

DELEGATED DECISION REPORT

SMD/2021/0172
Valid 05/05/2021

BAGNALL GREEN FARM
THE GREEN
BAGNALL

PROPOSED EQUINE MANEGE
/ EXERCISE ARENA 25 X 45
METRES.

(FULL - MINOR)

MAIN ISSUES

- Green Belt
- Heritage – setting of the Bagnall Conservation Area
- Landscape
- Neighbour amenity

DESCRIPTION OF SITE

Gently sloping green field pasture / meadow land in landscape fringe to the village of Bagnall. The Bagnall Conservation Area boundary comes to within c. 30m of the proposed manège arena. Bagnall Green Farm comprises two historic stone barns converted to dwellings: one occupied by the applicant and the other by the applicant's daughter and her family. The converted barns are within the Conservation Area. They were originally part of Old Hall Farm with the associated farm house being immediately adjacent to the north east of the barns. Now in separate ownership from the original farm house, the new name 'Bagnall Green Farm' no doubt serves to distinguish them apart.

PROPOSAL

The application was accompanied by a brief planning statement. A 'Statement of Significance for Heritage Assets' was also later submitted along with revised plans at the LPA's request. These later plans added details of the proposed levels changes.

The proposal would involve cut-and-fill excavation of some 1,200m³ of ground to form the level area of the arena 45m x 25m. Timber post-and-rail fencing to height 1.5m is proposed to the perimeter of the arena. The arena surfacing would comprise a sand and rubber crumb mixture.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th 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
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; 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/2014/0604 – Erection of stables and hay-store / tack-room / tractor parking – refused

SMD/2014/0833 – Erection of single building to contain 3 stables, tack and fodder store and agricultural equipment stores (resubmission of SMD/2014/0604) – refused

DET/2017/0016 – Erection of a multi-purpose agricultural building – prior notice required and approved

CONSULTATIONS

Publicity

Site Notice expiry date: 8th June 2021

Neighbour consultation period ends: 7th June 2021

Press Advert: 16th June 2021

Public Comments

None received

Town / Parish Comments

Bagnall Parish Council – The plans give no indication of the finished levels / contours of the arena. However, in principle Bagnall Parish Council has no objections to this development, but would ask that an inspection is undertaken by the Planning

Department to ensure work is undertaken in accordance with the planning agreement, should this be granted. (20th May 2021)

As an addendum to our in principle agreement with this proposal, Bagnall Parish Council would ask for a condition to be placed on the application, should it be successful, that the manège /exercise arena is for private use and not commercial (23rd May 2021).

SMDC Heritage Conservation Officer

The site lies just outside the Conservation Area but will impact on its setting. A Heritage Statement is required to explain the contribution that the site makes to the character and appearance of the Conservation Area, any impact that the development will have (levelling/boundaries/impact on views etc) and any proposed mitigation (28th June 2021).

Severn Trent Water

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

Staffordshire County Council Highways

There are no objections on Highway grounds to this proposal. Access will be via the existing vehicular access/driveway to Bagnall Green Farm. It is considered the proposal will not cause an increase in trip generation and therefore does not have a detrimental impact on the highway. This recommendation is based on the understanding that the proposals are for personal equestrian activities.

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 the 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).

However, in the Green Belt 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.

SS10(3) is to Enhance and conserve the quality of the countryside by [first point]: 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.

The NPPF 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).

NPPF 150 lists certain specific forms of development not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Relevant to this application these include at 150 (b) engineering operations and at 150 (e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).

This application involves the material change of use of land from agricultural farm land to equestrian exercise facility and involves engineering operations to achieve a level platform on sloping ground. It can be accepted that as a level open area the manège would not disrupt openness. This is despite there being some embanking of the south east edge as there would be a corresponding cutting away along the north west edge. There would be a degree of development encroachment on the countryside (Green Belt purpose (c) at NPPF 138) as a result of the engineered form and artificial surfacing but the degree of conflict is somewhat nominal. In principle the development can be accepted as being supported under NPPF 150 (b) engineering operations and 150(e) material changes in the use of land.

The main issues for consideration with this application are therefore the effects upon the Green Belt (as above); landscape character impact and impact on the heritage significance of the setting to Bagnall Conservation Area.

Design

According to the cross section levels data submitted the existing site falls by some 1.9m between its north west and south east edges. Some 1,200m³ of ground would need to be excavated to form the new level. The applicant however has stated to the LPA that the intention is to use a cut-and-fill approach and this should in theory prevent a ‘surplus’ of spoil being produced. It is to be noted that land to the east of the site

has been relatively recently raised with tipped materials. It would be important to attach a condition to prevent the importation of any additional materials other than the surface dressings on to the application land.

The manège is proposed to be surfaced in a sand / rubber crumb finish and enclosed by a 1.5m high post and rail fence. Although at first no details were submitted the applicant has stated a willingness to incorporate strategic planting of trees and shrubs and /or hedgerows. Further details of this were later sought and were forwarded by e-mail from the applicant dated 25th July 2022.

Heritage

As regards the Bagnall Conservation Area, Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 places a statutory duty on the LPA in assessing planning applications in respect to any land or buildings in a Conservation Area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. In reaching its decision the LPA has to demonstrate that the Section 72 Duty has been applied and discharged. Section 72 (and Footnote 6 of para.11 of the NPPF) creates a strong presumption in favour of the preservation of Conservation Areas and their setting.

