



Appeal Decision

Site visit made on 13 December 2022

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 13 February 2023

Appeal Ref: APP/B3438/W/22/3302218

Longshaw Farm, Ashbourne Road, Bradnop, ST13 7NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by W G & J Clark against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2021/0758, dated 18 November 2021, was refused by notice dated 3 February 2022.
 - The development proposed is described as 'Farm Shop with new access from A523 including parking area and Drive-thru Ice Cream'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether there is an essential need for the proposed development to be located in the open countryside.
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Essential Need

3. Located outside of any defined development boundary, the appeal site is within the open countryside where new development is limited for specific purposes. Policy SS 10 of the Staffordshire Moorlands Local Plan 2020 (Local Plan) states that 'These areas will provide only for development which has an essential need to be located in the countryside, supports rural diversification and sustainability of the rural areas, promotes sustainable tourism or enhances the countryside'.
4. In conjunction with Local Plan Policy SS 11, which identifies Churnet Valley as an area for sustainable tourism and rural regeneration, Policy E4 supports new tourism development including visitor accommodation, subject to compliance with a list of criteria.
5. It has been put forward that the proposal represents a diversification project, which would involve the processing of milk produced from the farm's dairy cows into higher value products, such as butter, cheese, cream, ice cream, or yoghurt. These are consequently intended to be sold directly to the public at the proposed farm shop.

6. I am informed that the appellants have been on a cheese and ice-cream making course, and I am aware that a planning condition could restrict the type of food products sold in the shop to those produced at the farm. However, it is undisputed that the farm does not have any existing dairy processing facilities within it, and there are no details of what would be required or how these would operate in the future. I am therefore unable to be certain that they could be housed in one of the existing farm buildings.
7. Whilst it has been put to me that direct sales to the public would increase profit margins, at a time when farm subsidies are changing, I have also not been provided with any financial information, to demonstrate how the proposal would support the existing farm business and constitute diversification. In addition, there is little evidence to substantiate how it is necessary to ensure the continuing operation of the business and its viability, or how it would result in an increase in employees. I therefore consider that an essential need has not been proven in respect of supporting rural diversification.
8. In terms of tourism, it is undisputed that the appeal site is located within the 'Peak District Fringe' area of Churnet Valley, as identified by the Council's Churnet Valley Masterplan Supplementary Planning Document 2014 (SPD). I am informed that the farm shop is intended to be open all year round, and that visitors will be able to see the dairy cows and calves in the fields adjacent to the shop. I also note the SPD's key challenges and opportunities that the appellant's have underlined in their submissions and how they consider the proposal to satisfy them. However, this site is not specifically identified for tourism development, as required by Local Plan Policy E 4 1.C), within this document. Furthermore, it is unclear how often cows would be in these fields, and other than for possibly having views of them, there is nothing within the submitted plans and details to indicate how this would be of any further educational benefit.
9. Moreover, it is uncontested that the site is approximately 1km from the centre of Bradnop, and around 1.5km away from the holiday accommodation that has been referred to. I was also unable to locate any bus stops on my site visit and have not been provided with any specific details of the times and frequency of bus services or other public transport in the area. Whilst some tourists may enjoy walking along the nearby footpaths and bridleways, the distances involved and the nature of the roads and routes would be likely to deter most pedestrians and cyclists, particularly after dark and in bad weather. Given the semi-remote location, and its 'drive thru' layout and design, the majority of trips to the site would clearly be likely to be by private motor car. The provision of a charging point for an electric vehicle would not provide effective mitigation in this respect. As such, I do not consider that the rural location for the proposed development has been justified.
10. The information available to me, is therefore not sufficient to convince me that there is an essential need for the proposal to be located in the open countryside. It would thereby conflict with Local Plan policies SS 1, SS 2, SS 10, SS 11, SD 1, E 4 and T 2 with regards to the distribution of development, and the essential need for the development to be located in the countryside. These policies also seek to reduce the need to travel by car by ensuring good accessibility to services and facilities.

