

**Town and Country Planning Act 1990  
(As Amended)**

Planning Statement

Proposed Livestock Building and New  
Access (Resubmission of Planning  
application SMD/2017/0534)

Site: Mount Pleasant Farm, Windycote Lane,  
Dilhorne, Staffordshire, ST10 2PP

Document date: November 2018

Applicant: Mr R Campbell

**Ref:** CRL3/1

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**Knights plc**  
**The Brampton**  
**Newcastle-under-Lyme**  
**Staffordshire ST5 0QW**

## 1. INTRODUCTION

- 1.1 This planning statement has been submitted by Knights plc on behalf of Mr R Campbell (the applicant) to accompany a full planning application for the erection of a new building, yard and access in connection with the haulage of livestock at Mount Pleasant Farm, Windycote Lane, Dilhorne.
- 1.2 This is a resubmission of a previously refused planning application at this site (LPA reference SMD/2017/0534 which was refused on 31 January 2018) which now proposes a reduced sized building as well as an associated yard and access at the site. That planning application was refused on one ground (but included a number of facets).
- 1.3 The principal part of the reason for refusal was that the development was considered to comprise an inappropriate form of development in the Green Belt. This was on account of the use being considered by the Council to not constitute agriculture and on account of the proposed building, yard and access track being harmful to the openness and rural character and appearance of the Green Belt. This Planning Statement seeks to address this concern by demonstrating that the proposed development is essential for the purposes of agriculture and would therefore comprise an appropriate form of development in the Green Belt, and that the proposed building, yard and access would not be harmful to the openness of the Green Belt.
- 1.4 The reason for refusal also raised issues with the potential impact upon residential amenity for adjoining properties by way of the level of noise disturbance, light pollution and vehicle movements that would result from the proposal. This reason for refusal also considered that the proposal would be detrimental to the character of the rural area. However, in refusing that planning application, no other technical objections were raised. This Planning Statement also demonstrates that this planning application is acceptable in these regards by providing more amplification to demonstrate that the scheme would be acceptable in terms of residential amenity and in visual/character terms.
- 1.5 This revised planning application also proposes to reduce the amount of development proposed by reducing the size of the proposed building by 20% as well as reducing the area of hardstanding in order to minimise its impact upon the openness of the Green Belt. Additional landscaping is also proposed to further screen the proposal from public vantage points.
- 1.6 The planning application is accompanied by the following documents:
- Location Plan - Drawing number 13863-001A
  - Block Plan - Drawing number 13863-002A
  - Elevations and Layout Plan - Drawing number 13863-003B

- Section Plan - Drawing number 13863-004A
- Landscaping Plan - Drawing number 13863-005
- Sequential Site Analysis - Bagshaws

- 1.7 This Planning Statement demonstrates that the proposal would comprise a sustainable form of development, which would serve the surrounding agricultural community by providing a dedicated livestock haulage service to take livestock from the local farms (namely within Staffordshire, Derbyshire and the Peak District to market or to abattoirs. This statement and the accompanying Sequential Site Analysis document produced by Bagshaws, also demonstrates that there are no other sequentially preferable sites within the surrounding area which would provide this facility by making use of existing buildings.
- 1.8 Tighter legislation which has recently been brought in under the Red Tractor Assurance Scheme places increased restrictions on farmers in relation to the transfer of livestock. This is proving to be particularly difficult for farms which are located in more remote locations where it is often not financially viable for farms to provide sufficient facilities to satisfy the requirements of this legislation. The applicant proposes to provide a more suitable and cost efficient solution to this problem by providing an assured AHVLA licences collection centre which will serve in the region of 300 farms within the surrounding area.
- 1.9 In addition to the proposal comprising an appropriate form of development within the Green Belt and not adversely affecting the openness of the Green Belt, it is also considered that the scheme is acceptable with regards to visual appearance, residential amenity, highway safety and in all other regards. As a consequence, when all matters are weighed in the balance it is considered that planning permission should be approved as the proposal is policy compliant.

## **2. SITE AND SURROUNDINGS**

- 2.1 The application site comprises an irregular shaped portion of land that measures 0.463 hectares. The site currently forms part of two agricultural fields which are located to the south of the residential property of Mount Pleasant Farm (which is accessed off Windycote Lane) and to the north of another property, also called Mount Pleasant Farm (which is accessed off Bank Top Road). The two fields have a relatively flat topography and are bounded by mature hedgerows and trees (including a row of trees and hedges which separate the two fields). The eastern boundary of the site is bounded by Bank Top Road and the wider context of the site is predominantly of agricultural fields with sporadically sited farm holdings and dwellings.
- 2.2 The application site is located to the southeast of the village of Cellarhead (located 1 mile away), to the west of Kingsley (located 3 miles away) and to the north of Dilhorne

(located 2.5 miles away). To the north of the site is Kingsley Road, which is an A classified road running east to west from Cellarhead / Werrington to Cheadle.

