

DELEGATED DECISION REPORT

SMD/2021/0374
Valid 08/06/2021

**LAND EAST OF LEEK
ROAD
WETLEY ROCKS**

**ERECTION OF
AGRICULTURAL BUILDING
FOR USE FOR LAMBING,
STORAGE OF FEED, HAY AND
IMPLEMENTS AND
CONSTRUCTION OF NEW
VEHICULAR ACCESS**

(FULL - MINOR)

MAIN ISSUES

- Landscape character and appearance
- Design and scale
- Biodiversity
- Agricultural justification
- Neighbour amenity
- Green Belt
- Highways

DESCRIPTION OF SITE

The site is a rural field location with fringing woodland and trees alongside the main A522 Cheadle Road. The nearest dwelling (unconnected with the application) is at Highfields Farm on the opposite side of the road from the proposed entrance to the site.

PROPOSAL

The proposal is a re-submission with a revised scheme following the dismissal at appeal of SMD/2020/0267. The proposal involves:

- (i) excavation and engineering to form a new vehicular access 4m in width cutting through higher ground adjacent to the roadside and sweeping round through a distance of c.45m to a “collection yard” c.18m x 12m;
- (ii) the erection of a steel framed building 18m x 15m in three bays, height to eaves 3.7m and height to ridge 5.9m.

Two of the three building bays in one long elevation “facing the field” (north east) are shown as open-fronted. A timber-faced steel-framed sliding door 5m wide x 4m high is shown centrally in one end elevation – facing the collection yard (north west).

The walls are described in the application form as comprising concrete panel base walls – shown to height 1.3m in the elevations drawing (PP/03/003) – with vertical Yorkshire boarding above. The roof is described as corrugated sheeting and annotated in drawing PP/03/003 as ‘natural grey fibrous cement corrugated roof sheeting’. There would be 6 translucent panels at intervals in the roof to both sides of the central roof ridge.

The plan area or ‘footprint’ of the building would be 275m². The LPA notes the volume to eaves level as being c.962 cubic metres and the total building volume including the roof of 345m³ would be c.1308 cubic metres.

In addition to the plans which include a site levels plan, the application is accompanied by a planning statement; an ecology survey and a Great Crested Newt technical report. The site area is stated as being 0.15ha and the total land unit is given as being 6.4 hectares or 16 acres (Planning Statement paragraph 5.7).

The application site layout drawing PP/03/002 defines areas of new tree and shrub planting.

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
- 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; 13 – Protecting Green Belt Land; 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/2020/0267 – Proposed erection of agricultural building for use for lambing, storage of feed and implements and construction of new vehicular access – dismissed at appeal 01.03.2021 (appeal against non-determination).

[On the same land by the same applicant but 230m to the north] SMD/2019/0197 – Proposed agricultural building to house, feed and lamb sheep and to store fodder and implements and new access track – refused

CONSULTATIONS

Publicity

Site Notice expiry date: 5th August 2021

Neighbour consultation period ends: 12th July 2021

Press Advert: N/A

Public Comments

Representations received from three parties raising objections in relation to matters summarised as follows:

- Landscape visual impact and prominence
- Value and significance of woodland affected
- Wildlife and protected species
- Highway safety
- Comparison with previous refused applications
- Archaeology
- Neighbour amenity
- Green Belt
- Implication for landscape of allowing development on this scale for a 14 acre rough grazing area – justification / need
- Implications for the farm entrance opposite

One representation in support from the NFU local representative:

- Everyone has to start somewhere
- Needs to comply with the Code of Good Agricultural Practice / standards
- Machinery needs protection

Town / Parish Comments

Consall Parish Council – This would be an inappropriate development in the green belt. The safety aspect of the entrance/exit access was also questioned.

Cheddleton Parish Council – though not within the Cheddleton Parish boundary, supports the objection from Consall Parish.

Severn Trent Water

Minimal impact on the public sewer system therefore no objections and no requirement for a drainage condition.

Staffordshire County Council Highways

No objections subject to conditions.

The new building is to be used for lambing, storage of feed and various farming implements. This application proposes a reduction in the building size from 459m² to 275m² floor space and a height reduction from 7.8m to 5.96m.

The new vehicular access as previously proposed in Planning Application SMD/2020/0267 will remain unchanged by this proposal. The access is detailed in Drawing No. JOST/PP/01/002. Parking and turning is sufficient within the curtilage of the site. The splay to the north as detailed in Drawing Nos. JOST /PP/01/002 and JOST /PP/03/005 shows the visibility splay appears to pass over/through a wall. The wall will need to be lowered or set back to ensure maximum visibility.

Given the above it is considered the proposal will not have a detrimental impact on the highway and therefore there is no Highway Authority objection (application number SMD/2021/0374) subject to the following being conditioned.

1 The development hereby permitted shall not be commenced until the visibility splays shown on plan ref. no JOST /PP/01/002 and JOST /PP/03/005 have been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

OFFICER COMMENTS

Principle of Development

In its general approach, in accordance with policy SS1, the Council expects the development and use of land to contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. This means that planning applications that accord with the policies in Local Plan shall be approved without delay, unless material considerations indicate otherwise.

Policy SS10 for the rural areas supports only development which meets an essential local need and supports rural diversification and sustainability of the rural areas or supports sustainable tourism or enhances the countryside.

In the rural areas outside of the development boundaries Policy SS10 (6) is 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 NPPF (2021) states at paragraph 148 that: "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt."

