DELEGATED DECISION REPORT

SMD/2023/0433 **Valid 24/08/2023**	**LAND SOUTH WEST OF HOLT LANE KINGSLEY**	**APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR PROPOSED STORAGE OF BUILDING MATERIALS FOR THE PURPOSES OF MAINTAINING THE EXISTING BUILDINGS AND MARTIALS FOR THE AGRICULTURAL USES (FENCES, SHELTERS, WATER CONTAINERS, FEED TROUGHS ETC)** **(CERTIFICATE OF LAWFULNESS - PROPOSED)**

MAIN ISSUES

- Has the use of the land resulted in material change of use?
- Is the use of land permitted by the GPDO

DESCRIPTION OF SITE

The application concerns the north eastern edge of a 1.3ha rectangular field. Within this area there is hardstanding within proximity of the access with Holt Lane and the rear garden boundaries of those properties that front Holt Lane and back onto the land.

A set of photographs and a site plan detail the storage of pallets, bricks and blocks, decking sections/squares, bags of sand and cement, telegraph poles, metal roof sheeting, paving slabs, timber rafters.

The applicant is using his field to farm free range pigs on a moderate scale.

THE APPLICATION

The form states that there is a proposal to store materials for the repair and maintenance of the existing building. However, the application appears to relate to what is actually an existing use, as evidenced in the submitted photographs and site plan.

This point has been put to the applicant's agent without reply. The application does not include any other statement or evidence submitted with the application and the application's claims are not clear or explained.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS
SMD/2021/0091 restoration of brick building for agricultural use. APPROVE
SMD/2021/0336 variation of condition 2. APPROVE.

CONSULTATIONS
The application has been submitted and validated as a proposed development and as such publicity has not been carried out.

Nevertheless, one objection has been received from a residential neighbour who's property backs on to the land. The neighbour is concerned that the site is an untidy mess.

OFFICER COMMENTS
The application does not detail or clarify the terms of the lawfulness claim. However, it is said that the items and materials are to maintain and repair buildings and to erect new enclosures on the agricultural land.

The applicant has had opportunity to clarify and detail the terms of the submission without response.

However, in the absence of further submission it does occur that there are two propositions worthy of consideration. The first – the storage is ancillary to the agricultural use of the land; the second- the storage is directly and actively associated with ongoing development or operations that have either been granted planning permission or do not need planning permission.

A land use that has an ancillary link to the primary use of the planning unit and does not result in a functionally separate use should not result in material change of use that requires planning permission. In this case the primary use of the land appears to be agriculture, the applicant farms pigs.

Within the application submission the storage is detailed as what appears to be a rather indiscriminate collection of items – some obviously identifiable as building materials (sand, cement, brick and block) others with a much more ambiguous connection to uses and activities on site (pallets, decking pieces, telegraph poles). None of the items have obvious functional or regular purpose connected or associated with the agricultural activity on the site.

The application does not explain how these materials are to be used in the repair and maintenance of buildings on site, where those buildings are located and the nature of the repairs that are required. It is not clear how the storage is directly associated with ongoing building works on site, there is no evidence that the planning permission to restore the ruinous brick building is being implemented and that the work is ongoing.

It is difficult to resist a proposition that the storage amounts to an indiscriminate collection of items and materials gathered opportunistically in case they might find future unspecified usefulness- perhaps for future projects that may or may not require future planning permission.

CONCLUSION / PLANNING BALANCE

The application is submitted with insufficient information and evidence to determine that the use is lawful.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Ben Hurst
Recommendation Date: 19th October 2023

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council