

DELEGATED DECISION REPORT

DET/2021/0038
Valid 26/10/2021

BAGNALL GREEN FARM
THE GREEN
BAGNALL

GENERAL PURPOSE STEEL
PORTAL SHED TO MATCH
EXISTING BUILDING IN
DESIGN AND COLOUR.
TO STORE FARM
IMPLEMENTS,
TOOLS/CONSUMABLES,
FEED, BEDDING, STORAGE,
REPAIRS, ANIMAL SHELTER.

(AGRICULTURAL/FORESTRY
DETERMINATION)

MAIN ISSUES

- Eligibility under GPDO 2015 Schedule 2 Part 6
- Siting
- Design
- External appearance

DESCRIPTION OF SITE

Rural green field location within the Green Belt and c.50m south and east of the boundary of the Bagnall Conservation Area. Unrelated dwellings of the village come to within 100m of the application site. The site is associated with Old Hall farm which is a fine historic farmstead of which the traditional stone barns have been converted to residential use. The farmstead is recorded in the Historic Environment Inventory. By the later 20th C land in the general location of the proposal accommodated a block of several large agricultural sheds now long removed. More recently a significant number of further sheds have been developed – some under permission and some without further reference to the Local Planning Authority.

PROPOSAL

As in the description. There are no submitted drawings other than 'Bagnall Green Farm Plan' which has been submitted as a photograph of a location drawing. It is not possible to scale from this photograph although the original drawing is shown to have been at 1:1250 scale.

The application form (received 26th October 2021) states the proposed building to be 18m x 12m with eaves at 4m and a 6m ridge height. Walls: steel anti-drip cladding sheets colour 'charcoal grey'; roof steel cladding sheets also charcoal grey.

Response has been entered 'yes' to the question: Would the proposed building be used to house livestock, slurry or sewage sludge?

Total area of the entire agricultural unit is stated as being 9ha.

Responses to the question: Is the proposed development reasonably necessary for the purposes of agriculture? are given as:

Yes, it is necessary to enable storage of farm implements, tools/consumables, feed, bedding, storage, repairs, and provide animal shelter and
Yes, it has been specifically designed to store farm implements, tools/consumables, feed, bedding, storage, repairs, and provide animal shelter.

An amended version of the application form was received 1st November 2021. The application description and building sizes remained the same. Roof and walls continued to be stated as steel cladding sheets in 'charcoal grey' but reference to 'non-drip' cladding was switched to refer to the roof rather than the walls.

Answer to the question: Would the proposed building be used to house livestock, slurry or sewage sludge? has been altered to 'no'. However the stated explanations of why the building is necessary have not been altered and continue to refer to being needed to provide animal shelter along with the other stated reasons as given in the first application form.

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
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; 8 Promoting healthy and safe communities; 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

SMD/2014/0604 – Erection of stables and haystore/tackroom/ tractor parking – refused

SMD/2014/0833 – Erection of single building to contain 3 stables, tack and fodder store and agricultural equipment stores (resubmission of SMD/2014/0604) – refused

DET/2015/0050 - Steel portal framed building to house animal feeds and store farm implements – prior approval refused

DET/2017/0016 – Erection of a multi-purpose agricultural building – prior notification – approved

SMD/2021/0172 – Proposed equine manège / exercise arena 25 x 45 metres – pending

CONSULTATIONS**Publicity**

None at this stage save that the application has appeared on the Council's planning website.

Town / Parish Comments

Bagnall Parish Council 19th November 2021

1. The application is partly in Green Belt to the south-west side, this has not been referred to.
2. The applicant claims that the holding is 9 hectares. For the purposes of the application the Parish Council understands that whilst in units, it should all be used for the same purpose. In this case the majority of the land is leased to a third party, and this should be deducted from the figure quoted on the application.
3. The plan does not meet the published requirements for completeness and accuracy. Since the original barn was completed, the applicant has added extensions to either end & these additional are not shown on the plans.
4. When the original decision to grant permission for the original barn was given in 2017, it included some conditions, which are:
 - a. A hedge to be planted and maintained on the south-west side to screen the building from School Road.

- b. Approximately 400 sq meters of concrete hardstanding were to be removed and returned to grassland.
- c. An existing temporary polytunnel to be removed.

None of these conditions have been met.

5. A neighbouring property was refused permission for a much smaller barn based on lack of evidence of proposed use. Should the planning officer decree that this application is permitted then the decision against the neighbouring property is unfair whilst being the correct one.

Correspondence took place with the PC on the 22nd November after the PC asked if its comments could be removed. LPA advised that if the Parish Council wished to amend or even revoke its earlier response, that information would be placed on the public record and the planning decision would take the amended views into account. PC stated in this case that the Parish still believes the original information to be correct. LPA advised that it would not be in order to simply 'remove' the earlier response from the public record.

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 prominent location close to the Bagnall Conservation Area.

There is obvious confusion and indeed contradiction in the application as to whether the building is to be used for accommodation of livestock or not. Being within 400m of un-associated dwellings the Part 6 Prior Notice procedure cannot be used [Development Not Permitted: Paragraph A.1(i)].

Even if the applicant wished to amend the nature and detail of the proposal, with a prior notification submission the statutory 28 days of consultation with the LPA begin with the initial submission and the later amendments have not had the 28 days. Whether the delay in making the amendments – some 6 days after the initial submission – is fatal to the application may be open to question but the application description in any event has not been altered. On this basis the application may be found not to be eligible.

Whilst the application refers to the holding being 9 ha, full information and detail on the location of this land is not provided. For a 2017 Part 6 submission the applicant was found to have 5.4ha.

From the more recent 2021 planning application it is apparent that there is a strong equine interest at the premises and this also figured in the two 2014 refused applications. There is no current information as to the extent or nature of the agricultural business interest which is fundamental to the eligibility of a Part 6 proposal.

The application at this stage is to ascertain whether or not the LPA would regard prior approval to first be required. Notwithstanding that there may be uncertainty as to the use of the building to house livestock, although the application description makes clear that it is; that the full extent and location of the land holding in agricultural use is not known (minimum 5ha excluding dwellings and non-agricultural land use); and that the nature of the agricultural business is not known, the LPA can and should consider, subject to these things all being satisfactorily resolved, whether the proposal should be subject to prior approval.

In this case, given the public prominence of the location and its proximity to the Bagnall Conservation Area and the converted historic stone barns, and also noting the growing and somewhat sporadic amount of existing development for which the requirement and usage are not set out, there are strong grounds to subject the proposal to prior approval and to require full drawn details of the scheme.

CONCLUSION / PLANNING BALANCE

Prior approval required. This pre-supposes that the scheme would be eligible under the terms of Part 6 which, as noted at various points discussed in the report may at this stage be open to doubt.

OFFICER RECOMMENDATION : **Prior approval required**

Case Officer: Arne Swithenbank

Recommendation Date: 22nd November 2021

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council