

DELEGATED DECISION REPORT

SMD/2023/0514
Valid 12/10/2023

KNYPERSLEY MILL FARM
JUDGEFIELD LANE
BROWN EDGE

**PROPOSAL TO SUBDIVIDE
EXISTING AGRICULTURAL
PADDOCK WITH AN
AGRICULTURAL FENCE &
'CHANGE OF USE' OF THE
LAND TO A DOG EXERCISE
AREA. ACCESS TO THE SITE
AND PARKING PROVISION IS
EXISTING (NO CHANGE
REQUIRED),**

(FULL - MINOR)

MAIN ISSUES

The main issues are:

- whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- the effect of the development on the character and appearance of the area with particular regard to landscape character; and
- whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

DESCRIPTION OF SITE

The site lies within open countryside to the southeast of Knypersley Reservoir. Directly adjacent the site to the west is a caravan and camping site where caravans were present during the officer's visit. Beyond the caravan site is a farmyard. To the north, east and south is agricultural land along with mature trees and vegetation around field boundaries. The ground level of the appeal site rises from the west to the east. The site is located within the Ancient slope and valley farmlands landscape character type where small scale mainly ancient irregular fields bounded by trees and hedgerows are one of the key characteristics.

It is noted within the Design and Access Statement that an online booking system is to be implemented where a reservation and payment can be made. Bookings will be on a 30 minute to 1 hour basis with a maximum of 6 dogs at any one time. The area will be for private hire by the hour. The facility will operate from 08.00hrs to 20.00hrs during summertime, and 08.00hrs to 16.00hrs during wintertime for seven days a week.

PROPOSAL

Resubmitted revised attempt application following a previous scheme having been refused and dismissed at appeal by the government appointed Inspector. The proposal is to subdivide existing agricultural paddock with a fence/means of enclosure that the applicant describes as agricultural fencing – the fence is detailed as being 1.5m high wiremesh between timber posts; & 'change of use' of the land to a dog exercise area. The site would be accessed via the existing highway access that serves the caravan site. While parking provision is described as being existing it is clear that an unauthorised area of hardsurface has been introduced adjacent to the access and service track post dating the previous application.

The difference with this application is that the three parking spaces would be provided on a new area of hardsurface adjacent to the track on its westside. Unlike the previous proposal this parking area would not be enclosed with fencing or planting it instead extends out from the edge of the track toward existing boundary and fills that gap.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Development Plan Document (Adopted 2020)

S01 Spatial Objectives
SS1 Development Principles
SS10 Other Rural Area
DC1 Design Considerations
DC3 Landscape Character
T1 Development and Sustainable Transport

National Planning Policy Framework

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2022/0471 Dog exercise area. Refused and Appeal Dismissed.

CONSULTATIONS

Publicity

Site Notice expiry date: 07/12/2023
Neighbour consultation period ends: 07/12/2023
Press Advert: N/A

Public Comments

None

Town / Parish Comments

Brown Edge and Endon PC: No Objection

Waste Collection

No issue

Staffordshire County Council Highways

No Objection. Subject to parking provision being secured and retained for life of the development and the facility being restricted to private hire and not used for special events.

Canal and River Trust

Confirm no comment to make

OFFICER COMMENTS**Whether inappropriate development**

The appeal site is located within the Green Belt. Paragraph 147 of the Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, paragraph 150 of the Framework sets out that certain other forms of development are not inappropriate in the Green Belt providing that they preserve openness and do not conflict with the purposes of including land within it. Criteria b) of paragraph 150 refers to engineering operations and criteria e) refers to material changes in the use of land such as changes of use for outdoor sport and recreation. This would be the same approach if considering the proposal under paragraph 149 b) of the Framework which also requires proposed facilities for outdoor recreation to preserve the openness of the Green Belt.

The proposed use can be reasonably described as a form of outdoor recreation and thus would come under criteria e) while the proposed fencing and parking area would fall under criteria b). Therefore, providing that the proposal would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it, it would not be considered to be inappropriate development. Paragraph 137 of the Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. In considering the concept of openness, the courts have found that it broadly has two dimensions, spatial and visual.

