

DELEGATED DECISION REPORT

SMD/2021/0175
Valid 24/03/2021

**LAND EAST OF MEADOW
VIEW FARM
EAVES LANE
ARMSHEAD**

**RETENTION OF
AGRICULTURAL BUILDING
WITH ASSOCIATED ACCESS
TRACK AND
INFRASTRUCTURE**

(FULL - MINOR)

MAIN ISSUES

- Whether there is an essential need for the proposed building to be located in the Open Countryside.
- Whether the development comprises an exception to inappropriate development in the Green Belt.
- Impact on the character and appearance of the surrounding area.
- Impact on neighbouring amenity.
- Impact on highway safety.
- Impact on the adjacent Wetley Moor SSSI.
- Whether the development will have any implications due to its siting within a legacy coal mining area.

DESCRIPTION OF SITE

The application site comprises 2no. fields (a total of 6 acres) located to the west of Eaves Lane, to the south of Kerry Hill Nurseries, to the north of the Wetley Moor SSSI and to the east of open fields. The application site is located in the Open Countryside, the North Staffordshire Green Belt and a Coal Development High Risk Area. Public Right of Ways (PRoWs) traverse the Wetley Moor SSSI to the south of the application site.

PROPOSAL

Full planning permission is sought for the erection of an agricultural livestock building, an associated access track and other infrastructure. During the course of the application work commenced on the erection of the agricultural building and therefore the application is now retrospective.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan (Adopted 2020)

- SS1 Development Principles
- 1a Presumption in Favour of Sustainable Development
- SS2 Settlement Hierarchy

SS10 Other Rural Areas Strategy
DC1 Design Considerations
DC3 Landscape and Settlement Setting
T1 Development and Sustainable Transport
NE1 Biodiversity & Geological Resources
SD4 Pollution and Water Quality

National Planning Policy Framework

Paragraph(s) 1 - 14
Section(s) 4, 12, 13, 15

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

PD/2020/0029 Pre-application advice given as to the site constraints, the policy constraints and the surveys that would need to be submitted with the planning application.

CONSULTATIONS

Publicity

Site Notice expiry date: 04/05/2021
Neighbour consultation period ends: 27/04/2021
Press Advert: N/A

Public Comments: One comment has been received that outlines: My concern regarding this development is the potential adverse impact on the area with the creation of a smallholding on previously open land; a meadow. Loss of habitat for ground-nesting birds and reptiles, visual effects on the adjacent SSSI site, possible noise, smell and light pollution nuisance on neighbours all need to be considered as does the lack of accommodation for essential supervision.

Officer comment: The lack of accommodation for essential supervision of animals cannot be taken into consideration as part of this application as this is not what has been proposed.

Town / Parish Comments: None

Severn Trent Water: No objections to the proposals and do not require a drainage condition to be applied.

SCC Highways: No objections on highway grounds to this proposal.

Coal Authority:

First Response: Requested additional information to be submitted.

Second Response: We have now had an opportunity to review the letter dated 11 May 2021 and prepared by Mr Adams. In this letter Mr Adam confirms that the

proposal will be constructed on a slab type foundation which will require only limited groundworks and on this basis he considers that the building would fall on our published exemptions list...The applicant's agent has confirmed that the proposal will require minimal groundworks and on this basis we no longer consider that the submission of a Coal Mining Risk Assessment is necessary. We do however, recommend that, should planning permission be granted for this proposal...an Informative Note is included.

Natural England:

First Response: As submitted, the application could have potential significant effects on Wetley Moor Site of Special Scientific Interest (SSSI). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

Second Response: No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

OFFICER COMMENTS

Principle of Development

Paragraph 11 of the National Planning Policy Framework (NPPF, 2021) promotes a 'presumption in favour of sustainable development'. For decision takers this means (c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies which are more important for determining the application are out-of-date, granting permission, unless: i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Paragraph 8 of the NPPF (2021) identifies three dimensions to sustainable development as being economic, social and environmental. In accordance with policies SS1 and 1a of the Staffordshire Moorlands Local Plan, the Council will expect all new development to make a positive contribution towards the sustainability of communities and to protecting, and where possible, enhancing the environment. When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF (2021).

The application site is located within the Open Countryside and the North Staffordshire Green Belt, whereby policy SS10 is applicable. This policy outlines that *'these areas will provide only for development which has an essential need to be located in the countryside, supports rural diversification and sustainability of the rural areas, promotes sustainable tourism or enhances the countryside'* and then lists a number of types of development that are deemed acceptable in principle.

The Planning Statement submitted with the application states that the land will be utilised as a smallholding for a modest animal rearing business and that produce will be sold at local farmer's markets and market stalls. Although small in scale, the development will be operated as a commercial venture. The planning agent considers that the development will comply with '*enabling the limited expansion or development of business for employment uses where a rural location can be justified*' under Part (2) of policy SS10 of the Local Plan (2020). The Planning Officer disagrees with this, because the Glossary to the Local Plan (2020) defines 'employment uses' as:

'Authorised employment sites currently in use; disused/vacant sites where authorised employment use has not been abandoned; and employment allocations (Policy E2) whether or not they contain development.'

