

## DELEGATED DECISION REPORT

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**SMD/2022/0381**  
**Valid 05/08/2022**

**CHERRY BARN CHERRY**  
**LANE**  
**CHEADLE**

**RETROSPECTIVE APPLICATION FOR PARTIAL CHANGE OF USE OF AN AGRICULTURAL BUILDING TO DATA STORAGE INCLUDING A MESSROOM/OFFICE; THE CONSTRUCTION OF AN EXTENSION; THE INSTALLATION OF SOLAR ELECTRIC ROOF PANELS; THE REPLACEMENT OF PROFILED METAL AND BRICK WALLS WITH BRICK; AND OTHER EXTERNAL ALTERATIONS TOGETHER WITH AN APPLICATION FOR THE PROPOSED CHANGE OF USE OF THE REST OF THE BUILDING, INCLUDING THE EXTENSION, TO DATA STORAGE INVOLVING THE INSTALLATION OF NEW FENESTRATION; THE INSTALLATION OF SOLAR PANELS ON ANOTHER PART OF THE ROOF; THE CONSTRUCTION AND INSTALLATION OF 8 GROUND-MOUNTED SOLAR ELECTRIC PANELS; AND OTHER EXTERNAL ALTERATIONS.**

**(FULL - MINOR)**

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### MAIN ISSUES

- Principle of development
- Design and visual impact
- Amenity (including Environmental Health)
- Coal
- Highways

### DESCRIPTION OF SITE

The site is accessed via a lengthy and shared track which also forms part of footpath number 39 (Cheadle). Within the site is a single dwelling and to the rear (north) is the building the subject of this application which appears to have started its life as a typical agricultural building with three open-ended bays and one bay (southern end) secured with a roller shutter door. Works have been carried out on site which will be discussed later within the report. A parking and turning area with hardcore surface has been formed at the front of the building. The land

to the north is currently enclosed by post and wire fencing and some sporadic trees on the eastern boundary. This parcel of land is accessed from the main yard area via an agricultural gate opening and at the time of the site visit contained some machinery and materials. To the north, north-west and west are reaching, open views of the countryside beyond.

For the purposes of planning policy consideration, the application site is located within an area of open countryside, however, it does not have a Green Belt designation. The site is not within any Conservation Area and there are no listed buildings/structures or protected trees which need to be considered. The site is within a low-risk coal development area.

## **PROPOSAL**

The application is described by the applicant/planning agent as 'Retrospective application for partial change of use of an agricultural building to data storage including a messroom/office; the construction of an extension; the installation of solar electric roof panels; the replacement of profiled metal and brick walls with brick; and other external alterations together with an application for the proposed change of use of the rest of the building, including the extension, to data storage involving the installation of new fenestration; the installation of solar panels on another part of the roof; the construction and installation of 8 ground-mounted solar electric panels; and other external alterations.'

The Design and Access Statement breaks down the works into the areas of retrospective development, proposed development (change of use) and proposed operational development. The works are outlined as follows;

### Retrospective development

The retrospective part of the application seeks approval for the following works that have been carried out: -

- Change of use of the south-eastern part of the building to a mess room and water storage room.
- Extension at the north-western end of the building. This extension was approved as part of the permission for the peaking plant.
- Solar electric panels on the roof of the southwest elevation.
- Brick pillars around the steel portal frame uprights.
- New eaves-to-floor windows and door to the mess room.
- The replacement of the metal cladding on the northeast and northwest elevation walls with brick. The replacement of the metal cladding with brick was approved as part of the permission for the peaking plant.

### Proposed development - change of use:

- Building to be used for digital data storage powered by the existing and new solar panels on the roof and in the field to the north of the building.
- The mess room, office, heating and water storage room would remain.
- Two central bays would house the data storage equipment, battery storage, and the photovoltaic converter.
- The extended part of the building would house a standby generator and be used as a workshop and for storage.

### Proposed operational development

- New solar electric panels on the north-eastern elevation.
- Eight new ground-mounted solar panels situated to the north of the building.
- New eaves-to-floor windows to the data storage room.
- A small new window on the north-east elevation.

- A metal garage-type door to the workshop.
- Connection to the electricity supply.

During the site visit the applicant advised that the scheme is for server data storage, which could include company data. The aim is to make this a very energy efficient scheme, the roof solar panels and ground mounted panels providing the energy. The mess room would be used by the applicant and his partner as well as any additional worker(s) who would arrive on site to service the machinery.

