

## DELEGATED DECISION REPORT

---

**SMD/2021/0547**  
**Valid 26/04/2022**

**LAND OFF RUE HILL ROAD**  
**CAULDON LOW**

**OUTLINE PERMISSION FOR  
THE ERECTION OF A  
FARMHOUSE DWELLING  
WITH ALL MATTERS  
RESERVED**

**(OUTLINE - MINOR APPS)**

---

### MAIN ISSUES

- Open countryside
- Sustainability
- Highways

### DESCRIPTION OF SITE

Relatively isolated lone rural location in steeply undulating open green field setting surrounded by undeveloped verdant countryside. Although there is a quarry site to the immediate east this is well integrated into the surrounding landscape as a result strong perimeter restoration work and landscape management which succeeds in enclosing the active quarry sites. The applicant describes the existing use (application form box 6) as “currently rural field with limited livestock grazing”.

A public footpath right of way passes along the north easterly boundary, within the application land, which is joined by a further public footpath passing alongside the south eastern boundary, outside of the application land.

A tourism camping site occupies adjoining land to the north. There are no immediate neighbouring dwellings with the nearest being The Moat c. 600m to the south and the loose ribbon of dwellings along the road at Rue Hill c.400m to the north.

The applicant's land including the entire red edged application site is within the Ribden Bank County Site of Biological Importance.

### PROPOSAL

This application seeks outline planning consent for a detached dwelling with all matters served. The applicant owns a c.2.7ha (6.7acre) field of meadow grassland bordered by the B5471 Rue Hill Road on its north western boundary from which it gains access at its northern corner. The land, although initially level parallel to the road at the northern corner and along the north east side, soon rolls away into a downward slope both to the south and east becoming especially steep into the southernmost corner. There is at present a metal shipping storage container placed on the land in the southern corner – see Fig.1 below.

The red edge of the application site boundary occupies a strip from the road in the northern corner along the northeast boundary before it turns sharply to follow the south eastern boundary as far as the southernmost corner where it broadens into an area of c.1,500m<sup>2</sup> to 2,000m<sup>2</sup>. Here an indicative position for a dwelling is shown. The application form (box 5) gives the site area as 1,900m<sup>2</sup>. However the site red edge scales to an outline of c.5,700m<sup>2</sup>. The application is accompanied by a 15pp Planning Statement. No ecological survey information has been submitted.



Fig. 1 view from the B5417 roadside – metal storage container currently placed in the southern field corner – indicative site of propose dwelling.

There appear to have been no pre-application inquiries and no formal pre-application advice requests submitted.

## **RELEVANT LOCAL AND NATIONAL PLANNING POLICIES**

### **Local Plan (adopted 9<sup>th</sup> September 2020)**

- SS1 Development Principles
- SS2 Settlement Hierarchy
- SS10 Other Rural Areas Area Strategy
- DC1 Design Considerations
- DC2 The Historic Environment
- DC3 Landscape and Settlement Setting
- H1 New Housing Development
- 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; 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**

None

**CONSULTATIONS**

**Publicity**

Site Notice expiry date: 21.06.2022

Neighbour consultation period ends: 01.06.2022

Press Advert: N/A

**Public Comments**

One representation raising objection from a resident of Rue Hill on grounds of visual impact of the positioning of the driveway include. "The proposed driveway is at the highest altitude point of the property which directly borders the highest altitude point of Rue Hill Campsite – and thus the proposed location for the driveway will cause the most visual impact to the skyline".

Also, intrusion on privacy of campers especially along the adjacent perimeter of the Rue Hill Campsite. "This perimeter is the most popular choice for campers to pitch due to the views of the landscape". Light pollution and noise pollution to Campers who choose to pitch along the perimeter wall to take in the view. Potential health and safety issue due to the proposed driveway directly bordering the well used public footpath. The driveway could easily be redirected to follow alongside the B5415 then the South West boarder of the property.

**Town / Parish Comments**

Farley Parish Council – Object on basis of visual intrusion on open countryside

Cotton Parish Council – Whilst not in Cotton parish, the site is immediately adjacent to Cotton parish. Councillors have previously discussed this matter. The application states that the owners wish to build a farmhouse prior to investing in the farm. This is not a farm. It is a field. The small size of the field – the acreage of which seems to be missing from the application – means that this will never be a viable operation. This is a highly rural site and development will be intrusive. Granting permission for a house on a site such as this would set a dangerous precedent.

## **Public Rights of Way (PROW) user Groups – Ramblers' Association and Peak and Northern Footpaths Society**

Two footpaths Farley 16 and 17 will run down both sides where development will take place / are very close to the proposal site. These PROWs must be kept safe to use during and after work has been done / use of the PROWs, and the safety of users must not be affected by the development, nor during the work taking place.

