

PLANNING STATEMENT

**LAND EAST OF LEEK ROAD
WETLEY ROCKS**

JUNE 2021

Site Address:

Land east of Leek Road, Wetley Rocks, Staffordshire,

Applicant:

JS Farming

Proposal:

Erection of agricultural building for use for lambing, storage of feed, hay and implements and construction of new vehicular access

Planning Statement:

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1 Introduction & Background

- 1.1 Rob Duncan Planning Consultancy Ltd. has been instructed by JS Farming to seek full planning permission for the erection of an agricultural building on land east of the Leek Road, Wetley Rocks.
- 1.2 The application represents a re-submission following the determination of application SMD/2020/0267 which had proposed the erection of an agricultural building with a floor area of 459 square metres and a ridge height of 7.8 metres, which was to be used for the rearing of sheep, the storage of feed and associated agricultural implements, along with the construction of a new vehicular access off the Leek Road. An appeal against the non-determination of that application was lodged with the Planning Inspectorate but was subsequently dismissed.
- 1.3 Following the dismissal of the appeal the applicant has revisited his proposals for the site, and now seeks full planning permission for the erection of a reduced size agricultural building on the site, along with the formation of a new vehicular access. The revised building will occupy a floor area of 275 square metres and stand to a ridge height of 5.96 metres, and as before is to be used for the rearing of sheep, the storage of feed, hay and associated agricultural implements. The proposed means of vehicular access to the site off the Leek Road is unchanged from that proposed under the previous application. The revised application also encompasses the provision of a substantial landscaping buffer to the southwest, southeast, northwest and north of the proposed building.
- 1.4 The application is accompanied by a Preliminary Ecological Assessment prepared by Ardea Ecology Ltd. along with an associated Great Crested Newt Technical Report.

2 Site Location

- 2.1 The application site lies within the North Staffordshire Green Belt and forms part of a wider agricultural land holding that extends to some 6.4 hectares. The site is located at the southernmost end of the holding and is enclosed to the west and southeast by bands of mature trees, with the agricultural land extending northwards as outlined in blue on the site location plan accompanying the application. The Leek Road encloses the western boundary of the site from where the new vehicular access is proposed to be taken.

3 Planning Policy

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application. The Development Plan for this area comprises the Staffordshire Moorlands Local Plan (2020) of which the following policies are considered to be of relevance to the determination of the application:
- 3.2 **Policy SS10** of the Local Plan relates to the 'Other Rural Areas Area Strategy' and states that these areas will provide only for development which meets an essential local need, supports the rural diversification and sustainability of the rural areas, promotes sustainable tourism or enhances the countryside. The policy goes on to state that the Council will meet essential local needs by enabling the limited expansion or development of business for employment uses where a rural location can be justified. It also states that strict control will continue to be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by Government policy.
- 3.3 **Policy E1** of the Local Plan relates to 'New Employment Development' and states that such 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, having regard to the Spatial Strategy Policies in SS2, SS3, area strategy policies, and general employment land requirements set out in Policy SS4. It goes on to state that in general the Council will endeavour to support the expansion of existing businesses and new businesses in the District, and that to support the growth of the economy, the Council will encourage provision for small-scale and start-up businesses.

3.4 **Policy DC1** of the Local Plan relates to ‘Design Considerations’ and states that new development should be of a high quality and add value to the local area, incorporating creativity, detailing and materials appropriate to the character of the area. It requires that new development should (amongst other criteria):

- Be of a high quality and add value to the local area, incorporating creativity, detailing and materials appropriate to the character of the area
- Be designed to respect the site and its surroundings and promote a positive sense of place and identity through
- Protect the amenity of the area, including creation of healthy active environments and residential amenity, in terms of satisfactory daylight, visual impact, sunlight, outlook, privacy, soft landscaping as well as noise, odour and light pollution
- Provide for safe and satisfactory access and make a contribution to meeting the parking requirement arising from necessary car use.

3.5 **Policy DC3** of the Local Plan relates to ‘Landscape and Settlement Setting’ and states that the Council will protect and, where possible, enhance local landscape and the setting of settlements in the Staffordshire Moorlands by resisting development which would lead to prominent intrusion into the countryside or have a significant adverse impact on the character or the setting of a settlement or important views into and out of the settlement as identified in the Landscape and Settlement Character evidence.

4 Other Material Considerations

National Planning Policy Framework (2019)

- 4.1 The National Planning Policy Framework seeks to secure the delivery of sustainable development and sets out policies, *inter-alia*, in respect of safeguarding the Green Belt, securing high quality design, ensuring highway safety, and supporting the rural economy. The content of the NPPF has been taken into account in the preparation of this revised application.

