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Mr. W. Chell
Planning Enforcement
Staffordshire Moorlands District Council
Stockwell Street
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ST13 6HQ

20th June 2023

Dear Wayne

VARIATION OF CONDITIONS 3 and 11 OF SMD/2021/0179 – BALL GREEN FARM

On behalf of my client Mr. D. Clement I would be grateful if you would find enclosed a planning application seeking to vary the wording of Conditions 3 and 11 of the above planning consent.

The original planning application granted consent for the erection of a freestanding agricultural building, along with an extension to an existing agricultural building, construction of a slurry tank, and retention of a vehicular access track, along with associated excavation works. In granting consent the Local Authority imposed a series of planning conditions, and this submission relates to Conditions 3 (External Materials) and 11 (Use of Vehicular Access) of that consent. For ease of reference the planning merits of the proposed variations of condition are discussed in turn below.

Variation of Condition 3 – External Materials
Condition 3 is currently worded as follows:

> *"The freestanding agricultural building and the extension to the agricultural building shall only be constructed using the external facing and roofing materials that are specified and detailed on the drawings numbered 1702-AL03B and 1702-AL05A respectively. The finished facing colour of the roof material used in the construction of development, shall only be a dark green colour. There shall be no variation without the prior consent in writing of the Local Planning Authority*

There is ambiguity in the wording of this condition, as on the one hand it stipulates that the agricultural building **shall only be constructed** using the external facing and roof materials specified on drawings AL03B and 1702-AL05A (which show profiled fibre cement sheeting to their roofs) yet

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goes on to state that the roof material shall only be a dark green colour (without specifying any RAL colour). The building has been constructed in accordance with the external facing and roofing materials specified on drawings AL03B and 1702-AL05A and consequently it is proposed that Condition 3 be varied to remove reference to the dark green colour. The proposed revised wording is as follows:

> *"The freestanding agricultural building and the extension to the agricultural building shall only be constructed using the external facing and roofing materials that are specified and detailed on the drawings numbered 1702-AL03B and 1702-AL05A respectively. There shall be no variation without the prior consent in writing of the Local Planning Authority*

The use of fibre cement sheeting is an entirely appropriate roof material which is commonly used throughout the Moorlands, including existing buildings on the site. Indeed, one suspects the wording of the original condition was a drafting error on the Local Authority's part, as the Committee Report discussed the proposed materials very clearly, commenting that:

> *"The buildings would be of typical agrarian construction and appearance, with **fibre cement cladding and roof material** above 2m high concrete panels. **These buildings would in keeping with and have an appearance similar to the other existing buildings on the farmstead** and similar farm sheds that appear within the open surrounding farmland to the east, south and north".*

It is consequently submitted that the proposed variation of Condition 3 is acceptable in planning terms and will not give rise to any conflict with policies DC1 and DC3 of the Local Plan.

Condition 11 – Use of Vehicular Access

Condition 11 is currently worded as follows:

> *"The existing access with the highway from Gorsey Bank at the northwestern end of the site shall only be used for the purposes of transporting sileage to the site on no more than a maximum of 6 days per calendar year. Within 6 months from the date of this permission a new farm gate shall be erected and installed across this access in a position that is to be set back a minimum of 10m from the carriageway edge"*

The reason for imposing the condition was to limit the use of the existing highway access owing to the narrow geometry of the lane that it egress onto, and proximity to dwellings opposite. The

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application proposes to vary that condition to allow for the access to be used for a maximum of 30 days per calendar year. The proposed revised wording is as follows:

> *"The existing access with the highway from Gorsey Bank at the northwestern end of the site shall be used for no more than a maximum of 30 days per calendar year. Within 6 months from the date of this permission a new farm gate shall be erected and installed across this access in a position that is to be set back a minimum of 10m from the carriageway edge"*

Paragraph 111 of the National Planning Policy Framework confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be *severe*. We submit that the resultant usage of the access arising from the proposed variation of condition – equivalent to just 2.5 days a month – will not result in severe residual impacts to highway safety nor any harm to residential amenity.

The farm vehicles using the access have an elevated position and thus can observe oncoming traffic more readily than cars would, and the access is understood to have functioned without incident to date. A review of the CrashMap website furthermore confirms that there have been no recorded incidents along Gorsey Lane for the last 23 years. We consequently submit that the proposed variation of condition 11 is acceptable in planning terms and will not give rise to any conflict with policy T1 of the Local Plan or the provisions of the National Planning Policy Framework.

I trust this proposal will be of interest, but should you have any queries or concerns in respect of this matter, then I would welcome the opportunity to discuss them with you prior to the determination of the application.

Yours sincerely

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