

DELEGATED DECISION REPORT

DET/2023/0027
Valid 01/09/2023

GREENFIELDS FARM
CROWBOROUGH ROAD
LASK EDGE

**APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR STEEL
FRAME WITH FIBRE CEMENT
ROOF AND YORKSHIRE
BOARDING**

**(AGRICULTURAL/FORESTRY
DETERMINATION)**

MAIN ISSUES

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

DESCRIPTION OF SITE

Existing modern agricultural building permitted under SMD/2016/0208. Stands aligned parallel to the road. Hedgerow to roadside. An un-related property, Molehouse Farm stands across the road to the south at about 40m separation.

Crowborough Road is a classified adopted road C175. The site of the proposed development is some 10m to 12m north of the metalled road surface edge.

PROPOSAL

The proposal would be an extension to the existing 2016 approved building. The proposed extension is described as Steel framed with slate blue fibre cement roof and grey-brown (tanalised) Yorkshire boarding above concrete panel base wall with dimensions 13.7m x 6.28m and 3.67m eaves height. Ridge height is given as being 6.2m.

In answer to the printed questions on the form it is stated that the proposed building would not be used to house livestock, slurry or sewage sludge.

In answer to the question: "Is the proposed development reasonably necessary for the purposes of agriculture?" the applicant states:

"This is to put a roof over an existing muck hole which currently has just concrete floor and concrete panels around it. During rainfall, this roof will prevent the run off of effluent and waste to nearby roads adjacent, the farmyard and subsequently enter road drains presenting a risk to water quality. Also, the current rainfall damages the quality of the manure. This is to

comply with government catchment sensitive farming and in line with advice received relating to this following a recent assessment.”

No elevation drawings are provided but the location plan shows the proposal attached as a continuation of the existing building.

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
DC3 Landscape and Settlement Setting
NE1 Biodiversity and Geological Resources
NE2 Trees, Woodland and Hedgerows
T1 Development and Sustainable Transport

National Planning Policy Framework (2023)

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 6 – Building a strong and competitive economy; 7 – Ensuring the vitality of town centres; 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

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2016/0208 – Proposed demolition and replacement of existing farmhouse, demolition of existing outbuildings and agricultural structures and erection of 2 no. agricultural buildings – approved – built

At Molehouse Farm opposite

12/00965/FUL - Conversion of Redundant agricultural building to domestic dwelling – 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.

Development not permitted under part 6 Class A includes:

A.1 (h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;

The submitted location plan shows the proposal to come within c.12m of the metalled road surface of Crowborough Road – corroborated at the LPA site visit and from publicly available map and air photos – and there can therefore be no doubt that the proposed development is not compliant with Part 6 due to its position within 25m of the metalled part of a classified road – Crowborough Road Class C.

Development not permitted under part 6 Class A also includes:

A.1 (i) it would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400 metres of the curtilage of a protected building;

A 'protected building' does not include a dwelling or other building on another agricultural unit which is used for or in connection with agriculture. There are two dwellings at Molehouse Farm – within 50m to 100m away to the immediate south (or south east). It is not at the present time known by the LPA whether one or other or both of the dwellings is used for or in connection with agriculture. As the existing building in the proposal is used for the accommodation of livestock, if one or both of the Molehouse dwellings is not used for or in connection with agriculture it would mean that this proposal cannot be determined under Part 6.

Given the proposal is ineligible for assessment under Part 6 based on its proximity to the metalled road there is no need for the LPA to consider matters of siting, design and external appearance any further.

At Part 6 under the heading 'Conditions' it is stated at A.2 (2) (iii) the development must not begin before the occurrence of one of the following—

(cc) the expiry of 28 days following the date on which the application under subparagraph (2)(ii) [ie. the development proposal] was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination.

CONCLUSION / PLANNING BALANCE

The applicant should be notified that prior approval is required and refused as the LPA finds the proposal cannot proceed as a prior notification under part 6 due to the proposed extension structure being within 25m of a metalled classified road.

OFFICER RECOMMENDATION : **Prior approval required and refused**

Case Officer: Arne Swithenbank

Recommendation Date: 28th Sept 2023

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council