DELEGATED DECISION REPORT

DET/2020/0013 **Valid 07/04/2020**	**OAKAPPLE FARM** **MEERBROOK ROAD** **LEEK**	**PROPOSED AGRICULTURAL BARN** **(AGRICULTURAL/FORESTRY DETERMINATION)**

MAIN ISSUES

- Whether or not the prior approval of the LPA is required as set out under GPDO Schedule 2 Part 6 Class A – namely as to the:
- Siting
- Design
- External appearance

DESCRIPTION OF SITE

The location is a relatively open and prominent rural meadow currently grazed as sheep pasture. The site is relatively level but the field of which it is a part then rolls away abruptly to the SE into a small distinct valley. The total holding is stated as being 5.1ha but LPA measurements suggest it may be less at 4.9ha and this is a key matter for clarification. There are drystone wall boundaries to the northerly roadside and to the west field edge. There is an entrance from the road in the NW corner which appears recently enlarged and newly surfaced. There are trees and a gappy hedge forming the easterly boundary following the line of a slight gulley. There is recent new tree / shrub planting to the westerly boundary. A steel container store has been positioned just into the field beyond the entrance.

The site is not associated with any existing farm. The nearest properties are Folly Rest about 130m to the SW and Franklins and Parkfields two farms c.100m and 200m to the north. The site has its northerly boundary with the single track C195 Meerbrook Road.

A public footpath crosses within c.100m to the NW and a further public footpath more-or-less following the ridge 500m to the south affords clear views to the site and surrounding landscape. The area generally is attractive high quality countryside and part of the Gritstone Highland Fringe landscape character type as defined in the Council's Landscape and Settlement Character Assessment (2008) assessed as being 'very high' quality, the highest ranking in the five point scale used in the County-wide survey.

PROPOSAL

The building is described as being of concrete block and green plastic-clad steel corrugated sheeting with dark grey /black roof, 28m long x 15m wide x eaves 5.6m and ridge 10m.

The building is shown aligned parallel to the Meerbrook Road about 25m into the field. The plans also show a 5m wide track from the widened gateway hardstanding and enclosing the building perimeter to all sides.

The building is stated as being reasonably necessary for agriculture on grounds that it is for the "Storage of farm machinery, animal feed and produce" and that it is designed for this purpose.

The hard standing and access track are not referenced in the application description but are clearly shown in the submitted drawing. There is no supporting information other than the application form.

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
SS6c Other Rural Areas Area Strategy
DC1 Design Considerations
DC3 Landscape and Settlement Setting
R1 Rural Diversification
NE1 Biodiversity
T1 Development and Sustainable Transport

Local Plan Submission Version (February 2018)

SS1 Development Principles
SS1a Presumption in Favour of Sustainable Development
SS10 Other Rural Areas Area Strategy
DC1 Design Considerations
DC3 Landscape and Settlement Setting
E1 New Employment Development
NE Biodiversity and Geological Resources
T1 Development and Sustainable Transport

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 is ongoing in order to determine whether the Local Plan is sound and legally compliant. Hearing sessions were conducted in October 2018 and the Inspector issued his

initial post-hearing advice in January 2019 which set out some actions for the Council and a range of modifications that would be necessary to make the plan sound. The full schedule of modifications was agreed by the Council and the subject of public consultation between 18th September 2019 and 31st October 2019. The schedule consisted of modifications that the Inspector has deemed necessary to make the Local Plan sound. Following the consultation, the Inspector concluded that further hearing sessions were necessary to consider; proposals for safeguarded land at Gillow Heath in Biddulph, housing land supply, Local Green Spaces in Cheddleton (Ox Pasture), Biddulph (Dorset Drive and implications for the emerging neighbourhood plan) and Blythe Bridge. They were held on 4th and 5th February.

On 27th February, the Inspector issued his post hearing advice. Key recommendations in the letter include:

- The proposed safeguarded land at Gillow Health, Biddulph should be removed. Neither should the site be allocated for housing as requested by the landowners as the case for exceptional circumstances has not ben met. The land will remain Green Belt as per the Local Plan Submission Version agreed by the Council in June 2018.
- No further housing allocations in Biddulph are required.
- No further amendments to the housing trajectory are required aside from pushing back the predicted commencement of the Wharf Road, Biddulph site (excluding BDNEW) until 2022/23.
- Monitoring of housing supply will determine if a full or partial Local Plan review is required within 5 years.
- Land at Ox Pasture (Cheddleton) and Dorset Drive (Biddulph) should revert back to the Local Green Space designations as per the Local Plan Submission Version as agreed by the Council in June 2018.
- Other modifications were considered during the recent hearings sessions are necessary to make the plan sound, including; updating neighbourhood area housing requirements (Policy SS4) to reflect the latest monitoring data, updating the employment land area for the Tunstall Road allocation to reflect the masterplan and other adjustments to the wording of Policy SS4 and Policy DC2.