It is understood that the proposed data storage unit would be managed and run as required by the applicant and his partner, who live next door at Cherry Barn. The site would typically provide 25-30 hours of work per week for each of them; roughly equivalent to 1.5 full-time workers.

## **RELEVANT LOCAL AND NATIONAL PLANNING POLICIES**

### Staffordshire Moorlands Local Plan

SS1 Development Principles  
 SS10 Other Rural Areas Strategy  
 SS11 Churnet Valley Strategy  
 SD1 Sustainable Use of Resources  
 SD2 Renewable/Low-Carbon Energy  
 SD3 Sustainability Measures in Development  
 SD4 Pollution and Water Quality  
 E1 New Employment Development  
 DC1 Design Considerations  
 DC3 Landscape and Settlement Setting  
 T1 Development and Sustainable Transport

### Supplementary Planning Guidance

1. Design Principles for Development in the Staffordshire Moorlands

### Supplementary Planning Document

1. Staffordshire Moorlands Design Guide

### National Planning Policy Framework

Including sections:

2. Achieving sustainable development
6. Building a strong, competitive economy
9. Promoting sustainable transport
10. Supporting high quality communications
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

## **SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS**

|                |                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 03/01083/FUL   | Conversion of block of redundant agricultural buildings to 5 holiday lets and conversion of redundant agricultural building to dwelling. Approved.                                                                                                                                                                                                                                               |
| 10/00035/FUL   | Portal Framed Agricultural Building. Refused.                                                                                                                                                                                                                                                                                                                                                    |
| 10/00797/FUL   | Portal Framed Agricultural Building. Approved.                                                                                                                                                                                                                                                                                                                                                   |
| 12/01103/REM_1 | Removal of condition 6 from 03/01083/FUL. Refused.                                                                                                                                                                                                                                                                                                                                               |
| 13/00885/REM_1 | Removal of condition 6 (holiday let restriction) of planning permission 03/01083/FUL Conversion of block of redundant agricultural buildings to 5 holiday lets and conversion of redundant agricultural building to dwelling. Refused.                                                                                                                                                           |
| SMD/2016/0547  | Proposed construction of an enclosure containing 5 No. 0.4 MW bio-fuelled electricity generators with 8 metre high vertical stacks, 1 No. spare generator and stack, a brick switch room building, the erection of a 3 metre high acoustic fence, a fuel tank and a separate power switch, the construction of a turning head and the installation of an underground electricity cable. Refused. |
| SMD/2017/0243  | Extension to and change of use of existing cattle shed from agriculture to a peaking plant to provide electricity to the national grid at periods of peak demand and installation of an underground electricity cable. Approved.                                                                                                                                                                 |
| SMD/2018/0728  | Conversion of block of redundant agricultural buildings to 5 holiday lets and conversion of redundant agricultural building to dwelling - Removal of condition 6 relating to 03/01083/FUL (SMD/2003/0777). Approved.                                                                                                                                                                             |

## **CONSULTATIONS**

### Publicity

Site Notice. Expired.

Neighbour consultation period. Expired

### Public Comments:

5 representations received generally raising objections to the application. Some expression of conditional support for the solar panels. The comments are summarised as follows;

- Can clarity be provided on the intended use? Will it be accommodation, venue or other building to accommodate groups and gatherings?
- Will this increase noise and traffic on the private road?
- Object to any change that will increase foot or vehicle traffic, increase noise or damage the peaceful surroundings;
- Re solar panels, supporting change to help the environment and current energy challenge but seek clarification on where any substation / generator will be placed and what impact this may have (visually or noise);

