

DELEGATED DECISION REPORT

SMD/2022/0040
Valid 27/01/2022

BIRD GROVE FARM
SANDON ROAD
HILDERSTONE

**INSTALL EIGHT BIOMASS
BOILERS AND ASSOCIATED
EQUIPMENT AND THE
ERECTION OF A MONPITCH
BIOMASS BOILER/FORESTRY
MACHINERY STORAGE SHED,
ASSOCIATED WOOD FUEL
STORES, ALTERATIONS TO
HAY BARN, SURFACE WATER
MANAGEMENT SCHEME,
ALTERATIONS TO THE
ACCESS AND FORMATION OF
PERMEABLE ENHANCEMENT
MEASURES**

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Whether the proposal is acceptable in principle.
- Impact on the character and appearance of the surrounding rural area.
- Impact on amenity and air quality.
- Impact on highway safety.
- Impact on ecology.

DESCRIPTION OF SITE

The application site comprises part of Bird Grove Farm that includes a detached farmhouse bungalow (subject to an agricultural/forestry occupation condition) and 2no. agricultural buildings sited to the north of the farmhouse. To the west, east and south of the farmhouse and agricultural buildings is land used for grazing purposes. The farm is accessed from Sandon Road to the west, with the buildings located in an elevated position above the road. The farm is set within approximately 5.7 acres and is isolated and located in the Open Countryside. Open fields surround the application site.

PROPOSAL

Since the applicant purchased the property, work has been undertaken to the farmhouse and the surrounding land, some without the benefit of planning permission. This is currently being investigated by the Planning Enforcement Team.

Some of the works that have been undertaken form part of this application (i.e. the laying of a large area of hardcore, the demolition of 2no. buildings, the removal of a roadside field hedge and alterations to the existing access onto Sandon Road) and therefore this application is part retrospective.

Planning permission is also sought for development that has not yet been undertaken, including:

- A single storey extension to the agricultural buildings;
- Alterations to the external appearance of the existing agricultural buildings;
- The installation/siting of 8no. biomass boilers; and
- The erection/siting of 7no. shipping containers.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan (Adopted Sept 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 and Geological Resources
SD4 Pollution and Water Quality

National Planning Policy Framework

Paragraph(s) 1 - 14
Section(s) 4, 12, 16

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

6488	Farm House Approved 28/06/1966 Condition 2 of this application restricts the occupation of the dwellinghouse to an agricultural or forestry worker.
SMD/2021/0625	Installation of eight biomass boilers and associated equipment and the erection of a lean-to biomass boiler shed, associated wood fuel stores, alterations to hay barn, and formation of permeable stone hardstanding area Withdrawn 14/12/2021 This application was withdrawn as work had commenced on site and the proposals did not conform with the work that had been undertaken. The Ecological Survey also needed to be updated in respect of the work that had taken place.

The Planning Officer also raised concern in respect of the prominence of the application site, the visual impact of the proposal and the design of the proposed buildings.

CONSULTATIONS

Publicity

Site Notice expiry date: 08/03/2022
Neighbour consultation period ends: N/A
Press Advert: N/A

Public Comments: None

Town / Parish Comments: Draycott in the Moors Parish Council made the following comments:

- The Council would like the environmental impact of this business activity to be thoroughly investigated to make sure it is sustainable and that the sources of wood are not to be taken from ancient woodland and only from sustainable sources. Please consider the pollution to the air from woodsmoke and the disposal of any waste products.
- The Council also would like the impact to the Highway network by delivery and dispatch vehicles and the entry and egress to property be checked.

Environment Agency: No objection subject to Informatives in respect of the applicant obtaining an Environmental Permit and regarding the type of waste wood to be used.

Severn Trent Water: Has no objection to the proposals and advises that there is no requirement for a drainage condition to be applied.

SCC Highways: No objection subject to conditions.

Staffordshire Wildlife Trust: No objection subject to conditions.

Environmental Health: Insufficient information provided in respect of the proposal's impact on air quality.

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 in the Open Countryside, whereby policy SS10 of the Local Plan (2020) is applicable. The policy states that these areas will provide only for development which has an essential need to be located in the countryside, supports the rural diversification and sustainability of the rural areas, promotes sustainable tourism or enhances the countryside.

