

DELEGATED DECISION REPORT

SMD/2021/0312
Valid 27/05/2021

KNYPERSLEY MILL
JUDGEFIELD LANE
BROWN EDGE

PROPOSED NEW AND
REPLACEMENT BOUNDARY
FENCING AND GATES.

(FULL - HOUSEHOLDER)

MAIN ISSUES

Impact on the setting of the Grade II listed mill and the character and appearance of the area.

DESCRIPTION OF SITE

The Grade II listed Mill, now converted to a dwelling. Dated 1827. Red sandstone ashlar; raised strings at upper floor, cill levels; rusticated dressings; tiled roof; verge parapets on corbelled kneelers. Lower front of three storeys (mill pond side single storey) and four windows; C20 casements in segmental-headed openings, paired to left (inset to centre on ground floor) and widely-spaced to right, the top floor windows have had their cills lowered; two entrances under right-hand windows, segmental-headed and with boarded doors; a plaque over left-hand door is inscribed "ERECTED/1827". All working gear removed from interior

The dwelling lies adjacent to and fronts the millpond. The dwelling sits within a moderate curtilage providing garden and open grassed areas enclosed by trees and hedgerow. To the rear and sides the boundary is contained by a sheep mesh livestock fence that varies in condition. The Mill and its curtilage is adjacent to Knypersley Mill Farm and both properties share the same access track that adjoins Judgefield Lane.

The property is in the Green Belt surrounded by open farmland.

PROPOSAL

Proposal is to make a like for like replacement of the existing livestock wire sheep netting fence as a means of repair to the north west and south west boundaries, and to continue that fencing so that it surrounds the edge of the curtilage on all three sides to the side of the mill pond. At the access point to the edge of the neighbouring property, a timber bar gate between timber posts would be set in approx. 6m, at its deepest point, from the edge of ownership.

The development might otherwise be permitted by Part 2 of the GPDO. However, such development is excluded when the means of enclosure would be erected in the curtilage of a listed building.

The applicant wants to dog proof the enclosure so that they can run free within the curtilage and not break out into surrounding fields.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan Development Plan Document (Adopted 2020)

S01 Spatial Objectives
SS1 Development Principles
SS10 Other Rural Area
DC1 Design Considerations
DC2 Historic Environment
T1 Development and Sustainable Transport

National Planning Policy Framework

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS

Publicity

Site Notice expiry date: 22.07.2021
Neighbour consultation period ends: 22.07.2021
Press Advert: N/A

Public Comments

A comment has been received from the adjacent neighbour at Knypersley Mill Farm, the following concerns are raised:

- There would not be enough room between the position of the proposed gate and the boundary to allow visitors room to park clear of my land if confronted with a closed gate. They have right of access but not a right to park.
- A vehicle unable to gain access through the closed gate would then have to reverse and turn on my land. This could be dangerous for young children and pets.
- The proximity of the gates would restrict my access into my orchard and field through a historic gateway.
- In the proposed position the gateway would take vehicles closer to the edge of a stone retaining wall which could lead to collapse.

Town / Parish Comments

Brown Edge Parish Council: Awaited

Staffordshire County Council Highways

No Objection

Conservation Officer

No Objection. No harm to the setting of the listed building.

OFFICER COMMENTS

Principle of Development

The development would be appropriate to and essential to the countryside location, there would be no conflict with the Local Plan's other rural area strategy SS10. The development, if considered as a building, would provide appropriate facility for outdoor recreation (i.e. the full enjoyment of the applicant's curtilage to his dwelling) that would preserve the openness of the Green Belt and not conflict with the purposes of including the land within the Green Belt. The development therefore is provided for by one of the exceptions on the closed list at para 145 of the NPPF and is not inappropriate development in the Green Belt.

Impact on the setting of the Listed Building and the Character and Appearance of the Area

The development would repair and introduce means of enclosure in the form of livestock sheep netting, that in the main would be like for like replacement, and a new timber bar farm gate that is appropriate to the rural area and the enclosure of a rural building of this type and age. The boundary fencing would run alongside and weave between existing tree and hedgerow which would hide it for long sections and overall limit its impact on the appearance of the site and the setting of the listed building. There would be no harm to the designated heritage asset or the character and appearance with the area.

Highway Safety

The gate would be located at the end of a farm track well away from the highway edge, the movement of vehicles relating to the new gate would not have any affect on highway safety

Other Considerations

The neighbour in submitted comments essentially raises matters of civil concern which do not feature as material considerations for the planning balance. The planning authority can not adjudicate in the matters raised. There is no evidence to suggest that the development would not be carried out on land belonging to the applicant and that he would be prevented from doing so.

The gate has indeed been stepped in from the boundary of ownership, 6m at maximum point, and there is at least some space for a vehicle to wait if the gate is closed, and any overhang during this time could only be marginal. It is not matter for the comment of the officer, but it would seem that a reasonable interpretation of an access right must surely include all reasonable vehicle movements associated with that right (i.e. parking, waiting and manoeuvring). The vehicle movements of the applicant's visitors should pose no more of a danger than any other normal use of the open farm yard where access is shared between two neighbours and suitable caution and common sense, it is assumed, will prevail. In any event, all visitors must before they approach the Mill must negotiate the gate adjacent to the Judgefield Lane access at the head of the track where the gate is procted by a key code system. So any visitor must, for the most part, be reasonably anticipated before they arrive, and preparations can be made accordingly.

The applicant is clear that the neighbour does not have the right of access across his land into the orchard, which the neighbour describes as an historic gateway. He insists he has the right to enclose and prevent egress at this point. Therefore ultimately this is a civil matter between land owners in which the planning authority can not adjudicate.

CONCLUSION / PLANNING BALANCE

The development would repair and introduce means of enclosure in the form of livestock sheep netting and timber bar gate that is appropriate to the rural area. The development would in the main run alongside and weave between existing tree and hedgerow which would limit its impact on the appearance of the site and the setting of the listed building. There would be no harm to the designated heritage asset or conflict with the development plan policies listed above.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Ben Hurst

Recommendation Date: 20/07/2021

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council