2.3 The site is shown in context in Figure 1.



Figure 1 - Aerial photograph showing the application site in context

### 3. RELEVANT PLANNING HISTORY

- 3.1 Planning permission was granted on 23 December 1996 under **SMD/1996/0655** immediately to the north of the site for 'Stables and Tack Room'. These were built in connection with the property at Mount Pleasant Farm to the north of the application site.
- 3.2 The applicant recently applied for planning permission under **SMD/2017/0534** for a 'Proposed livestock building and new access track'. It proposed to site the building in southern element of the western part of the two fields and to provide an access off Bank Top Road across the centre of the eastern of the two fields. The building was proposed to be constructed of a steel framed construction with a breeze block lower wall and cladding on the walls above as well as the roof. The building was proposed to house livestock on a short term basis whilst in the process of being transferred to the abattoir. The proposal also included a yard area which would accommodate the balance of the western field, to the north of the application building.
- 3.3 This planning application was refused under delegated powers on 31 January 2018. A single reason for refusal was issued which incorporated a number of components, namely that; it was considered that the proposed building, associated access and hardstanding was not considered to be directly required for the purposes of agriculture and therefore comprised an inappropriate development in the Green Belt (for which no very special circumstances existed) and that the building itself would be harmful to the openness of the Green Belt, rural character and appearance of the Green Belt. This

reason for refusal also considered that harm would arise to the detriment of local residents by way of light pollution, noise disturbance and vehicle movements, and also considered that the proposal would be detrimental to the rural character of the area.

- 3.4 It is also of relevance to note that the applicant had previously applied for planning permission to convert an existing building at Bark House Farm, Hulme Lane, Werrington (3.5 miles to the west of the application site as the crow flies). The first planning application was under LPA reference number **SMD/2015/0462** for the 'Demolition of lean-to and change of use of farm yard and buildings to livestock haulage base' which was refused on 3 March 2016. This scheme involved the change of use of one of the buildings for the short term holding of livestock and for an area of hardstanding to be utilised for the storage of livestock haulage vehicles within part of the associated yard.
- 3.5 The applicant reapplied for planning permission under LPA reference **SMD/2016/0288** however planning permission was refused for that planning application on 22 September 2016 with two reasons for refusal cited. The first reason for refusal set out that the proposal would comprise an inappropriate form of development in the Green Belt which would be harmful to the openness of the Green Belt by way of the siting of HGVs on the site. The second reason for refusal was on the grounds that the proposal would give rise to a more intensive use of the site which would result in an increase in noise and disturbance associated with the comings and goings of HGVs, particularly during unsociable hours of the day which would in turn be harmful to the living conditions of adjoining occupiers.
- 3.6 It is clear from the above that the applicant has to date considered and progressed with a number of options within the immediate surrounding area to deliver this service to the local community. The nature of these operations mean that there are only limited options to provide such a facility that would meet their requirements as well as be policy compliant. The applicant is restricted to a small catchment area within this area of Staffordshire Moorlands to locate their business (with all of the potential sites that are located outside settlement boundaries designated as Green Belt). The Assessment section of this statement will go into greater detail on the availability of alternative solutions that could meet their needs in the surrounding area.

#### **4. THE PROPOSAL**

- 4.1 This planning application seeks permission to overcome the previously refused planning application of SMD/2017/0534 and proposes the erection of a steel framed agricultural building to hold livestock on a short-term basis, the provision of a new access off Bank Top Road, and the provision of an area of hardstanding to facilitate the associated HGV movements.
- 4.2 The proposed building would be sited in the southern portion of the site, located behind an existing row of mature trees to the south and east. The previously refused building proposed a floor area of 495m<sup>2</sup>, however the building proposed building would be

reduced in size to have a floor area of 396m<sup>2</sup> and would now provide 8no. livestock pens (a reduction from 12no. pens) and a central passageway. The building would be of a lightweight steel frame construction with metal cladding to the roof and walls and with a low level breeze block wall along the lower section of the wall; essentially it would be constructed in the same way as any other agricultural building used to keep livestock.

- 4.3 The associated hardstanding located around the proposed building (which would be located predominantly to the north) would also be reduced from 2,208m<sup>2</sup> to 1,555m<sup>2</sup> (a 30% reduction) whilst continuing to provide sufficient manoeuvring for the vehicles associated with the use.
- 4.4 The scheme would also propose additional landscaping to the west and northwest the building in the form of two staggered rows of planting that would comprise of naïve species.
- 4.5 The proposed access would remain unchanged from the previous scheme.
- 4.6 By way of background to the proposal, the applicants currently operate the site as a livestock collection centre which would focus on collecting livestock from individual farms within Staffordshire, Derbyshire, Peak District and then taking the finished livestock to a range of outlets including livestock markets (at Leek, Bakewell, Market Drayton, Bridgenorth, Ludlow, Beeston Castle and Newark), national and local abattoirs. Their business serves approximately 300no. farmers in the area and has a substantial and varied agricultural customer base. It is therefore necessary for their base to be located centrally within their main catchment area. In addition, livestock collection services are provided to the breeding sales which are across a wide geographical area depending on the type, species and age of livestock with 'farm to farm' transit also provide for private sales and purchasers.
- 4.7 The applicant is currently based at Mount Garage, Cellarhead where the business rents part of the yard for the overnight parking of lorries. There is no livestock housing available at this yard. The applicant's business utilises a number of livestock lorries which vary in length from 28ft to 50ft in order to meet the wide range of access requirements of the various farms which use their services. Given that many of their customers are located in remote locations (along narrow country lanes), their customers often face logistical difficulties with regards to the transportation of their livestock. The applicant therefore utilises smaller lorries as opposed to large HGV vehicles to collect their livestock. When not in use, these lorries are stored and maintained at the above local garage (and would not be stored at the application site).
- 4.8 The applicant established C & R Livestock Limited in June 2010 following his work as a haulier for over 17 years where he gained considerable experience in the moving and handling of livestock and gained extensive contacts in the industry.

