

DELEGATED DECISION REPORT

SMD/2024/0245
Valid 27/06/2024

**LAND AT OLD CROWN
COTTAGE FARM BEAT
LANE
RUSHTON SPENCER**

**RETROSPECTIVE CHANGE OF
USE OF LAND FROM
AGRICULTURE TO AND FOR
THE SITING OF RESIDENTIAL
SHORT TERM LET SEMI
PERMANENT AND OR MOBILE
HOLIDAY ACCOMMODATION
UNITS AND THEIR ERECTION
AND OR SITING WITH
ATTENDANT PATHWAYS AND
DESIGNATED CAR PARKING
AREA**

(FULL - MINOR)

MAIN ISSUES

- Impact on Green Belt
- Impact on Character and Appearance of the Area
- Impact on Biodiversity Habitat

DESCRIPTION OF SITE

The application site is provided to the western edge of a small (0.3 ha) field parcel to the rear (north) of Old Crown Cottage Farm. The field slopes from the farm down in gradient to the north toward the valley below. The field is enclosed by mature hedge and tree line, the western edge of the field is densely screened in those regards and drops steeply to the narrow Bandridge Lane that is deeply incised between embankments. The fields eastern boundary coincides with the line of public footpath Rushton 44, the hedge line along this boundary is more intermittent and considerable views across the field toward the development are revealed from the footpath. Before the holiday developments were introduced, the field provided an undeveloped open area of grazing land, and aerial photographs appear to demonstrate that this has been unchanged for over 20 years.

The land is within a landscape character type defined in the 'Landscape Character Assessment 2008' as 'ancient slope and valley farmlands', and is typical, and makes contribution, to that landscape character type possessing identified key characteristics: strongly undulating or sloping landscape cut by small scale steep sided stream valleys; Small scale mainly ancient irregular fields bounded by trees and hedgerows; and Extensive views from higher ground. As the assessment identifies, incongruous landscape features include localised residential development.

PROPOSAL

The development is described in the application form as a material change of use from agriculture to the siting of short term let and/or mobile holiday accommodation units. The application does not specify the number or type of let units, but the plans identify the area that the change of use would apply to as a band of linear land to the western edge of the field parcel and details the provision of a garden cabin style building and the caravan unit that were apparent on site. In these respects operational development has occurred in the form of the garden cabin type building that is constructed on a concrete pad.

The caravan unit amounts to a use of land, and it is of note that a second caravan unit has been provided in the field adjacent to, and outside of, the application land. Both of the caravan units have been formed or adapted to appear as traditional gypsy style caravans. Each caravan has a set of fixed timber steps providing access to the raised level, the timber steps within the application site are more substantial and include a decking platform supported on stilts. Within the grounds and between units there are stoned pathways, amenity spaces enclosed with fencing, benches and picnic tables.

The application has been submitted with a brief planning statement that makes vague unsubstantiated assertions about some historic use of the land as a caravan site, farm diversification, and recreational access to the countryside.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan Development Plan Document (Adopted 2020)

S01 Spatial Objectives
SS1 Development Principles
SS10 Other Rural Area
DC1 Design Considerations
DC3 Landscape Character
NE1 Biodiversity
T1 Development and Sustainable Transport

National Planning Policy Framework

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None relevant

CONSULTATIONS

Publicity

Site Notice expiry date: 16/08/2024
Neighbour consultation period ends: 16/08/2024
Press Advert: N/A

Public Comments

None

Town / Parish Comments

Rushton PC: Object, further details needed on scale and design.

Environmental Health

No Objection. Advise a Holiday caravan site license may be required. Suggest conditions controlling occupancy, Lighting, soil and fill importation, and noise from plant and machinery.

OFFICER COMMENTS**Impact on the Green Belt**

The site is in the green Belt where development is inappropriate and, by definition, harmful to the Green Belt unless it is provided for by one of the exceptions that appear in the closed lists at the paragraphs of the NPPF. Substantial weight should be attributed to any harm to the Green Belt and planning permission should not be granted for inappropriate development unless other considerations, amounting to very special circumstances, clearly outweigh the harm to the Green Belt and any other harm resulting from the development.

None of the exceptions provide for holiday accommodation or buildings. The garden cabin style building is built on a large concrete pad, it has been constructed on site, is affixed to the pad and is not obviously portable. It is a substantial structure and is intended to be permanent. It is clearly a building a result of operational development. While it has a relatively low profile, the building has a wide sprawling footprint with two main hexagonal pods linked with a passageway. It is of note that the pad and building footprint, exposed and visible from public vantage across open land, is harmful to Green Belt openness from both a spatial and visual aspect.

The other units would meet the definition of a caravan and could be towed or transported to move them about the land or to remove them from site. There is an exception for material change of use provided they preserve its openness and do not conflict with the purposes of including land within it. The caravans are large heavy units and are connected to fixed timber steps, they are not designed to be used for touring or transient use and rather there is clear intention for them to remain in situ with a degree of permanency. In these respects the use of the land as a caravan site or to provide holiday lets, fails to preserve openness and causes countryside encroachment, a matter that is compounded with the introduction of pathways, benches, picnic tables, timber steps, decks, and enclosure fences.

In both regards the development is not provided for by any of the exceptions and it is inappropriate development that is harmful to the Green Belt. None of the considerations that are touched on in the brief application statement clearly outweigh the harm to the Green Belt or the other harms resulting from the development discussed below.