Character and Appearance

11. The appeal site is a generally flat agricultural field that sits in a relatively prominent position, adjacent to the busy A523 highway. Despite the presence of farm buildings to the south, the surrounding area is predominantly open countryside, characterised by grassed fields and an expansive rolling landscape.
12. Notwithstanding the aesthetic reference to its agricultural design, proportions and materials, the proposed building would have a large expanse of aluminium framed glazing to its western elevation. Whilst not specifically shown on the plans, this would appear to open up onto a large terrace area where you would expect to find tables and chairs. In addition, the proposed farm shop would be sited an appreciable distance away from the nearest farm building, with a long-curved access road, anti-clockwise loop road, and a large intervening car parking area with drive-thru waiting bays. These would not be of a size, configuration or character that is typically found in a farmyard.
13. Whilst not referred to as urban features within the Churnet Valley Landscape Character Assessment 2011 (LCA), I do not consider this to be an exhaustive list. In my judgement, when viewed together, the features above, along with parked cars, would clearly have an urbanising effect on the landscape and would likely be accompanied by numerous vehicle movements, thus creating a town centre type development in the countryside.
14. As such, I do not consider that the proposed development would be set within a cluster of existing farm buildings, or read as a part of the existing farmstead. Nor would it be reflective of traditional buildings characteristic of the local area as required by the landscape planning guidelines set out within the LCA. Conversely, I find that the field bounded by trees and hedgerows, a defining characteristic of the Ancient Slope and Valley Farmlands character type of the LCA, would be significantly harmed through the provision of this intrusive built development.
15. My site observations confirmed that there are a number of gaps within the existing tree and hedgerow boundaries adjacent to the A523, which allow views through them to the wider undulating countryside. The appeal site, particularly when travelling south on the A523, appears prominent in these views. Supplementary planting, the use of crushed stone and/or grass carparking, could lessen the overall impact. However, these would not, in my view, absorb or eliminate the harmful effect that the scheme would have on the rural character and appearance of the site and its surroundings.
16. I therefore find that the proposal would be visually intrusive and harmful to the character and appearance of the area. As such, it would conflict with Local Plan Policies SS 1, SS 10, SS 11, E 4, DC 3, and NE 2. These seek, amongst other things, to ensure that development is of a high standard of design that conserves, enhances and responds sensitively to the distinctive qualities of the surrounding landscape.
17. Conflict would also arise with paragraph 84 of the National Planning Policy Framework which seeks, insofar as it relates to sustainability, rural tourism development that respects the character of the countryside.

Other Matters

18. It has been put forward that the existing agricultural buildings on the farm could be converted to a farm shop or other A1 retail uses under the provisions of Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). In this respect, I have had regard to the Council Highway Engineer's consultation response to the planning application, and the arguments put forward in respect of the use of the existing vehicular access point, and potential visibility and highway safety concerns. It has also been put to me that Part 6, Class A of the GPDO allows for new agricultural buildings of up to 1000 metres², which would be almost 7 times the size of the proposed building.
19. However, it has not been demonstrated that existing buildings on the site are below 150 metres², and would therefore be permitted development under Class R. Furthermore, where Class R would apply to a building amounting to in excess of 150 metres², prior approval would be required in respect of 4 matters, including 'transport and highways impacts of the development', subject to the provisions of paragraph W. As such any highway safety impacts would therefore be assessed and controlled.
20. Furthermore, the proposal is not for an agricultural building, and I am not convinced that there is a greater than theoretical possibility that this type and size of development would take place, in the event that the appeal is dismissed. There are no certificates of lawful development to these effects or any plans of such schemes before me. Therefore, given this uncertainty the fallbacks attract limited weight as a material consideration.
21. My attention has also been drawn to a planning permission for an agricultural building at Apesford Farm (Ref: SMD/2019/0047). I appreciate that this is much larger than the appeal building and is sited in a prominent location in the countryside. However, I do not have the full details of this approved scheme before me and so cannot be certain that the circumstances would be the same. In any case, I do not consider its presence to be a reason for justifying further harm to the character and appearance of the area.
22. I note that the proposed farm shop is intended to be open all year, and that it has received support from the Parish Council, who see it as providing a much-needed community facility that is accessible by foot. There would be some social and educational benefits associated with the proposal, as a potential meeting point for locals, and the opportunity to view farm animals. Some environmental improvements to biodiversity through the additional native tree planting would also be provided. In addition, reference has been made to the appellant's other diversification projects such as 'going green' through the installation of an Anaerobic Digester to generate and use renewable energy, and the provision of holiday accommodation. However, these factors do not overcome or outweigh the significant harm that I have identified in respect of the main issues of this case.
23. I have also had regard to other examples of farm shops that the appellant has referred to in an email to the Council. However, on the evidence presented I cannot be certain that they represent a direct parallel to the appeal proposal. I have, in any case, determined the appeal on its own merits.

Conclusion

24. For the reasons given above, there are no material considerations that warrant taking a decision otherwise than in accordance with the development plan when taken as a whole. Therefore, the appeal should be dismissed.

Mark Caine

INSPECTOR