## **Environmental Health**

Recommend refusal – insufficient information available in the application to enable proper consideration of the impact of the proposal on the camping and quarrying activities in close proximity and correspondingly the amenity of future occupiers of the site.

A noise assessment should be conducted by a suitably qualified acoustician to determine the current noise impacts at this site and where necessary a sound insulation scheme should also be submitted. It should consider the current noise levels caused by campers and quarrying activities. We would expect the assessment is conducted in compliance with BS4142:2014 and BS8233:2014.

Advise LPA to consult SCC and the adjacent quarry operators.

Construction of road access adjacent to the camp site might be likely to impact that business. We would recommend an alternative access is provided to the development if permission is granted.

Potential land contamination issues as the site is within the potential zone of influence of two known historic landfills and other potential land fill spots.

The area has also been mined (Ribden Mine) in the past for lead, copper and zinc. Therefore there is potential for both natural high soil lead / metal levels and/ or possible received spoil from the surrounding excavations. A contaminated land assessment would therefore be recommended.

## **Staffordshire County Council Highways**

Recommend refusal.

- Although in outline only with all matters reserved, the layout of the site red edge has dictated where the site access must be formed;
- Safe access visibility has not been demonstrated;
- Land level variations both along the road and between the road and the site, and roadside features including boundary wall will all have a bearing on whether safe access visibility can be achieved;
- Rue Hill Road (B5417) has a speed limit of 60mph;

- 2.4m x 215m visibility splays would be needed and could not be obtained at the site entrance as dictated in the application red edge;

Access to the proposed site would be via the existing field access off Rue Hill Road. The proposal to create a residential dwelling using the same access currently in use for agricultural activities will cause an intensification of use of the access.

The site is not a sustainable location as it would rely entirely on the private car for access. There is no access within easy walking distance to local shops, doctors, schools or public transport and there are no walking facilities. There are no footways or streetlighting along Rue Hill Road.

## **OFFICER COMMENTS**

### **Principle of Development**

The site is within a relatively isolated location in open rural countryside. The relevant policy to derive the principle of development is SS10 for the 'Other Rural Areas' (areas outside of town and village development boundaries). The policy is 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.

New-build housing (as is the subject of this application) is restricted to: "that which has an essential need to be located in the countryside in accordance with Policy H1". There is also provision for "rural exception housing" again which would need to be in accordance with Policies H1 and H3.

Whilst the current application is purely for a new dwelling, reference is made in the application to future aspirations to develop farm buildings. There is however no express Local Plan policy support to cover this. Policy SS10(2) refers to sustaining the rural economy by "enabling the limited expansion or development of business for employment uses where a rural location can be justified" ['employment uses' is not interpreted as including farming]; and to "diversification of existing farm enterprises" but there is no existing farm enterprise in the case here for this to apply to.

Policy H1(5) is to allow (so far as relevant to this application) only:

b) A new dwelling that meets an essential local need, such as accommodation for an agricultural, forestry or other rural enterprise worker, where the need for such accommodation has been satisfactorily demonstrated and that need cannot be met elsewhere.

The application is put forward here in the planning statement as follows:

4.7 The proposal is presented for agreement of the principle of providing a farmhouse to allow livestock farming on the wider site with all matters reserved, thus the design detail has not yet been developed.

5.2: The development will provide a farmhouse to the proposal site with the wider site being used for livestock farming and subject to separate applications for associated agricultural buildings once the principle of the farmhouse is confirmed to be acceptable.

Whilst it is apparent that the applicant wishes to build a dwelling to support agriculture, it does not appear that the land is currently used for agricultural purposes. Accordingly the principle of development fails to comply with policies SS10 and H1.

## **Design**

Whilst there is reference in the Planning Statement to design considerations aspired to by the applicant, this is not relevant to the current application which is submitted in outline only with all matters reserved. It is inevitable however that the development would require appreciable land levels changes especially to accommodate the access route whilst traversing sloping ground and to accommodate a dwelling again at a steeply sloped location. In this exposed prominent and highly attractive location these inevitably significant ground works would bring considerable harm to the location and landscape.

## **Amenity**

There are no nearby existing dwellings to give consideration to (eg in terms of overlooking and loss of privacy) but the Environmental Health (EH) advice makes it clear that the proposed dwelling is at risk of being in conflict with the possible noise impacts of existing neighbouring businesses, namely the adjacent Rue Hill camp site and the adjacent quarry. It is important that existing businesses should not be placed in jeopardy as a result of needing to curtail activities in order to avoid disturbing occupiers of the new dwelling. The extent (or not) of this risk needs to be assessed as part of establishing the principle of the development. In the absence of a noise assessment (conducted in compliance with BS4142:2014 and BS8233:2014) EH advise that this question cannot be resolved and further information is required.