Local Plan Approach to Development in the 'Other Rural Area'

Local Plan Strategy SS10 for the 'other rural areas' of countryside provide only for, inter alia, sustainable tourism. In those respects it provides support specifically for the diversification of existing farm enterprises and sustainable tourism developments and

measures within the area of the Churnet Valley Masterplan; or, outside of that area (as in this case) for small-scale tourism developments in other areas (in accordance with policy E 4).

However, where the other rural area of countryside coincides with the Green Belt (as in this case) Local Plan strategy SS10 makes it clear that strict control will continue to be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by the Government policy. This makes it clear that in the Green Belt the tests and considerations as set out above take precedence, and compliance with other policies in the Local Plan, which might offer some support, would not outweigh harm to the Green Belt unless there are considerations that amount to very special circumstances.

In any event, Local Plan tourism policy E4 only supports new tourism and cultural development which complements the distinctive character and quality of the District with: good connectivity to other tourist destinations and amenities, particularly by public transport, walking and cycling; or support for the provision and expansion of tourist, visitor and cultural facilities in the rural areas where needs are not met by existing facilities; and an appropriate quality, scale and character compatible with the local area.

The application does not demonstrate any particular compliance with that policy and the development occupies remote countryside location that is not well connected to other attractions or modes of sustainable transport. Certainly, there are no considerations that would amount to very special circumstances in these regards.

Design and Impact on the Character and Appearance of the Area

The land is provided within a small rectangular field parcel (0.3 ha) to the north, or rear of, the farm buildings. The field slopes from the farm down in gradient to the north toward the valley below. The field is enclosed by mature hedge and tree line, the western edge of the field is densely screened in those regards and drops steeply to the narrow Bandridge Lane that is deeply incised between embankments. The field's eastern boundary coincides with the line of public footpath Rushton 44, the hedge line along this boundary is more intermittent and considerable views across the field toward the development are revealed from the footpath. Before the holiday developments were introduced, the field provided an undeveloped open area of grazing land, and aerial photographs appear to demonstrate that this has been the unchanged circumstance for over 20 years.

The land is within a landscape character type defined in the 'Landscape Character Assessment 2008' as 'ancient slope and valley farmlands', and is typical, and makes contribution, to that landscape character type possessing identified key characteristics: strongly undulating or sloping landscape cut by small scale steep sided stream valleys; Small scale mainly ancient irregular fields bounded by trees and hedgerows; and Extensive views from higher ground. As the assessment identifies, incongruous landscape features include localised residential development.

Within that setting the garden cabin building, characteristic of residential garden development; the caravan units, modelled or adapted to appear as traditional gypsy caravans; and the arrangement of pathways and areas of amenity, which do not

appear as or attempt to replicate buildings of an agrarian character that might otherwise be common or expected within a farmland setting.

The developments are exposed, across open countryside, to public view from the public footpath to the east and appear as alien or incongruous features. In these regards the garden cabin and the caravans, with their associated operations, form prominent intrusion into the countryside that are harmful to landscape character and the character and appearance of the area. There is conflict with SMDC Local Plan policies SS10, DC1 and DC3.

Impact on Biodiversity

The application incorrectly states that the development is exempt from BNG requirements because the development has already been carried out and the permission is sought retrospectively. That is not the case.

The construction of the large concrete pad and setting out of the associated operations on grass land in particular must have imposed some impact and resulted in some loss of wildlife habitat.

The application does not include an assessment or metric to demonstrate the value of pre existing habitats or the extent to which they have been impacted or lost as a result of the development. The applicant does not therefore, demonstrate how those impacts and losses could be mitigated and compensated for with a biodiversity net gain of 10%.

The development has resulted in harm in those regards and there is conflict with Local Plan Policy NE1 and the terms of the NPPF.

CONCLUSION / PLANNING BALANCE

The provision of the building for holiday accommodation and the material change of use are inappropriate developments and, by definition, harmful to the Green Belt. The developments are not provided for by any of the exceptions that appear in the closed lists within the NPPF. The holiday accommodation and the material change of use are harmful to the openness of the Green Belt and conflict with the purposes of including land within the Green Belt. The considerations that have been advanced by the applicant do not amount to circumstances that clearly outweigh the harm to the Green Belt and the other harms that would result from the development. In these regards there would be conflict with the terms of the NPPF and policy SS10 of the SMDC Local Plan.

The developments are exposed, across open countryside, to public view from the public footpath to the east and appear as alien or incongruous features. In these regards the garden cabin and the caravans, with their associated operations, form prominent intrusion into the countryside that are harmful to landscape character and the character and appearance of the area. There is conflict with SMDC Local Plan policies SS10, DC1 and DC3.

The application has not been submitted with a biodiversity assessment or metric to demonstrate how the development has impacted upon wildlife habitats, or the extent to which they have been lost as a result of the development. The application does not

demonstrate how such impacts can be mitigated and compensated for with a scheme to replace such habitats with a net gain of 10% over pre-existing habitat. There is harm to biodiversity in these regards and conflict with policy NE1 of the Staffordshire Moorlands Local Plan 2020 and the terms of the NPPF.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Ben Hurst

Recommendation Date: 22nd August 2024

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council