

DELEGATED DECISION REPORT

DET/2021/0044
Valid 22/11/2021

**LAND ADJACENT YEW
TREE HOUSE
CHEDDLETON HEATH
ROAD
LEEK**

**PROPOSED TIMBER CLAD
PORTAL FRAME**

**(AGRICULTURAL/FORESTRY
DETERMINATION)**

MAIN ISSUES

Whether or not the proposed farm building can be built under a Notification of Prior Approval application under Part 6 of the GPDO rather than a full planning application.

If so, whether or not the Local Planning Authority wishes to approve the siting, design and external appearance of the proposed building.

DESCRIPTION OF SITE

The site comprises the northeastern corner of a field located to the west of Yew Tree House. Yew Tree House comprises an agricultural worker's dwelling that is associated with Yew Tree Farm, sited 275 metres further east along Cheddleton Heath Road. A Public Right of Way (PRoW) follows Cheddleton Heath Road to the front (north) of the application site.

Yew Tree House is an detached dwellinghouse with a detached garage that is located in an isolated position, with agricultural fields surrounding it to all sides. The existing agricultural buildings associated with Yew Tree Farm are clustered together around the farmhouse, further east along Cheddleton Heath Road.

The application site is located in the Open Countryside.

PROPOSAL

Prior Approval is sought for an L-shaped agricultural storage building. The main body of the building will measure 12 metres x 6 metres with a forward projecting section to one side of the front elevation that will measure 4 metres x 3 metres. The building will have an eaves height of 2.9 metres and a ridge height of 4.6 metres. It will be constructed of softwood timber boarding to the walls that will be left to silver and lightweight dark coloured slate or tiles to the roof.

It will be sited within a triangular-shaped plot, to the west of the existing agricultural worker's dwelling. The front elevation of the building will face northeast, towards the dwellinghouse and it will be sited adjacent to the road. The building will be accessed using the dwellinghouse's existing access onto Cheddleton Heath Road, with the

dwellinghouse's hardstanding extended up to the front of the proposed agricultural building.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

N/A

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

Yew Tree House Applications

SMD/2006/0735	Erection of farm worker's dwelling Approved 12/12/2006
SMD/2008/0148	Attached garage Withdrawn
SMD/2009/0083	Detached garage Approved 08/04/2009

Yew Tree Farm Applications

SMD/2012/0960	Extension to existing silage pit and cover over existing silage pit Approved
SMD/2019/0283	Agricultural building to store silage and hay Approved
DET/2020/0045	Extension to existing agricultural building to store fodder Prior Approval Required

OFFICER COMMENTS

The application is made under the Permitted Development procedure for agricultural buildings contained at Schedule 2, Part 6, Class A of the GPDO. This allows for an agricultural building to be erected as permitted development subject to the prior notification to the Local Planning Authority, and subject to the land being within an agricultural unit of 5 hectares or more.

The submitted application form states that the agricultural unit comprises 130 hectares and the parcel of land where the development is to be located comprises less than 0.4 hectares. Part A.1 (a) of Part 6 of the GPDO states that development is not permitted if the development would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area. Accordingly, the development would not comply with this requirement and therefore full planning permission is required.

In addition, the information submitted with the planning application suggests that the field in which the agricultural building is to be located does not form part of the

agricultural unit as it is not included within the land edged blue. A building located outside the agricultural unit would not comply with Part 6 of the GPDO and therefore full planning permission would be required.

To be eligible for permitted development 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.

Yew Tree Farm is an agricultural business, with the farmland being used to raise cattle and to produce fodder. Recent investment has been made in the farm with the submission of planning applications to extend and construct new agricultural buildings.

The application form states that the proposed building is reasonably necessary for the purposes of agriculture as it will be used to store farm equipment in a weather protected and secure building. The equipment to be stored within the building will be mainly for livestock gathering.

The proposed use of the building is accepted as being for the purposes of agriculture however, it is unclear whether the building is *'reasonably necessary'* given the number of agricultural buildings that are already present at Yew Tree Farm. In addition, concern is raised regarding the siting of the building away from the existing farm and its group of existing agricultural buildings.

Yew Tree House is sited in an isolated location and is positioned immediately adjacent to a PRoW. The siting of the proposed agricultural building will therefore be visually prominent to all users of the public footpath and it will extend the built development into an adjacent field. As the proposed building could be visually prominent within the Open Countryside, the prior approval of the Local Planning Authority is required for the siting, design and external appearance of the building.

CONCLUSION / PLANNING BALANCE

Prior approval is required due to concerns about the siting, design and external appearance of the building, particularly in respect of its visual prominence given the application site's proximity to the road and a Public Right of Way. However, the applicant should be informed that the proposal is not permitted development and therefore a full planning application would be required for the proposed building.

OFFICER RECOMMENDATION : PRIOR APPROVAL REQUIRED

Case Officer: Ailsa Berry

Recommendation Date: 17/12/2021

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council