

DELEGATED DECISION REPORT

SMD/2022/0148
Valid 26/04/2022

HIGH VIEW FARM
HOLT LANE
KINGSLEY

**INFILLING OF STEEP SIDED
LINEAR DEPRESSION ON
GRASSLAND WITH CLEAN
CONSTRUCTION WASTE TO
PROVIDE A LEVEL SAFE
SURFACE FOR FARM
VEHICLES**

(FULL - MINOR)

MAIN ISSUES

- Green belt
- Character and appearance
- Design details and controls
- Amenities

DESCRIPTION OF SITE

Rural field location in the Green Belt coming to within a c.100m to 150m radius of the easterly development boundary of Kingsley and in sight of perimeter dwellings of the village. The land is currently grass used as pasture to a dairy farm.

The site would be at c.80m from the nearest public road at its closest.

The proposed site is at the southerly (or SW) head of an initially shallow valley or depression within the fields which quickly steepens north eastwards into a semi-wooded ravine incised into the steep flanks of the Churnet Valley above Froghall. The tip site is well illustrated in for example file photos 7448 and 7449; also 7463 and 7464.

The site is marked on the OS map as a watercourse and although this was not evident as a free-flowing feature at the site visit, vegetation and nature of the ground suggests water flows may emerge seasonally or in response to rainfall.

A noticeably used public footpath enters the fields from the roadside war memorial to the north west and passes the southerly end of the site. The tower of the Grade II Listed church of St Werburgh is visible at some 200m NW of the site.

By reference to the Government's MAGIC map the application site lies within a defined SSSI impact zone.

This is a Coal mining low risk zone and an area of mineral safeguarding for coal and fire-clay. There would be potential for the grassland to be used by Great Crested Newts seasonally (amber map category).

There are several criss-crossing public footpath rights of way within the farm land adjacent with some crossed by the proposed access route though none are directly affected by the land fill operation proposed.

PROPOSAL

The application is described as in the heading with some accompanying notes on the submitted proposal plan. From the application form the site area is stated as 0.2ha and within 20m of a watercourse. Surface water drainage is stated to be by existing watercourse.

Site plan dwg HHKE 02A is annotated to show “approximate extent of proposed deposit of waste to provide a level surface to enable the safe passage of farm vehicles between adjacent field parcels”.

A further annotation says: “Methodology: remove top soil and stack / build up levels with imported waste (broken brick and concrete) with this being free of deleterious material and fully permeable so as to allow for the free-draining of surface water / return top soil to surface”.

Average depth of fill 2.0m
Maximum depth of fill 5.0m

Approximate volume of fill 4,000m³

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; 6 – Building a strong and competitive economy; 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

DET/2020/0030 – infilling of steep sided linear depression on grassland with clean construction waste to provide a level safe surface for farm vehicles (the area is to be resurfaced with top soil initially removed and reseeded) – PNREQ – applicant did not proceed with the application

DET/2021/0028 – infilling of steep sided linear depression on grassland with clean construction waste to provide a level safe surface for farm vehicles (the area is to be resurfaced with top soil initially removed and reseeded) – PNREQ – applicant did not proceed with the application

CONSULTATIONS

Publicity

Site Notice expiry date: 21.06.2022

Neighbour consultation period ends: 25.05.2022

Press Advert: N/A

Public Comments

From a resident of Dovedale Road, Kingsley: The work proposed in the planning application was done several years ago when it was first purchased by the farm, and since the area has been land filled, the field adjacent (with access from Haste Hill Avenue) has gradually deteriorated to the point where the stile has rotted away and is no longer there. All that remains is the sign post and a ditch. The field itself resembles a bog from September/October to late spring, with springs and streams opening up in the field (or possibly broken drains) which renders the path pretty impassable putting a lot of walkers using the path during the these months. Surely this mustn't continue as the public pathway that cuts through the field is part of the Staffordshire Walk. There are already heaps of building materials containing old bricks and paving stones which were never levelled off from the previous work and in the last year a huge pile of debris was tipped where the proposed development is. Surely it would make more sense to put drainage in the top field so that the farm has

proper access from where the stile should be, therefore improving the pasture and the path and providing a safer access for farm vehicles, it would also prevent the deterioration of the hedge and mature trees that lie on the boundary of the field caused by the lack of drainage resulting from them lying in water for too long.

Town / Parish Comments

Kingsley Parish Council: KPC agreed conditional approval as follows:

1. The area of the land fill remains within the parameters outlined in the plan.
2. The depth of the land fill should not exceed that outlined in the plan.
3. No hazardous material brought on the site.
4. No interference or encroachment on the Staffordshire Way footpath.
5. No loss of tree habitat.

SMDC Environmental Health

No objection subject to conditions. (1) A condition is advised to ensure that material imported onto the site does not compromise future uses of the land. (2) We would recommend that all material is tested prior to bringing it on site. (3) The proposed development is close to existing properties so care needs to be taken during the construction phase to ensure these activities do not cause unreasonable disruption to the neighbours' enjoyment of their properties.

Staffordshire County Council Highways

No objections subject to conditions for Construction Vehicle Management Plans to cover

- Management and routing of construction traffic
- Types of vehicles
- Construction delivery hours
- Measures to remove mud or debris from the highway

SCC public rights of way section notes vehicles will cross PROWs 1 and 2 Kingsley.

