

PLANNING STATEMENT

**MOORSIDE FARM
KINGSLEY MOOR**

JANUARY 2024

Site Address:

Moorside Farm, Clamgoose Lane, Kingsley Moor, Staffordshire, ST10 2EG

Applicant:

Mr. D. Titterton

Proposal:

Retention of pond

Planning Statement:

Date Issued: 3rd January 2024

Job Reference: RDP/2024/002

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 7DL
Email: rob78duncan@gmail.com
Tel. 07779 783521

1 Introduction

- 1.1 Rob Duncan Planning Consultancy Ltd. has been instructed by Mr. D. Titterton to seek planning permission for the retention of a pond created within the established domestic curtilage of Moorside Farm, Clamgoose Lane, Kingsley Moor.
- 1.2 The pond is located to the east of the recently constructed dwellinghouse on the site and has a surface area of approximately 242 square metres. An area of timber decking is located to the west of the pond, in between it and the dwellinghouse, with a small bridge providing access to a central island.
- 1.3 The banks of the pond are gently graded as detailed on the submitted section drawings, with the depth of the pond being just over 1 metre at its deepest point. No retaining structures are proposed, nor required, as part of the development.
- 1.4 The pond is to be used for private domestic purposes and was established in order to enhance the setting of the building. No commercial use of the pond is proposed. The works have already been undertaken so the application is retrospective.

2 Site Location

- 2.1 The application site lies within the North Staffordshire Green Belt and comprises a recently constructed detached two storey dwelling set within a substantial curtilage. The land beyond the northern site boundary drops away in a northerly direction affording impressive views over the landscape beyond.
- 2.2 A cluster of former agricultural buildings are located to the west of the site, with hedgerows and walls enclosing the boundaries of the site. Vehicular access to the site is taken direct off Clamgoose Lane to the south, with a bank of mature trees enclosing the eastern side of the access.
- 2.3 Public Footpath Kingsley 21 runs along the southeastern boundary of the site, and will be unaffected by the proposed development.

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 considered to be of relevance:
- 3.2 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. The policy goes on to state that these objectives will be achieved by, amongst others:
- 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.
 - Encouraging measures which protect and enhance the biodiversity, geological resources and heritage of the District.
- 3.3 Policy SS10 goes on to confirm that strict control will continue to be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by Government policy.
- 3.4 Policy DC1 of the Local Plan relates to 'Design Considerations' and states that all development shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and

heritage of the area in line with the Council's Design Guide SPD. In particular, new development should (amongst other requirements):

- be of a high quality and add value to the local area, incorporating creativity, detailing and materials appropriate to the character of the area.
- be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, height, density, layout, siting, landscaping, character and appearance.
- protect the amenity of the area, including creation of healthy active environments and residential amenity, in terms of satisfactory daylight, visual impact, sunlight, outlook, privacy, soft landscaping as well as noise, odour and light pollution.

3.5 Policy DC3 of the Local Plan relates to 'Landscape and Settlement Setting' and states that the Council will protect and, where possible, enhance local landscape and the setting of settlements in the Staffordshire Moorlands by:

1. Resisting development which would lead to prominent intrusion into the countryside or have a significant adverse impact on the character or the setting of a settlement or important views into and out of the settlement as identified in the Landscape and Settlement Character evidence.
2. Supporting development which respects and enhances local landscape character, and which reinforces and enhances the setting of the settlement as identified in the Landscape and Settlement Character evidence.

3. Supporting developments which conserve or enhance the biodiversity qualities of any natural or man-made features within the landscape, such as trees, woodlands, hedgerows, walls, watercourses or ponds.
4. Supporting opportunities to positively manage the landscape and use sustainable building techniques and materials which are sympathetic to the landscape.
5. Ensuring that development does not adversely affect the wider setting of the Peak District National Park.

4 Other Material Considerations

National Planning Policy Framework

- 4.1 The National Planning Policy Framework seeks to secure the delivery of sustainable development and sets out policies, *inter-alia*, in respect of safeguarding the Green Belt. The content of the NPPF has been taken into account in the preparation of this application.

SMDC Landscape Character Assessment

- 4.2 The Landscape Character Assessment confirms the site to be located within the Ancient Slope and Valley Farmlands character type. The content of the Landscape Character Assessment has been taken into consideration in the preparation of this application.

5 Planning Assessment

Impact on the Green Belt

- 5.1 The application seeks planning consent to retain a garden pond that has been created within the domestic curtilage of Moorside Farm. The site is located within the Green Belt. Policy SS10 of the Local Plan confirms that strict control will be exercised over inappropriate development in the Green Belt, allowing only for exceptions as defined by Government policy.
- 5.2 The National Planning Policy Framework (NPPF) seeks to protect the Green Belt and seeks to prevent new development unless it falls into one a limited number of explicit categories. Paragraph 155 of the NPPF confirms that engineering operations are not inappropriate in the Green Belt, provided that they preserve its openness and do not conflict with the purposes of including land within it.
- 5.3 Paragraph 143 of the NPPF confirms that the Green Belt serves five purposes, as follows:
- a) to check the unrestricted sprawl of large built-up areas
 - b) to prevent neighbouring towns merging into one another
 - c) to assist in safeguarding the countryside from encroachment
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.4 The proposed garden pond is located within the domestic curtilage of the dwellinghouse, and does not result in any conflict with the five purposes of including land within the Green Belt. The pond does not entail any form of

built development in the form of retaining walls or buildings and has been sensitively designed with only modest changes to levels undertaken to create it. The openness of the Green Belt has consequently been preserved.