- Need further information on original plans, new plans, what is the proposed change of use and the other external alterations, any building required for running the solar panels;
- Object to any changes that are not in keeping with the agricultural nature of the site, with any changes which will increase noise, footfall and traffic to the private road as
- Continuous building work and site developed beyond recognition;
- Damage to track due to heavy lorries now difficult for residents to drive cars down the track;
- Building work starting before 8am and often at weekends which has been disruptive.
- Land dug up without permission of the owner for laying of cables and not properly restored;
- Neighbour impact and property values;
- Development exceeded what was originally proposed;
- Lot of existing work does not have permission;
- Noise and disruption;
- Noise level of the generators;
- Hedge and trees to the north-east have been removed;
- Cattle shed no longer exists;
- Site developed beyond recognition and major impact upon the landscape;
- Extended boundary was not shown on previously approved plans;
- Why is a data processing unit necessary?
- Building not in keeping with the Green Belt area and viewed from the footpath;
- Solar panels cover all of the roof;
- Nearby holiday letting business has not been carried on with due to noise and increase in traffic;
- Why is such a large mess room needed when the people working there are the applicants who live next door;
- why does the development require an extensive hot/cold water storage and heating unit to this scale for a data processing unit;
- Is this an appropriate change of use from a cattle shed;
- What need is there for a data storage unit in this location?
- Does not comply with planning policies;
- Conditions of previous approval have not been complied with.

The above comments are noted and comments requesting further information are also noted however all of the details submitted by the applicant are advertised on the council's website.

Letter from applicant/Planning agent in response to objections received:

•Damage to, and heavy traffic using, the shared access track.

The access track is in good condition. The applicant repaired it earlier this year. A limited number of heavy lorries visited the site during construction but once that is completed it will just be the normal level of traffic associated with residential property. In fact, the level of traffic from the applicants is likely to be reduced because they will be working on site whereas the moment the travel to and from work every day.

Originally, Woodhead hall Farm - the neighbouring property - was a working farm and the track was used regularly by tractors, other farm vehicles, and heavy vehicles including milk tankers.

•Building work starting before 8am and often at weekends.

The applicant does not work before 8:00 o'clock although he has worked one weekend recently. Construction work hours can be controlled through the imposition of a planning condition. The applicant would not object to such a condition.

•Land has been dug up, without landowners' permission to lay some cables and it has not been restored properly.

This is not a planning matter. The applicant applied to Western Power for an upgrade of the existing electricity supply from 1 to 3 phase. The work was done by Western Power, a statutory undertaker.

•Disregard for the disruption, the noise levels, and the impacts upon neighbours.

The proposed use would not create any significant noise and would have no adverse impact on the neighbours. The application building is approximately 40 metres from the nearest house and does not overlook any other properties. Further, the house -Cherry Barn - screens the application building and the nearby properties.

•The development has far exceeded what was originally proposed.

The building footprint remains the same as per the Peaking Plant approval.

•No details are provided of the other external alterations.

Details are provided in the submitted drawings.

•The building is now a dwelling.

This is not correct.

•The removal of hawthorn trees.

Hawthorn trees near the building were removed due to their proximity to the chimney exhausts from the Peaking Plant. The applicant intends to plant a new, low hawthorn hedge on the north eastern boundary and is willing to plant new trees and improve the landscaping generally. I would appreciate it if you could let me know if you want any further landscaping so it can be included in the application to avoid a pre-commencement condition.

•The location of the generator and noise levels.

It is proposed to have a stand-by generator in the building; the location of which is shown on Drawing no. 6205/003.

Additional issues raised: -

•Adverse effect on the neighbouring holiday accommodation business.

No evidence is provided in support of this statement.

•Why does a data processing unit require a mess room to that scale?

This room is not just a messroom but also an office for two people.

•Why does the building need to be extended to this size just to be a data storage unit?

The extension was approved when permission was granted for the Peaking Plant. When work started, it was intended to build the Peaking Plant, but the environmental considerations of the Peaking Plant become too contentious with the preference for renewable alternatives and the environmental climate which precludes diesel and gas/oils.

•The solar panels adversely impact on the landscape.

The photovoltaic panels are a sustainable form of energy and do not have any adverse impact on the landscape or the character of the buildings. The solar panels on the south west facing roof have been there for approximately 10 years, if required I can produce evidence to that effect.

The mess room's windows and doors are unnecessary.  
Natural light is important and reduces the need for artificial lighting.

•The proposed change of use is not appropriate.

The proposal is in accord with Local Plan Policy SS10 (Other Rural Areas) which supports the diversification of agricultural enterprises and the development of appropriate ICT and new means of communications to enable homeworking and small businesses reliant on e-technology.

Further, Local Plan Policy E1 (New Employment Development) reads as follows "Schemes involving the re-use of rural buildings for commercial enterprise.... will be considered favourably where the proposed use does not harm the building's character and/or the character of its surroundings."

