DELEGATED DECISION REPORT

DET/2018/0026 **Valid 15/08/2018**	**HALL HOUSE FARM** **ASKERBANK LANE** **RUSHTON SPENCER**	**A NEW BUILDING, COVERED AREA OVER MUCK HEAP AND COVERED ACCESS SITE** **(AGRICULTURAL/FORESTRY DETERMINATION)**

MAIN ISSUES

- GPDO Schedule 2 Part 6 Class A;
- Siting;
- Design;
- External appearance.

DESCRIPTION OF SITE

The application site is Hall House Farm, Askerbank Lane Rushton Spencer. Hall House is a Grade II Listed Building (Listing date of 20/11/1987), it and its buildings lie within the Green Belt. The farm house sits to the southern side of the farm complex, the main cluster of farm buildings being located to the north. Access to the site is via a narrow, unmade track from Askerbank Lane which in itself is narrow and steep. Land levels within the application site vary but levels are most noticeable in respect of the land to the north-east. The muck storage area is significantly higher than the land to the north-east. The application site can clearly be seen from Station Lane and the area around the Knot Inn.

PROPOSAL

The application is essentially for a new building to cover a muck storage area. The muck storage site is currently accessed through existing farm buildings, via a sloping drive. The proposal also involves the covering of the muck store access ramp. The development would enclose a currently open part of the site at the northern end of the farm yard, squaring off the corner with an 'L' shaped building/roof cover. The building which would cover the muck storage area would be of gable design with shallow pitched roof. The access ramp cover/building would also have a pitched roof but at a lower level to that proposed for the muck store. Roofing materials include plastic coated, steel profile cladding with translucent rooflight sheets. Walls would be Yorkshire boarding, fixed to leave 20mm gaps. The existing concrete block wall which currently encloses this part of the site would remain in situ with the new building being sited behind/within it.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Core Strategy Development Plan Document (Adopted 2014)

SS1 Development Principles

SS1a	Presumption in Favour of Sustainable Development
SS6c	Other Rural Areas Area Strategy
DC1	Design Considerations
DC2	The Historic Environment
DC3	Landscape and Settlement Setting
R1	Rural Diversification

Emerging Staffordshire Moorlands Local Plan

National Policy Guidance
Paragraph 48 of the newly adopted NPPF states that:

- decision-takers may also give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Local Plan process

The Council agreed to publish the Local Plan Submission Version for representations in February 2018. At this point, the Council agreed that the Local Plan was "sound". Formal representations were then invited from residents, businesses and other stakeholders to provide them with the opportunity to support or challenge the soundness or legal compliance of the Local Plan. This stage in the process followed three previous public consultations since 2015 which had informed the preparation of the Local Plan alongside a comprehensive evidence base. In June 2018, the Council subsequently agreed to submit the Local Plan Submission Version to the Secretary of State for examination. An examination in public will now be held this Autumn in order to determine whether the Local Plan is sound and legally compliant. Subject to the findings of the appointed inspector, the Local Plan is expected to be adopted in the Spring of 2019. At his point, it will supersede the adopted Core Strategy and become part of the statutory development plan for the District.

In this context, the Council's position on the weight to be given to the policies contained in the Local Plan Submission Version in terms of the three criteria set out in Paragraph 48 of the NPPF is as follows:

–The stage of preparation – the Local Plan is now at an advanced stage of preparation as the Council has submitted it to the SoS for examination.
- The extent to which there are unresolved objections to relevant policies – this varies depending on the policy in question. The Officer Comments section of this report identifies the level of outstanding objections to each policy and

recommends the amount of weight to be given to them at this stage in the Process.
- The degree of consistency of policies with the NPPF – given that the Council has submitted a Local Plan that it considers to be sound, all policies are deemed to be consistent with the NPPF.

Emerging Policies
The following policies (including their weighting) are considered to be relevant to this application:

SS1	Development Principles (Moderate)
SS1a	Presumption in Favour of Sustainable Development (Significant)
SS10	Other Rural Areas Strategy (Limited)
DC1	Design Considerations (Moderate)
DC2	The Historic Environment (Significant)
DC3	Landscape and Settlement Setting (Significant)
E1	New Employment Development (Moderate)

Supplementary Planning Guidance (Design Principles for Development in the Staffordshire Moorlands)

1. Agricultural Buildings

Supplementary Planning Guidance

1. Staffordshire Moorlands Design Guide

National Planning Policy Framework (July 2018)

Section 12. Achieving well-designed places.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

98/00655/OLD Outline application for a dwelling. Withdrawn

99/01272/OUT Erection of an agricultural dwelling. Refused.