Policy E2 of the Local Plan (2020) deals with Use Classes B1b, B1c, B2 and B8. A small holding does not fall within these Use Classes and therefore it cannot comply with this part of policy SS10. However, policy SS10 of the Local Plan also seeks to '*support the rural diversification and sustainability of the rural areas*'. The Glossary to the Local Plan defines 'rural diversification' as:

'In its simplest terms rural diversification means the establishment of new enterprises in rural locations. This can mean existing businesses entering into new areas of activity or the creation of entirely new enterprises. These enterprises may be an extension of the existing farm business but equally the new activity can be unrelated to agriculture but should be relevant to the rural area and support the rural economy.'

The dictionary definition of an 'enterprise' is 'a business or company'. Therefore, policy SS10 supports the establishment of new businesses in rural locations. As previously stated, the small holding, although small in scale, will be operated as a commercial venture and therefore it will comply in principle with policy SS10 of the Local Plan (2020).

Green Belt

The application site is located in the North Staffordshire Green Belt whereby policy SS10 of the Local Plan (2020) and chapter 13 of the NPPF (2021) are applicable. Policy SS10 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.

The proposal is for the erection of an agricultural building and associated access track. Paragraph 149 of the NPPF (2021) outlines that the construction of new buildings should be regarded as inappropriate in the Green Belt unless it meets an exception. One such exception is '*(a) buildings for agriculture and forestry*'. The proposed development meets this criteria and therefore it comprises an exception to inappropriate development in the Green Belt. The proposed development therefore complies with policy SS10 of the Local Plan (2020) and chapter 13 of the NPPF (2021).

Design

Policy DC1 refers to design and seeks to secure development of a high quality which is designed to add value to the area and to respect the site and its surroundings. New development should promote a positive sense of place and identity through its scale, density, layout, siting, landscaping, character and appearance.

Paragraph 130 of the NPPF (2021) requires the design of a development to add to the overall quality of an area, by being sympathetic to local character and by being visually attractive as a result of good architecture. The Council's Design SPD outlines the Council's expectations in respect of the design of new buildings.

The proposed agricultural building will measure 10.8m x 21.6m. It will have a shallow pitched roof with an eaves height of 2.4 metres and a ridge height of 3.6 metres. The walls of the building will be constructed of horizontal timber boarding painted dark green, whilst the roof will be constructed of anthracite coloured corrugated concrete sheeting. A manure store will be positioned to the western end of the building that will measure 3m x 3m with a lean-to roof that will be open to the front. Double doors will be positioned within the eastern end of the building. A wc and basin will be provided within the building which will be connected to both a soakaway and a biodigester that will be buried below ground, to the south of the building. The building will be sited in the northwestern corner of the eastern-most of the two fields and will replace a temporary structure that has been erected on the land.

The land on which the building will be sited is relatively flat and therefore limited cut and fill will be required. Immediately in front of the building to the east, it is proposed to lay crushed MOT to create a parking and turning area. A track will then be created across the existing field from the existing access gate in the southeastern corner of the field. The access track will comprise two tracks laid with crushed MOT with grass in-between.

The application site is located in a rural part of the District that has an undulating landform with some steep slopes. The site is within the 'Potteries & Churnet Valley' Character Area and the 'Ancient Plateau Farmlands' landscape character type, as identified in the Staffordshire Moorlands Landscape and Settlement Character Assessment (LSCA). The main land use is dairy farming, stock rearing and for equestrian purposes.

The LSCA states that this landscape character type is a landscape in decline that requires restoration. In terms of new agricultural buildings, the LSCA states for this landscape character type:

'The colour of prefabricated agricultural buildings should be determined taking careful account of position, predominant tones of adjacent vegetation, local materials and sky, so as to minimise the visual impact of the development.'

The proposed building is agricultural in appearance. The use of timber painted green to the walls and a grey roof will be acceptable within the surrounding landscape. It has been sited on a part of the site that is relatively flat and will be surrounded by an existing field hedge to the north and west, whilst additional planting is proposed to

the east of the existing parking area. Additional planting would also be beneficial to the south of the building due to views of the building from the adjacent SSSI however, this could be conditioned. The building will be set on land beneath a small brow within the field to the east and will be viewed against a backdrop of, or adjacent to, the land associated with the adjoining Kerry Hills Nursery.

The building will not be significantly large and its overall height has been kept relatively low at 3.6 metres. However, the footprint of the building is considered to be overly large for its intended use. The planning agent has provided additional information to support the application. This has outlined that one of the applicants is losing their eyesight and will be blind in the near future (this has been supported by a letter from the Blind Veterans). The building is required to provide a level surface for the applicant to be able to undertake farm work that would be otherwise normally undertaken outside or accommodated within field shelters. The applicant will also be able to learn the layout of the building prior to his eyesight deteriorating further. Information has been provided as to the animals that the applicants both currently have and are planning on rearing, as well as a plan outlining how the inside of the barn will be utilised. Although a building of this scale would normally be deemed excessive for the number of animals to be reared and the type/amount of equipment to be stored. The individual circumstances of the applicants is considered to overcome these concerns.