•Why is there a heating and storage room?

In the Peaking Plant approval this room was to be used as a plant room. Data rooms by nature of their work use a high amount of energy and in doing produce a high amount of heat. The applicant is using a very energy efficient way of storing the chilled water which would normally be pumped around the field and using chilled water to cool the data room. In doing this energy is taken out of the data room and this is used to provide the property with heat and hot water. The amount of Solar Storage will be harvested and stored in Lithium-Ion Phosphate batteries. These batteries will be also charged from off-peak night time electricity when the demand on the grid is low. The scheme is extremely environmentally friendly.

Why is there a need for eight free standing solar panels?

The panels are necessary to generate sufficient energy to run the data storage building.

The proposed solar panels on the building and in the field accord with the Council's Policy SD2 (Renewable/Low-Carbon Energy) in the Local Plan.

•Could you please confirm where the applicant is connecting to the electricity supply as this is not shown on the maps?

The solar panels do not produce energy for the National Grid. The proposal is designed to provide an extremely environmentally favourable carrying out what would normally behind energy data processing. Hence, there is no requirement for an additional substation.

•The proposals are less attractive than the Peaking Plant design.

The applicant disagrees with this statement. The walls and roof of the peaking plant consisted of plastic-coated metal sheeting. The proposed building would be built in brick which would improve its appearance. There would be no large metal vents and the proposed windows would enhance the otherwise blank walls as well as providing necessary natural light.

•A data centre is no benefit to the community.

On the contrary, the proposal would provide employment and economic benefit and would assist home working reducing travel to and from the premises.

•The size of the building.

The proposed building is the same size as that approved under the Peaking Plant approval.

•Construction work has blocked access to one of the objector's properties.

This is not a planning matter. Moreover, the work took place in the verge and there was ample space to turn into the objectors' property.

•The site is in the Green Belt.

The site is not in the Green Belt.

•The applicant strongly refutes the statement by one of the objectors that he said he could do what he liked on the site. He has not spoken to the person in question about the proposal.

Unfortunately, I could not access the photographs submitted by one of the objectors because these are not on the webpage.

In conclusion, the proposal would improve the economic, social, and environmental conditions of the area and complies with the development plan and is therefore sustainable development. The economic benefits have already been described. Environmentally, the proposal would make efficient use of an existing building and would have no adverse impact on the landscape all the existing buildings. The use of sustainable energy is important and beneficial. Socially, the proposal would assist home working and generation of electricity would reduce demands on the national network.

Cheadle Town Council: No objections.

Severn Trent Water: As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Environmental Health: No objections subject to conditions.

Regeneration officer (SMDC): Details comments with conclusion as follows;

The scheme would create a new commercial operation within a converted rural building at a farm complex: policies support this where rural diversification, or the rural location in question can be justified; subject to wider policies including assessment of design, landscape and transport/accessibility impacts. The principle of new ground mounted solar arrays is acceptable subject to assessment of landscape impacts, and justification for any greenfield site selection over brownfield.

Staffordshire County Council Highways: No objections.

## **OFFICER COMMENTS**

### Principle of Development

For the purposes of planning policy consideration the application site is within the open countryside but not the Green Belt. There are no listed building, protected trees or Conservation Area constraints to consider. Local Plan policies to consider include:-

### SS10 – Other Rural Areas Strategy

These areas will provide only for development which has an essential need to be located in the countryside, supports the rural diversification and sustainability of the rural areas...[Through the following actions]:

2. Sustain the rural economy by enabling the development of business for employment uses where a rural location can be justified [or] Supporting the diversification of existing farm enterprises;
3. Enhance and conserve the quality of the countryside by: requiring all development proposals to respect and respond sensitively to the distinctive qualities of the surrounding landscape [and] Limiting uses which generate a substantial number of regular trips in areas that are not well served by public transport [and] Ensuring renewable energy schemes are of an appropriate scale, type and location.

#### SS11 Churnet Valley Strategy

The Churnet Valley is identified as an area for sustainable tourism and rural regeneration.. Any development should be of a scale and nature and of a high standard of design which conserves and enhances the heritage, landscape and biodiversity of the area. Strong sustainable development and environmental management principles should also be demonstrated. The consideration of landscape character will be paramount in all development proposals in order to protect and conserve locally distinctive qualities and sense of place..

