

6 Heather View
Ball Green
Stoke on Trent
Staffordshire
ST6 8BB

17th August 2024

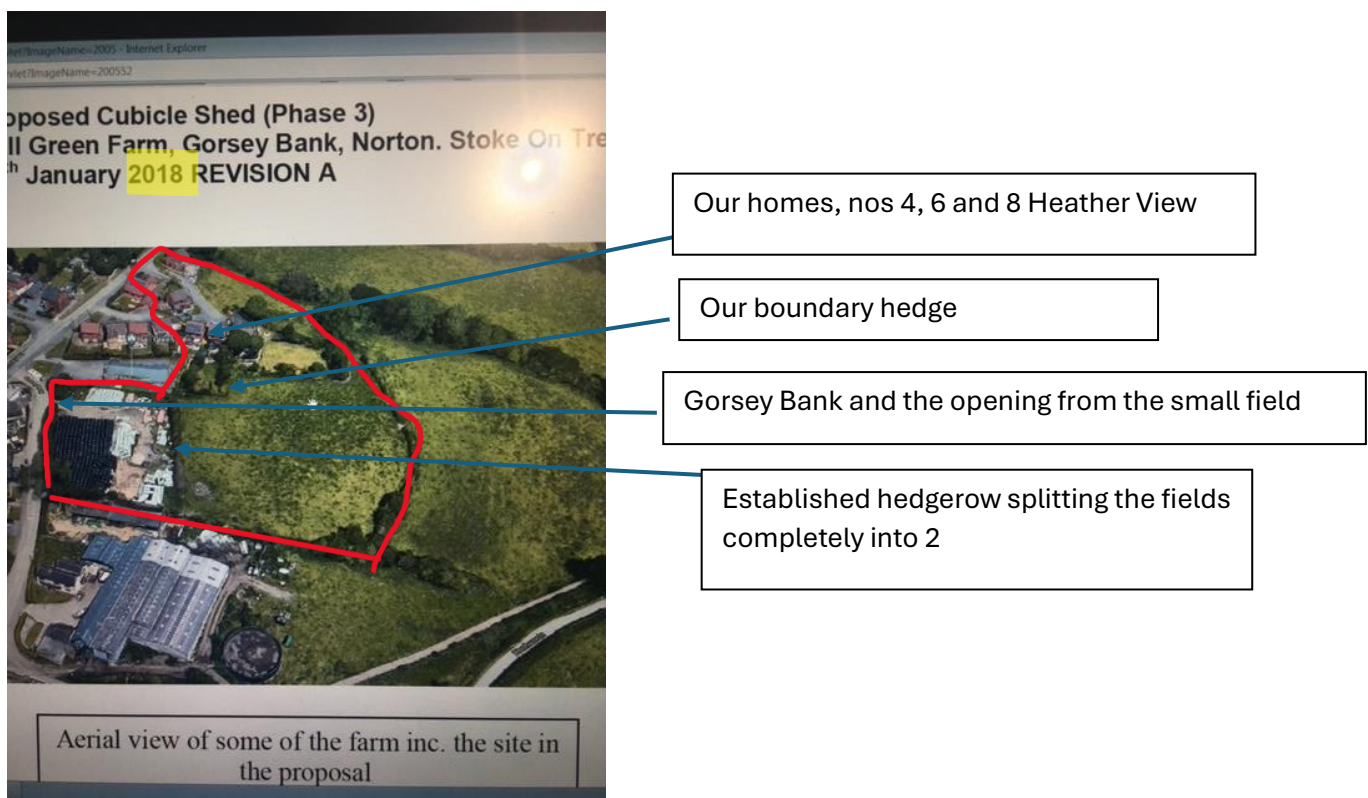
To whom it may concern

Ref: APP/B3438/W/24/3346146

On behalf of the owners of number 4 and 6 I would like to add the following information with regards to our reasons as to why this appeal should not be approved and why the decision to restrict the use of the track was made in the first place.

The applicant consistently maintains that there has always been a track. This is a blatant lie. Our homes were built in 1995 on the plot which was owned by J Littleton builders. They owned the land that stretched to the boundary of the Ball Green Farm and to the edge of Gorsey Bank. It was not owned by the farmer – he rented grazing land from them.

