

PLANNING STATEMENT

**FAR LAKES FARM
WHISTON**

NOVEMBER 2023

Site Address:

Far Lakes Farm, Shaw Wall Lane, Whiston, Staffordshire, ST10 2HT

Applicants:

Mr A Byatt & Mrs P Hughes

Proposal:

Proposed Temporary Agricultural Workers Dwelling

Planning Statement:

Date Issued: 28th November 2023

Job Reference: RDP/2023/080

Report Prepared By:

Rob Duncan BSc(Hons) MA MRTPI
Rob Duncan Planning Consultancy Ltd

Contact Details:

Rob Duncan Planning Consultancy Ltd.
28 Ferndale Road, Lichfield, Staffordshire, WS13 7DJ
Email: rob78duncan@gmail.com
Tel. 07779 783521

1 Introduction

- 1.1 Rob Duncan Planning Consultancy Ltd. has been instructed by Mr A Byatt & Mrs P Hughes to submit a planning application for the erection of a temporary agricultural workers dwelling at Far Lakes Farm, Shaw Wall Lane, Whiston.
- 1.2 By way of background, the applicant had previously secured planning permission for the erection of a temporary agricultural workers dwelling on the site under application SMD/2018/0427 which was permitted for a period of 3 years (expiring 8th November 2022). They subsequently applied for a further grant of temporary consent for a three year period (SMD/2022/0617) whilst a concurrent application for a permanent dwelling was considered and determined by the Local Authority (SMD/2023/0011).
- 1.3 The Planning Officer had recommended that application SMD/2022/0617 be approved for a temporary period of 2 years in order to allow time for the determination of the permanent agricultural dwelling application along with its subsequent construction.
- 1.4 In considering that application the Planning Applications Committee nevertheless sought to dramatically reduce the time frame of the temporary consent, requiring the dwelling to be removed from site by the 17th August 2023 (a period of only 6 months). An appeal had been lodged against that condition but was not submitted within the required time frame, thereby necessitating the submission of this application.
- 1.5 For avoidance of doubt, the application for the permanent dwelling (SMD/2023/0011) remains undetermined at time of writing.

2 Site & Surroundings

- 2.1 The application site is located within the rural area and forms part of an established agricultural holding located on the western side of Shaw Wall Lane, approximately 800 metres northeast of the village of Foxt. The applicant's land holding extends to some 75 acres (30 hectares).
- 2.2 To the south/southwest of the temporary workers dwelling lie three agricultural buildings. The largest two of those buildings are used for calf rearing whilst the smaller building is used as a fodder store. On the northern side of Shaw Wall Lane, works have recently been completed on a lambing barn, as approved under application SMD/2020/0713. That building is also within the applicant's ownership and forms part of the established agricultural holding.
- 2.3 Open fields extend to the west, southwest and southeast of the site interspersed by boundary hedgerows and trees. Beyond the south-eastern / eastern boundary of the site lies a detached dwellinghouse known as Newfields Cottage. Public Footpath Ipstones 51 runs in between the two. A further public footpath (Ipstones 50) runs in a westerly direction across the applicant's land from the vehicular access to the site. Neither footpath is affected by the siting of the temporary agricultural worker's dwelling.

3 Planning Policy

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application. The Development Plan for this area comprises the Staffordshire Moorlands Local Plan (2020) of which the following policies are of relevance to determination of the application:

3.2 Policy SS1 of the Local Plan relates to 'Development Principles' and states that the Council will expect the development and use of land to contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands in terms of delivering, in partnership with other agencies and services:

- a mix of types and tenures of quality, affordable homes, to meet the needs and aspirations of the existing and future communities
- quality local services, including provision for education, healthcare, leisure, community, cultural and tourist facilities in response to anticipated population change and visitor numbers
- easy access to jobs, shops and transport services by all sections of the community
- increased economic prosperity and opportunities for employment and greater local capacity with an educated, skilled and flexible workforce

- a healthy, safe, attractive, active, well-designed and well-maintained environment
- development which maintains the locally distinctive character of the Staffordshire Moorlands, its individual towns and villages and their settings
- development that is undertaken in a way that protects and enhances the natural and historic environment of the District and its surrounding areas, including the Peak District National Park, both now and for future generations
- support development which secures high quality, sustainable environments, efficient and effective use of resources and contributes effectively to tackling climate change and reduced carbon emissions.