The possibility is also raised by EH, and by an objector, that the access drive in the position shown could be intrusive and disturbing to the camp site users. Although the camp site co-exists with a main road along its north west side, it may perhaps be considered that a further road access (albeit a private drive) projecting deeper into the undeveloped and hitherto undisturbed countryside may indeed introduce additional constraint on the quality of stay and capacity of the camp site.

## **Highway Safety**

The suitability of the access which, despite being a reserved matter, is proposed by default as a result of the site layout submitted, is unproven. Moreover it appears likely from the Highway Authority's advice that there is not the space that would be required in the applicant's chosen location to provide safe access with the required visibility splays of 215m x 2.4m.

## **Sustainability**

This is not a sustainable location for a dwelling given its isolated location away from communities and community services such as shops, schools, public transport routes and other essential public services. The NPPF at para.80 says that:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply [relevant to this application]:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

This expectation is effectively contained and provided for as part of the adopted Local Plan Policy H1 referred to above under Principle, which has not been demonstrated.

## **Ecology**

The absence of ecology assessment is a fundamental omission made the more significant given that the land is within a County Site of Biological Importance – designated on account of floristic diversity. The submitted planning statement meanwhile says (incorrectly) at 3.2 that “The site is not subject to any particular heritage or environmental constraints, nor is it subject to any form of specific allocation”. Under a heading of Biodiversity, the statement claims simply at 7.12: “All existing trees and vegetation to remain” which self-evidently cannot be true of the field vegetation flora within the c. half hectare of the development site red edge. Accordingly, in the absence of any assessment, the development of the site is likely to harm biodiversity interests.

## **Landscape**

The location is in the Limestone Highland Fringe Landscape Character Type (LCT) as identified in the Council’s Landscape Character Assessment (2008) supporting evidence document to the Local Plan. The assessment ranks the LCT at this location as being of ‘high’ quality in the County-wide context (level 4 on a 5-point scale where 5 is highest) and further, the LCT here is assessed as being of the ‘highest sensitivity’ to development and land use change.

## **Housing Supply**

The Council is currently unable to demonstrate a strategic 5 year housing land supply in accordance with NPPF section 5 and specifically paragraph 74. In this situation NPPF paragraph 11 and in particular paragraph 11(d) applies and permission should be granted unless:

- i. the application of policies in this 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 this Framework taken as a whole.

## CONCLUSION / PLANNING BALANCE

The benefits of this application are confined to the provision of a single dwelling which in the context of the overall housing requirement would make a relatively very small additional contribution. Taking into account the policies of the Framework as a whole (beyond those of housing) the application brings a series of disbenefits which are contrary to the Framework:

- As a matter of principle, due to the remoteness of the location, a new dwelling would only be supported if there were an essential need to accommodate a rural worker at or near their place of work in the countryside. No such need has been demonstrated in the application. Moreover it is extremely unlikely that this modest c.2.7ha of farmland meadow / pasture could viably sustain the living of a rural worker with this land as their place of work.
- Due to the distance from local services and facilities combined with the limitations of public transport, the site is not a sustainable location for a new dwelling.
- There is found not to be scope to achieve safe access to the public highway from the application land.
- Due to the wide local prominence of the development land both from the public road and from the rural footpath network the development would bring significant harm to landscape character and appearance undermining how it is enjoyed for recreation including by tourist visitors to the adjacent camp site accommodation venue. The harm to character and appearance is further intensified and aggravated by the significant length of new vehicular access route required and the cut-and-fill earth movements which would inevitably be required in order to negotiate the variations in land slope and levels within the application land both for the access and the dwelling, notwithstanding that there is a stated intention to inset the dwelling into the land slope.
- The absence of ecological survey information means that the full potential harm and loss to biodiversity cannot be assessed and this is made the more critical due to the site being within land designated as a County Site of Biological Importance.
- There is insufficient information contained within the application for adequate Environmental Health assessment in particular to consider the impact of the proposal on the camping and quarrying activities in close proximity and correspondingly the amenity of future occupiers of the site.

Overall the benefits of providing a single dwelling are significantly and demonstrably outweighed by the harm as set out above.

The agent and applicant were advised in appropriate detail by e-mail dated 1st June that approval was unlikely to be forthcoming and that due to the 'in-principle' difficulties this was unlikely to change. The agent's response of 8<sup>th</sup> June indicates a considerable gulf in expectations and seek to 'work with the Council' on the matters raised. This report and accompanying refusal notice will help the applicant and their agent consider further their next steps.

**OFFICER RECOMMENDATION :     Refuse**

**Case Officer:** Arne Swithenbank

**Recommendation Date:** 21<sup>st</sup> June 2022

X 

---

Signed by: Jane Colley Signature

**On behalf of Staffordshire Moorlands District Council**