

DELEGATED DECISION REPORT

SMD/2022/0471
Valid 18/08/2022

KNYPERSLEY MILL FARM
JUDGEFIELD LANE
BROWN EDGE

SUBDIVIDE EXISTING
AGRICULTURAL Paddock
AND CHANGE OF USE TO A
DOG EXERCISE AREA WITH
ACCESS AND PARKING.

(FULL - MINOR)

MAIN ISSUES

Impact on the Green Belt and the character and appearance of the area.

DESCRIPTION OF SITE

The small farmstead dates from the 19th C. It is accessed via a straight driveway track from the highway. The farm is surrounded by open countryside, characterised by small scale, irregularly shaped field parcels that are enclosed by traditional hedgerows on the slopes of undulating or rounded hillsides.

On the high ground of the rounded hill top to the north west of the farmstead the applicant operates an exempted certified site for members of the camping and caravan club.

The application concerns a roadside portion of the sloping field on rising ground to the east of the caravan site. The field boundary fronts on to the steeply sloping Judgefield Lane, above a significant depth of highway verge and behind dense traditional hedgerow.

PROPOSAL

The application proposes a material change of use that would see a 5165 sq m (approx. a third) portion of the field parcel provided as a dog exercise area that would be open to the public. The land would be used to exercise dogs and for dog agility.

The proposal includes the provision of a hard surfaced parking and turning area to the eastern edge of the field, accessed from the existing caravan site access track. The site would be enclosed by 2.4m high 'dog proof' steel mesh fence on round timber posts.

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

None Relevant

CONSULTATIONS

Publicity

Site Notice expiry date: 13th October 2022

Neighbour consultation period ends: 13th October 2022

Press Advert: N/A

Public Comments

One person has commented in support, following points are made:

local farmers need to diversify where traditional farming is not sustainable, and any other source of income cannot be overlooked. The outline planning to sub divide a field to enable dog walkers to let their dogs run free in a safe and enclosed area without fear of causing injury or distress to the local wildlife at knypersley reservoir should be applauded. All too often I see people letting their dogs run free around the reservoir causing distress to the resident birds. I believe the area suggested is not overlooked by any other properties and is hidden from the road. If parking off road is provided for the dog walking area, then this will not cause an issue to the local road network. This will also be an added benefit to people staying at the caravan park at knypersley mill farm, knowing they can exercise their pets in a safe environment.

Two letters of objection have been received stating:

We do not object to well considered 'farm diversification' but we do not consider this to be such. We object to the disinformation presented in the application and consider that the proposal could have a harmful effect upon nearby amenity and character. The noise management strategy is based upon the premise that noise generated by the proposal would be created at the centre of the proposed site, whereas it is just as likely to be generated at the boundary of the site (dogs and shouting people move). The receptor distances stated in the noise management strategy are all around 50 metres nearer than stated, meaning noise impact and nuisance would be greater than stated. Additionally, no mention is made of the immediately adjacent caravan residents or occupiers of various rental accommodations at Knypersley Mill Farm who would be subjected to noise and nuisance generated by the proposal, particularly if the extensive hours of opening proposed were permitted. The area is usually absent of ¿artificial¿ noise or noisy activity in the early morning and late in the evening, and the proposals essentially seek to further erode the intrinsically peaceful qualities of Knypersley Pool and the surrounding valley.

We object. We feel as a neighbour this is unnecessary, we already have fabulous walks around Knypersley reservoir and designated public footpaths and free parking already situated within the surrounding area.

We have the most amazing wildlife and birds landing frequently within these open spaces making their home which we would hate to see diminished by freely roaming dogs creating additional noise which will obviously disrupt and cause unnecessary distress to nesting birds and other wildlife¿s natural habitat.

The plot which Mr Hall has requested planning is in an elevated position. Our property set within the valley where noise is enhanced and echoes from these elevated areas. Mr Hall has recently cleared a surrounding Forrest area and shrubbery which acted as a natural noise barrier around our property, this not only causing disruption to wildlife/ birds but also noticeably increasing noise levels from the caravan site (people and dogs). This proving that this extra footfall will have an effect on our peaceful surrounding area.

We do not see how dogs will be controlled in this open field when encouraged to roam freely off their lead in the likely hood that they may escape as previously Mr Halls farm animals have. This gives us concern on roaming unknown dog's behaviour meaning extra expenditure on our part securing our boundaries for family safety.

We feel it will cause an issue to Judgfield lane (60mph road) as the access is situated on a tight bend which already causes issues with caravans struggling to turn into the same access as requested for parking and dog facilities.

Town/Parish Comments

Biddulph Town Council: Awaited

Staffordshire County Council Highways

No objection subject to provision of parking and turning.

OFFICER COMMENTS

Impact on the Green Belt

Development within the Green Belt is inappropriate, and by definition, harmful to the Green Belt, unless it is provided for by one of the exceptions on the closed lists that appear at paras. 149 and 150 of the NPPF. At para 150 (e) material change of use is one such exception, provided it preserves Green Belt openness and does not conflict with the purposes of including land within the Green Belt. The LP reiterates this stance in Policies SS2 and SS10. In particular, the latter states that strict control will continue to be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by Government policy.