This is shown in the below ariel shot from Google Earth, which was also submitted in an original planning application put forward by the applicant in 2018 when he had then purchased the farmland from the builder. The area in red shows the land in question. Our homes were built in 1994 and 1995, we moved into our homes in 1996. The applicant rented the remaining land which was not sold to us from Littleton builders. The field on the edge of Gorsey Bank was used for the storage of bales and the field behind our homes as grazing land. You can clearly see from the photograph that the land was divided by established hedgerows and separated into two distinct and separate fields. There was just open grazing land at the bottom of our gardens.



The small field to the left of the picture (above) was accessible from Gorsey Bank, but did not lead anywhere else. It certainly did not provide access to the farm.

You can see from a close up in the below picture that there was NO TRACK, despite what the applicant claims. There was a gate into an enclosed field. It did not lead to the farm, did not come behind our homes and could not be used for anything other than accessing the small enclosed field on which the farmer stored bales.



Sadly, the builders, J Littleton, sold the land to the farmer in circa 2017. Within months of the purchase, despite regulations in place, the farmer, Mr Clements, tore out the established hedgerow that had separated the 2 fields. The photograph below was taken at the time. The foreground is our own hedge, and clearly shows yet again there is NO TRACK nor access of his farm evident.



For the last 7 years we have endured noise and light pollution while the farmer has torn the land apart until the topography is unrecognisable. We have endured invasion of our privacy with machinery operating on our boundaries with drivers sat so high up on land that has been raised, that they can see straight into our homes and gardens. We have endured so much dust and debris that we find it impossible to keep our homes clean and this affects our Asthma. This has been completely against our human rights whereby we have the right to the peaceful enjoyment of our homes and gardens.

When the last application was submitted by the farmer to build a huge barn, it included the application to retain a track which he had himself had built during the lockdown of April 2020 and restrictions of 2021. Of course, he maintains the track was always there, but the evidence clearly shows it was not. He himself suggested in his planning application eventually submitted in that he would only use the track and access onto Gorsey Bank for no more than 2 or 3 days twice a year. The purpose was supposed to be for the collection of silage as he had also by now constructed 2 huge silage clamps in the original small field, spreading down past the removed hedgerows towards our homes. They can be seen on the Google Earth image below. The image also clearly demonstrates that despite any planning permission he had constructed a new access to his farm and a track running adjacent to our homes and then turning at a sharp 90-degree angle towards his original and already extended farm buildings.



We all assumed that, despite this meaning we would endure some noise, light pollution and dust when the silage was being collected, that as per the conditions of the planning application this would only be for a maximum of 6 days and during the silage season. Remembering that he had said 6 days as part of his now 3rd attempt to build a huge industrial sized barn at the rear of our homes. He was finally given permission on 15th July 2021, with many conditions attached including the use of the track just for the 6 days and for silage collection only.

However, the applicant never adhered to this condition. On the 29th July, just 2 weeks from agreeing he would only use it for the intended purpose he was already using it regularly to take slurry out of his farm, and to receive deliveries. By the 13th August we had captured and recorded 6 days use and yet not one was for the collection of silage, instead they were being used for his day-to-day business. We repeatedly complained to Staffs Moorlands Council and

finally 1 year later they began to talk to the enforcement team...we were aghast that they had not considered this earlier.

By September of 2022 the track was being used as his main entrance and now building works began on his barns (yet another breach as he had not had land levels checked before commencing! By January 2023 not only was the barn not built to specification, the track being used constantly but we were also now enduring our homes being completely lit up inside by his lighting. It was so severe that even with the distance involved you could photograph your own shadow in detail inside your own home.

Since 2022 we have ended up having to collect photographs and videos of the blatant misuse of this track as he always denies it happening. In one 12-month period we captured and recorded over 30 occasions, and they were throughout the year, which also meant that in winter months when our hedges and trees are bare the intrusion is even more prolific! It was obvious this was being used as his main farm access despite the conditions attached to the application.