Part 2 of policy SS10 seeks to sustain the rural economy by:

- Enabling the limited expansion or development of business for employment uses where a rural location can be justified; and
- Supporting the diversification of existing farm enterprises.

Bird Grove Farm comprises a detached bungalow and 2no. agricultural sheds set within approximately 5.7 acres of grazing land. The detached bungalow is subject to a condition that restricts its occupation to an agricultural or forestry worker.

The submitted Planning Statement outlines:

2.3 Mr Mark Gellatly operates a forestry business, Gellatly (Stafford) Ltd, which he intends to relocate to Bird Grove Farm. Mr Gellatly is involved in the harvesting of timber and its transportation and sale. He will therefore comply with the occupancy condition, limiting occupation of the bungalow to a person working or last working in agriculture or forestry.

3.1 Mr Mark Gellatly runs a forestry business; Gellatly (Stafford) Ltd. The applicant currently purchases standing timber and harvests it, transports and sells it. As part of the forestry business Mr Gellatly intends to maintain market share through the production and supply of kiln dried logs for use in log burners, mainly by householders and businesses in the locality of Bird Grove Farm.

The land associated with the farm extends to approximately 5.7 acres and is outlined in blue on the submitted Location Plan. This land comprises grazing land with little to no trees. Details were requested as to the operation of the applicant's current business, particularly in respect of its current location and from where he obtains the timber, however no further information has been included within the Planning

Statement. It is therefore unclear whether the applicant will comply with the occupancy condition attached to the farmhouse.

It is clear that the timber will not be felled from the land associated with the farm given that few trees are present; it would take years to create a woodland on the land; and the land is not large enough to maintain a sufficient supply of timber, even if such trees were mature. Instead the timber will be felled elsewhere and transported to the application site to be dried, before being exported from the site to be sold. This is not an agricultural or forestry operation; it is an industrial process.

The relocation of the applicant's business to Bird Grove Farm will result in a change of use from agriculture to industrial use and therefore it will not support the diversification of an existing farm enterprise. To change the use of the only buildings on the agricultural holding from an agricultural to an industrial use, would put pressure on the removal of the restrictive condition.

Part 2 of policy SS10 also allows for the *'limited expansion or development of business for employment uses where a rural location can be justified'*. A search of Companies House identifies the location of the applicant's business, Gellatly (Stafford) Ltd as being Boons Industrial Estate, Billington Lane, Derrington. It is not known what the current business does or how it relates to the application site.

The Planning Statement outlines that the operations at Bird Grove Farm will comprise the delivery of timber by lorry from elsewhere, the kiln drying of the timber and then its transportation for sale. None of these processes require the applicant's business to be sited in a rural location. Such a business could be accommodated within an industrial estate. A rural location for the business is therefore not justified, contrary to policy SS10 of the Local Plan.

The principle of the proposed development on an isolated farm is therefore unacceptable and it does not comply with policy SS10 of the Local Plan (2020).

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 Guide SPD outlines the Council's expectations in respect of design.

It is proposed to infill the open front of one of the existing agricultural buildings with steel cladding and insert a roller shutter door. This will match the adjacent agricultural building. 4no. flues will protrude above the roof of the building that will serve 4no. biomass boilers contained within the existing buildings. The flues will not

extend above the ridge line of the existing roofs. No changes are proposed to the eaves or ridge height of the existing buildings or the existing materials. The changes to these buildings are minor and are therefore considered acceptable, subject to a condition requiring the materials to match.

2no. single storey buildings that extended from the southern elevation of the existing agricultural buildings have been demolished. It is proposed to erect a new extension that will measure 17 metres x 7.5 metres. It will have a shallow mono-pitch roof. It is unclear what the extension will be constructed of, but it appears from the drawings to have concrete block walls and a metal cladding roof. A roller shutter door will be positioned centrally within the western side elevation and a flue will protrude above the height of the roof.

The Planning Statement submitted with the application outlines:

3.13 The applicant has demolished two existing buildings at Bird Grove Farm which are to be replaced with a new, secure forestry storage building to store machinery and equipment associated with the applicant's forestry business. This has to be wide enough to accommodate the applicant's tractor and machinery securely.