- 4.9 The proposal is in response to an identified need for farms in the surrounding area to effectively handle the logistics of moving livestock, which has recently experienced tighter restrictions through the Red Tractor Assurance Scheme. Full details are set out in the accompanying document by Bagshaws, but it essentially means that the legislation places considerable financial and operational constraints on many farms (particularly those in more remote locations which are accessed by narrow country roads) for which a business of this nature can provide a cost effective and reliable solution.

## **5. THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS**

- 5.1 Section 38(6) of the 2004 Planning and Compulsory Purchase Act requires that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise. The most important material consideration at this stage is the National Planning Policy Framework (the Framework), which was published on 27 March 2012.
- 5.2 At the time of writing, the development for Staffordshire Moorlands District Council comprises the Core Strategy which was adopted on 26 March 2014 as well as the Peak District National Park Core Strategy which was adopted in October 2011. The latter document relates to areas within the District Council which fall within the Peak District National Park boundaries and are therefore not relevant to the application site.
- 5.3 The Council are now in the process of reviewing their Core Strategy through the production of a new Local Plan which when adopted will guide new development during the period of 2016 to 2031. This plan incorporates work that had already been undertaken in the production of Site Allocations development plan document which underwent its Preferred Options Site and Boundaries Consultation between April and June 2016 and underwent a public consultation exercise on the Preferred Options of the Local Plan which closed in September 2017.
- 5.4 The Council consulted on the Submission version of the Local Plan that was issued for public consultation in February 2018 and is now reviewing the responses received before the Local Plan is submitted to the Secretary of State for examination.

### **Core Strategy**

- 5.5 The Core Strategy was adopted in March 2014 and provides both the strategic management planning policies which will inform the determination of planning applications through to the year 2026.
- 5.6 The relevant policies to this application are as follows:
- Policy SS1 - Development Principles
  - Policy SS1a- Presumption in Favour of Sustainable Development

- Policy SS6 - Rural Areas
- Policy SS6c - Other Rural Areas Area Strategy
- Policy SD1 - Sustainable Use of Resources
- Policy E1 - New Employment Areas
- Policy DC1 - Design Considerations
- Policy DC3 - Landscape and Settlement Setting
- Policy C1 - Creating Sustainable Communities
- Policy R1 - Rural Diversification
- Policy NE1 - Biodiversity and Geological Resources
- Policy T1 - Development and Sustainable Transport

5.7 Policy SS1a sets out a number of policies which seek to positively deliver social, economic and environmental benefits to the District. This policy sets out a number of objectives, those relevant to this planning application are summarised below:

- Provide easy access to jobs, shops and transport services by all sections of the community;
- To increased economic prosperity and opportunities for employment and greater local capacity with an educated, skilled and flexible workforce;
- Promote development which maintains the distinctive character of the Staffordshire Moorlands, its individual towns and villages and their settings;
- Seeks new development to secure high quality and sustainable environments which make efficient and effective use of resources.

5.8 Policy SS6 divides the rural area into three categories; Larger Village, Smaller Villages and Other Rural Areas. The policy goes on to state in Policy SS6c 'Other Rural Areas Area Strategy' that support will be given to sustain the rural economy by; *“enabling the limited expansion or redevelopment of an existing authorised business for employment uses”* and *“supporting the diversification of existing farm enterprises (in accordance with policy R1)”*. This policy also states that *“strict control will continue to be exercised over inappropriate development within the Green Belt allowing for exceptions as defined in Government policy”*.

5.9 Policy SD1 seeks to encourage new development on previously developed land in sustainable locations. It goes on to state that new development on non-allocated greenfield land can only be considered to be acceptable where it can be demonstrated that the development could not be provided on a previously developed site, relates to the conversion of a building, would secure the future conservation of a heritage asset, or would provide rural exception affordable housing.

5.10 Policy E1 states that *“new employment development will be assessed according to the extent to which it supports and improves the local economy in terms of providing for the needs and skills of the existing and future local resident workforce and meeting identified business needs”*. This policy goes on to seek to locate new business uses in

appropriate locations i.e. for Class B1 uses to be focus towards town centre and for Class B2 and B8 uses to be focused towards existing employment areas.

- 5.11 Policy DC1 requires all new development to be well designed in order the complement the special character and heritage of the area. The policy goes on to set out nine key design criteria which need to be considered. Most notably new developments are required to *“be of a high quality and add value to the local area, incorporating creativity, detailing and materials appropriate to the character of the area”*, to *“be designed to respect the site and its surroundings and promote a positive sense of place and identity though its scale, density, layout, siting, landscaping, character and appearance”* and to *“protect the amenity of the area, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping”*.
- 5.12 Policy DC3 seeks to resist development which would be detrimental to the character of the local and wider landscape, instead supporting proposals which respect and enhance local landscape character.
- 5.13 Policy C1 seeks to support proposal which either protect, retain or enhance existing community facilities or provide new facilities (with new facilities provided in places which are accessible).
- 5.14 Policy R1 requires all new development outside settlement boundaries to be assessed to ensure that it enhances the character, appearance and biodiversity of the countryside, promote sustainable diversity of the rural economy, facilitate economic activity, meet the needs of the rural community and sustains the historic environment. The policy goes on to say that *“wherever possible development should be within suitably located buildings which are appropriate for conversation [but] where new or replacement buildings are involved, development should have minimal impact on the countryside and be in close proximity to an existing settlement”*. The policy goes on to state that *“within the Green Belt, inappropriate development which is otherwise acceptable within the terms of this policy, will still need to be justified by very special circumstances”*.
- 5.15 Policy NE1 seeks to conserve biodiversity and geological resources through positive management and the strict control of development.
- 5.16 Policy T1 requires all new development to be located where the highway network can satisfactorily accommodate the predicted traffic generation as well as provide sufficient on-site car parking.