As set out in the NPPF, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics thereof are their openness and permanence. The physical presence of built or other structural forms may affect openness. the NPPF clarifies that the Green Belt serves five purposes, including to assist in safeguarding the countryside from encroachment.

The material change of use proposed in this application would introduce additional areas of visitor parking to the edge of the field parcel, high steel mesh enclosures to surround the parcel, and inevitably dog agility equipment and obstacle set out on the open land. All of this would be harmful to openness and cause encroachment into the countryside. The development therefore would not be provided for by the exception in the NPPF and would be inappropriate development that would, by definition, be harmful to the Green Belt. Substantial weight should be attributed to any harm to the Green Belt and permission should only be granted if there are other considerations or circumstances that clearly outweigh that harm and any other harms.

Impact on Character and Appearance

The high ground of the rounded hill top providing the site, are exposed to open countryside, characterised by small scale, irregularly shaped field parcels that are enclosed by traditional hedgerows on the slopes of undulating or rounded hillsides. From Green Way Bank to the east and surrounding footpaths there are unrestricted views across open countryside toward the edges of the site area.

The fencing, car park and agility equipment or obstacles would be exposed and apparent in the open countryside landscape, albeit it to differing degrees. However, overall the development would create an exposed and alien intrusion. Where the works and equipment are visible they would appear as alien and intrusive features within green rolling countryside.

Judgefield Lane is a narrow rural lane that climbs steeply from west to east between deeply incised highway verges and tree and hedge lined field boundaries. The field edge presents to the road side with a holly hedge interspersed with trees that have canopies overhanging the highway set back and between the hedge there are glimpses of barbed wire livestock fencing and the field behind. In the winter months the hedge becomes increasingly gappy and reveals more of the field behind. The tall wire mesh dog proof fence along the boundary would be quite apparent from the road side. Views of the fence, car parking or any agility equipment beyond would be harmful to the character and appearance of the rural area and the quality of the landscape.

The rural character of the site and its surroundings would therefore be eroded and the proposal would be harmful to the locally distinctive character of this part of the district. There would be conflict with policies SS10, DC1, DC3, and E4 of the Local Plan.

Amenity and the Impact on Living Conditions of near residential neighbours

There are dwellings within the vicinity. However, the applicant offers as part of his proposal to limit the number of dogs on site to no more than 4. That should not cause any more significant noise or disturbance than a group of dog walkers meeting on the nearby country park car park or surrounding footpaths. Although the site is close to a Kynpersley Mill caravan site, this is within the ownership of the applicant and if noise did become an issue, the success or otherwise of the caravan site would be compromised, and it therefore a matter for applicant to consider.

Other Considerations

The comments from the supporter outlined above make points to the effect that the development would assist the diversification of the farm and provide dog walkers with a place to let their dogs run free other than Knypersley Reservoir where they can distress wildlife.

The farm site is in an 'other rural area' of countryside where strategy SS10 applies. These areas will provide only for development which has an essential need to be located in the countryside or supports the rural diversification and sustainability of the rural areas. The diversification of existing farm enterprise, is, in some circumstances, supported by the strategy where the development would help sustain the rural economy.

However, the strategy at SS10 also makes it clear that where the area coincides with the Green Belt the tests and restrictions of national policy apply and take precedence and there is nothing in the support for diversification that would override those Green Belt restrictions. These are not matters that would clearly outweigh the harm to the Green Belt and character and appearance identified above.

Moreover, the site is adjacent to Greenway Bank Country Park that already provides the public from the nearby town and villages with access to countryside leisure and recreation with opportunity to exercise themselves and their dogs. This access is already provided with purpose designated car parks and paths and trails. With this in mind, the opportunities the development would offer as a community facility would be non-essential and that would not be a matter that outweighs the Green Belt harm and other harm identified above.

CONCLUSION / PLANNING BALANCE

The appeal scheme is inappropriate development in the Green Belt. This is harmful by definition. The proposal would reduce the Green Belt's openness which gives rise to additional harm. These harms render the appeal scheme contrary to the aims of both the policies of the development plan, as identified, and the relevant sections of the Framework. The development would also have significantly detrimental effects to the character and appearance of the countryside, contrary to relevant development plan policies. Paragraph 148 of the Framework advises that substantial weight should be given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is 'clearly outweighed by other considerations.' There are no other considerations in this case that are sufficient, either individually or cumulatively, to clearly outweigh the harm to the Green Belt and the other harm identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposed development would be contrary to the development plan. There are no other material considerations that would indicate that the proposal should be determined other than in accordance with the development plan. Accordingly, for the reasons given, I conclude planning permission should be refused.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Ben Hurst

Recommendation Date: 13/10/2022

X *J. Colley*

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council