

Staffordshire Moorlands District
Council
Planning Services

12 December 2023

Dear Sir/Madam

Objection Letter – SMD/2023/0535

Proposal - Portal frame calf rearing unit for the purposes of agriculture. The proposed building will be a dedicated building designed for the rearing of calves focusing on the health and welfare of the calves.

Site Address - Sprinks Farm, Dingle Lane, Rushton Spencer, Staffordshire, SK11 0RX

LRJ Planning Ltd has been instructed by Mr and Mrs MacLeod of Endon Hays Farm, Dingle Lane, Rushton Spencer, Macclesfield, Cheshire, SK11 0RX to review and draft a formal response to the above planning application that has been lodged with the Council.

Following a review of the submitted plans and the supporting documents with my clients' they have serious concerns with the application proposed, that will generate significant levels of ammonia. Ultimately, it will impact on their nearby property and therefore **OBJECT** to the application for reasons that will be detailed below.

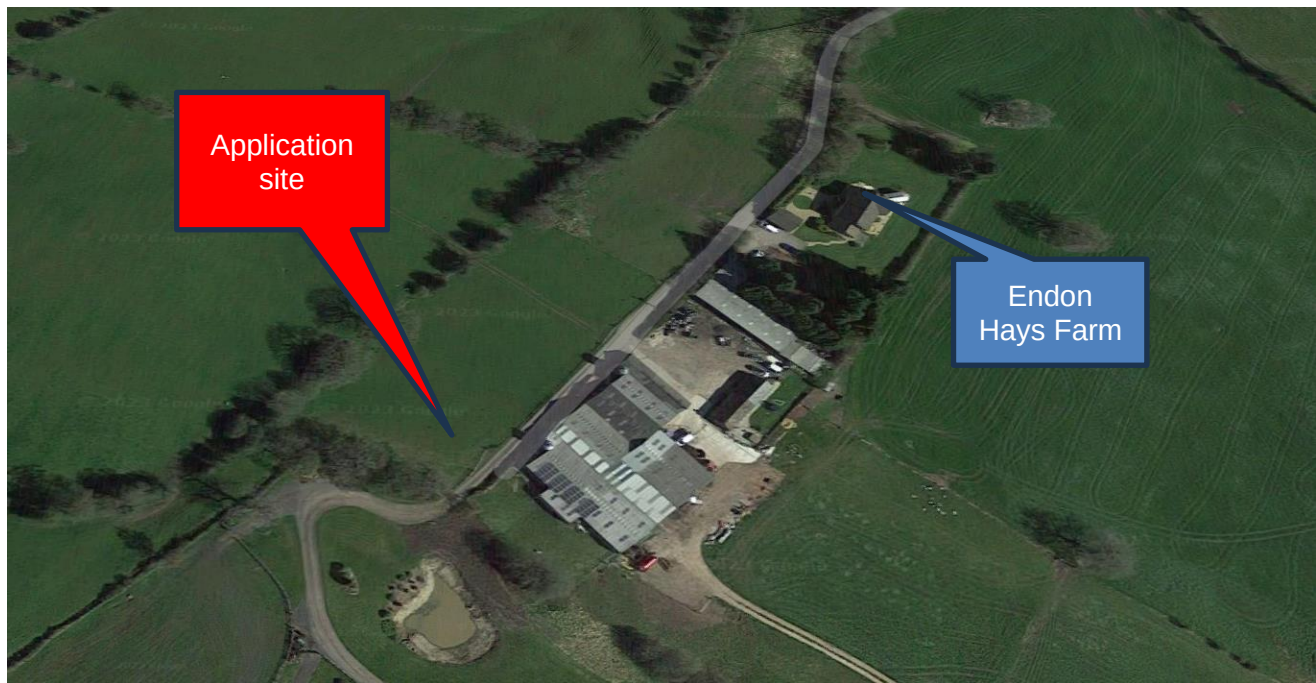
1.0 BACKGROUND

My clients' property is located 100 metres to the north west of the application site. The



image below illustrates the proximity of the building to my clients' property.