### **Other Material Considerations**

#### The National Planning Policy Framework (The Framework)

- 5.17 Since the previous planning application was refused (in January 2018) the Government have published a new National Planning Policy Framework (the ' Framework') in July

2018 which replaces the original Framework that was published in March 2012). The relevant paragraphs to this application are summarised below:

- 5.18 The Framework sets out the government's planning policies for England and how these are expected to be applied. Paragraph 2 of the Framework confirms, in accordance with Section 38(6) of the 2004 Planning and Compulsory Purchase Act, that applications must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.19 Paragraph 10 states that the purpose of the planning system is to contribute to the achievement of sustainable development. Whereas paragraph 8 of the Framework identifies three dimensions to sustainable development: economic, social and environmental.
- 5.20 For decision taking, paragraph 11 of the Framework states that applications that accord with the development plan should be approved without delay.
- 5.21 Paragraph 80 requires planning decisions to assist in creating the conditions for businesses to invest, expand and adapt and states that *"significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development"*. Paragraph 83 seeks to promote a prosperous rural economy and requires planning decisions to *"enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings"* and *"the development and diversification of agricultural and other land-based rural businesses"*. Paragraph 84 states that *"planning ... decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport"* and goes on to state that *"the use of previously developed land, and sites that are physically well-related to existing to existing settlements, should be encouraged where suitable opportunities exist"*.
- 5.22 Paragraph 103 relates to promoting sustainable transport and states that *"the planning system should actively manage patterns of growth ... [and] significant development should be focused on located which are or can be made sustainable"* and goes on to state that *"however, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-taking"*.
- 5.23 Paragraph 124 sets out that *"the creation of high quality buildings and places is fundamental to what the planning and development process should achieve"* and that *"good design is a key aspect of sustainable development"*. Paragraph 127 goes on to state that planning decisions should ensure that developments *"function well and add to the overall quality of the area"*, *"are visually attractive as a result of good architecture, layout and appropriate and effective landscaping"*, *"are sympathetic to local character and history, including the surrounding built environment and landscape setting, while*

*not preventing or discouraging appropriate innovation or change” and “establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit”.*

- 5.24 Paragraph 143 relates to proposals that are affected by Green Belt and states that *“inappropriate development is, by definition, harmful to the Green Belt and not be approved except in very special circumstances”*. Paragraph 144 goes on to state that *“substantial weight is given to any harm to the Green Belt”* and that *“very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”*.
- 5.25 However paragraph 145 goes on to accept that whilst the construction of new buildings are inappropriate, there are a number of exceptions, which includes *“buildings for agriculture and forestry”*.

### **Emerging Local Plan**

- 5.26 The Council is now in the process of producing the Local Plan 2016-2031 which will ultimately supersede the Core Strategy. The Local Plan recent consulted on its Submission version which closed in April 2018 and it is not anticipated that the Local Plan will be adopted until 2019 and therefore as a consequence it is considered that this plan should have only limited weight in the determination of this planning application.
- 5.27 The draft Local Plan Interactive Map proposes no changes to the proposals map and seeks to retain the site to be allocated as Green Belt.

## **6. ASSESSMENT**

### **Key Issues**

- 6.1 The consideration of this planning application relies on a number of issues being considered. These are principally the following topics:
- Principle of development
  - Residential amenity
  - Design and appearance
  - Highway safety and transport considerations
  - Ecology

## Principle of Development

- 6.2 With regards to the principle of development the main issues are whether the proposed development comprises an appropriate form of development in the Green Belt and whether the development would comprise a sustainable form of economic development in the rural area. These two matters of principle are now discussed in the following paragraphs.

### Green Belt

- 6.3 The site is located entirely within the Green Belt as set out in the 1998 Local Plan proposals map. The guidance contained within the Framework sets out in paragraph 133 that the Government attaches great importance to Green Belts, with the fundamental aims of preventing urban sprawl, and acknowledging that the essential characteristics of Green Belts being their openness and permanence. Paragraph 143 goes on to state that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”* with paragraph 144 stating that *“substantial weight is given to any harm to the Green Belt [and that] ‘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”*.
- 6.4 Paragraph 145 however sets out a list of exceptions wherein the construction of new buildings can be considered not to be inappropriate forms of development in the Green Belt. Bullet (a) sets out the exception of:
- “buildings for agriculture and forestry”*.
- 6.5 Planning permission was refused at this site under LPA reference SMD/2017/0534 principally on the grounds that it would comprise an inappropriate development in the Green Belt by way of it not falling within the list of exceptions contained in paragraphs 89 and 90 of the Framework and this appears to be the key point of contention which this planning statement now seeks to address. The applicant considers that the proposed development is required solely in connection with agriculture, the reasons for which are set out in detail in the following paragraphs.
- 6.6 The applicant intends to construct a building with an associated yard and access to be used in sole connection with the transportation of livestock providing a local service to circa 300 farms in the surrounding area (located across Staffordshire, Derbyshire and the Peak District). Such a facility is an essential service to farmers particularly in relation to delivering their livestock to market or abattoirs and this service provides a cost effective service that is particularly tailored towards smaller farmsteads, many of whom are located in remote rural locations, who do not have the budget to invest in their own transportation vehicles or who need to prioritise their workforce to work on-site at their farms.