#### SD2 Renewable/Low-Carbon Energy

The Council will strive to meet part of the District's future energy demand through renewable or low-carbon energy sources [including solar]...the Council will support small- and large-scale stand-alone renewable or low-carbon energy schemes subject to [the criteria set out in the policy including landscape impact considerations and] in the case of solar energy proposals that are not affixed to buildings or structures, applicants will be expected to demonstrate that they have examined whether previously developed land is available before greenfield land. Where agricultural land is proposed, poorer quality land should be utilised before higher quality agricultural land..

#### SD4 Pollution and Water Quality

The Council will protect people and the environment from unsafe, unhealthy and polluted environments by ensuring proposals avoid potential adverse effects; and only permitting proposals that are deemed (individually or cumulatively) to result in [noise] pollution if after mitigation, potential adverse effects are deemed acceptable..

#### E1 New Employment Development

In general the Council will endeavour to support..new businesses in the District, subject to:

- employment uses (including B use class developments (B1b, B1c, B2 and B8), commercial sui generis uses etc) should be located in existing or proposed employment areas. Such development outside of existing or proposed employment areas but within the settlement boundary may also be acceptable when it would not create undue harm to the character, appearance or amenity of the area. New-build developments not on existing or proposed employment sites and outside of the settlement boundary may be supported where a rural location can be justified.
- Schemes involving the re-use of rural buildings for commercial enterprise..be considered favourably where the proposed use does not harm the building's character and/or the character of its surroundings.
- [the Council will] Encourage flexible working practices via home-working where there is no adverse impact on residential amenities..

#### DC1 Design Considerations

Requires all development to be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area in line with the Council's Design Guide SPD.

#### DC3 Landscape and Settlement Setting

The Council will protect and where possible enhance local landscape and the setting of settlements in the Staffordshire Moorlands.[Refer to Landscape Character Assessment].

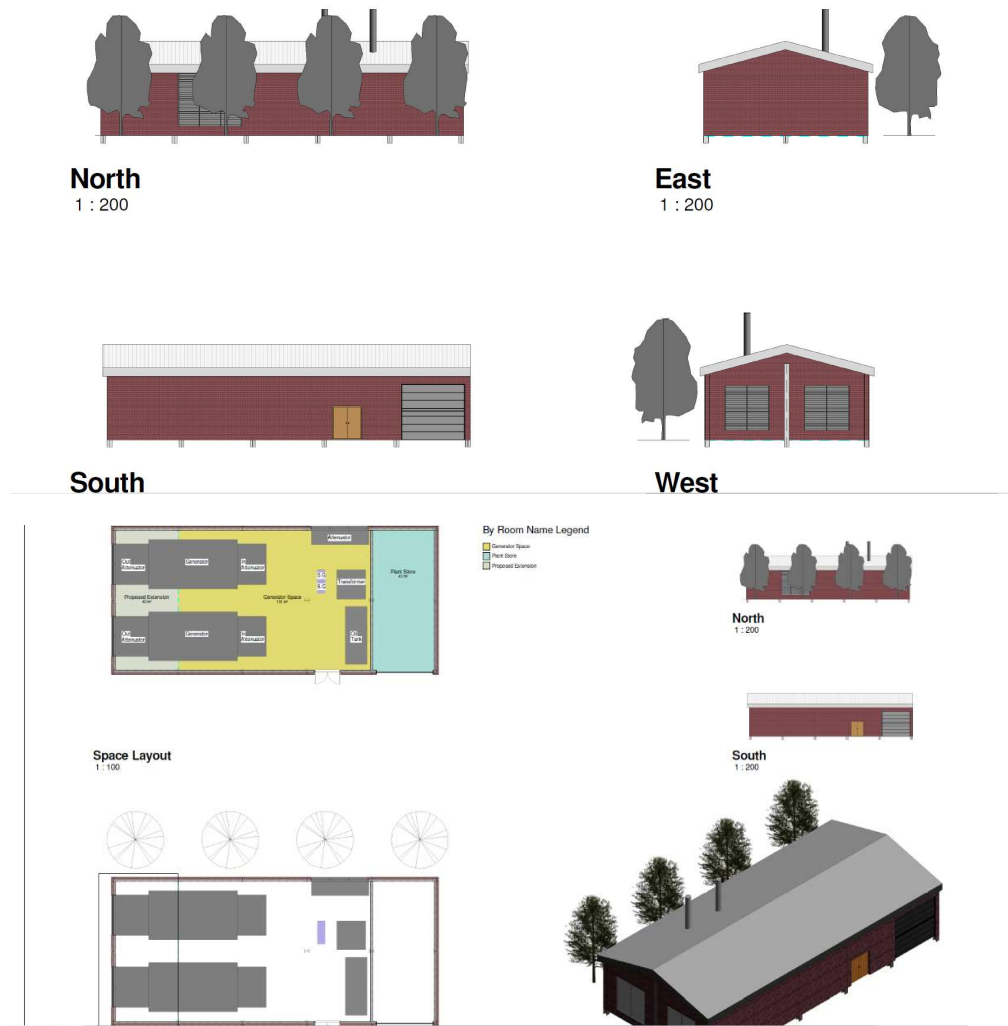
### T1 Development and Sustainable Transport