Relationship between the proposed calf rearing building and Endon Hays Farm



2.0 SUMMARY GROUNDS OF OBJECTION

In summary, my clients object to the planning application for the following reasons:

- i) **Principle of development is unacceptable;**
- ii) **Inappropriate development that would result in a significant adverse impact on the landscape character of this rural area and impact on the openness of the Green Belt;**
- iii) **The severe impact on the amenity of neighbouring properties through an increase in noise and disturbance and poor air quality;**
- iv) **Impact on the local environment; and**



- v) **The severe impact on highway and pedestrian safety;**
- vi) **Application Defects**

The above concerns will be articulated below following a review of the prevailing local and national planning policy context.

3.0 PLANNING POLICY CONTEXT

In September 2023, the Government published the latest version of National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and sets out how they are expected to be applied. The NPPF took immediate effect.

Paragraph 2 of the NPPF states that *“Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.”*

Paragraphs 7 and 8 confirm that the purpose of the planning system is to contribute to the achievement of sustainable development, which comprises economic, social and environmental dimensions.

The NPPF retains a presumption in favour of sustainable development. Paragraph 11 reaffirms that *“applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.”*

The Courts have held that Central Government's policy is a material consideration that must be taken into account by the decision maker, as are relevant appeal decisions. The development plan pertinent to this site and the development proposal comprises the Staffordshire Moorlands Local Plan (Adopted Sept 2020).

The following provides a summary of the key policies that are relevant to this objection letter.



Staffordshire Moorlands Local Plan (Adopted Sept 2020)

- DC1 Design Considerations
- SD4 Pollution and Water Quality
- SS10 Other Rural Areas Area Strategy
- DC3 Landscape and Settlement Setting
- NE1 Biodiversity and Geological Resources
- NE2 Trees, Woodland and Hedgerows

4.0 DETAILED GROUNDS FOR OBJECTION

i) Principle of development is unacceptable

The application site falls within the designated countryside and the Green Belt. It is surprising that this calf rearing building is proposed within such close proximity to nearby watercourses. The applicant's planning submission is extremely 'light' as no manure management plan has been provided in support of the application. No details of drainage of areas or how run-off will be controlled is not provided. There is a lack of detail to demonstrate that there will be no impact on nearby watercourse.

DEFRA's Code of Good Agricultural Practice (COGAP) for Reducing Ammonia Emissions states:

In low concentrations, ammonia is not harmful to human health. However, when ammonia emissions combine with pollution from industry and transport (like diesel fumes) they form

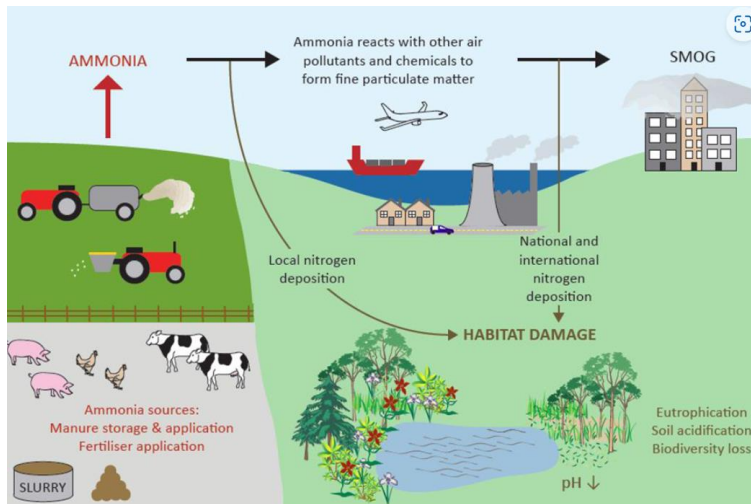


very fine particulate matter (PM2.5), which can be transported significant distances, adding to the overall background levels to which people are exposed. When inhaled, particulate matter can penetrate deeply into body organs and contribute to causing cardiovascular and respiratory disease. It is estimated that particulate matter emissions as a whole result in 29,000 early deaths every year in the UK.