3.3 Policy SS10 of the Local Plan relates to the 'Other Rural Areas Strategy' and states that 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, promotes sustainable tourism or enhances the countryside. This will be achieved through a number of actions including:

- Restricting new build housing development in the countryside to that which has an essential need to be located in the countryside in accordance with Policy H1
- Giving priority to the need to protect the quality and character of the area and requiring all development proposals to respect and respond sensitively to the distinctive qualities of the surrounding landscape;

3.4 Policy H1 of the Local Plan relates to 'New Housing Development' and states that (amongst other provisions):

- New housing development should provide for a mix of housing sizes, types and tenure including a proportion of affordable housing as set out in Policy H3, and where appropriate housing for special groups, to meet the needs and aspirations of the current and future population having regard to the Area Strategies
- All development will be assessed according to the extent to which it provides for high quality, sustainable housing and to which it meets identified housing needs, having regard to the location of the development, the characteristics of the site and the economics of provision.
- All new dwellings should aim to provide flexible accommodation which is capable of future adaptation by seeking to achieve adequate internal space for the intended number of occupants in accordance with the Nationally Described Space standard and delivered to meet accessibility standards set out in the Optional Requirement M4(2) of Part M of the Building Regulations. This will be determined on a site-by-site basis subject to considerations such as viability and design.
- All new dwellings must be of sufficient size to provide satisfactory levels of amenity for future occupiers of the dwellings whilst respecting the privacy and amenity of occupiers of existing dwellings.

3.5 Policy H1 goes on to state that in the other rural areas only the following forms of housing development will be permitted

- a) Affordable housing which cannot be met elsewhere, in accordance with Policy H3
- b) A new dwelling that meets an essential local need, such as accommodation for an agricultural, forestry or other rural enterprise worker, where the need for such accommodation has been satisfactorily demonstrated and that need cannot be met elsewhere.
- c) Proposals for replacement dwellings, provided they do not have a significantly greater detrimental impact on the existing character of the rural area than the original dwelling or result in the loss of a building which is intrinsic to the character of the area.
- d) The conversion of rural buildings for residential use where the building is suitable and worthy in physical, architectural and character terms for conversion; or where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.
- e) Proposals to redevelop previously developed land provided it is not of high environmental value.
- f) The subdivision of an existing residential dwelling provided it is not in an isolated location.

4 Other Material Considerations

National Planning Policy Framework

- 4.1 The National Planning Policy Framework (NPPF) seeks to secure the delivery of sustainable development and sets out policies, *inter-alia*, in respect of the delivery of rural housing and supporting the rural economy. The content of the NPPF has been taken into consideration in the preparation of this document.

Planning Application SMD/2018/0427 – Far Lakes Farm, Whiston

- 4.2 The above application granted consent for the erection of a temporary agricultural workers dwelling on the site for a period of 3 years. The conclusions of the Local Authority in their assessment of that application are discussed within the Planning Assessment below.

5 Planning Assessment

- 5.1 Paragraph 56 of the National Planning Policy Framework provides guidance in respect of the use of planning conditions, and states that:

“Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification”

- 5.2 The current wording of Condition 1 of SMD/2022/0617 reads as follows:

“The temporary agricultural workers dwelling hereby approved and associated works shall be removed and the land restored to its former condition on or before 17th August 2023 in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be carried out within one month of the removal of the agricultural workers dwelling”

- 5.3 The stated reason for the imposition of the condition reads as follows:

“Permission is granted on a temporary basis only to establish whether there is a functional need for permanent on site residential accommodation at this agricultural holding”

- 5.4 In recommending that the previous application be granted, a further grant of temporary consent be permitted, the Planning Officer commented within the Committee Report as follows with regards to the background of the proposal and the current situation on the site:

*“Planning permission had previously been granted for the erection of a temporary rural workers dwelling. That permission was granted exceptionally for a three year period, which has now expired. In consideration of the previous temporary consent, **the development was justified on the basis that the enterprise had planned commitments to develop the enterprise**, through additional planning consents for agricultural buildings and land rental agreements which established a need for a worker to be located on site. **Those measures considered at that time have been implemented**” (our emphasis)*

- 5.5 The Committee Report went on to comment that:

*“Since the approval in 2019, **the enterprise has expanded further** and has further planning permission for an additional livestock building on the northern side of Shaw Wall Lane. The enterprise has expanded to 130 calves, 65 store cattle and 30 young bulls, and they now farm a 75.01 acres, of which 37.54 is owned, and the remainder rented on tenancy agreements. **The operation has expanded to a degree which exceeds that which previously justified an initial dwelling on the site**”*

(our emphasis)

- 5.6 The Committee Report also noted that an application for a permanent dwelling had also been submitted which was accompanied by a robust and

detailed agricultural appraisal. It went on to confirm that no conclusions have been established on the acceptability of that application, and that remains the case with the application still pending determination.