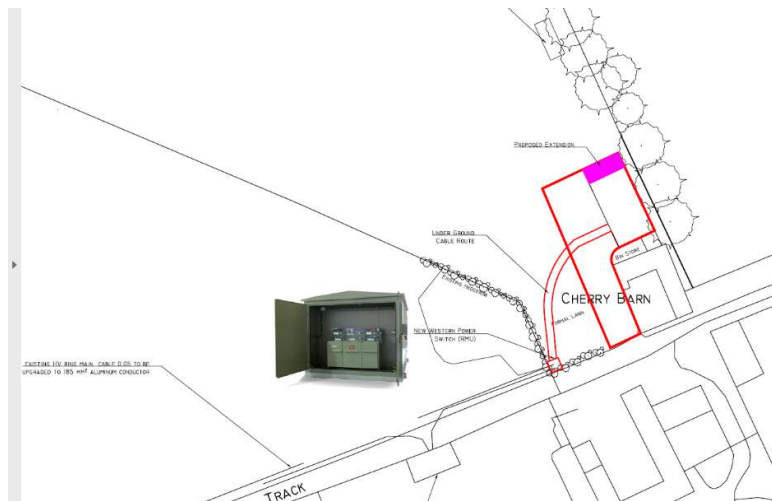
[the Council will ensure] that all new development is located where the highway network can satisfactorily accommodate traffic generated by the development or can be improved as part of the development.

### Officer comment

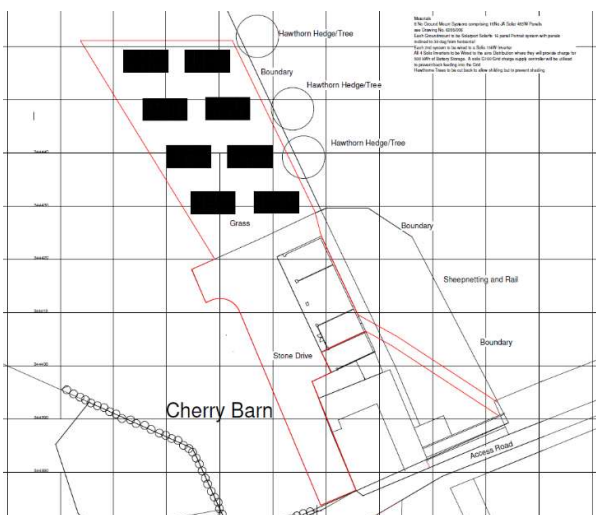
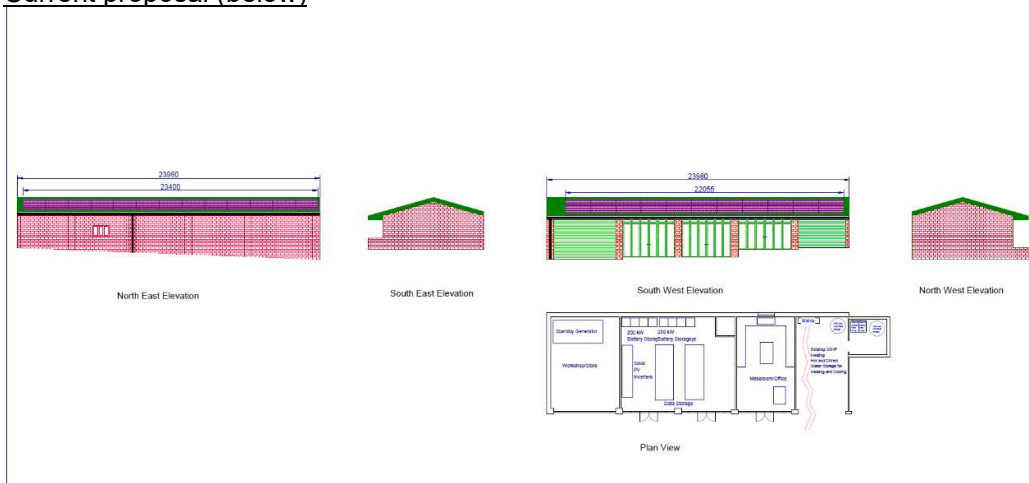
In line with Policy SS1a, if the proposal is found to accord with the policies above (and any others relevant) it should be approved. There is much planning history connected to this site however the most relevant scheme to note is approved application reference SMD/2017/0243. The following drawings show the 2017 approval followed by the scheme now applied for.

