DELEGATED DECISION REPORT

DET/2020/0031 **Valid 08/07/2020**	**LITTLE LYMFORD FARM** **TUNSTALL ROAD** **BOSLEY**	**PROPOSED EXTENSION TO FARM STORAGE BUILDING** **(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
- Green Belt
- Landscape

DESCRIPTION OF SITE

The site is a field location and relatively remote, close to the north westerly corner of the District and in the northerly lee of The Cloud (343m AOD) which is National Trust land.

There is a complex and evolving planning history in relation to this site. An original building of 18m x 21m can be identified from air photos dating from 2005/06 and this original building was shown on plans submitted in 2005 when it was proposed to be extended with a lean-to along the south side. The lean-to was approved and built so taking the width to 30m.

The present extant building is therefore large at 30m x 30m x 5.5m to the higher northerly eaves and c.8m to the ridge. Consent was granted following a prior notification application in 2018 (DET/2018/0031) for a further extension to the west gable end of this broad building which would add 23m to its length. The 2018 scheme has not as yet been built. In detail the 2018 scheme would not extend the full 30m width of the existing building all the way to the west as the c.7m width of the lean-to on the south side would be cut short by c. 4m. The 2018 development was described as: “Extension of existing farm building to provide straw, feed and machinery storage” with no suggestion of a livestock housing role.

A full application in 2019 (SMD/2019/0443) “Extension of existing farm building to create additional livestock housing” – described on plan as “calf housing” – is currently pending after the LPA requested further information to justify the development. When the LPA visited the site in 2019 the lean-to section along the south side (which is open internally to the main building) was found to have been fitted with a series of equine loose boxes / stables; the only livestock in evidence

were a small number of ponies with a mobile farrier at work. The main building was largely empty but with some machinery, fodder and miscellaneous items in storage. Only limited further information has been provided.

Also noted in 2019 was a mobile trailer home, a large touring caravan and a gathering amount of miscellaneous structures and stored items to the yard and field areas east of the building. The framework of a three bay extension eastwards of the south side lean-to was present and this now (August 2020) has been enclosed with profiled green metal sheeting. A specific approval for this development has not been placed.

The site of these developments is set back some 270m from the public road. The intervening field rises slightly then dips to a level at the location of the building so that it is somewhat concealed. To the immediate west of the proposed building is a wooded stream clough and the land drops sharply away. The stream course is the District boundary.

There is little scope to view the site from the immediate south and east. There are more open distant views northwards to locations from which the building is likely to be seen at distance. There are clear views across to the site for example from Bosley c.1,400m to the north east. There may be views from the more distant slopes and summit of The Cloud to the south.

There is a community group private club house c.120m to the north at a lower level and the nearest residential neighbours are at Lymford Farm 270m to the ENE and at Five Oaks Cottage 250m to the SE. At the property called Lymford Farm there are in fact now three dwellings following consents in 2017 and 2018 for two barn conversions. It is understood that none of these are occupied by people engaged in agriculture and they would each be regarded as a ‘protected building’ for part 6 purposes as defined at section D.1(1). There is a further ‘protected building’ at Five Oaks Cottage 300m to the east south east.

PROPOSAL

To add an irregularly shaped extension to the westerly end of the building extension not as yet built but approved under DET/2018/0031 similar in materials and style to the existing building and the approved extension.

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
NE1 Biodiversity and Geological Resources
T1 Development and Sustainable Transport

Local Plan process

On July 20th 2020, the Council published the Inspector's final report thereby drawing a close to the examination in public. The report concludes that with the recommended main modifications, the plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework (NPPF). As such, the main modifications which accompany the Inspector's report provide a clear indication of the final policy wording when read in conjunction with the Local Plan Submission Version (2018).
In this context, the Council's position on the weight to be given to the policies (as modified) 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 the most advanced stage of preparation prior to adoption as the Inspector has concluded that the Local Plan is sound subject to the recommended modifications being made.
- The extent to which there are unresolved objections to relevant policies – the Inspector has now drawn his final conclusions and there are no further matters to resolve
- The degree of consistency of the relevant policies in the emerging plan to this Framework – the policies (as modified) have been found by the Inspector to be sound in the context of the 2012 NPPF under which the Local Plan has been examined. One of the "tests of soundness" that the Local Plan has successfully been measured against is whether it is "consistent with national policy". As the Local Plan has been prepared and examined under the 2012 NPPF, it should be noted that in some limited cases, its policies do not directly reflect current national policy. However, planning law requires that applications be determined in accordance with the development plan, unless material considerations indicate otherwise. Current national policy is a material consideration and should be given weight accordingly.