It is proposed to construct an access track from the existing access onto Eaves Lane, across the field, towards the proposed building. Concern was initially raised regarding the length of the proposed access track and why it was required. However, the planning agent explained that it is required due to the visual impairment of one of the applicants that makes traversing across the site on foot problematic. The access track will be kept to the minimum required, i.e. two tyre-width tracks of crushed MOT with grass in-between. The individual circumstances of the applicants has demonstrated an essential need for the track and the design and materials of the proposed access track will ensure that its impact on the surrounding landscape will be minimal.

It is not considered that the proposed development will have a significantly detrimental effect on the visual amenity of the area as it has been sited and designed so as to cause minimal harm to the surrounding landscape. It is for these reasons that the proposed development is considered to comply with policy DC1 of the Local Plan (2020) and the NPPF (2021).

Amenity

Local Plan policy DC1 and paragraph 130(f) of the NPPF (2021) seek to secure development that protects amenity, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

The nearest dwellinghouse to the proposed agricultural building is Greenfield House/Little Greenfields House that is sited approximately 125 metres to the northeast, on the opposite side of Eaves Lane. Concern has been raised from a member of the public that the development will result in noise, odour and light pollution to neighbouring residents.

Due to the separation distance between the building and neighbouring properties and the scale of the proposed building, it is not considered that the development will have a detrimental effect on neighbouring amenity. Any odours and noise arising from the development will be those normally associated with agricultural activity in the countryside and, due to the limited scale of the enterprise and its distance from neighbouring properties, it will not pose an impact on amenity.

The development is therefore considered to comply with policy DC1 of the Local Plan (2020) and the NPPF (2021).

Highway Safety

Policies DC1 and T1 of the Local Plan (2020) seek to achieve a level of parking and an access that is appropriate to the development it serves.

The proposed development will be accessed from an existing gate at the south eastern corner of the field. A single width track with grass down the middle will traverse the field to a parking area to the side of the proposed building. The Highways Engineer assessed the application, raised no objection on highways grounds and made the following comments:

'The access point is at the end of the adopted highway. This part of Eaves Lane is single track. Vehicle speeds and volumes are low. Current records show that there were no Personal Injury Collisions on Eaves Lane within 215m either side of the access in the previous five years. The proposal could not be described as having a severe effect on the highway.'

It is for these reasons that the proposed development will not have a detrimental effect on highway safety and it will comply with policies DC1 and T1 of the Local Plan (2020) and the NPPF (2021).

Wetley Moor SSSI

Policy NE1 of the Local Plan (2020) seeks to conserve and enhance the biodiversity and geological resources of the District and neighbouring areas through the positive management and strict control of development. The Council will not normally permit any development proposal which would directly or indirectly (either individually or in combination with other developments) have an adverse effect on a Site of Special Scientific Interest (SSSI).

Wetley Moor SSSI is located immediately to the south of the application site and therefore Natural England were consulted regarding the proposed development.

Following the submission of additional information by the applicant's planning agent, Natural England concluded that based on the plans submitted, the proposed development will not have significant adverse impacts on designated sites and therefore has no objection.

With respect to the comments made by the objector and the potential harm to nesting birds and reptiles, it is noted that the land could be used at any time for the

keeping of livestock, without the need for planning permission. It is only the building which requires consent, and its impact on such ecological matters is therefore limited to the siting of the new building.

The proposed development is therefore considered to comply with policy NE1 of the Local Plan (2020) and chapter 15 of the NPPF (2021).

Coal Mining Legacy

Policy SD4 of the Local Plan (2020) and chapter 15 of the NPPF (2021) seek to protect people and the environment from unsafe, unhealthy and polluted environments by ensuring proposals avoid potential adverse effects and only permitting proposals that are deemed to result in pollution if after mitigation, potential adverse effects are deemed acceptable.

The application site is identified as laying within a Coal Development High Risk Area and therefore the Coal Authority was consulted as part of the application process. At the request of the Coal Authority, the applicant's planning agent submitted additional information regarding the development and the Coal Authority responded by stating:

'The applicant's agent has confirmed that the proposal will require minimal groundworks and on this basis we no longer consider that the submission of a Coal Mining Risk Assessment is necessary.'

On this basis, the proposed development will not be adversely affected by the coal mining legacy of the application site. The application will therefore comply with policy SD4 of the Local Plan (2020) and chapter 15 of the NPPF (2021).

CONCLUSION / PLANNING BALANCE

The concerns of an objector have been taken into consideration however, for the reasons outlined above, the proposed development is considered to accord with the relevant policies contained in the Local Plan (2020) and the NPPF (2021). As such, the application is recommended for approval.

OFFICER RECOMMENDATION: APPROVE subject to Conditions

Case Officer: Ailsa Berry

Recommendation Date: 01/09/2021

X *J. Colley*

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council