

The Planning Inspectorate

COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

Appeal Reference: APP/B3438/W/23/3324867

DETAILS OF THE CASE

Appeal Reference APP/B3438/W/23/3324867

Appeal By FLANDERS FALLEN STOCK

Site Address
Crossways Farm
Blakelow Road
Onecote
Staffordshire
ST13 7SF

SENDER DETAILS

Name MR RICHARD FORD

Address
Mixon Green Farm
Onecote
Leek
Staffs
ST13 7RX

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☐ Interested Party / Person
- ☒ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☒ Statement
- ☐ Statement of Common Ground
- ☐ Interested Party/Person Correspondence
- ☐ Other

YOUR COMMENTS ON THE CASE

Richard Ford & Claire Heath

Mixon Green Farm
Onecote,
Nr Leek
Staffs. ST13 7RX

RE. APPEAL NO. APP/B3438/W/23/3324867. CROSSWAYS FARM, BLAKELOW ROAD, ONECOTE, STAFFORDSHIRE, ST13 7SF

LOCAL RESIDENTS' SUBMISSION IN OPPOSITION TO MR FLANDERS' GROUNDS OF APPEAL

RE: AN APPEAL BY MR. FLANDERS AGAINST REFUSAL BY STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL OF THE FOLLOWING PROPOSAL

Proposal: Construction of a portal frame agricultural style building and change of use to B2 general industrial, B8 Storage and Distribution/ Sui Generis to use the proposed buildings for handling and storage plant of animal byproducts and derived products.

Appellant: Mr. Flanders

.....
It is agreed, as the appellants have stated, that the primary issues to be considered in the determination of this appeal are:

1. The sustainability of the site's location for a use of this nature
2. The impact of the development on the character and appearance of the landscape
3. The impact of odours on local tourism

1. THE SUSTAINABILITY OF THE SITE'S LOCATION FOR A USE OF THIS NATURE.

From the appellant's grounds of appeal against refusal – cited in red italics...

'Policy SS10 of the Local Plan confirms that the rural areas shall 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 the Council will sustain the rural economy by enabling the limited expansion or development of business for employment uses where a rural location can be justified. 6.9 The proposed business (collection of fallen stock) has an essential requirement to be located in the countryside, and by its very nature, supports the sustainability of the rural areas'

The appellant's argument appears to be that their proposal accords with Policy SS10 of the Local Plan in that...

(i) 'it needs to be located in the countryside.' In this case the reason cited by the appellant for his business needing to be located in the countryside is because of the inevitable leakage of noxious odours both from the premises and the lorries carrying fallen stock. This escape of odours in fact one of the grounds for refusal of the application on the basis of the harm the smell would do to the amenity and character of the area and the damage it would cause to the its high tourism element.

(ii) 'it supports the rural diversification and sustainability of the rural areas.' The appellants argument here appears to be that there is a need for their business in the area. In fact this need, which is acknowledged, is already more than adequately met by a number of local dead farm animal collection facilities, namely Brassingtons in the nearby village of Thorncliffe (approx. 4 miles from Crosstree Farm) and NFSCO in Ashbourne (approx. 8 miles away). There is therefore patently no 'need' for yet another facility of this nature in the area.

(iii) 'promotes sustainable tourism' The nature of the appellants business and the inevitable odours that will escape both from the site and from the lorries that travel to and from the site, far from promoting sustainable tourism, will have a seriously damaging effect on it – albeit one which is difficult to quantify with any precision.

(iv) '...or enhances the countryside.' There is no possible argument that would support the view that the proposed development would or could enhance the countryside - rather it will have a seriously damaging effect.

2. THE IMPACT OF THE DEVELOPMENT ON THE CHARACTER AND APPEARANCE OF THE LANDSCAPE.

Quotes in red italics are from the appellant's grounds of appeal against refusal.

The proposed location of the building is high up on the very apex of a ridge and as the appellants admit would be 'readily visible from the Blakelow Road to the north / northeast, the B5053 to the east / southeast, and the A523 to the south.' They further accept that the proposed building would have 'some impact on the skyline and unquestionably be visible from the public domain' and yet they go on to state that the proposed building would 'not result in an incongruous and prominent intrusion into the landscape.' It is submitted that these two points of view are diametrically opposed and that in truth the proposed building would be harmful to the character and appearance of the area standing as it would in stark outline on the skyline.

