

DELEGATED DECISION REPORT

SMD/2022/0248
Valid 13/05/2022

LAND EAST OF EAVES
LANE
ARMSHEAD

VARIATION OF CONDITION 1
RELATING TO SMD/2021/0175

(FULL - MINOR)

MAIN ISSUES

- Impact on the Green Belt
- Impact on the Character and Appearance of the Area

DESCRIPTION OF SITE

The application site comprises 2no. fields (a total of 6 acres) located to the west of Eaves Lane, to the south of Kerry Hill Nurseries, to the north of the Wetley Moor SSSI and to the east of open fields. The application site is located in the Open Countryside, the North Staffordshire Green Belt and a Coal Development High Risk Area. Public Right of Ways (PRoWs) traverse the Wetley Moor SSSI to the south of the application site.

PROPOSAL

Planning permission was granted (SMD/2021/0175) in September 2021 for the erection of an agricultural building, by the time the permission was granted work had commenced.

However, it is clear from an officer inspection of the site and building in March 2022 that a different building had been erected to that shown in the approved plans. Rather than providing a building for agriculture, the building was laid out and large areas were being used to kennel dogs and as living accommodation/facility for the applicants. The building has an orientation and position that has been turned 90 degrees from that shown on the approved plan and a wide lean to addition has been made to the west facing long side of the building.

This application is submitted under s.73 of the Act. A varied planning permission is sought with a differing condition 2 that would reference substitute drawings. These drawings detail the different positioning and orientation of the building, the addition of the lean to section as a hay/feed store and chicken hut, and has redrawn the interior layout so that it includes a larger toilet area, kennels, and a kitchen labelled as 'storage and brew room'.

The development carried out and that now requires planning permission is fundamentally different to that which has been permitted. The application, under s73, would appear to seek a fundamental alteration that would contradict the operative words of the planning permission ('an agricultural building'). Moreover, the development in these regards would not comply with condition 5 of the existing planning permission, which requires the building to be removed when it ceases to be

used for agriculture. It is apparent that the development carried out has only been intended for, and only used for, this mix of uses, which on the evidence includes the living accommodation provided for the applicants.

Essentially, the existing permission has not been implemented and the application should have been made under s73A for a permission for development already carried out.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan Development Plan Document (Adopted 2020)

S01 Spatial Objectives
SS1 Development Principles
SS10 Other Rural Area Strategy
DC1 Design Considerations
DC3 Landscape Character
T1 Development and Sustainable Transport

National Planning Policy Framework

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2021/0175 Erection of Agricultural Building. APPROVED.

CONSULTATIONS

Publicity

Site Notice expiry date: 22/06/2022
Neighbour consultation period ends: 22/06/2022
Press Advert: N/A

Public Comments

None

Town / Parish Comments

Awaited

Coal Authority

No objection to the planning application, but request the inclusion of our Informative Note on any planning permission granted.

Natural England

Generic Advice Provided. They confirmed that there was no objection to the previous application.

Staffordshire County Council Highways

No Objection. The access point is at the end of the adopted highway. This part of Eaves Lane is single track. Vehicle speeds and volumes are low. Current records show that there were no Personal Injury Collisions on Eaves Lane within 215 m either side of the access in the previous five years. These amendments to the original

proposal (SMD/2021/0175) could not be described as having a severe effect on the highway

OFFICER COMMENTS

Impact on the Green Belt

The site is in the Green Belt where development is inappropriate and, by definition, harmful unless it is provided for by one of the exceptions that appear on the closed lists at paragraphs 149 or 150 of the NPPF. One such exception is the provision of a 'building for agriculture'. On the evidence of the internal inspection in March and the detail of the submitted floor plan, the building has, in this case, been provided for a mix of uses which include the provision of livestock pens or housing, but also that of living accommodation (toilet and kitchen facility) and dog kennelling. None of the exceptions provide for a building that is erected for a mix of purposes. The building is therefore, inappropriate and harmful to the Green Belt.

Design and Impact on the Character and Appearance of the Area

The site is in the countryside and an area of local landscape identified in the 2008 Character Assessment as having the qualities and characteristics of an 'Ancient Plateau Farmlands' landscape type. Within this landscape, key characteristics can be identified as undulating landscape, and small scale irregular fields bounded by trees and hedgerows.