It is unclear what machinery and equipment the applicant is referring to, or why the machinery has to be stored within the proposed extension given that the land at Bird Grove Farm will not be used for forestry purposes. It is also unclear why a building of the scale proposed is required. Notwithstanding this, the siting of the building, projecting 17 metres from the existing agricultural buildings will be visually prominent. It is unclear why such an extension cannot be sited alongside the existing buildings rather than project away from them. The design of the extension with a shallow mono-pitch roof will result in the building appearing to have a flat roof, which is not a tradition in the District and is contrary to the Design Guide. The proposed extension's design is not of a high quality and it will detract from the rural character of the surrounding area.

To the east of the proposed extension and existing agricultural buildings, a large expanse of hardcore has been laid without the benefit of planning permission. This has altered the existing land levels by approximately 0.5 metres and has been laid on what was previously agricultural grazing land. The hardcore area is currently used to store large bags of ready cut logs that are open to the elements, a 360-degree digger, plastic pipes and a lorry trailer, all of which detract from the rural character of the area. It is proposed to use this area of hardstanding to site 3no. 40 foot containers, 2no. Glanfarrow biomass boilers, 1no. dragon biomass boiler and 1no. 20 foot container.

The storage containers will have the appearance of flat roofed shipping containers and will be olive green in colour. Each container will have a flue that extends to over 6 metres in height; 3.46 metres above the height of each container. They will be sporadically sited across the northern part of the hardcore, rather than grouped together, increasing their prominence. The siting of 7no. shipping containers within the Open Countryside is incongruous and will detract from the rural character of the area.

It is for these reasons that the siting and design of the proposed extension and containers is unacceptable and will be contrary to policy DC1 of the Local Plan (2020), the Design Guide SPD and the NPPF (2021).

Impact on Open Countryside

Part 3 of policy SS10 of the Local Plan (2020) seeks to enhance and conserve the quality of the countryside by *'giving priority to the need to protect the quality and character of the area and requiring all development proposals to respect and respond sensitively to the distinctive qualities of the surrounding landscape'*.

Policy DC3 of the Local Plan (2020) seeks to protect and, where possible, enhance local landscape and the setting of settlements in the Staffordshire Moorlands by *'resisting development which would lead to a prominent intrusion into the countryside'*.

The application site is located within the Settled Plateau Farmlands Slopes character type, as identified by the Landscape Character Assessment of the Staffordshire Moorlands. The *'Planning for Landscape Change Supplementary Planning Guidance to Staffordshire and Stoke on Trent Structure Plan, identifies this landscape character area...as requiring landscape enhancement'*.

Bird Grove Farm is located on the eastern side of Sandon Road. The farm comprises a detached bungalow with associated agricultural buildings located to the north. Surrounding the farmhouse and agricultural buildings to the west and south is grazing land associated with the farm. Open fields surround the application site on all sides. The farmhouse and agricultural buildings are elevated above Sandon Road and are prominent in the street scene, even more so now that the roadside hedge has been completely removed. The surrounding land is undulating and the elevated position of the application site allows for far reaching views across the Open Countryside. Public Rights of Way (PRoW) traverse the surrounding landscape, including Draycott in the Moors 24, Fulford 23 and Fulford 31.

The alterations to the 2no. adjoining agricultural buildings will have an acceptable impact on the rural character of the area as the alterations will be minor and will not significantly alter the existing character of these buildings. However, concern is raised regarding the proposed extension, the siting of 7no. shipping containers and boilers to the east of the agricultural buildings, the significant area of hardcore that has already been laid without planning permission, the parking of vehicles associated with the proposed use and the external storage of logs. These aspects of the development will be highly visible from the surrounding area and will appear incongruous within a rural setting. In addition, according to aerial photography, the area to the east of the existing buildings was previously grazing land and therefore the development encroaches into the adjacent field.

It is assumed that the *'parking of lorries'* will include the lorry trailer that has been positioned permanently on the hardcore and is padlocked and used for storage purposes, rather than just the actual parking of lorries involved in the movement of timber to and from the site. The external storage of logs in white bulk bags stacked three high and within large wooden crates also detracts from the rural character of

the area. However, these aspects of the development could be controlled by conditions requiring no external storage of materials, the removal of the lorry trailer and no overnight parking of lorries.

