

**From:** [planningcomments@staffs Moorlands.gov.uk](mailto:planningcomments@staffs Moorlands.gov.uk)  
**To:** [Planning Comments \(SMDC\)](#)  
**Subject:** Comment Received from Public Access  
**Date:** 09 May 2024 14:33:36

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Application Reference No. : SMD/2024/0182

Site Address: Hurston House Hurstons Lane Alton Staffordshire ST10 4AP Stoke On Trent

Comments by: Tim Robins

From:

Oakhill  
Dimble Lane  
Alton

Staffordshire  
ST10 4BL

Phone:

Email:

Submission: Objection

Comments: I would like to object to this application on the following grounds;

The applicant has built numerous, large, permanent buildings on this land previously without obtaining planning permission. It is only due to statute of limitations that these buildings can now remain without the appropriate permission. Interestingly, none of these illegally built constructions are documented on the Location and Site Plan submitted with this application. This is disingenuous and portrays the building in this application as less impactful than if the true site plan was available and accurately portraying all the buildings on this site.

In October 2023, the applicant started to build another substantial building, subject to this application, again without the appropriate permissions and completed it some weeks later. This is in a more prominent position easily visible from the highway, adjacent housing and nearby footpaths. Eight months later, this retrospective application has been submitted.

This new building is of significant size, with a total site footprint referenced of 1662 square metres, and, while a specific height is not documented, it is sufficiently high to dramatically affect the view of the field in which it sits, the fields behind and the view beyond as well as the view from nearby properties. This is clearly evident from the highway and the two public footpaths that pass close to this building.

The application states that work or change of use has not started on the building. This is inaccurate as the building is finished and, by the nature of this being a retrospective application, the work must have started. The only reference to remaining work is the addition of a roller door which has not prevented the use of the building in its current form.

The application regularly refers to it being an agricultural application, inferring that the premises is engaged in some form of agricultural operation. This is a domestic premises with equestrian facilities for the use of by the homeowner. Section 336 of The Town and Country Planning Act 1990 specifically excludes equestrian land in its definition of agricultural activity. The application is wrong to state this as being an agricultural application and should be refused on this aspect or re-submitted correctly.

The applicant's 'Planning, Design and Access Statement' does refer to 'Between 25 and 30 sheep graze the land'. If this is accurate, they are not owned by the applicant and are not housed within the applicant's numerous buildings and therefore do not contribute to the agricultural description of this application.

This statement is misleading as it infers the applicant plays some role in their husbandry. At best, these sheep utilise the adjacent land outside the domestic curtilage and are owned and managed by others. Further scrutiny of this statement would be required to establish its veracity and relevance to this application.

The application states that the development will not add parking spaces. This is incorrect as there is already a large horse transportation vehicle parked immediately adjacent to this building and appears to be there on near permanent basis when not in use.

The application states that there are no trees or hedges adjacent to the development. Again, this is not true. The building has been built in a rural field, immediately adjacent to numerous ancient and long standing trees and hedges i.e. within one metre. These form an important part of the local landscape character. This can be seen clearly from the nearby footpaths or any online mapping search.

Furthermore, in the applicant's submitted 'Proposed Site Plan' there is a tree referenced in their own drawing directly overhanging the building in question along with immediately adjacent hedgerows and undergrowth so the statement in the application is wrong.

Again, this is an attempt to circumvent the requirements associated with there being adjacent trees and hedges, namely a full tree survey, which has not been conducted or included in this application.

This application specifically states that there is no reasonable likelihood of protected and priority species having been affected by this development. As this development is already built, how can this possibly be established? It was built, one assumes (as a Biodiversity and Conservation report has not been submitted with the application), prior to any survey being conducted and it is now impossible to establish the pre-building work condition.

This is a very rural location in, and surrounded by, fields. It is highly likely that there would be evidence of mammals such as bats, pine martens or harvest mice, amphibians and reptiles such as the common newt, slow-worm, great crested newt, grass snake, adder or common toad. Many of these can be seen on walking the adjacent footpaths. All of these are protected and priority species contrary to the assertion in the application. The fact that the field has been used for grazing horses has a minimal if any impact on this.

Without the correct survey of the surrounding habitat it is impossible to state there would be no likelihood of these protected and priority species being affected by this already completed building. This kind of survey and comparison to nearby similar locations should form part of this application at the very least.

The application asserts that the 'Biodiversity Gain Condition' does not apply. However, the reasons they give for this do not match the exemptions laid out in the amendments to The Town and Country Planning Act 1990 in the Environment Act 2021. The fact that the application is retrospective makes no difference to this requirement. As this is the first submission of any application relating to this building and not an amendment

submitted to an application prior to 12th February 2024 this requirement applies to this application and should be adhered to. Also, the reference to the land being heavily grazed is immaterial to the requirement for the condition.

This application should show how there will be a biodiversity increase as a result of this building or correctly explain why they are exempt from doing so in line with the reasons laid out in the legislation.

The application refers to both the disposal of foul sewage and connecting to the existing drainage as 'unknown'. There is an option to state that there will be no connection to the existing drainage system but the applicant has chosen to select unknown. This in itself warrants further investigation as it infers there may be an intention to connect to the sewerage system in the future, contrary to the application.

Finally, the application states there are no existing employees on the site. This is incorrect as there are staff employed to look after the horses kept at the location.

From a cursory review of this application it is inaccurate and incorrect in numerous ways.

At best, this could be down to incompetence, at worst it is an attempt to retrospectively push through an application for an already built premises without having to carry out the required surveys and reviews a timely application would necessitate.

For these reasons alone the application should be refused.

Not only that, the appropriate wildlife, tree and biodiversity net gain surveys have not been completed and attempts made to infer they are not required.

Finally, the landowner has previously built numerous large buildings on this site without the appropriate permissions and has done so again.

The authority should take positive action to prevent this from happening and discourage further such occurrences.

I strongly object to this application on these grounds.

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