Under the terms of local plan policy DC3 local landscape will be protected and, where possible, enhanced by resisting development which would lead to prominent intrusion into the countryside and supporting development which respects and enhances local landscape character.

The building is proportionately sizeable on a land unit of just 2.5ha, measuring 10.8m x 21.6m with a full pitched roof that has an eaves height of 2.4 metres and a ridge height of 3.6 metres. From the field gate, that is positioned off Eaves Lane and at a point of intersection between Werrington footpaths Nos. 31, 34, 37 and 42, the south-east facing, long side elevation of the building is presented and visible in the middle distance. The long functional form of the building now appears in an isolated countryside location forming visual obstruction or interruption in a small scale field, to the front of traditional hedgerow and tree line. To this extent the building is a prominent intrusion into the countryside that is harmful to local landscape and the character and appearance of the area. That harm would be further exacerbated if, as proposed, hard standings and access tracks are cut through the diagonal of the open field, other tracks in the surrounding landscape hug and edge strong boundary lines. By reason of the angles and orientation of views from the gate, the short belt of proposed hedgerow planting would do little to conceal the long side of the building and would take many years to mature. In these respects the development is contrary to policies DC1 and DC3 of the Local Plan.

Other Considerations

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Planning permission should not be granted unless the harm to the Green Belt and any other harm resulting from the development, is clearly outweighed by other considerations. In this case there

is harm to the Greenbelt and the character and appearance of local landscape. Planning permission can only be granted if there are identifiable benefits or other considerations that clearly outweigh the totality of that harm.

Where the 'other rural area' coincides with the Green Belt, the Local Plan strategy SS10 essentially defers to the tests set out in national policy, it does not in anyway make provisions that would override the NPPF approach to development in the Green Belt.

Otherwise, it does however, provide for development that has an essential need to be located in the countryside and some support for rural diversification and sustainability of the rural areas that would help sustain the rural economy. Sometimes, where development is provided for agriculture, benefits in those regards might outweigh some harm in respect of local landscape, after all functional buildings provided in the countryside seems to be an inevitable necessity of agriculture.

In this case however, the applicant's land interest is new and recently acquired. Any agricultural activity and economic benefit is limited by the small scale of the field ownership and areas of the building provided for other purposes. Moreover, the applicant's residential address, provided on the form, is in Rugby. There is no obvious local connection and, beyond the applicant residing for periods on site, their residence is not within site and sound of the agricultural interest and a necessity for frequent journeys of some distance runs counter to sustainability credentials.

Overall any benefit to the rural economy through agricultural activity is very limited and it does not clearly outweigh any of the harms, either considered individually or in totality, that are identified above.

Impact on the amenity and living condition of residential neighbours

The officer in consideration of the previous application did not find that the development would be harmful to the living conditions of any of the neighbouring dwellings, the nearest of which would be 125 m from the site. There is no reason to find that the development carried out would impose any greater impacts and there would be no conflict with Local Plan policy DC1 in those regards.

Highway Safety

The officer in consideration of the previous application did not find that the development would be harmful to the safety of the public highway. The highway authority do not object to this application or the development carried out. There is no reason to find that the development carried out imposes any greater impacts on highway safety and there would be no conflict with Local Plan policy DC1 and T1 in those regards.

Impact on Wetley Moor SSSI

The officer in consideration of the previous application did not find that the development would be harmful to the biodiversity of Wetley Moor SSSI. There is no reason to find that the development carried out imposes any greater impacts, directly or indirectly, on the SSSI and there would be no conflict with Local Plan policy NE1 in those regards.

Coal Mining Legacy

The site is within a Coal Development High Risk Area, the Coal Authority has not objected to the development carried out. It appears that with the previous application additional information was submitted to confirm that the development would require only minimal groundworks. There is no reason to find that the ground works that have been carried out with the development were any more intrusive than those described in the previous application.

On this basis, the proposed development will not be adversely affected by the coal mining legacy of the application site. The application will therefore comply with policy SD4 of the Local Plan (2020) and chapter 15 of the NPPF (2021).

CONCLUSION / PLANNING BALANCE

Inappropriate and harmful development in the Green Belt, that is unsustainable and imposes other harms relating to its adverse effects on local landscape. There are no benefits or other considerations that clearly outweigh that harm. The development contravenes Local Plan Policies SS10, DC1 and DC3 and the terms of the NPPF.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Ben Hurst

Recommendation Date: 04/07/2022

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council