When deposited on land, ammonia can acidify soils and freshwaters, 'over-fertilising' natural plant communities. The extra nitrogen can increase the growth of some species (such as rough grasses and nettles), which out-complete other species (such as sensitive lichens, mosses, and herb species) that have lower nitrogen requirements. In 2014, 96% of the area of nitrogen-sensitive habitat in England received more nitrogen than it could cope with effectively. Once the soil quality has changed, together with the balance of species on the land, it takes a long time, and can be costly, to restore it.

The location of ammonia sources can be very important for reducing the risk of effects on plants and people. Where possible, ammonia sources should be positioned as far as possible from sensitive receptors like people and protected habitats. Protected habitats within proximity of your farm can be identified through the [Defra MAGIC Geographic Tool](#)."

Extract showing impacts of ammonia pollution (DEFRA)



The above demonstrates the harm that can be caused on a local area from an increase in ammonia. Moreover, from the information provided no exceptional circumstances or proven agricultural need has been demonstrated for the provision of such a substantial building.

There is no information on what safeguards can be implemented to prevent any pollution of the nearby watercourses.

It has not been demonstrated that more suitable sites that fall under the ownership of the applicant that can accommodate the development without inflicting significant damage on this rural environment, as well as harming the amenities of neighbouring properties that will be discussed below. The proposal fails to meet the overarching aim of sustainable development.

In this case, it is contended that the proposed location for the calf rearing building, given the sensitive nature of the surrounding land uses and the network of nearby watercourses is unsuitable. Accordingly, the proposal is one that is contrary to the NPPF, as well as the Local Development Plan.

- ii) **Inappropriate development that would result in a significant adverse impact on the rural character of the area and the openness of this part of the Green**



Belt

Policy SS10 for the rural areas supports only development which meets an essential local need and supports rural diversification and sustainability of the rural areas (or supports sustainable tourism or enhances the countryside). SS10(3) is to Enhance and conserve the quality of the countryside by 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. However, in the Green Belt policy SS10(6) is that strict control will continue to be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by Government Policy. Section 13 of the NPPF states certain specific forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

The scale of the proposal would place it as a substantial development that would inflict significant harm over a considerable period of time. The site is situated within an area of very attractive open countryside and a greenfield site.

The provision of a large building, 36.58, by 12.19m measuring and a ridge height of 5.63 m, together with associated infrastructure, including the access, concrete apron would be new alien elements within this rural landscape. The size and scale of the building would comprise a rather utilitarian form of development that would contrast awkwardly with the unspoilt open qualities of the site. Indeed, the proposal would result in a loss openness in this part of the Green Belt.

The proposal would markedly alter the character of the site. This substantial building would be seen visible from public vantage points. The overall mass and significant height of the unit would disrupt the harmonious pattern of open fields and would appear as a discordant



element. The proposal would detract from the pleasing rural scene and erode the landscape qualities of the area. It is surprising that a Landscape and Visual Impact Assessment has not been provided in support of the proposal.

Overall, the development would be prominent from a number of vantage points. As a result of its sensitive position, the proposed development would appear as an incongruous and an intrusive addition to this local environment. Its overall scale and prominent siting would emphasise this intrusion, appearing over dominant in the sensitive and valued landscape. The proposed development would have an unacceptable and harmful landscape impact, contrary to local and national planning policy.

iii) Severe Impact on Neighbour Amenity

In relation to the impact on the amenity of neighbouring properties, Paragraph 130 of the NPPF is particularly important and it states:

“Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*



e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

f) *create places that are safe, inclusive and accessible and which promote health and well-being, **with a high standard of amenity for existing and future users (our emphasis)**; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

Paragraph 130 (f) of the NPPF clearly describes that decisions should ensure that developments have a high standard of amenity for future or existing users. NPPF paragraph 185 decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. These principles are reflected in the Council's planning policies.

