recommendation Date: 7/12/17

X 

Signed by: Jane Colley

On behalf of Staffordshire Moorlands District Council