SMD/2014/0809 Replacement Cattle Sheds. Approved.

SMD/2016/0560 Listed Building Consent for replacement of 3 No. windows. Approved.

SMD/2016/0779 Listed Building consent for internal alterations and associated drainage, reinstatement of bunded oil tank to the rear and new extraction grille to the west elevation. Approved.

CONSULTATIONS

Publicity

Site Notice expiry date: 06/09/2018.

Public Comments: No representations received.

Environmental Health: No objections and no conditions.

Conservation Officer: Verbal confirmation of no objections.

OFFICER COMMENTS

Principle of Development

Part 6 'Agricultural and Forestry' of the Town and Country Planning (General Permitted Development) (England) Order 2015 allows (subject to compliance with the relevant criteria) for the erection of agricultural buildings providing that they are 'reasonably necessary for the purposes of agriculture within that unit.' Although the application site is located within the Green Belt the principle of the erection of an agricultural building does not need to be considered (although Green Belt policy does allow for agricultural development and cites it as one of the policy exceptions).

The application forms state that the agricultural holding size is approximately 66 hectares. During the site visit the applicant informed that some of the land was rented. It is understood that the farm focuses on beef cattle rearing and at the present time there are approximately 80 head of cattle. The application states that the building is required to prevent rainwater from entering the straw based cow manure in order to comply with Nitrate Vulnerable Zone (NVZ) regulations.

Part 6, Class A, 'Agriculture and Forestry' of the Town and Country Planning (General Permitted Development) (England) Order 2015 requires for the erection, extension or alteration of a building to be 'reasonably necessary for the purposes of agriculture.' It is clear that the proposed building is required in connection with agriculture, the site visit confirming that the land was being used for agricultural purposes and that the area to be covered is in fact being used for muck storage at this time. All other relevant parts of Part 6 are complied with apart from A.1(i). A.1(i) states that development is not permitted by Part 6 Class A where;

'it would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400m of the curtilage of a protected building.' The building would be within 400m of protected buildings (dwellings not associated with agricultural use) and therefore unfortunately the application fails to comply with all of the relevant Part 6 requirements. Although it is appreciated that the site is already used for muck storage the application cannot be determined under Part 6 and therefore the submission of a Planning application is

required. The agent has been notified of the Part 6 compliance failure and agrees that a planning application is required (email agreement stored within the planning application file).

Siting, design and external appearance

Had the application complied with the relevant criteria of Part 6 the matters to consider would be the siting, design and external appearance of the building. It is considered that the scheme would have been acceptable when assessed against these matters. The timber spaced boarding for the walls and the steel profiled roof cladding are acceptable materials for a farm building within the countryside. Timber is a traditional material and its use within agricultural developments is common. The design of the building is also acceptable. The gable walls and shallow pitched roof are typical features of agricultural buildings seen within the Staffordshire Moorlands District. The building would occupy a logical infill area at the northern corner of the farmstead. This part of the farmstead is at a much higher level that the land (generally) to the east and the building would be seen from the wider surrounding area, in particular from the Station Lane area. However the proposed building would be seen in the context of the other farm buildings and would not appear as an out of context structure within the open countryside. The building would relate well to the cluster of existing buildings, efficiently using this part of the application site and not extending the complex of buildings. This particular site is enclosed by the elevated block wall to the north-west and north-east. The proposed building would not impact upon the Listed farmhouse or its setting due to their separation by existing farm structures. For these reasons it is considered that the scheme would have been acceptable in terms of siting, design and external appearance.

CONCLUSION / PLANNING BALANCE

The application cannot be processed under the agricultural prior notification procedure as outlined within Part 6 'Agriculture and Forestry' of the General Permitted Development Order by reason of the proposed building being located within 400m of a protected building(s). The application is therefore contrary to Part 6 Class A, A.1(i) of the General Permitted Development Order.

OFFICER RECOMMENDATION : Refuse

Case Officer: Lisa Jackson
Recommendation Date: 12/09/2018

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council