The Planning Inspectorate

Appeal Decision

Site Visit made on 10 February 2021

by JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2021

Appeal Ref: APP/B3438/W/20/3262718
Land East of Leek Road, Wetley Rocks, Near Stoke-on-Trent

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
- The appeal is made by Mr Stonier against Staffordshire Moorlands District Council.
- The application Ref SMD/2020/0267, is dated 28 May 2020.
- The development proposed is the erection of an agricultural building for use for lambing, storage of feed and implements and construction of new vehicular access.

Decision

1. The appeal is dismissed and planning permission for the erection of an agricultural building for use for lambing, storage of feed and implements and construction of new vehicular access is refused.

Main Issue

2. Based on the Council's submitted statement, I consider the main issues to be

   a) whether this would be inappropriate development in the Green Belt;

   b) its effect on the character and appearance of the area;

   c) its effect on biodiversity and

   d) if harm would be caused whether this would be outweighed by material considerations.

Reasons

Inappropriateness in the Green Belt

3. The *National Planning Policy Framework* (the Framework) says that the construction of new buildings in the Green Belt should be regarded as inappropriate and, by definition, harmful. Paragraph 145 then goes on to give some exceptions to this, one of which, criterion (a), is the erection of buildings for agriculture and forestry.

4. It is accepted that what is before me can be defined as an agricultural building by reason of its design and arrangement, and I have no grounds to consider it would be used for any other purpose. Whilst it has been contended that it is too large for this holding, agricultural need is not given in the Framework as a factor to be used in assessing whether or not the building falls under this exception in paragraph 145. Accordingly, I conclude that the building is not inappropriate development in the Green Belt by reason of paragraph 145(a) of the Framework.

5. Turning to the access (including sight splays) and drive, in paragraph 146 the Framework says engineering operations are also not inappropriate provided they preserve the Green Belt's openness and do not conflict with the purposes of including land within it. The Council says it *'has distinct reservations'* as to whether the access and drive comply with these requirements though considers these aspects of the scheme would conflict with one of the aims of the Green Belt, namely safeguarding the countryside from encroachment. Given their scale and nature, the access and drive though are purely ancillary elements to the building, and so should not be considered separately for the purposes of determining inappropriateness. As such, an assessment as to whether or not they fall under paragraph 146 of the Framework is not required.

6. Accordingly, I find this would not be inappropriate development in the Green Belt, and so would not conflict with guidance in the Framework.

Character and appearance

7. The appeal site is currently pasture in an area of attractive upland countryside and, apart from a farm on the opposite side of the road, it is well away from any settlement or built form. The proposed building would be 459sqm in area and some 7.8m tall, and finished in a cladding of a Moorland Green colour. It would have woodland curving broadly around its east, south and west sides while a belt of trees lines the roadside to the north.

8. Despite the effect of these trees in partially concealing it, the building would still be noticeable when travelling southward and (to a lesser extent) northward along Leek Road. Although it is of an agricultural design commonly found in rural areas, in these views its size, its scale and its isolation away from other buildings mean it would appear as a striking and prominently intrusive feature that would appreciably undermine the attractive, undeveloped nature of this landscape. As such, despite its design, it would cause significant harm to the character and appearance of this area of countryside. For these reasons I find the proposal cannot be considered as well-designed under paragraph 83 of the Framework.

9. Moreover, its presence would be emphasised by the intended access. On the evidence before me there is no reason why the creation of this access and its visibility need remove any notable trees, and, in time, the new walling built along the sight splays would, no doubt, blend into the landscape. However, I nonetheless consider that the large opening running through the embankment to the building would be a dominant feature that would emphasise and draw attention to the building's presence.

10. Accordingly, I conclude that the proposal would detract unacceptably from the character and appearance of the area, in conflict with Policies SS1, SS10, DC1 and DC3 in the *Staffordshire Moorlands Local Plan,* which, among other things, broadly seek development that respects and retains the distinctive character and quality of the landscape and natural environment in the district.

Biodiversity

11. As the site lies deep in the countryside, it is to be expected that wildlife will be found in the vicinity and may well cross the land to be occupied by the proposal. That though does not, in my opinion, offer grounds to resist the scheme. Moreover, while, on a previous application for a barn elsewhere on the

holding, the field that had to be crossed to gain access was said to be floristically diverse, the appeal before me is in a different location, and so it cannot be assumed those earlier comments also apply here. I have no other grounds to support resisting this development in the absence of a Habitat Survey or similar.

12. Accordingly, on the evidence before me I conclude that it has not been shown the development would have an unacceptable effect on biodiversity and so would not conflict with Policies SS1, DC1, DC3 or NE1 in the Local Plan, which broadly seek to protect the natural environment and biodiversity.

Other Matters

13. Based on what I saw on my visit, cars appear to travel along Leek Road past the appeal site at an appreciable speed. Moreover, just to the south the road bends and passes over the brow of a hill, necessitating double white lines in the centre of the carriageway.

14. However, the access would be on the outside of this bend, and sight splays can be formed to provide adequate visibility for emerging drivers. Moreover, despite the bend and the brow of the hill, I consider that any vehicle that has approached from the south and is waiting to turn right into the site would be visible to other drivers travelling northward.

15. Accordingly, I conclude that the proposal would not compromise highway safety to an unacceptable degree.

16. Given the distance between the plateway and the site, and in the absence of any other clear evidence about its effect on historic features in the vicinity, I have no basis to consider harm would be caused to the heritage of the area by the development.

Planning balance

17. I have found harm would occur to the character and appearance of the area, and so the proposal would conflict with the development plan. However, the appellant has argued this building is needed to grow his enterprise.

18. The appellant has occupied this 6.4ha holding for only a relatively short time, before then renting land elsewhere. He now has a flock of 65 sheep here, but it is his intention to enlarge this to 250-300 sheep in the near future. I was told though that the holding contained no buildings at present for the keeping and caring of livestock, other than a dilapidated shed, with the appellant living some miles away. Consequently, the proposed building is to provide adequate space to accommodate the growth of the business and achieve welfare standards. However, to have sufficient pasture for a flock of this intended size the appellant says he needs to buy or rent other land around the area. Given his suggested stocking rates, it would appear the additional land he would require would be appreciable relative to the size of the existing holding. He nonetheless contends that as the building is a significant outlay it needs to achieve both immediate and long-term objectives.

19. The proposed building is therefore significantly larger than necessary to service and support the existing flock or indeed the maximum number of sheep that could be served by this holding at its current size. I do not question the appellant's legitimate intention to develop this enterprise, I acknowledge that a

building this large may well be necessary if the enterprise grew as intended, and I have taken into account the advice on this matter in paragraph 83 of the Framework. However, I have no decisive information about the likely success of the growth of the business, or the appellant's chances of acquiring the other land needed, and so I cannot be confident that it has a reasonable prospect of being achieved. As such, there is insufficient evidence before me to support this building on this holding at its current size, and so the agricultural justification does not outweigh the harm identified. Moreover, the lack of adequate justification means the development is not supported by Local Plan Policy SS10, which, among other things, accepts the limited expansion or development of businesses in the countryside where justified.

20. I am aware of no other material considerations that would justify the development in the light of the identified harm.

Conclusion

21. Accordingly, I conclude that the proposal would cause unacceptable harm to the character and appearance of the area, in conflict with the development plan, and in the absence of any material considerations to indicate otherwise, the appeal should therefore be dismissed.

JP Sargent

INSPECTOR