- 6.7 The applicant utilises bespoke livestock transportation vehicles which cater for the transportation of livestock and provide a range of vehicle sizes to serve the volume of livestock required for transit as well as the accessibility of the farms themselves.
- 6.8 The application building has been designed as a standard steel framed agricultural building with a light weight cladded exterior. Internally, the building would be subdivided into separate pens in order to provide short term accommodation for livestock with a central isle down the centre of the building. The building would be constructed in order to meet current agricultural legislation in order to ensure that the welfare of the livestock is maintained at all times. Since the previous application at this site was refused, the applicant has sought to reduce the floor area of the building to the absolute points of necessity in order to minimise the impact it would have on the openness of the Green Belt, however it has not been possible to reduce the ridge height of the building as this is dictated by codes of best practice.
- 6.9 Similarly, the size of the yard area has been reduced to its absolute minimum by reducing the hardstanding from 2,208m<sup>2</sup> to 1,555m<sup>2</sup> (a 30% reduction in area). Notwithstanding this, it is still necessary for the applicant to provide space for up to 5no. vehicles to access the site, load and unload livestock, manoeuvre within the site and exit in a forward facing gear. Lorries would typically be stored off-site at the yard at Cellarhead when not in use or not on deliveries (albeit for short periods of time there may be occasions wherein lorries would need to be parked temporarily on the site in order to comply with rest periods for the livestock and drivers).
- 6.10 The proposed access has been designed to be of single vehicle width along its length (with no passing places) in order to reduce its extent to the absolute minimum. This is considered to be sufficient given the limited daily vehicle movements that the use would generate.
- 6.11 The Committee report which was produced in relation to SMD/2017/0534 cited that Policy SS6 of the Core Strategy advocates that *"the rural area will only provide for development which meets an essential local need, supports rural diversification and sustainability of the rural area, and enhances the countryside"*. The report made reference to an appeal at North Kesteven District Council in 1988 where the provision of agricultural haulage that is undertaken by a farmer in connection with third parties in connection with their agricultural holdings would move beyond operations that were ancillary to the main agricultural use to a use that would be material change of use which would fall outside that of an agricultural use. The report also referred to an appeal decision in North Wiltshire where a smallholding and a haulage business were found to be separate and independent businesses.
- 6.12 Knights are of the view that these examples of case law are not relevant to the scheme proposed in this planning application. It is accepted that where haulage operations increase beyond an ancillary operation in connection with a particular farm holding to those where operations involve haulage operations connected with third parties would result in a material change of use. However the applicant's proposal is fundamentally

different in that the proposed development and operations in connection with this planning application relate to a standalone operation, not in connection with a particular farm holding. Instead the proposed development would provide an essential service to farms within the wider area, the majority of which do not have the infrastructure required to transport their livestock from one destination to another. Without this service being available to farmers, the agricultural industry in this region would be significantly disadvantaged. Therefore the proposed livestock haulage development is **fundamentally** linked to agriculture. There is an established need for such a facility to support agriculture and this must be provided within a building in a suitable location in order to enable it to function efficiently and in accordance with the appropriate governing legislation. The building will function as an agricultural building, being used solely to keep livestock within it.

6.13 The proposed yard and access would comprise engineering operations. Paragraph 146 of the Framework considers that other forms of development (outside those listed in paragraph 145 of the Framework) can be considered not to be inappropriate *“provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt”*. This includes ‘engineering operations’ [bullet (b)]. When undertaking an assessment as to whether the proposed engineering operations would have a greater impact on the ‘purposes’ of the Green Belt than the existing development it is necessary to refer to paragraph 134 of the Framework, which sets out the five purposes that the Green Belt serves. These purposes are set out below and this development is assessed against each purpose in turn:

- *“to check the unrestricted sprawl of large built-up areas”* - The application site has distinct defensible boundaries in the form of established hedgerows and mature rows of trees. It is also bounded by the two properties known as Mount Pleasant Farm to the north and south as well as Bank Top Road to the east of the site. The site, given its rural location, is located a significant distance away from any large built-up areas and therefore the proposal would not lead to the unrestricted sprawl of this area. .
- *“to prevent neighbouring towns merging into one another”* - Again the site, located a significant distance away from any towns would not lead towards their merging into one another.
- *“to assist in safeguarding the countryside from encroachment”* - As mentioned previously, the site has strong defensible boundaries which would ensure that the proposal would remain contained within. The hardstanding would be bounded entirely within established rows of mature trees and hedgerows which bound the western field, with the proposed access contained entirely within the eastern field.
- *“to preserve the setting and special character of historic towns”* - The proposed development would not be located within the setting of a historic town.

- *“to assist in urban regeneration, by encouraging the recycling of derelict and other urban land”* - As set out previously, it is not possible to locate such a facility within an urban area (such as a residential area or an employment site) and therefore it is appropriate to provide such a facility outside an urban area in order to meet to benefit the rural economy.