An LPA can only discharge its duty if it has carried out a proper assessment of the impact on a Conservation Area (and/or a Listed Building), is conscious of the duty and has demonstrably applied it in assessing the proposal. This assessment extends to setting, the surroundings in which a heritage asset is experienced.

Historic Environment Policy DC2 of the Local Plan is to give protection to designated heritage assets and their settings and non-designated heritage assets as set out in the NPPF.

The Council's adopted Character Appraisal for the Bagnall Conservation Area (11th Sept 2007) notes in the introduction: "The boundary has been drawn tightly round the historic settlement, excluding the southern parts of the ancient closes whose character is largely protected by being in the Green Belt." At the date of the appraisal it is noted at paragraph 3.10 that the group of farm buildings forming the then Old Hall Farm (NB the barns are now named Bagnall Green Farm to which this application relates) was by that time a sole remaining unaltered farm buildings group in the village centre. Paragraphs 4.1 and 4.2 of the appraisal identify five farm closes as "the most significant archaeological features". Close 2 is associated with Old Hall Farm and Map 3 in the appraisal shows that the current application site is within Close 2. Map 4 in the appraisal is headed 'Village-scape Analysis' and this shows the application site to lie within one of the identified 'main vantage points and vistas'.

At section 6 of the appraisal the buildings of Old Hall Farm are identified as "the most significant" unlisted buildings of the Conservation Area. On this basis the stone barn buildings of Bagnall Green Farm (now converted to dwellings but formerly part of Old Hall Farm) must be regarded as non-designated heritage assets within the meaning of the NPPF. Heritage asset is defined in the NPPF glossary as:

A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

Based on the above NPPF definition it must also be considered that the land identified in the Conservation Area Appraisal as forming Close 2, and within which the development is proposed, should also be regarded as a heritage asset – again non-designated.

The applicant's submitted Heritage Statement has also noted much of the above. In response under "Effect on Heritage" it is stated:

- there is little effect on views due to the lack of built form
- the proposals will involve little excavation

To assess the impact of the development on heritage significance the statement notes that "in the planning context heritage interest may be archaeological, architectural, artistic or historic" [NPPF glossary].

The applicant's submitted heritage statement concludes:

"The proposal is considered to cause less than substantial harm to the heritage asset. This reflects the fact the plans involve little above ground development, in the form of a simple timber post and rail fence. Minimal ground works are involved and as such archaeological interests are unlikely to be harmed."

The submitted statement goes on to say that "the type and scale of development proposed is insignificant in terms of its visual impact" on the buildings of Old Hall Farm which it notes is "an unlisted but locally important historic building" – or more accurately: a 'group of buildings'. Finally, the statement says: "There would be a negligible effect on the surrounding landscape and heritage assets. As a result it is considered that the proposed manège would have less than significant harm on the heritage asset".

The LPA can broadly accept these conclusions – that there is harm to the setting of the non-designated group of buildings originally comprising Old Hall Farm; harm to the setting of the Bagnall Conservation Area; and direct physical harm to the land form comprising the non-designated Close 2 identified in the Conservation Area Appraisal (but lying outside the CA). In each case this is 'less than substantial harm' within the meaning of the NPPF. NPPF paragraphs 202 and 203 guide the LPA in weighing the acceptability of the harm. In terms of impact on a designated asset (setting of the CA in this case) there would need to be a measure of public benefit flowing from the development. In terms of the impact on non-designated features (setting of Old Hall Farm and changes to Close 2) the LPA is required to reach a "balanced judgement" having regard to the scale of any harm or loss and the significance of the asset. In response the LPA has sought detailed tree and hedge planting. These are shown on the plan submitted by the applicant (based on suggestions by the LPA) and these can be made subject to condition. The LPA has sought a significant amount of planting and this will both solve the visual intrusions and bring enhancement in terms of biodiversity and landscape as they will introduce screening to the existing farm site.

These latter 2 points are considered to be of sufficient public benefit as to outweigh any residual harm arising from the new development following implementation of the landscaping mitigation.

Amenity

The two dwellings closest to the development are the converted barns of Bagnall Green Farm (formerly Old Hall Farm). These are in the ownership of the applicant / applicant's family. Whilst the development will be at least partially visible from these dwellings there would not be a significant adverse effect for occupiers. The former farm house of Old Hall Farm is further separated and again there would be no significant adverse effect for occupiers.

A further dwelling at Rock Cottage some 140m to the south east of the proposal site is found similarly unlikely to be affected. In addition there is a degree of tree / hedgerow cover / screening on the north westerly boundary of Rock Cottage.

Landscape Character

The issues identified as affecting heritage are also landscape impacts. The mitigations of hedgerow and tree planting discussed above would similarly alleviate the identified landscape harms and on balance the scheme can again be found acceptable subject to this work taking place.

Highway Safety

Based on the SCC advice – no issues.

Other matters

The above assessments assume the use of the arena to be personal and private to the occupiers at Old Hall Farm barns – now Bagnall Green Farm – and a condition is needed to secure this. There would otherwise be risk of harm to neighbour living condition / amenity; highways and potentially to landscape and heritage visual impacts.

CONCLUSION / PLANNING BALANCE

In consideration of all of the above the application is recommended for approval subject to conditions.

OFFICER RECOMMENDATION : Approve

Case Officer: Arne Swithenbank

Recommendation Date: 27th July 2022

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council