

SUPPLEMENTARY COMMENTS

**BALL GREEN FARM
BROWN EDGE**

AUGUST 2024

1 Comments on LPA Statement of Case

- 1.1 The Local Authority states in paragraph 5.7 that the application to increase the number of days that the access can be used from six days to thirty days per year was a cause of concern and disappointment to the Council. The Local Authority's Planning Officer's nevertheless went on to recommend that application for approval. It was the members of the Planning Committee who opted to restrict the use of the access to 30 days between the specified months of the year.
- 1.2 In paragraph 5.9 the Local Authority discuss the concerns raised by Members that they had no confidence that the condition would be complied with, citing concerns that it may be used for transportation of slurry and general haulage deliveries, which the Committee felt would cause additional stress to neighbours. Such concerns stemmed from representations made by neighbours at the Committee meeting. It is commented in this regard that the Local Authority has powers to serve a breach of condition notice if any such breaches of planning control were to occur, and there is no right of appeal against such a notice.
- 1.3 There is no discussion with the Local Authority's response in respect of the constraints that the current condition places the applicant under, i.e. what is to be done when silage needs to be delivered during periods outside of the permitted usage? The appellant did not seek to restrict the usage of the access in this manner – it was an imposition by the Planning Committee and one which causes operational issues for the appellant as discussed in the main Grounds of Appeal.
- 1.4 The other access to the site is not particularly suitable for this purpose, as it is convoluted in nature, and passes through the main farmyard in very close

proximity to existing buildings and slurry tanks. The Planning Inspector will be able to observe this during the appeal site inspection.

- 1.5 The Local Authority also provides no commentary or rebuttal in respect of the fact that the access track lies a considerable distance from the neighbouring properties, and that its usage for no more than 30 days across the full calendar year would not be any more harmful than consolidating those 30 days to between the 1st May – 30th September (paragraphs 6.7 – 6.10 of the Grounds of Appeal refer) as the current permission allows.
- 1.6 We consequently maintain our position that the proposed variation of the condition will not give rise to any adverse impacts to neighbouring amenity over and above that which have already been permitted under application SMD/2023/0343.

2 Comments on 3rd Party Representations

- 2.1 The objection from Mr. C. Russell raises concerns about the impact of the use of the access on highway safety. We draw attention in this regard to the fact that neither Stoke City Council Highways Department, nor Staffordshire County Council Highways Department have objected to the proposed variation of condition. The use of the access for no more than 30 days per calendar year will furthermore have no materially greater impact on highway safety than would otherwise be the case of restricting those 30 days to between the 1st May – 30th September.
- 2.2 The other access serving the farmyard is a much more convoluted route and involves vehicles having to turn tight corners in close proximity to existing buildings and slurry tanks. Consent has been granted in any event to use the access in question for a period of 30 days... it is just the period within which those 30 days may take place that is under consideration.

- 2.3 The use of that access for 30 days per calendar year will not give rise to any greater impact to neighbouring residential amenity than that which has already been granted. I have also been asked by the appellant to confirm that the 'stampeding cows' were not from the appellant's farm, rather a farm elsewhere.
- 2.4 The objection from Ms. Kirton seeks to suggest that there has never been an access track from the road, but the two aerial photographs she provides serve to show one in existence. That track was lengthened as part of application SMD/2019/0179 to its current position, and one suspects that is what Ms. Kirton is referring to when she says no track previously existed.
- 2.5 Much of Ms. Kirton's objection expresses her frustration at works that have been carried out on the site, but it needs to be borne in mind that all of those works have either benefitted from planning permission granted by the Local Authority or have amounted to Permitted Development.
- 2.6 The alleged breaches of planning control referred to by Ms. Kirton are not something I can comment on as I have not seen any of the evidence that has been supplied to the Local Authority. I would nevertheless reiterate that it is within the Local Authority's powers to serve a breach of condition notice if it considers breaches of that condition to be taking place.
- 2.7 It does not change the fact however that planning permission exists for the access track to be used for 30 days per year already. The proposal under consideration is simply to allow those 30 days to be spread out across the year, rather than being constrained to between 1st May – 30th September as is currently the case, for the reasons set out in the Grounds of Appeal.