- 6.14 In light of the above, it is considered that the proposed development would comprise an appropriate form of development in the Green Belt by way of it complying with the exception set out in bullet (a) of paragraph 145 in that it would comprise an essential development that would support agriculture, and bullet (b) of paragraph 146 of the Framework, in that the proposal would not have a materially greater impact upon the openness of the Green Belt and the purposes of including land within Green Belt. Given that the proposed development is considered to be an appropriate form of development, no very special circumstances are required to be demonstrated. The proposed development would also comply with Policy SS6 of the Core Strategy.
- 6.15 Should however the local planning authority form the view that the building and associated yard and access would fall outside of the list of exceptions contained within paragraphs 145 and 146 of the Framework (and therefore as a consequence comprising an inappropriate development in the Green Belt), it would be necessary for very special circumstances to be demonstrated which outweigh the harm by way of inappropriateness and any other harm.
- 6.16 To this effect, a Sequential Site Analysis report has been produced by Bagshaws which accompanies this planning application which demonstrates that the provision of such a facility could not be reasonably located in an alternative location (i.e. outside of the Green Belt) or utilising an existing building. Paragraph 2.6 of the Sequential Site Analysis sets out the applicant’s minimum requirements to accommodate a livestock collection centre that would be fit for purpose. The report then goes on to consider the potential options to accommodate such a facility. This is summarised in the paragraphs below.
- 6.17 Industrial Estate: It would not be possible to locate such a use within an existing employment estate as the keeping of livestock would result in potential noise and odour disturbances to occupants adjoining of adjoining commercial buildings are likely to result in landowners resisting letting these buildings to the applicant. Furthermore, the available buildings would be built to service typical Class B uses as opposed to the keeping of livestock, would be costly to convert and would have a rent set that would be financially restrictive for the applicant (as they could not compete with Class B tenants).
- 6.18 Residential Areas: Brownfield sites within established settlement boundaries or land with either a Local Plan allocation or planning permission for residential development would be too expensive to acquire on account on the increased land values in these areas. Furthermore, the keeping of livestock and the potential comings and goings of

HGVs in close proximity to residential properties is likely to result in an incompatible use that would fail to satisfy Policy DC1 of the Local Plan.

- 6.19 Existing Farm holdings: Due to legislation which controls the movement and cross contamination of livestock, it would not be possible for livestock from other farms to be temporarily housed within agricultural buildings at other farms. As a result of this, this rules out a significant number of suitable existing buildings which could be utilised or converted to meet the applicant's requirements.
- 6.20 Other Existing Rural Buildings: Given that most purpose built agricultural buildings exist at working farms, there are only a small amount of buildings that could meet the applicant's requirements. Following an extensive search of the available properties which are currently on the market and could have the potential to meet the applicant's requires three properties comprising Moorside Farm in Kingsley Moor, Yew Tree House Farm in Saverley Green, and a property on Leek Road in Wetley Rocks were identified but they were discounted for reasons set out in the sequential test report which included the prohibitably high cost of the properties, unsuitability of the existing buildings, and inadequate site access. The applicant has also previously tried to achieve planning permission to convert such a building at Bark House Farm, Hulme Lane, Werrington (3.5 miles to the west of the application site) by submitting planning application SMD/2015/0462, which was refused, before resubmitting a second planning application SMD/2016/0288, which was refused again.
- 6.21 The absence of alternative premises to provide such a building is therefore considered to amount to very special circumstances to justify this proposal which would outweigh the harm by way of inappropriateness. Indeed the sequential test also demonstrates that the proposed development would be in accordance with Policy SD1 of the Core Strategy which supports development on non-allocated greenfield sites where it can be demonstrated that there are no suitable sustainably located previously developed sites.
- 6.22 It is also necessary to demonstrate that these very special circumstances would outweigh any 'other harm'. To this effect, this report will demonstrate in the 'Residential Amenity' section that the proposed development would not result in harm to the amenities of residents of neighbouring properties, and within the 'Design and Appearance' section that the proposed development would not adversely affect the rural character of the area. The proposed development would be well screened from public vantage points and would be constructed as a standard agricultural building, using light weight construction and to the appropriate specifications required to house livestock.
- 6.23 Furthermore, it has already been established in the previous planning application of SMD/2017/0534 that no technical objections were raised to the proposal from the Highway Authority, Environmental Health, the Council's Arboricultural Officer, the Council's Ecology Officer, the Environment Agency or Severn Trent Water.

- 6.24 In the absence of any other harm it is considered that the weight that can be attributed towards the very special circumstances listed above is considered to clearly outweigh any impact on the Green Belt. It is therefore considered that the proposed development would satisfy paragraph 144 of the Framework should the local planning authority consider provision of a building, yard and access for the housing of livestock in association with the applicant's livestock haulage business constitutes an inappropriate form of development in the Green Belt.
- 6.25 In light of the above, regardless of whether the local planning authority considers this development to comprise an appropriate or inappropriate development in the Green Belt, the proposal would be considered acceptable in Green Belt terms and comply with the guidance contained within Chapter 13 of the Framework.

#### Sustainable Economic Development

- 6.26 Paragraph 10 of the Framework and Policy SS1a of the Core Strategy state that the presumption in favour of sustainable development is at the heart of plan-making and decision-taking. The Framework stresses the importance in paragraphs 18 and 19 of the government's commitment to support sustainable economic growth in order to create jobs and prosperity. At paragraph 80 the Framework goes on to set out how the government requires a positive approach to sustainable new development that supports economic growth in rural areas, again to create jobs and prosperity. In order to do this, paragraph 83 goes on to state that this can be achieved by supporting *"the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings"*.
- 6.27 Policy E1 of the Core Strategy advocates that *"new employment development will be assessed according to the extent to which it supports and improves the local economy in terms of providing for the needs and skills of the existing and future local resident workforce and meeting identified business needs"* whilst Policy C1 seeks to support proposal which either protect, retain or enhance existing community facilities or provide new facilities (with new facilities provided in places which are accessible). The proposed development would fall within the category of a development which would meet the identified business needs of the community and would also act as an accessible community facility (given its inherent link to the established farming community in the surrounding area). Policy SS6c takes this further by supporting *"limited expansion or redevelopment of an existing authorised business for employment uses"* whilst exercising *"strict control will continue to be exercised over inappropriate development within the Green Belt allowing for exceptions as defined in Government policy"*.
- 6.28 It has already been established in the previous paragraphs of this report that the option of converting existing buildings within the rural area would not be practical or feasible due to the limitations in available buildings and the difficulty of adhering to legislation which controls the movement of livestock. Notwithstanding this, the provision of new,

well designed buildings are accepted within paragraph 83 of the Framework as also being acceptable.