Natural England

The SSSI impact zone criteria mean that the LPA must consult with Natural England for this proposal. Their response is that based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. Standing advice in relation to wider matters continues to apply.

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.

As a larger village Kingsley has a defined development boundary which this application site lies outside of. The site location is in open countryside governed by Policy SS10 and is in the North Staffordshire Green Belt.

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).

In the rural areas outside of the development boundaries 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.

In considering the earlier prior notice (Part 6) applications DET/2020/0030 and DET/2021/0028 the Council considered the following reasons as the basis for concluding that prior notice would be required in order to allow further assessment :

- a) the amounts proposed to be sited;
- b) the implications in terms of water flows, land stability and pollution;
- c) being sited within a SSSI impact zone within which consultation with Natural England is required for proposals involving waste, landfill including inert landfill, non-hazardous landfill and hazardous landfill;
- d) implications of the siting on the means of access for importing the waste;
- e) implications for trees and hedgerows

The applicant asserts in the application form:

“The similar proposal was the subject of an agricultural notification, however the advice given was that a full planning application was required. Although not challenged by appeal, the advice given is considered by the applicant to be incorrect and the development could be implemented as development permitted under the provisions of the GPDO.

The applicant's PD assertion is readily refuted as the circumstances in which 'waste' can be deposited are specifically limited under Part 6 by condition A.2(1)(c) as follows:

- (c) waste materials are not brought on to the land from elsewhere for deposit **except for use in works described in Class A(a) or in the provision of a hard surface** and any materials so brought are incorporated forthwith into the building or works in question [emphasis added].

As this proposed scheme is neither in connection with development of a farm building ie. Class A(a) nor in connection with the formation of a 'hard surface' it is apparent to the LPA that the proposal cannot qualify for a determination under Part 6. The applicant may contend that the effect of the proposal is to create a hard surface. It appears however that the applicant intends to return the top surface to farm grassland by the return of top soil which would, in all common usage and understanding, create a 'soft surface'.

In terms of the Green Belt the proposals may be considered an engineering operation under NPPF 150 (b) 'engineering operations'. In terms of impact on Green Belt openness the effects of the work are less clear. If the intention is to create a hard surface (as has been stated) this would be in conflict with Green Belt purposes to avoid encroachment on the countryside and preservation of openness. The potentially very open-ended timescale for the operation could also severely aggravate the adverse impacts. No commitment is given as to the timescale for completion of the tipping and any return to grassland.

Design

There are few details of how the imported infill material would be imposed within the land. At the northerly limit the plan shows that an abrupt drop of c.5m would be created. It is not stated / not clear if this would be returned to a soil surface with grass or result in a steep exposed bank of tipped concrete and brick.

For drainage the plans imply an assumption that drainage would be achieved by natural percolation alone. A piped 'occasional watercourse' is shown running from higher land to the south and passing under the tipped site.

There are few fixed points of reference. An overhead power transmission line on timber poles passes across the northerly end but this is not shown on the submitted drawings. Field boundaries are shown on the drawings and these are found on site to comprise hedgerows and trees / tree groups. The presence of trees / hedges is not noted or defined on the plans.

No information is given as to how trees and hedges would be safeguarded.

Amenity

Given the route shown as the access for waste depositing vehicles, conflict or disturbance to residents' living conditions is unlikely to arise subject to hours of activity being limited as recommended by EH. Separation of the nearest dwellings is c. 100m and machine noise could be audible at times. Again if the work were to take place over a very protracted period a more adverse impact on local amenity must be envisaged.

There is no indication of the likely timescales over which the tipping operation could be taking place and the LPA is perhaps unlikely to be able to control this by

condition. Depending upon the load sizes the c.4,000m³ of material could take a lengthy period to be imported. There is a risk that the location could be 'blighted' by the operation for an extended period. This could have a particular adverse effect upon the enjoyment of the area from the several public footpaths in the immediate vicinity.

The location is within the Dissected Sandstone Uplands Landscape Character Type (LCT) and in a zone classed as being of 'moderate' landscape quality in a Staffordshire County-wide context (level 3 on a five-point scale where 5 is highest). Guidelines for this area include to recover lost hedgerows and maintain ecologically valued grasslands. The location overlooks within short distance an expansive area of the same LCT categorised as being of very high quality (level 5).

Highway Safety

Subject to the conditions the scheme can be managed to maintain highway safety.

CONCLUSION / PLANNING BALANCE

The location is within a generally highly attractive sweep of countryside on the edge of the renowned Churnet Valley. It is close to and in view from dwellings in the residential larger village of Kingsley. Several evidently well used public footpaths pass across the land nearby and will afford views of the tipping site. The application raises several uncertainties about the intended end result and over what timescale this would be achieved. There has been no ecological assessment of the field flora or other potential wildlife presence such as Great Crested Newts. No information is provided to show or enable consideration of the potential impacts on nearby hedgerows and trees including tree clumps.

Drainage and land stability are mentioned in the submissions but the references are sparse and give the LPA no means of reaching any meaningful conclusion with reference to NPPF 174 (e) in regard to potential land instability.

Perhaps the greatest concern, if all other aspects could be satisfactorily resolved, is the potentially open-ended timescale for completion of the operation which if undertaken piecemeal with small scale tipping could go on for an extended period and by default result in protracted harm to the character and appearance of the area and local amenities.

OFFICER RECOMMENDATION : refuse

Case Officer: Arne Swithenbank
Recommendation Date: 20.12.2022

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council