The proposal would utilise the existing access track used by the adjacent caravan and camping site. However, the proposed parking and turning area would use additional hardstanding that has without planning permission been introduced for this purpose. This area of hardstanding extends the compacted stone surface from the access track to the west, in filling an open area of grass between the track and the existing boundary that coincides with the edge of the adjacent private drive which serves the farmhouse.

Given the location of the parking and turning area it is seen in the context of the entrance to the caravan and camping site. The provision of three parking spaces and the associated turning area is limited in comparison to the wider site area. However, the overall size of the parking and turning area, combined with its infill position between two pre-existing tracks and adjacent to the access opening with the highway, clearly emphasises the development of the site spatially. The parking of

vehicles on the unauthorised hardstanding would also affect spatial and visual openness when it is in use.

Along the roadside and eastern boundaries, the proposed fencing would be located adjacent to the existing vegetative boundaries and would not be overly prominent. However, the fencing proposed along the southern boundary to separate the proposed use from the wider field would enclose the site visually and spatially and would therefore be much more prominent.

The type of fencing proposed, particularly the mesh identified on the submitted drawing and the 1.5m height appears to go beyond what would be typical of livestock fencing normally used to enclose sheep or cattle. The installation of such fencing would only result from and be for the purposes associated with the material change of use, there is no evidence to suggest that fencing of the type and design proposed would be erected without the proposed use being granted permission, regardless of whether it would be permitted by the GPDO or not.

The type of equipment that would be on site, tunnels etc, are likely to be small in scale and would not always remain on the site. However, whilst not bulky in nature or appearance, the additional paraphernalia associated with the proposed use would nevertheless be likely to impinge upon both the spatial and visual openness of the appeal site in comparison to an agricultural use.

The effect on openness would be relatively limited. However, the cumulative effect of the parking area, the fencing and the bringing onto site paraphernalia relating to the proposed use would not preserve the openness of the appeal site, either spatially or visually. The scale of the proposal, the lack of buildings proposed and the omission of planned planting/landscaping does not lead to a different conclusion. These elements, whilst they would not be highly visible from public viewpoints in the immediate vicinity of the site they would be apparent to an extent in longer distance views and would be readily visible by the users of the adjacent caravan and camping site.

For the reasons above, the scheme would not preserve the openness of the Green Belt and would therefore conflict with the purposes of including land within it, including in relation to safeguarding the countryside from encroachment. Having regard to paragraph 150 of the Framework, the proposal would therefore be inappropriate development in the Green Belt. As such it would conflict with Policy SS10 of the Staffordshire Moorlands Local Plan Adopted September 2020 (LP). This policy seeks, amongst other things, to maintain the Green Belt allowing only for exceptions as defined by Government policy.

Character and appearance

The appeal site lies within open countryside to the southeast of Knypersley Reservoir. Directly adjacent the site to the west is a caravan and camping site where caravans were present during the officer site visit. Beyond the caravan site is a farmyard. To the north, east and south is agricultural land along with mature trees and vegetation around field boundaries. The ground level of the appeal site rises from the west to the east. The site is located within the Ancient slope and valley

farmlands landscape character type where small scale mainly ancient irregular fields bounded by trees and hedgerows are one of the key characteristics.

The proposed car park area would be located adjacent to the existing access track and would be located in the lower part of the field, before it starts to rise towards the east. It would be viewed in the context of the entrance to the caravan and camping site where there is an existing boundary fence formed of timber posts and mesh wire fencing. Whilst the proposed fencing would be taller than the existing fencing and a proposal to provide a hedgerow around the fencing appears to have been omitted from this latest proposal, overall the rural character would largely be retained.