The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The Government identifies five purposes of the Green Belt:

- To prevent the unrestricted sprawl of large built up areas;
- To prevent neighbouring towns from merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic market towns and
- To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances (NPPF 147). 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (NPPF 148). A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt (NPPF 149).

NPPF paragraphs 149 and 150 set out specific exceptions by which certain forms of development can be considered as being not inappropriate in the Green Belt. One of these exceptions is at 149 (a) buildings for agriculture and forestry. Also potentially relevant to this application is NPPF 150 which states that: "Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it". These include at 150 (b) engineering operations.

In principle therefore, as a building for agriculture the building can be considered 'not inappropriate' in the Green Belt.

In considering SMD/2020/0267 (dismissed on appeal against non-determination) the LPA addressed the engineering work involved in the formation of the access and questioned by reference to (at that time) NPPF 2019 para 146 whether it could be properly found to preserve Green Belt openness and not to conflict with the purposes of including land within the Green Belt. The point was however considered by the appeal inspector (decision letter paragraph 5) who concluded:

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.

The development as a whole was thus found not to be inappropriate development in the Green Belt and that assessment can be applied to this revised application given that the access construction is essentially the same.

In principle therefore, as development for agriculture the proposal is found acceptable despite its Green Belt location but the overall planning assessment needs to take into account all other material considerations. In this case these chiefly involve consideration of the effect of the development upon the character and appearance of the area; effect upon biodiversity and, if there would be harm caused, whether this would be outweighed by material considerations.

Character and Appearance / Design

By reference to the Council's Landscape and Settlement Character Assessment (2008) the appeal site is within the 'settled plateau farm land' landscape character type (LCT). This is given at this location a 'moderate' quality rating – level three in a five point scale.

One of the noted key characteristics of this LCT consistent with the appellant's land at this location is: *"Low grade pasture farmland with overgrazed poorly drained fields with rushes and rough grass."* Noted as an 'incongruous feature' is: *"over grazing associated with urban fringe farming"* and key issues cited include: *"Replacement of hedgerows and drystone walls by fencing"* and *"Loss of some semi-natural vegetation (ancient woodland, heathland hedgerows and semi-natural grasslands)"*. The assessment notes that: *"The landscape structure has deteriorated with the loss of vegetational features and the impact of the urban fringe"* and that there is: *"a need to encourage landscape conservation schemes such as hedgerow maintenance, habitat creation and tree and woodland planting to stem the decline in landscape quality."*

In the dismissed appeal the building was to have been 459m² in area and 7.8m high at the ridge. It was to have been finished in metal cladding of 'Moorland Green' colour. The revised building now under consideration would be 275m² in area and 5.9m high to the ridge. The main wall finish externally would be timber 'Yorkshire boarding'. It should be noted that whilst the building is now reduced in length from 30m to 18m and reduced in height, the building width remains at c.15m.

The appeal inspector considered the trees and wooded setting and found of the first building:

Despite the effect of these trees in partially concealing it, the building would still be noticeable when travelling southward and (to a lesser extent) northward along Leek Road. 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. For these reasons I find the proposal cannot be considered as well-designed under paragraph 83 of the Framework. (Decision letter para 8.)

In regard to the building, the main consideration for the LPA with this revised submission is therefore whether the size modifications and change in external finishes should be regarded as having overcome the appeal decision reasonings.

It is apparent that a significant factor in the Inspector's decision was the effect of the intended access, finding:

...that the large opening running through the embankment to the building would be a dominant feature that would emphasise and draw attention to the building's presence.

Whilst there are some reductions in the building; a switch in materials to timber; and scope for tree / shrub planting is indicated, the proposed access and its impacts remain the same.

The applicant sets out that he has 64 registered sheep and that in order to accommodate a sufficient floor area to comply with FABBL welfare standards an average of between 1.2m² – 2.2m² floor area will be required. Accordingly, between 77- 140 sq m is required against the proposed total floor area of 275sqm. Again, the overall size and scale of the building appears excessive to meet the needs of the agricultural enterprise. In conclusion therefore on matters of character and appearance / design there continue overall to be significant adverse impacts due to the size and scale of the proposed building, and these current proposals do not overcome the Inspectors conclusions.

Biodiversity

The applicant has been concerned to address the lack previously of biodiversity / wildlife assessment information submitted with the proposal. The now submitted preliminary ecological appraisal finds no overriding conflicts with biodiversity but recommends some proportionate precautionary measures to avoid / mitigate potential adverse effects. A pond was found at 150m distance and a great crested newt assessment was made. This confirmed GCN to be absent from the pond.

Other matters

The Inspector was previously content with matters of highways / highway safety and archaeology and given the similarities of this revised scheme in these respects it can be concluded that no substantive new issues arise. The County Archaeologist was not re-consulted as the archaeology interest was confirmed previously to be at sufficient distance not to be affected. As with the previous scheme the LPA concludes that neighbour amenity would not be unduly affected.

The support comments of the NFU are noted but these are generalist and as such are not found to add specific understanding to the case.

CONCLUSION / PLANNING BALANCE

Despite its revisions this scheme is found by reason of its size and scale, and the proposed access still to bring unacceptable harm to the character and appearance of the area. The LPA can accept that some degree of field shelter / modest feed store could be justified for livestock on this low grade agriculturally impoverished land. However, the LPA view is that any justifiable requirement that is proportionate to the capacity of this land would not entail development of the scale put forward. Essential need, which is the requirement of policy SS10, has not been demonstrated.

OFFICER RECOMMENDATION : **refuse**

Case Officer: Arne Swithenbank

Recommendation Date: 1st December 2021

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Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council