It is noted that the submitted Landscaping Scheme proposes the planting of a hedge around the perimeter of the western, northern and eastern boundaries of the application site. The submitted Updated Habitats Survey indicates that the hedge will be planted using a mix of locally native tree and shrub species of 40-60cm in height. The proposed hedging will therefore take numerous years to establish and reach a height that will be sufficient to screen the proposed development. In addition, the hedge to be planted along the northern and eastern boundaries will be planted on the natural ground level, whilst the extension, containers and vehicles will be sited on top of the hardcore that has been laid approximately 0.5 metres higher. The proposed hedge will therefore have to grow even taller to achieve the necessary screening. Notwithstanding this, it is also considered inappropriate for screening to be used to hide what is an otherwise incongruous and inappropriate form of development in the Open Countryside.

It is for these reasons that the development (both part existing and part proposed) will degrade the quality of this part of the countryside, it will encroach into what was previously an agricultural field used for grazing and it will lead to a prominent intrusion. The development is therefore contrary to policies SS10 and DC3 of the Local Plan (2020) and the NPPF (2021).

Amenity

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.

Policy SD4 of the Local Plan (2020) seeks to protect people and the environment from unsafe, unhealthy and polluted environments by ensuring proposals avoid potential adverse effects. This is emphasised in paragraph 174(e) of the NPPF (2021).

The application site is located in an isolated position with no dwellinghouses located in close proximity. The comings and going of lorries and any noise associated with the proposed development will therefore unlikely result in any disturbance to the amenity of neighbouring residents.

The Environment Agency has confirmed that the development will be subject to an Environmental Permit that the applicant must apply for and the wood to be burned must comply with their T6 exemption. Any pollution prevention measures in relation to the proposed activity will be enforced via the Environmental Permit.

Environmental Health has assessed the application and note that a biomass boiler information request form has been completed for the development. However, they note that the form has only been completed in respect of one of the biomass boilers. They state:

Given the information provided to date, it is likely that a site specific detailed assessment will be required to determine air quality impacts and to ensure that stack heights are adequate to ensure the efficient dispersion and dilution of pollutants, especially given the number of individual stacks proposed, proximity of the stacks to each other and proximity to the buildings on the site.

On this basis, insufficient information has been submitted to support the application to ensure the proposal does not adversely impact on air quality and therefore it is contrary to policy SD4 of the Local Plan (2020) and the NPPF (2021).

Highway Safety

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

The Highways Engineer has assessed the application and made the following comments:

Access to the site will be via the existing farm access to Bird Grove Farm. The vehicular access and the drive are to be widened to create a 10m radii and a 6.1m wide drive. The current main access gates are to be re-sited and will be set back 15m from the rear of the highway boundary.

The proposed access should improve visibility at the location. The existing hedge was removed a replacement hedge is to be planted to the rear of the visibility splay. The visibility splay should be kept clear of anything over 600mm.

The concrete apron in front of the buildings is sufficient to allow for the parking and turning of vehicles associated with the use.

Based on the information submitted by the applicant the supposed use is not going to generate a noticeable increase in traffic.

It is considered the proposal will not have a detrimental impact on the adopted highway and therefore there are no objections on Highway grounds to the proposed development subject to conditions and an Informative.

The requested conditions are in respect of visibility splays; the surfacing of the driveway in a bound and porous material; details of a surface water drainage interceptor; the use not to be begun prior to the completion of the access works; and gates to be sited 15 metres from the rear of the carriageway and open inwards.

Subject to the imposition of these conditions, the proposed development will not have a detrimental effect on highway safety and will comply with policies DC1 and T1 of the Local Plan (2020) and the NPPF (2021), in this regard.

Ecology

Policy NE1 outlines that the biodiversity of the District will be conserved and

enhancement by positive management and the strict control of development by (1) protecting and enhancing habitats and species of principal importance for conservation; (2) ensuring development produces a net gain in biodiversity and; (3) any unavoidable impacts are mitigated.

The planning application is supported by an Updated Habitats Survey which has been assessed by Staffordshire Wildlife Trust who stated:

Landscaping and biodiversity net gain

The recommendations set out within sections 5.1, 5.2, 5.3 and 6 of the ecology report should be followed in full to secure a biodiversity net gain.

Bat boxes should be installed as per section 5.3 of the report.