The Planning Practice Guidance at Paragraph: 003 Reference ID: 30-003-20190722 stipulates that *“Plan-making and decision making need to take account of the acoustic environment and in doing so consider:*

- *whether or not a significant adverse effect is occurring or likely to occur;*
- *whether or not an adverse effect is occurring or likely to occur; and*
- *whether or not a good standard of amenity can be achieved.”*

In line with the Explanatory note of the noise policy statement for England, this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation. As noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy.



The development is simply too close to my clients' property. The proposed development will lead to an unacceptable impact on the level peace and tranquility by virtue of the nature of the use and the significant increase in heavy vehicles serving the site. It will appear as visually oppressive.

My clients are particularly concerned that the proposal will result in an unacceptable increase in noise and disturbance from the intensification in the agricultural use on this site along with the additional traffic movements. It appears that the site will be operating 24 hours a day, 7 days a week. There will also be a requirement for external flood lighting.

As touched upon above, my clients are serious concerned about the levels of ammonia that will be generated from the site and the impact this has on the adjacent watercourses, that will also result in an increase in poor air quality generated by the use and heavy vehicles serving the site. Furthermore, heavy vehicles will be passing my clients' property that are located very close to the road.

The proposal will undoubtedly infringe on my clients rights under Article 8 of the Human Rights Act 1998. The proposal will undoubtedly result in an increase in noise and disturbance, as well as poor air quality. The proposal is contrary to both local and national planning policy The proposal therefore fails to safeguard the living conditions of my client and is therefore contrary to local and national planning policy.

iv) Impact on the local environment

As part of the Natural Environment and Rural Communities Act 2006, all Local Planning Authorities have a duty to have regard to conserving biodiversity as part of its decision making. Paragraph 131 of the NPPF in relation to trees identifies that:

"Trees make an important contribution to the character and quality of urban environments,



and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.”

The application has significant implications for the local environment and adjacent trees. The applicant has answered the application form as follows:

Trees and Hedges

Are there trees or hedges on the proposed development site?

- ☐ Yes
☒ No

And/or: Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character?

- ☐ Yes
☒ No

If Yes to either or both of the above, you may need to provide a full tree survey, at the discretion of the local planning authority. If a tree survey is required, this and the accompanying plan should be submitted alongside the application. The local planning authority should make clear on its website what the survey should contain, in accordance with the current 'BS5837: Trees in relation to design, demolition and construction - Recommendations'.

It appears that the proposed building will be sited adjacent to existing trees and hedgerow. The above question on the application form has been answered incorrectly and a Tree Survey should be provided in support of this application.

Additionally, the site is well used by a raft of habitats and given the size and scale of the development, it is contended that the proposal will lead to the destruction of this local



environment through an unacceptable increase in ammonia, as well as the loss of a greenfield site. The proposal will undoubtedly have an adverse impact on a raft of biodiversity. Along with the provision of internal and external lighting will have a negative impact on biodiversity. Again, no Ecological Assessment has been provided in support of the application.

It is imperative to ensure that the Council satisfies its public duty in respect of the above Act. As it stands the proposal directly contravenes this Act. It is evident that the proposal will result in a loss of net biodiversity across the site.

v) Highway Safety

Paragraph 111 of the NPPF identifies that planning permission should be 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. In this case there would be an unacceptable impact on highway safety.

The proposed development will result in significant movements along a constrained part of the highway network for heavy vehicles. It is unsuitable for the level of traffic that will be generated by this proposed development. Any increase in heavy vehicles using the surrounding highway network will pose a significant highway safety concern.

Ultimately, the proposed intensification of the use of this access and local highway network will lead to a greater conflict for all road users, thus increasing the risk for accidents and potential harm for all road users. This presents a significant hazard for pedestrians and all road users.

Consequently, it will have a severe residual impact on highway and pedestrian safety. Accordingly, the proposal is clearly contrary to the NPPF and local planning policy.



vi) Application defects

It should be noted that my client owns the road between the two red marks that is needed to access the proposed development. My client objects to any increase in traffic that will undermine the integrity of this road and will seek to recover costs for any damage.