Appeal Decision 3262718 - Land east of Leek Road, Wetley Rocks

- 4.2 The above appeal decision relates to the previous application on the site which was the subject of an appeal against non-determination. The conclusions of the Planning Inspector in the assessment of that appeal have been taken into consideration in the preparation of this revised application.

5 Statement of Case

Green Belt

- 5.1 Policy SS10 of the Local Plan confirms that strict control will be exercised over inappropriate development in the Green Belt allowing only for exceptions defined by Government policy. Paragraph 145 of the National Planning Policy Framework identifies the exceptions permissible within the Green Belt, which includes:

“buildings for agriculture and forestry”

- 5.2 The proposed development encompasses the erection of an agricultural building that is to be used for lambing / shelter, along with the storage of feed, hay and associated implements, including amongst others a tractor, trailers, and fence post knocker. The building has a typical agricultural design, and like the previously dismissed proposal, will be open fronted on its northeastern side. The proposed building is therefore considered to constitute an appropriate form of development within the Green Belt, in accordance with the provisions of paragraph 145 of the NPPF.

- 5.3 The Planning Inspector reached a similar conclusion in his assessment of the previous proposals for a larger building on the site, concluding that:

“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”.

- 5.4 The proposed construction of the vehicular access is the same as that incorporated in the previous application and is likewise considered to constitute an appropriate form of development within the Green Belt, as they are ancillary to the proposed agricultural building. The Planning Inspector concluded as follows in this regard:

“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 consider 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”.

- 5.5 The proposed development, taken as a whole, therefore amounts to an appropriate form of development within the Green Belt, in accordance with policy SS10 of the Local Plan and paragraph 145 of the NPPF.

Agricultural Need

- 5.6 The previously dismissed application had proposed the erection of a building with a floor area of 459 square metres that was to be used for agricultural purposes, specifically the rearing of Shetland cross breed sheep, the storage of feed, and the storage of implements associated with the maintenance of the land e.g., tractor, trailer, post knocker etc. In dismissing the previous appeal, the Planning Inspector gave consideration to the size of the building and the extent of the land holding, concluding that:

“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”

- 5.7 Since that appeal was determined the applicant has substantially reduced the size of the proposed building down to a footprint of 275 square metres (a reduction of 184 square metres). The applicant’s land holding extends to 6.4 hectares and is registered under Agricultural Holding Number 37/023/0234. The flock of 64 sheep are registered under flock registration number 431187.

- 5.8 The holding has no buildings within which to raise sheep, store feed and hay, or to store implements. Consequently, the sheep have to be regularly taken elsewhere for basic care to be administered and to provide a safe environment during the lambing season. Implements also have to be brought onto and off the site as required, with hay and feed also imported when required. This is not sustainable, either financially or environmentally, and consequently the applicant is seeking consent for the erection of a new building on this site to help facilitate the growth of the business and enable the agricultural activities to be consolidated on the one site. This is not unreasonable.
- 5.9 The proposed building will provide adequate space to accommodate some modest growth of the business, whilst also ensuring that Farm Assured British Beef and Lamb (FABBL) welfare standards are achieved, which require 1.2m² – 1.4m² for loose housed sheep during pregnancy and 2.0m² – 2.2m² after lambing. Such space is required in the interests of good stock management and hygiene conditions.
- 5.10 The building will also provide shelter for the animals during cold, wet and windy weather – something which is prevalent within the Staffordshire Moorlands – along with space for provision of basic care, for lambing and subsequent care of lambs, who are prone to conditions such as hypothermia. The building will also accommodate space for the secure storage of associated feed, hay and implements. An agricultural need for a building of this reduced size is therefore considered to exist, and as such the proposal accords with the provisions of policy SS10 of the Local Plan and paragraph 83 of the NPPF.

Character and Appearance

- 5.11 In determining the previous appeal on the site, the Planning Inspector concluded that the previously proposed building, which had a floor area of 459 square metres and a ridge height of 7.8m tall, would be noticeable when travelling southward along the Leek Road, and to a lesser extent northward. This led the Planning Inspector to conclude that:

“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”

- 5.12 The Planning Inspector went on to comment that its presence would be emphasised by the vehicular access, drawing attention to the building.
- 5.13 To address these criticisms the revised proposal has been substantially reduced in size and scale, incorporating a floor area of 275 square metres (a reduction of 184 square metres) and a height of 5.96 metres (a reduction of 1.84 metres). By resultant effect the scale and visual dominance of the building is substantially reduced compared to that considered by the Planning Inspector.
- 5.14 The proposed materials palette has also been revised to align with the recommendations, incorporating vertical Yorkshire Boarding atop a concrete panel base, with corrugated sheet roof. The Local Authority confirmed in its statement of case to the appeal that the use of such a materials palette

would achieve an even greater degree of visual assimilation with its surroundings.