No further representations will be sought by the Inspector. As such, the Local Plan policies as proposed to be modified in September 2019 along with the Inspector recommended revisions (February 2020) provide a strong indication of the final policies likely to be adopted in the Local Plan. The Inspector's final report is expected within 2 months and will reflect the post hearing advice. The Council will be able to consider the adoption of the Local Plan at this point. As such, the plan is at a very advanced stage of preparation with some of the key outstanding objections now having been resolved following the February 2020 hearing sessions.

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 considered below:

• The stage of preparation – the Local Plan is now at an advanced stage of preparation as the main modifications have been subject to consultation

- The extent to which there are unresolved objections to relevant policies this varies depending on the policy in question – the Inspector wishes to explore outstanding objections on a limited number of issues at the February hearing sessions further before drawing conclusions.
- The degree of consistency of the relevant policies in the emerging plan to this Framework – policies have been modified to address soundness issues identified by the Inspector to date. It is the Council's view that the policies (as modified) are consistent with national policy. The Inspector has yet to draw final conclusions, particularly on the matters subject to further hearing sessions.

Given the above, the majority of policies (as modified) can be given substantial weight.

National Planning Policy Framework July 2018
Paragraph(s) 1 – 14;
Section(s) 4 – Decision making; 6 – Building a strong and competitive economy; 11 – Making effective use of land; 12 – Achieving well designed places; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS
None
10/00266/FUL gave consent to an agricultural building now built in a field to the west adjacent to Folly Rest.
94/00397/OLD refused consent for the siting of a residential caravan on land adjacent to the far SE of the application holding.

CONSULTATIONS

N/A

OFFICER COMMENTS

Principle of Development

The application is made under the Permitted Development procedure for agricultural buildings contained at GPDO (2015) Schedule 2, Part 6 Class A.

Class A of Schedule 2 Part 6 to the GPDO provides for an agricultural building to be erected as Permitted Development subject to a prior notification to the LPA, with subsequent assessment, and subject to the land being within an agricultural unit of 5 hectares or more.

The prior notification requirement is an opportunity for the LPA to determine whether prior approval should be required as to the siting, design and external appearance.

To qualify for the Permitted Development route the proposed works must be "reasonably necessary for the purposes of agriculture within that unit". The agricultural use of the land must be "for the purposes of a trade or business" and the unit must be "occupied as a unit for the purposes of agriculture", all as set out in the Interpretation Section (D.1) for Part 6 Classes A to C.

The location is in the open rural countryside in a location considered to be of the very highest quality on the basis of the Staffordshire county-wide landscape assessment.

There is some uncertainty that the holding meets the threshold 5ha minimum size for Part 6 Class A rights to be available. Reference to OS maps annotated with field parcel sizes in acres gives a figure of 12.223 acres which translates to 4.95ha which is 500sq m below the threshold. The registered title plan of ownership has been obtained and measurement from this also suggests a size less than 5ha.

It is also noted from the site visit that there is land within the site which appears potentially not to be being used for agriculture which would further reduce the applicable holding size.

The development shown on the plans includes sections of track which would also be subject to either prior approval or planning consent but as these come to within 25m of a metalled part of a classified road (C195) they are not eligible for prior approval. The application does not however refer to the tracks, only the building.

No information is submitted to verify that the land is being used in support of an agricultural trade or business and no justification is offered for the size of the building which appears large for the amount of land.

Further information in respect of the above may lead to a conclusion that PD rights are not available.

However, giving the benefit of the doubt and considering whether prior approval should be required, given the identified high quality landscape and the exposed prominence of the site and the available views from nearby public footpaths and the public road it is considered that prior approval should be required before this development can proceed.

CONCLUSION / PLANNING BALANCE

There are significant landscape sensitivities with this location and the proposed building has the potential to be prominent and intrusive. Implications for highways should also be considered as an intensification of use of the field gate would appear likely to result from this development. The means of access to the building and extent of surfaced track to support the development also need to be considered.

Prior approval is therefore required.

OFFICER RECOMMENDATION : Prior approval required

Case Officer: Arne Swithenbank
Recommendation Date: 27th April 2020

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council