The appellant's arguments would appear to be that as the new building will look like an agricultural building and as there are a number of agricultural buildings in the area already, one more will not make much difference to the character and appearance of the area. We submit that the fact that there are a number of agricultural buildings already in the area is the very reason why approval for yet one more large agricultural building should not be granted on the grounds that this would only make a bad situation worse. The addition of the proposed building to an already existing building adjacent to it would simply exacerbate the intrusion and harm that the already existing building causes to the 'Gritstone Highland Fringe' - a landscape of the highest sensitivities where busy roads are listed as an incongruous landscape feature.

3. THE IMPACT OF ODOURS ON LOCAL TOURISM

Quotes in red italics are from the appellant's grounds of appeal against refusal.

'Owing to the potential for odours, premises such as this are not suitable to be located in built up areas.

... the appellant does not keep carcasses on site for long - usually it is no more than 4 days. A carcass is usually collected the same day, and will tend to start smelling from decomposition after about 5 - 6 days depending on the heat. By keeping the fallen stock within a building, out of the sun, the vast majority of carcasses will be transported away from site before they begin to smell. The appellant also proposes to utilise an odour suppression system to further reduce the potential for odours arising during hot weather. The Local Authority's Environmental Health Officer has not objected to the proposal.'

'Whilst the larger transportation lorry will transport the fallen stock to a rendering plant in Bradford, such movements will only operate once or twice a week throughout the year. The lorry used is a sealed unit with a roll over sheet, which will help to reduce any odorous emissions as the vehicle drives along. The appellant nevertheless expects that the lorry will leave the site once every 3/4 days thereby limiting the amount of time that a carcass is left to decompose, which in turn significantly reduces the risk of odours arising. The risk of odour disturbance arising from such vehicle movements will consequently be very limited and will not have a demonstrable adverse impact on local tourism or sustainability.'

The appellants have admitted above that there is a potential for odours to the extent that the premises under debate are not suitable for built up areas. And then they state in essence that the premises will to all intents and purposes be odour free and use this as a ground for appeal. It is submitted that this is an admission that there will inevitably be odours from the proposed premises and that therefore this ground for refusal should be upheld. It should also be noted that the prevailing winds are south and south westerly which would carry the inevitable odours from Crosstree Farm into the nearby village of Onecote.

The appellants further state that 'the larger' transportation lorry will travel to and from Bradford 'only ... once or twice a week throughout the year' and that 'the appellant ... expects that the lorry will leave the site once every 3/4 days.' The appellants also state that a carcass is 'usually' collected the same day, before it starts smelling from decomposition. The appellants go on to say state that 'the vast majority of carcasses will be transported away from site before they begin to smell' admitting again that there will be odours from those that are not carried away before they begin to smell

The appellant goes on to state that they 'propose' to utilise an odour suppression system. It is submitted that compliance monitoring of these vague aspirations, expectations and proposals ('propose'; 'only once or twice'; 'expects'; 'usually'; 'vast majority';) is well nigh impossible and that if the appeal is successful there is no system of compliance monitoring to ensure that they are met.

Further, even if it was found that they had breached their promises, aspirations and expectations there

would be no enforcement mechanism available to bring against them. Allowing their appeal therefore would be tantamount to granting the company complete freedom to operate in essence as they please and the adverse effects on the local environment could be catastrophic.

The appellants also state that the sealed unit with the rollover sheet will 'help to reduce any odorous emissions'. It should be noted the phrase used here is 'help to reduce' not eliminate. Further there is no standard set as to how noxious the emissions are before they are 'reduced' and what level these odours will be reduced to. They could well be reduced from extremely bad to very bad and still comply with the appellant's assurance but again have a catastrophic effect on the local environment.

CONCLUSION

In summary it is submitted that the appellant's appeal against the refusal of planning permission should be turned down on the grounds that:-

- 1) there is no need for a use of this nature in this area of high landscape value;
- 2) the impact of the development on the character, appearance and amenity of the landscape would or could be catastrophic;
- 3) the impact of the odours which the appellants admit would inevitably escape both from the premises and the lorries carrying fallen stock would have an extremely damaging effect on local tourism.

The Planning Inspector is therefore respectfully requested to refuse the appeal and thus refuse planning permission for the proposed development.