The landscaping plan is lacking in the relevant details needed to reflect the habitats set out within the ecological report, including the hedgerow, grassland enhancement, planting lists, bat boxes, and any other relevant details. As this is feasible with the space present on site and the BNG calculation shows a net gain this may be secured as a condition if details are not provided now.

A habitat management plan is also required.

Great Crested Newts, Amphibians

The updated survey recorded pond three as having good habitat suitability. Despite this, no impacts were anticipated from the development. We are happy that the risks have been assessed.

Staffordshire Wildlife Trust therefore raise no objection to the proposed development subject to conditions in respect of:

1. An updated landscaping plan to include full details of net gain habitats, planting lists, and bat boxes, as per sections 5.1, 5.2, 5.6 and 6 of the updated habitat survey (December 2021).
2. A habitat management plan.

Subject to these conditions, the proposed development is considered to not have a detrimental effect on protected species or their habitats and will result in a net gain in biodiversity. This is compliant with policy NE1 of the Local Plan (2020) and the NPPF (2021).

Other Considerations

The proposed development will produce kiln dried logs for use within domestic log burners as an alternative means of energy to gas and electricity. The kiln drying of the logs will be undertaken using biomass boilers and additional biomass boilers will be used within the buildings to keep the kiln dried logs dry whilst being stored. The biomass boilers will not be used directly in the production of renewable energy.

Wood burning stoves do offer a low-carbon alternative to heating, however, this is only if the stove is the only source of heat and the wood that is burnt is locally sourced. In most homes that have a log burner, they are used in conjunction with central heating rather than instead of. In addition, the wood to be kiln dried at the application site is not grown on the adjacent farmland. Instead it has to be transported to and from the site in lorries, before being sold. Despite requesting information in respect of the source of the wood and where the kiln-dried logs are to be sold, this information has not been forthcoming. It is therefore unclear how sustainable the development will be.

The Supporting Statement outlines that the development will result in the employment of one full-time worker and one part-time worker. However, the application site is isolated, with few dwellings in close proximity and no access to public transport. Any employees would therefore be reliant on the private car, which would be unsustainable.

On the flipside of being a low-carbon alternative for heat, log burners produce vast quantities of particulate matter that contribute to climate change and can cause breathing problems. Wood burning stoves are therefore not the greenest choice. There have even been calls for the Government to ban log burning stoves due to their harmful effects.

CONCLUSION / PLANNING BALANCE

The development involves an industrial business, rather than an agricultural/forestry development. The farmhouse on the land cannot be occupied by someone not employed in agriculture or forestry and therefore it is unclear whether the applicant fulfils this criteria. The change of use of the agricultural buildings at the farm from an agricultural to an industrial use will be detrimental to the continued use of the farmstead for agricultural or forestry purposes.

The use of the application site to house an industrial business is contrary to policy SS10 of the Local Plan (2020) as the business does not need to be operated from a rural location. It could be operated from an industrial estate, where it can benefit from local employment, better transport links/road networks and public transport and still not impact on neighbouring amenity.

The development that has already been partly undertaken without the benefit of planning permission together with the proposed development, will be visually intrusive and highly prominent within this isolated rural location, particularly given the site's elevated position. The design and siting of the proposed extension will result in a prominent building that is of low quality and materials. The siting of 7no. shipping containers, the parking of lorries and the external storage of materials will be incongruous to the rural area.

It is acknowledged that the applicant proposes to plant hedging to the northern, western and eastern boundaries of the farm, however this will not reach a sufficient height to screen the development for many years. In addition, landscaping should not be used to hide an unacceptable form of development in the Open Countryside.

No objections are raised in respect of the development's impact on neighbouring amenity, highway safety or ecology, subject to conditions. However these are not considered to outweigh the harm that has been identified.

It is acknowledged that the proposal seeks to produce a low-carbon fuel source. However, it is unclear how environmentally friendly log burning stoves are or the environmental/sustainability credentials of the proposed development. The business could occupy an industrial estate location without the same harm to the rural character of the Open Countryside.

Insufficient information has been provided in respect of the 8no. proposed kilns and therefore it is unclear whether the proposed development will have an acceptable impact on air pollution, contrary to policy SD4 of the Local Plan (2020).

On this basis, the application is recommended for refusal.

OFFICER RECOMMENDATION: REFUSE

Case Officer: Ailsa Berry

Recommendation Date: 23/03/2022

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council