

DELEGATED DECISION REPORT

DET/2021/0027
Valid 30/06/2021

OAKAPPLE FARM
MEERBROOK ROAD
LEEK

PROPOSED AGRICULTURAL
BARN AND POLYTUNNEL

(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 land is relatively level to the north alongside the road but then rolls away abruptly to the SE into a small distinct valley. The total holding is stated as being 5.1ha and this appears to be confirmed by scaling from the submitted location block plan 1:2500 drawing. 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 gully. 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 proposal comprises two structures, an enclosed building 20m x 10m with eaves 5m and ridge 7m high finished externally in green corrugated cladding with high roller shutter doors to both ends and on one long side. There would also be a poly tunnel 15m x 8m to ridge top height of 3m.

The solid walled 20m x 10m building would be set against the falling slope of the field at a point some 120m south from the road. The poly tunnel would be some 50m further to the south and lower on the slope, set in a partial hollow or depression in the slope.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

SS1 Development Principles
SS10 Other Rural Areas Area Strategy
DC1 Design Considerations
DC2 The Historic Environment
DC3 Landscape and Settlement Setting
E1 New Employment Development
NE1 Biodiversity and Geological Resources
NE2 Trees, Woodland and Hedgerows
T1 Development and Sustainable Transport

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; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Space About Dwellings SPG
- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

Local Plan Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

DET/2020/0013 – Proposed agricultural barn – prior notice required – not applied for

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

Publicity

None at this stage being a prior notice application.

However, the application appears on the Council planning website and a neighbour has written in and commented:

“As one of the closest neighbours we have not received any notification or consultation document from Staffordshire Moorlands District Council nor have any signs been posted”.

The neighbour requests time and opportunity to “prepare an objection” and also comments that:

“the site is being used as an unauthorised campsite for commercial purposes and is not nor ever has been a working farm.”

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 was previously (DET/2020/0013) 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 was also obtained in which the measurements suggested a size less than 5ha. The drawings now submitted appear to confirm that the area size of the land does exceed 5ha. It was however also noted from the site visit for

DET/2020/0013 that there is land within the site which appears potentially not to be being used for agriculture which would again reduce the applicable holding size.

The development shown on the plans would depend on sections of track which appear to be pre-existing but perhaps relatively recent and have not been the subject of any planning application or approval.

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 buildings which appear 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 buildings have 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. The concerns of at least one neighbour are already being raised and without the publicity formally triggered by invoking a requirement for prior approval there would be no opportunity to take neighbour representations into account

It is appropriate therefore that prior approval should be required in respect of siting, design and external appearance of the buildings proposed.

OFFICER RECOMMENDATION : Prior approval required

Case Officer: Arne Swithenbank

Recommendation Date: 28th July 2021

X *J. Colley*

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council