### SMD/2017/0243 approved drawings as follows





### Current proposal (below)



The Design and Access Statement informs that the 2017 application was implemented and references compliance with condition number 8 (removal of caravan from the site). The approval contained a number of other pre-commencement conditions however there is no

record of the applicant applying to have the conditions discharged. Regardless of whether the 2017 application was implemented within its 3 year timeframe, the scheme was approved and consideration and weight must be given to it. The Case officer (at the time) considered the proposal complied with the Development Plan policies. For ease of reference the applicant's description of the works is duplicated below with officer comments in Italics and underlined to confirm which parts of the development have already benefitted from planning approval.

#### Retrospective development

The retrospective part of the application seeks approval for the following works that have been carried out: -

- Change of use of the south-eastern part of the building to a mess room and water storage room. No previous approval.
- Extension at the north-western end of the building. This extension was approved as part of the permission for the peaking plant. Previously approved and now built although not in accordance with the approved plan as there was not supposed to be an opening in the front.
- Solar electric panels on the roof of the southwest elevation. No previous approval but some of the proposed roof panels have been erected.
- Brick pillars around the steel portal frame uprights. No previous approval.
- New eaves-to-floor windows and door to the mess room. No previous approval.
- The replacement of the metal cladding on the northeast and northwest elevation walls with brick. The replacement of the metal cladding with brick was approved as part of the permission for the peaking plant. Brick use previously approved but brick type does not appear to have received approval through any discharge of conditions application.

#### Proposed development - change of use

- Building to be used for digital data storage powered by the existing and new solar panels on the roof and in the field to the north of the building. Applicant confirms that the data storage use has commenced but on a small scale. The applicant states that 'this time of year combined without the additional Solar makes it not so cost effective. The scaling up of the operation will not cause any environmental issues at all.'
- The mess room, office, heating and water storage room would remain. Currently in place but no previous approval.
- Two central bays would house the data storage equipment, battery storage, and the photovoltaic converter. Full height window enclosures not yet constructed.
- The extended part of the building would house a standby generator and be used as a workshop and for storage. Roller shutter door not yet constructed.

#### Proposed operational development

- New solar electric panels on the north-eastern elevation. Some panels already in situ.
- Eight new ground-mounted solar panels situated to the north of the building. Work not commenced.
- New eaves-to-floor windows to the data storage room. Works not commenced.
- A small new window on the north-east elevation. This has been completed.
- A metal garage-type door to the workshop. Work not commenced.
- Connection to the electricity supply.

There is policy support for the re-use of rural buildings for commercial purposes and approval of the Peaking Plant scheme is a material consideration given that the application was approved.

#### Design and visual impact

The extension to the building has already been approved under SMD/2017/0243, as was the proposed use of brickwork. The officer considered brickwork to be a material in-keeping with the adjacent dwelling. Visually the building has changed quite a lot from its origins as an open-fronted agricultural building but changes have previously been deemed acceptable. The current application proposes retention of the brickwork but does not include such extensive areas of it. The front of the building retains large, open bays (reminiscent of an agricultural building), some of the openings would be fitted with roller shutter doors and some with glazing. The approved scheme allowed enclosure of all but one of the large openings which was fitted with a roller-shutter door.