- 5.5 Some hardstanding has been erected adjacent to the western bank of the pond, along with a footway across to the central island, but those works are modest in size and open in nature and consequently do not detract from the five purposes of including land within the Green Belt, nor do they harm openness.
- 5.6 The garden pond and associated decking areas consequently amount to an appropriate form of development within the Green Belt, in accordance with paragraph 155 of the National Planning Policy Framework and policy SS10 of the Local Plan.
- 5.7 In support of this conclusion I draw the Local Authority's attention to the grant of planning permission for the construction of a pond on a site within the Green Belt on land at Sky Cottage, Biddulph Moor (SMD/2021/0327). The pond approved in that application was much larger than the one the subject of this application (surface area of 1320 square metres) and involved an otherwise undisturbed parcel of grassland, whereas the current proposal involves works within the established domestic curtilage of a dwellinghouse. In granting planning permission for application SMD/2021/0327, the Local Authority concluded that:

"The site is in the Green Belt and Policy SS10, the strategy for the countryside, requires strict control over inappropriate development in the Green Belt. The NPPF in Section 13 lists the forms of development in the Green Belt which are deemed to not be inappropriate and which are therefore by definition not

*harmful to the openness of the Green Belt. Although ponds are not listed, “engineering operations” are **and the development comprises primarily extraction and earth banking works to create the pond which I am satisfied amounts primarily to an “engineering operation”**. The proposal is therefore not amount to inappropriate development and would not therefore be harmful to the Green Belt” (our emphasis).*

- 5.8 Attention is also drawn to the Local Authority’s grant of consent for a pond on land at New House Farm, Bagnall (SMD/2019/0408). That particular pond was also substantially larger than the one proposed in this application (2,500 square metres), and entailed far more substantial land levels changes. In approving that application, the Local Authority concluded that:

*“The development certainly constitutes an engineering operation. Although there are changes in land levels, with parts being raised, **these are not dramatic and will blend and merge with the existing general land profiles so that it may reasonably be concluded that openness will be preserved**”.*

(our emphasis)

- 5.9 Given the very modest levels changes that have been undertaken to construct the proposed pond, it is submitted that the conclusions of the Local Authority in their approval of these two larger, more invasive schemes, supports the contention that the submitted proposal constitutes an appropriate form of development within the Green Belt.

Impact on the Landscape

- 5.10 The application site forms part of the Ancient Slope and Valley Farmlands character type as defined by the Local Authority’s Landscape Character

Assessment (LCA). The LCA describes the key characteristics of the landscape as comprising:

- Strongly undulating or sloping landscape cut by small scale steep sided stream valley.
- Small scale mainly ancient irregular fields bounded by trees and hedgerows.
- Extensive views from higher ground
- Intimate wooded valleys
- Stone buildings and drystone walls towards uplands
- Isolated properties
- Narrow winding lanes
- Parklands
- Quarrying

5.11 The LCA also identifies a number of incongruous landscape features which include electricity pylons, replacement of hedgerows and drystone walls with fencing, busy roads, quarry and mining activities and localised industrial and residential development. It goes on to specifically comment about lakes and ponds, stating that:

*“It is highly important that water bodies and catchments be maintained and enhanced and **the number of existing features be increased**” (our emphasis)*

5.12 The pond has not resulted in any material harm to the character and appearance of the landscape, and appears as an attractive feature within the established garden area of the property. It also accords with the stated

objectives of the Landscape Character Assessment of increasing the number of water features within the landscape.

- 5.13 Whilst the pond is visible from the nearby public footpath, such views are filtered by existing boundary vegetation, and any such views read the pond as part of the existing domestic character of the site. The proposed development consequently derives no harm to the character and appearance of the surrounding area or wider landscape and meets the requirements of policies DC1 and DC3 of the Local Plan.

6 Conclusion

6.1 The submitted proposal constitutes a sustainable form of development having regard to the following conclusions:

- The proposal involves engineering operations that will not give rise to any harm to the openness of the Green Belt or the five purposes of including land within it, and therefore amounts to an appropriate form of development within the Green Belt.
- The proposal does not give rise to the loss of any characteristic landscape features, nor does it comprise an incongruous landscape feature in itself, and does not have an adverse impact on the character and appearance of the area.

6.2 The proposed development is consequently held to meet the requirements of policies SS10, DC1, and DC3 of the Staffordshire Moorlands Local Plan, and guidance contained within the National Planning Policy Framework and the Landscape Character Assessment.