6.29 Paragraph 103 of the Framework states that *“the planning system should actively manage patterns of growth ... [and] significant development should be focused on located which are or can be made sustainable”* and goes on to state that *“however, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-taking”*. The location of the facility has been chosen on account of its close proximity to the centre of its catchment area (which is the rural areas within Staffordshire, Derbyshire and the Peak District) and would therefore provide a base that would minimise the distances needed to travel between destinations.

6.30 Paragraph 8 of the Framework sets out that there are three dimensions when considering sustainability; the economic role, the social role and the environmental role. The proposed development is considered to satisfy all three roles as set out below:

- Economic role - The proposed development would safeguard 7 full time jobs in the local area through the employment of drivers, administration and in association with the operations of the business. Furthermore, the facility would continue provide an important service to the rural community, namely the 300+ farms which the applicant services to provide livestock haulage.
- Social role - The proposal would provide a high quality rural building which would be largely screened from view by existing landscaping. It would provide an important facility serving the wider rural community by providing a cost effective transportation service which would enable their customers to invest their time into the day-to-day requirements involved in the running of their farms.
- Environmental role - The proposal would provide a steel framed agricultural building suitable for the care of livestock. It would be located centrally within their catchment area in order to minimise the movement of vehicles as part of the haulage operations. The site suffers from poor drainage and would therefore not be ideally suitable for other agricultural operations. The provision of the yard area to provide a suitable surface to HGVs would put this site to a reasonable use.

6.31 In light of the above, it is considered that the proposed development would comprise an entirely sustainable location for a livestock haulage development, which would support the local rural economy. It is therefore considered that the proposed development would comply with Policies SS6, E1 and C1 of the Core Strategy as well as paragraphs 8, 10, 80, 83 and 103 of the Framework.

### Summary

6.32 To summarise, it is considered that the proposed development would be acceptable in principle on the basis that:

- It would comprise a sustainable form of economic development within the rural area;
- It would either constitute an appropriate form of development in the Green Belt (by way of it falling within the exception contained in bullet point (a) of paragraph 145 and bullet (b) of paragraph 146 of the Framework), or would constitute an inappropriate form of development in the Green Belt (but that very special circumstances exist to outweigh the harm); and

6.33 It is therefore considered that the proposed development complies with the guidance contained in the Framework as well as policies E2, SS3, SS5, SS6 and SD1 of the Core Strategy.

### **Residential Amenity**

6.34 Paragraph 180 of the Framework seeks to safeguard the amenities of residents of adjoining properties. This is also amplified within Policy DC1 of the Core Strategy.

6.35 The Council included within their reason for refusal that the proposal would result in a loss of amenity to residents of adjoining properties (most notably the property to the south of the application site) by way the intensification of this use; namely in relation to the increase in noise and disturbance, the associated vehicle movements and the resultant light pollution.

6.36 With regards to noise, the officer's report stated that "*whilst it is acknowledged that the agricultural use of the land could generate large vehicle movements 24 hours a day it is considered that the number of movements associated with this type of haulage operation would be much more intensive resulting in a significant increase in noise and general disturbance.*"

6.37 However the proposed development is anticipated to result in no more than 5no. two-way movements per day. Lorries would be programmed to arrive at site in advance to ensure that there would be sufficient space within the yard to accommodate the vehicles and sufficient capacity within the building to accommodate the livestock that would be arriving. Livestock would typically only be required to remain in the building for between 2 – 24 hours before being moved on to their next destination. Essentially, the operations on site would be limited by the capacity of the building and the associated movements would fall significantly short of those used in connection with a standard haulage operation. Instead the movements to and from the site would be more akin to those expected should the field be utilised for farming (wherein agricultural vehicle movements, i.e. tractors, would be anticipated to visit the site at various occasions each day).

- 6.38 The manoeuvrability of the vehicles would be restricted to the yard area to the north of the proposed building (which would offer some acoustic buffering) and would be further screened by existing mature screening (which is partly within the control of the adjoining neighbour to the south). Furthermore, the adjoining building located to the south which is referred to in the officer's report would be located approximately 90 metres away from the application building. There is also an intervening line of mature trees between this dwelling and the proposed access, which would also provide a buffer to vehicle movements.
- 6.39 The officer's report also stated that "*a large scale operation of this nature would undoubtedly require lighting to yards, service areas and buildings and would lead to a significant impact on amenity.*" However the applicant proposes to utilise only low level internal lighting (and would propose no external lighting) which would be partially screened by the existing boundary features, details of which could be controlled by condition.
- 6.40 In light of the above, it is considered that the proposed development would not materially harm to the amenities of residents of adjoining properties and comply with paragraph 180 of the Framework as well as Policy DC1 of the Core Strategy.