5.7 The Committee Report went on to conclude that:

*“Given the **clear intention to develop the enterprise further** with development of land to the north, and the application for a permanent dwelling, which would be subject to further appraisal, it is considered that one further additional temporary consent can be justified in this instance. **This would particularly be in the immediate interests of animal welfare and the effective operation of the enterprise.** Should a permanent dwelling prove to be unsuccessful in obtaining planning permission, following a detailed assessment, **then the 2 year temporary consent, rather than 3 years as sought, would give the applicants the opportunity to explore other options before having to vacate the site.** Temporary consent in such circumstances is not an indication that a permanent dwelling would be successful. (our emphasis)*

5.8 Despite the clear recommendation from the Planning Officer, the Planning Committee were not happy about granting a further temporary consent. There was a groundswell of concern that they could not see any animals on the site, which in turn led them down a path of concluding that the agricultural buildings had only been erected on the site with a view to establishing a dwelling on the site, at which point the buildings and animals would be removed.

- 5.9 The members of the planning committee did not however go onto the site itself; they only viewed it from the public highway, and had they had gone onto site they would have seen some of the animals within the existing buildings. The rest were out at pasture. The Committee eventually opted to grant a 6 month temporary consent to allow time for the full application to be considered and determined (with no allowance for its subsequent construction which points to pre-determination of that application).
- 5.10 We submit that it is proper and correct for a further temporary consent to be granted in order to:
- a) Allow time for the permanent dwelling application to be considered and determined by the Local Authority (and appealed to the Planning Inspectorate if refused). It remains underdetermined at present.
 - b) Allow time for the appellant's to construct the permanent dwelling if it is approved, or to seek alternative arrangements if permission were to be refused and an appeal was unsuccessful.
 - c) In the interests of ongoing animal welfare
- 5.11 The short period granted under the previous consent is considered unreasonable as it made no allowance for these potential outcomes, and consequently we submit that there is a compelling case for a further temporary consent of 3 years to be granted.
- 5.12 At the time of granting the original temporary agricultural workers dwelling, the applicant was proposing to increase the number of suckler cows to 50, supported by 25 replacements, and the store cattle increased to 60 animals and the ewe flock increased to 40. The Local Authority concluded that the

proposed temporary worker's accommodation supported an intention to expand the scale of the livestock activity.

5.13 Since that application was approved the applicants have increased their animal numbers to 130 calves, 65 store cattle, 30 young bulls, plus 100 sheep. The applicants also now farm a total of 75.01 acres, of which 37.54 is owned, and the remainder rented. A previously approved cattle store (SMD/2019/0051) has since been constructed, with consent also granted for a new lambing shed on the opposite side of the road within the same holding (SMD/2020/0713).

5.14 The agricultural business on the site has therefore evidently developed beyond the level that the Local Authority has previously found sufficient to justify the siting of a temporary agricultural worker's dwelling. Even if the application for the permanent dwelling were to be refused, it does not automatically follow that there would no longer a need for a temporary dwelling. There is a clearly established agricultural business on this site which commands the need for on-site accommodation, in particular in the interests of animal welfare. A clear justification for an agricultural worker to live on the site therefore continues to exist.

6 Conclusion

- 6.1 Having regard to the considerations set out within the Planning Assessment above we submit that there is a compelling case for planning permission to be granted for a temporary agricultural workers dwelling in the interests of animal welfare and to allow for the ongoing application for the permanent dwelling to be considered and determined. The agricultural business is greater in size / animal numbers than that which the Local Authority considered to be sufficient to justify the dwelling in the first place, so a compelling case exists to support the retention of the dwelling for a further temporary period.
- 6.2 The proposed development is consequently held to meet the requirements of policies SS1, SS10 and H1 of the Staffordshire Moorlands Local Plan.