Extent of clients ownership of road



My clients note that on the Application Form that the Applicant has stated the applicant is the sole owner of all the land or buildings to which this application relates and there are no other owners* and/or agricultural tenants pursuant to Article 14 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (“DMPO 2015”), certifying that the Applicant has satisfied the requirements of Article 13 of the DMPO 2015.



As the Council will be aware, Article 13(1) of the DMPO 2015 requires the Applicant to give requisite notice of the Application to any person (other than the Applicant) who, on the day 21 days before the date of the Application, is the owner of the land to which the Application relates.

Section 65(8) of the Town and Country Planning Act 1990 (as amended) (the 1990 Act”) defines an “owner” as any person who, inter alia:

- is the estate owner in respect of the fee simple; and
- is entitled to a tenancy granted or extended for a term of years certain of which not less than seven years remain unexpired.

Furthermore, the PPG clarifies that Certificate A (Sole Ownership and no agricultural tenants) should only be completed if the Applicant is the sole owner of the land to which the Application relates, and there are no agricultural tenants. It reiterates that “An ‘owner’ is anyone with a freehold interest, or leasehold interest the unexpired term of which is not less than 7 years” and an “...‘agricultural tenant’ is a tenant of an agricultural holding, any part of which is comprised in the land to which the application relates” (PPG: Paragraph: 026 Reference ID: 14-026-20140306).

The Applicant has made a declaration in respect of being the sole owner of all the land or buildings to which this application relates and there are no other owners* and/or agricultural tenants within the Application Form, which is incorrect, as my client owns the road to access the proposed development. Notice should also have been served on my client, and the relevant section of certificate B completed.

As the Council will be aware, the submission of a valid Planning Application for Planning Permission requires, inter alia, compliance with the National Information Requirements. One of these requirements dictates that a correct Ownership Certificate and Agricultural Land



Declaration must be provided, which is a clear and apparent failing in this present application. It is concerning that the correct Certificate Ownership was not provided given it is a basic but fundamental requirement for the validation of any Planning Application.

Pursuant to the PPG, “an application is not valid, and therefore cannot be determined by the local planning authority, unless the relevant certificate has been completed. It is an offence to complete a false or misleading certificate, either knowingly or recklessly, with a maximum fine of up to £5,000” (PPG: Paragraph: 025 Reference ID: 14-025-20140306).

In addition, sections 65(5) and (6) of the 1990 Act states that a Local Planning Authority “shall not entertain” an application unless such requirements are met, and that any person who knowingly or recklessly issues a false or misleading certificate is guilty of an offence.

As the Council will be aware, the Application will be at risk of legal challenge in the event that it has been validated and a decision made on the same without satisfying the requisite legal requirements.

5.0 SUMMARY

There are compelling reasons why the application should be refused as the proposal comprises inappropriate development of this site within the open countryside. In particular the following harm will result:

- There is no local policy support that supports the principle of the development in this location, given the increase in ammonia that will be generated and the significant impact that this will have on the adjacent watercourse.
- Critically, the submission is deficient, as it is clear that there are alternative sites that can accommodate the development that will result in less harm on the character and



appearance of the rural area. It is essential that full justification is provided as to why there are no suitable alternative sites/buildings that can accommodate the development

- Because of its inadequate design and placement, the development will seem out of place and forced, not harmonising with the character and aesthetics of the rural area. It would result in a loss of openness in this part of the Green Belt.
- Would completely alter the views from well used public vantage points.
- Severe harm on the living conditions of my client's properties, as well as neighbouring properties through an unacceptable increase in noise and disturbance, and poor air quality.
- Severe harm to highway and pedestrian safety as a result of an increase in traffic on a sensitive part of the highway network; and
- Unacceptable impact on the local environment and loss of biodiversity.
- The incorrect ownership certificate has been completed.

Overall, the proposal is contrary to both local and national planning policies and does not comprise sustainable development. Therefore, it is respectfully requested that the planning application is refused.

Yours faithfully

Lloyd Jones MRTPI
Director