The applicant asserts that the proposed works could be reversed easily in the future and the land reinstated to its current condition. One of the key planning and management issues identified in the Landscape Character Assessment of Staffordshire Moorlands, relates to the replacement of hedgerows and drystone walls by fencing. The appeal proposal does not involve the removal of vegetation or traditional boundary treatments. The majority of the proposed fencing would run alongside the existing field boundaries and therefore would not be overly prominent. The proposed fencing along the southern boundary would be more prominent and would not be entirely typical of livestock fencing in its appearance. However, given the limited wider public views of it, it is not considered that it would be harmful to the character and appearance of the surrounding area.

The substantial vegetation along the roadside which sits above a bank means that even during seasonal changes during less leaf cover, the proposal would be largely screened from short distance views. There is a location on the western end of the bridge that runs along the southern edge of the reservoir where part of the site is visible. Therefore, there would be views of part of the site from more medium and longer distance views. However due to the location of the proposed parking within the site and the location of the majority of the fencing the proposed changes to the site would not be prominent in these views. It is likely that the paraphernalia associated with the proposed use would be small in scale and would not always remain on the site, limiting the effect of this element of the proposal on the character and appearance of the area.

The proposal would not harm the character and appearance of the area. The proposal would therefore accord with LP Policies SS10 and DC3 in relation to them seeking, amongst other things, to enhance and conserve the quality of the countryside and support development which respects and enhances local landscape character. The proposal would also be consistent with the provisions of the Framework regarding the conservation and enhancement of the natural environment.

Other considerations

The proposal would be inappropriate development in the Green Belt, which is, by definition, harmful and should only be approved in very special circumstances. Paragraph 148 of the Framework indicates that substantial weight has to be given to any harm to the Green Belt. It is therefore necessary to consider whether the harm by reason of inappropriateness, or any other harm, is clearly outweighed by other

considerations so as to amount to the very special circumstances required to justify the development.

Consistent with the Framework's approach to a prosperous rural economy, the proposal would support the diversification of the farming enterprise, which it is said is unviable on the basis of small-scale traditional farming practices. It would add to the use of the neighbouring site as a Camping & Caravanning Club affiliated site and the holiday let accommodation and siting of a Shepherds Hut. It would add to the income for the farming business and the need to support economic growth in rural areas is acknowledged. However, given the scale of the proposed development and that limited information has been provided on the financial benefits that it would bring, the overall scale of the economic benefits would in this instance be modest.

The proposal would provide a safe exercise, training and socialisation area for dogs off lead, which is said to be in demand in the local community and the wider area, particularly given the lack of such a facility within a 10 mile radius. The applicant states the site could also be used by dog training hosts or police dog handlers. It would also provide a different type of opportunity for dog exercise in the local area, as dogs are required to be kept on lead around the nearby Knypersley Reservoir public recreation facility. The proposal would provide a benefit for dog owners in terms of health and wellbeing. However, given the scale of the proposal the benefits stemming from these matters would be limited.

The ability to reverse easily the works in the future, the absence of any harm to highway safety, and the findings of a submitted noise assessment, are all neutral considerations and do not weigh in favour of the proposal.

Green Belt Balance

The proposal comprises a material change of use and associated engineering operations that would not fall within any of the exceptions to inappropriate development in the Green Belt according to the Framework. The Framework establishes that substantial weight should be given to any harm to the Green Belt and the development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.

Other considerations in this case include the modest economic benefits relating to the diversification of the farming enterprise and the limited health and social benefits of providing a safe and secure space for off lead dog exercise and training. A lack of harm in respect of highway safety, noise disturbance and the fact the proposed works could be reversed easily in the future are also raised but are neutral factors.

The other considerations in this case do not clearly outweigh the harm that has been identified. Consequently, the very special circumstances necessary to justify the development do not exist.

CONCLUSION / PLANNING BALANCE

For the reasons set out above, the proposal would conflict with the development plan when read as a whole and the Framework. Based on the evidence, the presumption in favour of sustainable development does therefore not apply in this instance. Material considerations do not indicate that a decision should be taken other than in accordance with that plan. Having considered all other matters raised, the appeal should be dismissed.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Ben Hurst

Recommendation Date: 7th December 2023

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council