### **Design and Appearance**

- 6.41 Policy DC1 'Design Considerations' of the Core Strategy requires new development to be of a high quality that adds value to the character of the local area whilst promoting a sense of place and identity. The guidance goes on to state that new development should have consideration with regards to the scale, density, layout, siting, landscaping, character and appearance of the site. Paragraph 130 of the Framework states that "*permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of the area and the way it functions*". Policy DC3 also seeks new development to reinforce local landscape character.
- 6.42 The officer's report accepts that the design of the building would be typical for a building within the rural area, however concern was raised regarding the combination of a large building, the associated yard area and the proposed access being harmful to the rural character (harm was also raised with regards to the openness of the Green Belt however this has been discussed previously in this report).
- 6.43 It is however important to note that the proposed building and yard area would be screened from Bank Top Road to the east by the mature row of trees located to the east of the proposed building. It would also be screened from the northwest (i.e. from Windycote Lane) by a further row of mature trees located on the western boundary, and partially from the north by the existing property of Mount Pleasant Farm (north). Where visible the building would be viewed against the back drop of the large buildings that are located to the south of the site as part of the farm holding of Mount Pleasant Farm (south).

- 6.44 This planning application proposes a reduction in the size of the building from 495m<sup>2</sup> to 395m<sup>2</sup> (a 20% reduction in floor area) and the block plan has been amended to reduce the size of the hardstanding proposed which also demonstrates that the revised yard area is of the minimum size that it can be to allow for sufficient manoeuvring and temporary parking of the lorries. The building would be clad in order to be in keeping with the agrarian character of the surrounding area using materials that could blend in with the surrounding area.
- 6.45 The proposed access would have a width of 4 metres (to allow a single HGV to access the site at a time) and would be surfaced with limestone and a grass centre along its length. A new stone wall would be constructed at the entrance with additional tree planting proposed along the boundaries. The proposed access would therefore be entirely in keeping with the rural character of the surrounding area, appearing no different to a standard agricultural track which would be installed under agricultural permitted development rights.
- 6.46 In light of the above, the proposed development would provide a high quality design, which would be in keeping with the rural character of the surrounding area in accordance with Policies DC1 and DC3 of the Core Strategy and guidance contained within Chapter 12 of the Framework.

#### **Highway Safety and Transport Considerations**

- 6.47 Policy T1 of the Core Strategy requires new development to be located where the scale of the development can be satisfactorily accommodated by the highway network and for the appropriate level of parking can be accommodated on site.
- 6.48 The previous planning application of SMD/2017/0534 received no objections from Staffordshire County Council's highways authority who confirmed that the proposed development would be entirely acceptable in highway safety terms. The revised plans also demonstrate that the proposed yard area is sufficiently wide enough to accommodate the requisite amount of parking and manoeuvring space for HGVs.
- 6.49 Paragraph 30 of the Framework encourages patterns of development which facilitate the use of sustainable modes of transport. The issue of sustainability has already been covered previously in this report, notwithstanding this paragraph 34 of the Framework states that whilst the use of sustainable transport modes should be maximised, that consideration of the policies governing rural area should also be considered in the planning balance.
- 6.50 In light of the above, it is considered that the proposed development would satisfy the highway safety requirement and therefore is in accordance with Policy T1 of the Core Strategy.

## **Ecology**

- 6.51 The previous planning application at this site did not include any ecological reports and subsequently no objections were raised by the Council's ecology officer. It is therefore considered that the proposed development would not result in the loss of habitat for protected species and therefore would comply with paragraph 175 of the Framework and Policy NE1 of the Core Strategy.

## **7. CONCLUSION**

- 7.1 This planning statement has been submitted by Knights plc on behalf of Mr R Campbell to accompany a full planning application seeking planning permission for the erection of a building, yard and access in connection with the applicant's livestock haulage operations.
- 7.2 The proposed development follows on from the recent refusal of planning application SMD/2017/0534 and seeks to overcome the reason for refusal, namely the impact on the openness of the Green Belt, the impact on the rural character of the area and the impact upon residential amenity.
- 7.3 The proposal would bring forward significant benefits to the rural community as it would provide an essential service to farmers in the surrounding area by providing a local livestock haulage service which would be directly associated to agriculture. The applicant is of the view that this facility would constitute an agricultural use and would therefore constitute an appropriate form of development in the Green Belt which would not have a materially greater impact upon its openness. However should the local planning authority consider that the proposed development would constitute an inappropriate development then very special circumstances are considered to exist to outweigh such harm, as it has been demonstrated that such a facility would not be located within an existing building in the countryside nor would it be acceptable for the building to be provided within a settlement boundary.
- 7.4 Furthermore, the revised scheme proposes a significant reduction in the size of the proposed building and area of hardstanding when compared to the previously refused planning application, which is also supplemented by additional landscaping to further screen the proposed development.
- 7.5 The statement also considers the issues of design, highways, residential amenity and ecology which are all considered to be in accordance with the policies contained within the Core Strategy, the Council's design guidance and the guidance set out within National Planning Policy Framework.
- 7.6 The proposal would comprise sustainable development, and as such, in accordance with Section 38(6) of the 2004 Planning and Compulsory Purchase Act, that planning permission ought to be granted.

**Carl Copestake BA (Hons), Dip. UPI, MRTPI**  
**Partner**  
**Knights plc**

**Michael Askew Dip T&CP, MRTPI**  
**Senior Planner**  
**Knights plc**

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