There is nothing ornate about the design of the solar panels, they are simplistic and functional in their appearance. Each array of panels would be ground mounted and have an overall height of approximately 3.5m from ground level. The panels would be located to the north of the data storage building.

The rural location of the application site means there is wider visual impact to be considered. It has previously been identified that the site is within the Ancient Slope and Valley Farmland landscape character type which, at this location, is middle ranked in terms of landscape quality. The building is seen from the access track which also doubles as Footpath 39 (Cheadle). Occupants/users of the buildings to the south (on the other side of the access track) have clear sight of the back of the building as they access their properties and some views of the panels may be possible dependant on the extent of the boundary treatment on the eastern side of the panels. There is a farm gate just beyond the application site which allows access only to farm vehicles and walkers following footpath 39, thereby reducing the numbers of passers-by at this point.

There are views of the front of the building from the footpath further to the west although views of the panels may be more limited due to their lower height (than the building) and the gradually sloping (downwards) nature of the land upon which they would be fixed. There are a limited number of properties located much further to the north. Whilst some views of the building and panels may be possible from the northern properties, they are separated by such a great distance that it makes it highly unlikely for there to be any visual impact concern. The solar panels are to be fixed upon a greenfield site. Local Plan policy SD2 encourages previously developed land to be used when panels are not affixed to buildings or structures. In this instance the floor mounted panels would be within a green field site however this land is not 'higher quality agricultural land,' it is middle-ranked and the choice of location seems to be the best one within the site. If the panels were positioned to the west or east of the building then there would be greater, public visual impact as these areas are more exposed. Subject to a good planting scheme it is considered the panels in their proposed location, could be satisfactorily screened and their visual impact mitigated. It has already been mentioned that the ground levels of the chosen site drop gradually to the north, therefore reducing visual impact from the footpath/access track and lessening the visual impact from users/occupants of the buildings to the south. There are no issues with solar panels being fixed to the roof of the building, this is a common occurrence and becoming more so with agricultural/rural buildings.

### Amenity

This is a relatively isolated location however there are neighbouring buildings to the south. Objections received to the application (outlined earlier within the report) have been considered. The location of the application building and the solar panels means there are no overbearing/overlooking issues with neighbours. The Council's Environmental Health Department has been consulted, they have recommended a number of conditions relating to potential noise/nuisance, contamination and lighting plus additional informative notes to be added to the decision in the event of the application being approved.

### Coal

The application site lies within an area designated as a low-risk coal development area and as such this may be an area which contains unrecorded coal mining related hazards. It is recommended that in the event of planning permission being approved, that informative notes are added to the decision to remind/inform the applicant/developer of their responsibilities.

### Highways

The County Highways officer has assessed the application and confirms there are no highways objections to the scheme. The officer noted that this is 'a retrospective application at Cherry Barn which is of a track connected to a private road. The changes made do not affect highway safety and therefore I have no objection.'

### Other matters

With regard to the points raised by objectors:

- There is no stated intention to use the building for gatherings
- The operation of the data centre will not generate noise. Generators will be used for emergencies only and no objection has been raised by EH
- Traffic will be limited due to the small number of employees and the owner living on site. No objection has been raised by highways.
- Will this increase noise and traffic on the private road?
- The design of the building has been considered at length above
- Use of the private road and damage is a civil matter between owners.
- Damage to land and work without permission of owners is also a civil matter.
- Impact on property values is not a material consideration and amenity impacts have been addressed above.
- This is a fresh proposal and must be judged on it's merits notwithstanding any previous approvals or works which have been carried out without consent or failure to comply with previous conditions.
- Hedge and tree removal does not form part of this proposal
- Landscape and visual impact is considered above but as this relates to an existing building impact will be minimal
- The necessity for the development is not a material consideration but rather a matter for the applicant.
- The site is not within the green belt.
- The visual impact of the solar panels has also been considered and found to be acceptable.
- Solar panels cover all of the roof;
- The need for the messroom and heating has been justified by the applicant.

### **CONCLUSION / PLANNING BALANCE**

That, for the reasons outlined within the report, the application is approved subject to conditions and informative notes.

**OFFICER RECOMMENDATION :** Conditional approval.

**Case Officer:** Lisa Jackson

**Recommendation Date:** 19/05/2023.

X *B.S. Haywood*

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Signed by: Ben Haywood

**On behalf of Staffordshire Moorlands District Council**