Given the above, all policies (as modified) should be given substantial weight.

National Planning Policy Framework February 2019
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; 13 – Protecting Green Belt Land; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

Adopted Supplementary Planning Documents/Guidance (SPD/G):
- Design Principles SPG

Core Strategy Supporting Evidence Documents:
- Landscape and Settlement Character Assessment (2008)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

01/0006/FUL – SMD/2001/0267 – agricultural stock building – refused

05/00757/PNOT_AG – SMD/2005/0588 – agricultural building – approved

08/01500/PNOT_1 – SMD/2008/543 – additional bays to the original building as previously extended in 2005 – approved

08/01507/FUL – SMD/2008/0537 – cover to existing yard and cattle feed area – approved – not implemented and expired

SMD/2016/0227 – Provision of new field access and hard track – approved

DET/2018/0031 – Proposed extension of existing farm building to provide straw, feed and machinery storage – permitted

SMD/2019/0443 – Proposed extension of existing farm building to create additional livestock housing – pending

DET/2020/0016 – Extension of existing farm storage buildings – determined as prior approval required – no further submissions received and no consent given

CONSULTATIONS

No consultations or publicity undertaken for this prior notification stage.

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 or extended 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 site is in the open rural countryside in a location considered to be of very high quality (level four on a five point scale where five is highest) on the basis of the Staffordshire county-wide landscape assessment.

The holding would appear to meet the minimum size threshold and indeed prior notice applications have been accepted previously. The development undoubtedly amounts to a "significant extension" as defined at D.1(1) and referred to at A.2(3). In this regard it appears to the LPA that the original building as shown on plans accompanying a 2005 application ref 05/00757/PNOT_AG and the 2008 application ref 08-01500 was 2,438 m3 in volume. A partial calculation based on the below eaves (5.3m high) volume of the 10m x 7m section of the NW elevation of the extension now proposed (total 371m3) shows the 10% threshold (244m3) would be exceeded and the above calculation does not take into account all of the extension proposed. The volume of building over part of the triangular plan area of 16m x 10m again to an eaves height of c.5m would amount to a further 400m3. Further portions have not been calculated as already on these partial calculations the volume of c.770m3 would significantly exceed the 10% (244m3) threshold to confirm that an application is required.

It is also a stipulation at A.1(e) that the development would not be permitted if the ground area covered would exceed 1,000m2 calculated as described at D.1(2)(a) –

> "the ground area which would be covered by the proposed development, together with the ground area of any building (other than a dwelling), or any structure, works, plant, machinery, ponds or tanks within the same unit **which are being provided or have been provided within the preceding 2 years** and any part of which would be within 90 metres of the proposed development"; [underline and emphasis added]

The area of this current proposal is: 169m2
The area of the 2018 building not yet built is: 651m2
The area of the mono-pitch easterly continuation of the south side lean-to which since 2019 has had sheet cladding added is estimated to be c. 22m x 8m = 176m2

The D.1(2)(a) calculation in relation to A.1(e) is therefore of the order of 996m2 – very close to the 1000m2 threshold restriction.

It is also to be noted following the LPA's investigations into the 2019 pending application including the site visit that there is an apparent equine housing aspect to the existing buildings and much of the existing volume appeared under utilised.

No information is submitted with the current application to verify that the holding is being used in support of an agricultural trade or business and no justification is

offered for the still further size increase to the building which is already large for the amount of land and the apparent existing need.

Finally, whilst the development is described as a "farm storage building" it is nevertheless also an extension to a building which it is now understood is used for the accommodation of livestock. Paragraph A.1(i) is that development is not permitted (under Part 6 Class A) if:

> "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 400 metres of the curtilage of a protected building;

There are at least four 'protected buildings' within 400m of this development.

Further information in respect of any or all 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 overall size of building that would result and its design it is considered that prior approval should be required before this development can proceed. In reaching this view consideration is also given to the proximity of trees and woodland to the west and south of the proposal.

CONCLUSION / PLANNING BALANCE

There are significant landscape sensitivities with this location and the proposed extended building would be large and has the potential to be prominent and intrusive. The extension here proposed would take the building into close proximity to adjacent trees and woodland which it may be considered important should be safeguarded and to which end special provision may be needed. Prior approval is therefore required.

The full scope and range of use of the premises and this proposed building is not completely clear. On further scrutiny it may become apparent that the development is not eligible under part 6.

OFFICER RECOMMENDATION : Prior approval required

Case Officer: Arne Swithenbank
Recommendation Date: 5th August 2020

X 

Signed by: Jane Colley

On behalf of Staffordshire Moorlands District Council