5.15 The application also proposes the provision of a substantial landscaping buffer which will wrap around the SW and SE perimeter of the building, extending in a northwesterly direction along the western flank of the vehicular access, with further planting on the eastern flank of the access. The effect of this landscaping buffer will be to further reduce and filter the visual impact of the building in views from the Leek Road.

5.16 These revisions represent substantial changes to the scheme compared to that considered under the previous appeal and serve to address the visual impact concerns that were raised by the Planning Inspector. The proposed development is therefore in accordance with policies SS1, SS10, DC1 and DC3 of the Local Plan in this regard.

Biodiversity

5.17 In determining the previous appeal, the Planning Inspector concluded that the absence of a Habitat Survey meant it had not been demonstrated that the development would not have an unacceptable effect on biodiversity. To address this matter, this revised application is accompanied by a Preliminary Ecological Assessment (PEA) prepared by Ardea Ecology Ltd. which concludes that the proposal will result in a small loss of grassland habitat, but which lacks the species diversity of the rest of the site. The PEA goes on to conclude that the site is unlikely to have a detrimental impact on the habitats present, given the extent and amount of habitat available on site and the agricultural use of the site for sheep grazing. It also notes that no woodland is to be removed as part of the works, thereby not impacting directly on bat roosting habitat. The PEA also incorporates an EDNA analysis of a nearby pond which demonstrates that Great Crested Newts are not present within the pond.

- 5.18 Consequently, the proposed development will not give rise to any adverse impact to protected species or important habitat on the site. Ecological enhancement measures are nevertheless recommended, such as the provision of bat and bird boxes, and the applicant is agreeable to providing these within the adjacent woodland area to the NW of the building. In doing so a net gain to biodiversity will be secured in accordance with the requirements of paragraph 175 of the NPPF.

Highway Safety

- 5.19 The proposed means of vehicular access remains the same as that proposed in the previously dismissed appeal. The new vehicular access will be located at a point within the highway where it affords good visibility in both directions on egress from the site. The access will also achieve the required visibility splays of 215 metres in both directions on egress, and consequently anyone exiting the site will be readily able to observe any oncoming traffic approaching the site.
- 5.20 Those access arrangements were found to be acceptable to both the Local Highway Authority and the Planning Inspector in the determination of the previous application/appeal. In the absence of any material change in circumstance it would be unreasonable for a different view to be taken on this revised application. The proposed means of access will therefore not give rise to harm to highway safety within the locality and accords with the provisions of policy DC1 of the Local Plan and paragraphs 108 and 109 of the NPPF.

Residential Amenity

- 5.21 In determining the previous appeal on the site both the Local Authority and the Planning Inspector agreed that the proposed development would not give rise to harm to neighbouring residential amenity. The siting of this

revised proposal is in the same general position as the previously considered application (albeit much smaller), and consequently it is not unreasonable to conclude that this revised submission likewise will not give rise to harm neighbouring residential amenity. The proposed development is therefore in accordance with policy DC1 of the Local Plan in this regard.

Heritage Impacts

- 5.22 During the determination of the previous appeal, one of the third-party representations raised concerns about the impact of the development on the former Consall Plateway. The former Plateway lies some 200+ metres to the north of the proposed building and is therefore unlikely to be affected by the proposed development. Both the Local Authority and the Planning Inspector endorsed that view in the assessment of the previous appeal and consequently there are no heritage related grounds to resist this proposal.

6 Conclusion

- 6.1 The reduced scale agricultural building proposed in this application constitutes an appropriate form of development within the Green Belt and is of a reasonable size and scale to meet the agricultural needs of the existing business. The siting, design, palette of materials and proposed landscaping buffer will ensure that there is no significant adverse impact on the character and appearance of the area, and the proposed means of access will not give rise to any adverse impacts to highway safety.
- 6.2 The proposed development is therefore considered to accord with the provisions of policies SS10, E1, DC1 and DC3 of the Staffordshire Moorlands Core Strategy DPD, and guidance contained within the National Planning Policy Framework.