The applicant was then told they would need a new planning application for use of track. He submitted a further application for 30 days per year, despite him only requesting 6 in the first place. The 30 days were debated by Councillors who agreed 30 days was ridiculously over the top but subsequently agreed to the 30 days on 13th November 2023. They were however extremely clear with officers, and it was literally spelled out to the applicant by the Committee that it was for the collection of silage purposes only AND not to be used as a main access for his farm. An experienced farmer who is a Member of the Planning Committee even said it was for the bringing in of cut grass only with empty trailers going out. They specified the time frame to limit the use for the silage collection window of May to September. This because of the detrimental impact on us as residents as we were having to endure noise, light and dust pollution and the invasion of our privacy. As residents we were extremely concerned and disappointed that the 6 days, we were told we would have to endure had now increased to 30 but conceded that we live close to a working farm but bearing in mind that at the point of purchase and for 25 years we had been separated by a large area of open grazing land. Again, the clarification of the purpose and time meant that we should not have to endure articulated lorries, which has become the norm, no slurry trucks in and out, and not have to endure activities with bare hedgerows and trees (Autumn and winter months) thus limiting the invasion of our privacy.

Just weeks later the access track was being used again, videos and photographic evidence as supplied, clearly showing for non-silage use and because it was December it was clearly also breaching the "window of use". It was at this point the applicant decided to apply for use of the track throughout the year, again remembering that the track was part of the same planning permission to build the barns, the applicant had said just 6 days use as part of that application, which cannot be overlooked as the 2 items clearly go hand in hand. Although the committee did not meet until April by then, even with a live application in, the applicant continued to use the track for any purpose he chose including deliveries by articulated lorries – you can imagine the amount of noise, dust and light pollution of them navigating not only the sharp bend from Bemersley Road onto Gorsey Bank, but then navigating a sharp bend into the field, then immediately by our homes having to make a 90degree turn to access the farm buildings on the other side of the field! Please remember that this is not only ingress it is the egress too that we have to put up with.

In April 2024 this application was rejected and the applicant reminded once again that the track was to be used for the collection of silage only; for a maximum of 30 days during the period May to September. It is therefore ironic that days later the track was and is continued to be used for non-silage work. Evidence shared with Staffordshire Moorlands that there have been an

articulated lorry delivering wood shavings, tractors with empty flatbed trailers coming in and out, and tractors towing silage trailers in and out. We're then told that the evidence isn't conclusive!! This because officers don't understand what silage actually looks like and how its transported!! We basically find ourselves in the ridiculous situation whereby the applicant is still using the track for whatever he pleases and whenever he pleases which is having an extremely detrimental effect on our physical and mental health and wellbeing due to noise, light and dust pollution as well as been overlooked constantly by the drivers of these vehicles. We are also having to increase our hedgerow height beyond that which is manageable for us to try and deflect some of the intrusion. However, a kind gesture of the farmer is now to place towers of hay bales along our boundary!! Of course, this may limit light pollution, but it certainly does not stop noise nor dust.

We would stress that we are entitled to the peaceful enjoyment of our homes and gardens and this constant use by the applicant is taking away our rights. To now find that he has appealed the decision is astounding, especially given that he is already in breach of the planning policy by not even building the barn he applied for to design – resulting in high levels of noise as there's no front in it nor soundproofing; has not planted and landscaping despite having 2 years to do so; and has only recently moved a ridiculously large commercial spotlight which was directed into our homes – this despite 2 years of continuous complaints to the Local Authority planning and environmental team!

You will have access to our previous correspondence regarding the application for the track, but no doubt will be excluded to the ongoing complaints we are making about all matters concerning the applicant's planning approval for the overall site and the breach of numerous conditions.

We urge you to take our complaints seriously and support Staffs Moorlands in their decision to reject further use of the track and access outside of the extended use the applicant has already been granted. He can and should be using his main farm access and should this prove difficult for him because of his poor design when continuously extending one barn after another then that should not be part of this decision. The overriding factor should be the detrimental impact and harm this is causing to us as residents. We have a human right to the peaceful enjoyment of our homes (which includes gardens) as defined by legislation.

Yours sincerely on behalf of residents at 4, 6 and 8 Heather View

Tracy Kirton