DELEGATED DECISION REPORT

DET/2023/0007 **Valid 08/03/2023**	**YEW TREE FARM** **CHEDDLETON HEATH ROAD** **LEEK**	**APPLICATION TO DETERMINE IF PRIOR APPROVAL IS REQUIRED FOR PROPOSED AGRICULTURAL CUBICLE BUILDING FOR YOUNG LIVESTOCK** **(AGRICULTURAL/FORESTRY DETERMINATION)**

MAIN ISSUES

- Compliance with GPDO(2015) Schedule 2 Part 6
- Siting, Design and external appearance

DESCRIPTION OF SITE

The proposed building position would be directly facing an existing series of similar farm building structures separated by existing concrete yard. The location is on the edge of the existing yard and partly involves developing within the adjacent field land. This position is on the top edge of a valley side which slopes down to the south or south east from the farm yard.

This is a large working dairy farm of 370 acres (150ha) with some 200 dairy cows and 100 young stock.

Access is along Fynney Lane from the public road at Basford Lane at its junction with Cheddleton Heath Lane some 600m to the west. Fynney Lane is a definitive public bridleway. The proposal building is separated from the bridleway by the existing range of farm buildings.

Yew Tree House also on Fynney Lane some 300m west of the farm was built following consent for a farm worker dwelling linked with Yew Tree Farm in 2005. Fynney Lane continues eastwards along the centre of the ridge top and at c. 300m to the east of the proposal site is Fynney Lane Farm, now occupied as a private dwelling and unconnected with the application farm. Fynney Lane Farm is Grade II* Listed.

PROPOSAL

To erect a steel framed agricultural building to house youngstock and train them to use the cubicles ready for joining the milking herd. The floor area created by this

development would be 690m². The building would be approximately 5m high to eaves level 6.8m to the ridge and 50m long x 13.7m wide and would have in addition a 1.5m wide weather canopy along the inner side facing the yard.

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
E1 New Employment Development
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; 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/2012/0960 – extension to an already existing silage pit, along with a proposed canopy to cover the existing silage pit along with the extension – approved
SMD/2019/0283 – proposed agricultural building for the store of silage and hay – approved
DET/2020/0045 – Proposed agricultural building extension to store fodder – prior notice approved

CONSULTATIONS

Publicity

None due to being a prior notification under Part 6.

OFFICER COMMENTS

Principle of Development

The building proposed must comply with the definitions and limitations set out under GPDO(2015) Schedule 2 Part 6. One of these limitations is that if the building is to be used for the housing of livestock the development would not be permitted under Part 6 if it would be within 400 metres of the curtilage of a 'protected building'.

'Protected building' is defined at Part 6 D.1 as, in effect, an un-connected dwelling. However, if the unrelated dwelling is **"on another agricultural unit which is used for or in connection with agriculture"** the 400m limit would not apply. At issue with this proposal is that the dwelling known as Fynneylane Farm is at about 300m from the proposed livestock building. It appears to the LPA that the curtilage of the dwelling at Fynneylane Farm comes to within 250m of the proposed livestock building.

'Agricultural unit' is also defined at Part 6 D.1 and **"means agricultural land which is occupied as a unit for the purposes of agriculture, including—**
(a) any dwelling or other building on that land occupied for the purpose of farming the land by the person who occupies the unit, or
(b) any dwelling on that land occupied by a farmworker."

Agricultural land is defined and **"means land which, before development permitted by this Part is carried out, is land in use for agriculture and which is so used for the purposes of a trade or business, and excludes any dwellinghouse or garden."**

The agent for the applicant is of the view that – taking into account the above criteria – the dwelling at Fynneylane Farm is not a 'protected building'. As can be seen however the potential exemption depends upon a series of overlapping tests and the LPA cannot immediately be certain that the exemption would apply.

If eligible as a Part 6 prior notification the development is subject to assessment only if the LPA deems this to be necessary and then on the specific matters only of siting, design and external appearance.

Following discussion with the agent it is concluded that in order to examine the 400m rule fully the LPA should determine the application and issue a decision that prior approval is required.

Although there is also a nearer dwelling at Yew Tree House some 300m to the west, this is a farm worker dwelling associated with Yew Tree Farm and therefore should not be regarded as a 'protected building'.

Design

The building is fairly typical of its kind and of similar design and appearance to the existing large storage and livestock housing buildings on the farm. Based on the

information submitted the LPA can be satisfied that the proposal is to an acceptable design appearance for this situation and location particularly taking account of its proximity to and similarity in material finishes to the existing farm building range.

Amenity

It is appropriate under the Part 6 consideration of 'siting' to consider if there are any amenity implications. The building would create housing for 100 young stock. It is understood from the application that the proposal involves a new improved system of housing for an existing contingent of animals in the annual cohort rather than increasing the numbers of animals. However, even if the numbers were being increased somewhat from the existing 300 head of cattle the LPA can be satisfied that the development is at sufficient distance from the un-related neighbouring dwellings to be unlikely to result in any adverse additional effects.

Heritage

The development may potentially be partially visible from the Grade II* Listed Fynneylane Farm house. However, from a site visit made by the LPA it appears unlikely if at all that the proposal would be seen from any public footpaths or other public land in conjunction with any significant views of the Listed Building. Although the existing Yew Tree Farm development undoubtedly stands within the setting of the Listed Building it appears unlikely that the proposal would add any further impacts to affect the setting over and above the existing impacts. Nevertheless, the proximity and the Grade II* Listed status of Fynneylane Farm should be considered as potentially adding to the need for prior approval to be required.

Highway Safety
The siting of this additional building and its proposed use would not be likely to add to the existing Highways impacts of the farm.

CONCLUSION / PLANNING BALANCE

Owing to uncertainties about the eligibility of this proposal under Part 6 due to being within 400m of an unrelated dwelling and due to the Grade II* Listed status of Fynneylane Farm house it is concluded that prior approval is required.

OFFICER RECOMMENDATION: Prior approval required

Case Officer: Arne Swithenbank
Recommendation Date: 5th April 2023

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council