

DELEGATED DECISION REPORT

SMD/2023/0563
Valid 10/01/2024

LAND NORTH TO KERRY
HILL NURSERIES
EAVES LANE
ARMSHEAD

RETROSPECTIVE
APPLICATION FOR THE
INSTALLATION OF WATER
AND ELECTRICITY SUPPLY
TO FIELD

(FULL - MINOR)

MAIN ISSUES

- Green Belt – Openness
- Countryside character and appearance

DESCRIPTION OF SITE

The application site comprises of a 4046 sqm triangular field. The grass field is enclosed on the eastern boundary by Jack Haye Lane, with Eaves Lane enclosing the western boundary. A smaller field is located to the south. Mature vegetation creates a boundary around the field's three sides. The site is in the open rural countryside and Green Belt.

PROPOSAL

Retrospective planning permission is sought for the installation of water and electricity supply in the field. As first submitted retrospective permission was also sought for the placement of a horse box on the land. In response to discussion with the LPA the applicant later agreed to omit this from the description of the development.

The water and electricity connection box have been placed near to the existing access gate onto Eaves Lane.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

SS1 Development Principles
SS2 Settlement Hierarchy
SS10 Other Rural Areas Area Strategy
DC1 Design Considerations
DC3 Landscape and Settlement Setting
NE1 Biodiversity and Geological Resources
NE2 Trees, Woodland and Hedgerows
T1 Development and Sustainable Transport

National Planning Policy Framework

Section 4 Decision making

Section 12 Achieving well designed and beautiful places

Section 13 Protecting Green Belt Land

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

No previous planning history

CONSULTATIONS

Publicity

Site Notice expiry date: 04/03/2024

Neighbour consultation period ends: 08/02/2024

Press Advert: N/A

Public Comments

Neither (4)

- Unsuitable for animals due to water logged ground and small size
- Potential for living accommodation within horse box
- Horse box is an eyesore combined with other paraphernalia parking on the site
- Suggested that incorrect timeframes stated within public comments.

Objection (2)

- Negative impact on greenbelt land and amenity of residents
- Hardstanding and second gate of new installation
- Inappropriate for proposed alpacas
- Complaint of horse on site
- Concerns over the horse box becoming a residence

Support (0)

Town / Parish Comments

Bagnall PC – Objection

‘Middle Tree Meadow is small, wet and not sufficient for grazing . The second entrance onto Jack Haye Lane, which is a single-track lane, has been added without planning permission and has not been mentioned in the retrospective planning, of which the hardstanding that is mentioned was created at the same time as the new entrance within the last 18 months.

There is also a lorry body and stable sections in the field that have potential for development and are an eyesore.

We have concerns as to why amenities and services have been installed on the site and what the potential future use may be.

A gateway has been created on the opposite side of the plot without necessary permissions'

Werrington PC – Objection

'Werrington Parish Council object to this application because it is an unnecessary development that will negatively impact green belt land and the amenities of residents. The site is small, but prominent, in a picturesque lane close to Wetley Moor. This untouched meadow, until recently, contributed to the rural landscape.'

Environmental Health

n/a

Staffordshire County Council Highways

n/a

OFFICER COMMENTS

Principle of Development

Local Plan (LP) Policy SS 2 identifies other rural areas such as the application site to comprise of the open countryside where development is normally unacceptable and green belt where further development is generally inappropriate. LP Policy SS 10 continues that the Local Authority will aim to maintain the Green Belt within Staffordshire Moorlands. Strict control will continue to be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by Government Policy. It must, therefore, be determined if the proposal is considered to be appropriate development within the Green Belt.

The application site is within the Green Belt. Paragraph 152 of the National Planning Policy Framework (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 (a) states 'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.' Exceptions to this include buildings for agriculture and forestry. A building includes 'any structure or erection'.

The application site consists of a field which in planning land-use terms must be regarded as being 'agricultural', though it need not necessarily be in current active use. The use of land for agriculture does not amount to 'development' under the Planning Acts. Retrospective development permission is sought for the installation of utilities in connection with the applicant's keeping of alpacas. The planning definition of agriculture includes 'the breeding and keeping of livestock' – including any creature kept for the production of food, wool, skins or fur. There is no reason not to regard the alpacas here as fitting with this definition. The applicant says they will be clipped for their wool.

It is therefore necessary firstly to determine if the proposals amount to 'development' within the meaning of the Planning Acts. From the application form there are two elements to the proposal and these are considered in turn below.

1. To put in place a water supply, this will be one tap located next to the boundary. According to the applicant Alpacas are heavy water drinkers and whilst we are also collecting rainwater this alone would not be enough. **LPA:** this is a minimal intervention (ht 0.9m) and the provision of water to livestock fields is a very normal and indeed necessary part of keeping any livestock. Although minimal it may technically be regarded as development due to being work which a builder would normally carry out and / or an engineering operation. Any impact as a 'structure' within the Green Belt must be likely however to be extremely minimal.

2. To put in place an Electricity supply, This will also be located next to the boundary. This is stated by the applicant to be for the use of sheering, winter evening flood light for feeding, CCTV as we are offsite, and general tool use. **LPA:** the application clearly explains the applicant's reason for the electricity requirement. The connection point comprises a small cabinet 1.2m x 0.5m and 1.2m high and its use to facilitate shearing should raise no issues. Details of flood lighting and cctv have not been provided. These potentially in their own right could need development consent. Again, although minimal the provision of an electricity connection may technically be regarded as development due to being work which a builder would normally carry out and / or an engineering operation. It would be appropriate in the event of granting consent to attach a condition for the avoidance of doubt to make clear that nothing in the permission would allow the siting of any cctv or lighting. Again any impact of the connection point as a 'structure' within the Green Belt must be likely however to be extremely minimal.

The applicant agreed to omit the proposed siting of a horse box after the LPA advised that this could not be recognised as being agricultural.

Design and openness

LP Policy DC 3 will protect and, where possible, enhance local landscape and the setting of settlements in the Staffordshire Moorlands.

The utilities introduced to the site are small in size. It is considered that they do not harm openness of the Green Belt nor are they particularly noticeable in their impact on the character and appearance of the countryside.

Amenity

The proposed use of the field will be maintained as agricultural. The proposed introduction of utilities will not lead to any change in the existing amenity impacts on any nearby dwellings, at least not beyond the impacts of keeping livestock which does not require consent and is a legitimate land use.

Concerns have been raised regarding the appropriateness of keeping alpacas on the land, and the impact on residents. However, the keeping of alpacas, provided that it is for the purposes of agriculture, is considered within the lawful agricultural land use of the field. This is therefore not a material consideration.

As such there are no amenity concerns.

Highway Safety

The application does not propose to create any new field entrances. However, it does propose to park a vehicle (horse box) on the land. The vehicle will access the land via existing field entrances. The use of the land is not proposed to change.

Concerns have been raised regarding an unlawful field entrance on Jack Haye Lane. The application site is located between Jack Haye Lane and Eaves lane. Both lanes are unclassified roads. The applicant states that both field entrances were present when they purchased the land. A highway access does not require planning permission.

As such there are no highway safety concerns.

CONCLUSION / PLANNING BALANCE

The development is considered acceptable in terms of design, amenity and highway safety. It is considered to be in accord with the relevant policies put forward in the Local Plan and the NPPF. Therefore this application in its amended description is recommended for approval.

OFFICER RECOMMENDATION : Approval

Case Officer: Arne Swithenbank

Recommendation Date: 29th August 2024

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council