

DELEGATED DECISION REPORT

SMD/2023/0586
Valid 28/11/2023

**OVERTON FARM FOLE
LANE
OVERTON
HOLLINGTON**

**APPLICATION FOR REMOVAL
OR VARIATION OF A
CONDITION
IN RELATION TO
APPLICATION SMD/2022/0355
CONDITION 4. RE: ERECTION
OF GENERAL PURPOSE
AGRICULTURAL BUILDING**

(FULL - MINOR)

MAIN ISSUES

- Impact on the character and appearance of the landscape

DESCRIPTION OF SITE

Premises are surrounded by open farmland countryside. They are in an 'other rural area' beyond the smaller village of Hollington. A 130m track runs centrally from Fole Lane to the farm house and behind the farm house to the north is a range of farm sheds that span a width of 200m with west/east orientation. The northern edge of the farm sheds is landscaped with an earth bund that reduces their impacts from the valley to the north. To the west of the sheds a small enclosure has been given over to loose gravel hard surface and the storage of farm machinery and silage bales.

To the west of the main farmhouse access, a second separate track joins the highway to the western end of the farm sheds and the open storage. From the sheds it continues to the west toward open fields.

PROPOSAL

The application seeks a varied permission for an agricultural building that is already permitted and built out and proposes the omission of condition 4 that requires the building to be removed when it ceases to be used for agricultural purposes.

The agricultural building has already been granted planning permission under reference SMD/2022/0355. Already built out, it has a floor area of 640 square metres and stands to a ridge height of 7.97 metres. The building was permitted to be used for general agricultural purposes associated with the applicant's 650 acre land holding (registered under Agricultural Holding Number 370180012) including storage of hay and feed and on inspection it was already being used as such.

The building is located to the west of the existing complex of buildings on the site and associated with the permission the ground levels have been altered and a new embankment has been created to the west of the building, wrapping around its southern flank, atop of which the beginnings of an indigenous hedgerow has been

planted, with the slopes to be planted with selected grasses and wildflower seeds to provide a net gain to biodiversity.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan Development Plan Document (Adopted 2020)

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

National Planning Policy Framework

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

DET/2020/0024 Fodder Storage Building. Prior Approval required and not permitted. Withdrawn.

SMD/2021/0198 Extension at rear of existing fodder store building. Approved.

SMD/2021/0199 Forage store building. Approved.

SMD/2022/0355 Agric building. Approved.

CONSULTATIONS

Publicity

Site Notice expiry date: 31/01/2024

Neighbour consultation period ends: 31/01/2024

Press Advert: N/A

Public Comments

None

Town / Parish Comments

Checkley Parish Council: No Objection. The Parish council acknowledge that the Applicants is seeking Removal or Variation of a Condition requiring removal of the building from site within six months of the date it ceases to be used for agricultural purposes. The Parish Council consider that this will be a Permanent and not a Temporary structure and would not therefore require removal. If the Applicant later wants to change the use it would require the submission of a new and full Planning Application and therefore be subject to full perusal and comment.

The Parish Council are therefore of the opinion that this application appears to be sound provided there are no local objections and it conforms with planning policies as defined in the Checkley Parish Council Regulation 16 Neighbourhood Development Plan and the Staffordshire Moorlands District Council Core Strategy and the National Planning Policy Framework.

OFFICER COMMENTS

Principle of Development

It was considered that the development would meet the agricultural needs of the applicant. The development provided on a recognised agricultural practice and one which will enhance the sustainability of the existing agricultural business. The proposed building was therefore considered to be in accordance with policy SS10 of the Local Plan.

The applicant is not at this stage suggesting that the building is to be used for other purposes, or that the agricultural use is to cease. On inspection the building was being used for the intended agricultural purpose. Any future alternative use of the building would require planning permission and the change of use would fall to be considered against the policy provision and constraint of the countryside strategy policy SS10, and the appropriateness and impacts of any change of can be assessed accordingly.

Design and Impact on character and appearance

The stated reason for applying condition 4 is 'to protect the character and appearance of the countryside'. The implication being that the building has some negative impact on character and appearance that is offset by its agricultural purpose and benefit, that would not be realized if it were used for alternative purposes.

However, in the officer's report the assessment of impacts considered that:

"From the west, the height and roof of the building would be reduced, sunken down beneath land levels and largely concealed by the surrounding ground level and newly planted hedgerow. Views from the west, and specifically footpath 25, are restricted by land topography and field enclosure. From the north the building would be concealed behind, and set back from, the existing range of buildings, storage area and the existing landscaped bund that contains the northern edge of the yard. The building would be immediately to the west of the existing access track and adjacent buildings on the site, to which this building will have a close physical association. Consequently the building would not appear strident or incongruous within its surroundings, and not make for a significant intrusion into the countryside".

Importantly it was concluded that, in these regards, the local landscape would be protected, and the development would not lead to prominent intrusion into the countryside or have a significant adverse impact on the character of the landscape. There was not considered to be any conflict with policies DC1 and DC3 of the Local Plan.

In these circumstances the justification and reason for condition 4 is less than certain. Logically it must follow that the condition is not necessary to make the development acceptable in planning terms and also fails the test of reasonableness. The condition is consequently conflicts with the tests for conditions set out in paragraph 56 of the NPPF.

Other Considerations

The applicant is keen to reference a relatively recent appeal decision in the Staffordshire Moorlands (Fould House). The appeal was made against a similarly worded planning condition. The Inspector commented that:

“In accordance with the PPG a key question in respect of whether a condition is necessary, is that it must not be imposed unless there is a definite planning reason for it, i.e. it is needed to make the development acceptable in planning terms”

The Inspector went on to find in that case, very much like in the current case, the Council had considered the appropriateness of the building in its open countryside context and found it to be acceptable for an agricultural use. The Council found the building to be acceptable, and so therefore the Inspector did not consider it to be necessary for the building to be demolished if it is no longer required for its original use.

Obviously the circumstances and considerations in the appeal example are very similar to those of the current case and the example decision is a material consideration.

CONCLUSION / PLANNING BALANCE

Having regard to the considerations set out above it is concluded that the proposal is in accordance with, and the development would not conflict with policies SS10, DC1 and DC3 of the Local Plan.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Ben Hurst

Recommendation Date: 31/01/2024

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council