

DELEGATED DECISION REPORT

DET/2024/0035
Valid 28/08/2024

BALL GREEN FARM
GORSEY BANK
BALL GREEN
STOKE-ON-TRENT

APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR -
ERECTION OF
AGRICULTURAL STORAGE
BUILDING

(AGRICULTURAL/FORESTRY
DETERMINATION)

MAIN ISSUES

Is the Prior Approval required for the siting, design and appearance of the proposed building and, if the submitted application is sufficiently detailed, can the prior approval be granted? Also, is the development in any event permitted by Part 6 of the GPDO?

DESCRIPTION OF SITE

Ball Green Farm is a well-established dairy farm business comprising 273 acres and a further 120 acres of rented land within the Staffordshire Moorlands that extends to the edge of Gorsey Bank and the Stoke on Trent City boundary to the west. The applicant's roadside farm house, the residents to the west along Gorsey Bank, and the church and neighbours on Farm Lea and Heather View to the north, are all within the Stoke on Trent City Area. The farm land however that extends to the east and north of the farm house, which includes the application site and much of the farm development is within the district of Staffordshire Moorlands.

The application site forms an area of land to the south east of, and immediately adjacent to, the open access elevation of a pre-existing livestock building that was built with planning permission SMD/2021/0179 .

The site is within the Green Belt and Countryside. To the north east of the church there are three residential neighbours (4, 6 and 8 Heather View). The dwellings are at the end of a private drive cul-de-sac and their rear elevations and gardens back on to the applicant's farm land. The dwellings are just 40m from the edge of the track/private way that links the Gorsey Bank access to two silage clamps and buildings toward the south of the site.

PROPOSAL

The application proposes the erection of a building 13m by 32m. The building is said to be for the storage of machinery and straw. The building would be built with a steel portal frame. Fibre cement corrugated sheets would be above concrete plank walls.

The building would be sited adjacent to the existing livestock building, approved under planning permission SMD/2021/0179. There would be just 1m between the two buildings, the open north west elevation of the proposed building would face onto the

access elevation of the existing livestock building. The building would be enclosed on three elevations with retaining concrete planks against surrounding land levels.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan Development Plan Document (Adopted 2020)

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

National Planning Policy Framework

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2021/0179 Retention of excavation works, erection of freestanding agricultural building for animal housing, extension to existing agricultural building to provide animal housing, erection of slurry tank and retention of vehicular access.

APPROVED.

SMD/2023/0343 Removal or variation of condition 3 and 11. APPROVED.

SMD/2024/0028 Application for Variation of Condition 9. REFUSED.

DET/2024/0035 Erection of Agricultural Storage Building. Pending.

OFFICER COMMENTS

The application is made under the Permitted Development procedure for agricultural development contained at GPDO (2015) Schedule 2, Part 6 Class A.

Class A of Schedule 2 Part 6 to the GPDO provides for works for the erection, extension or alteration of a building, as Permitted Development subject to a prior notification to the LPA, with subsequent assessment, and subject to the land being within an agricultural unit of 5 hectares or more.

The prior notification requirement is an opportunity for the LPA to determine whether prior approval should be required as to the siting, design and external appearance of the development.

To qualify for the Permitted Development route the proposed works must be “reasonably necessary for the purposes of agriculture within that unit”. The agricultural use of the land must be “for the purposes of a trade or business” and the unit must be “occupied as a unit for the purposes of agriculture”, all as set out in the Interpretation Section (D.1) for Part 6 Classes A to C.

The proposed building would appear to be permitted by Class A of Part 6 of the GPDO, on the applicant’s evidence it would be reasonably necessary for agriculture on a unit of more than 5ha. The building would be more than 25m from the metalled part of the highway; and the building is not for livestock housing.

(a) The building is to be erected on a parcel of land that exceeds 1 hectare in area (1.57 hectares)

- (b) There are no buildings within the agricultural unit which have been subject to Class Q or Class S submissions under Part 3 of the Order within the last 10 years.
- (c) The proposal does not involve the erection, extension or alteration of a dwelling
- (d) The building is designed specifically for agricultural purposes, comprising of an open sided, portal framed construction and finished in traditional agricultural materials comprising of fibre cement corrugated sheets above concrete block walls and fibre cement sheeting to its roof.
- (e) The ground area covered by the proposed building, combined with any other building within 90m of the development built within the last 2 years, does not exceed 1500m².
- (f) The site does not lie within 3km of an aerodrome.
- (g) The height of the building stands less than 12 metres in height (6.5m)
- As a condition of the development being permitted under Class A, the developer must apply to the local planning authority for a determination as to whether the prior approval is required for the siting, design and external appearance of the building.

The Impacts associated with the proposed siting and design of the building

The building by reason of its siting and design (its proximity and open orientation and arrangement to the pre existing livestock building) would have the inevitable effect of extending and increasing the capacity of the livestock building. The livestock building is a building that required planning permission because it is within 400m of residential dwellings. The approved livestock building was considered to be in a sensitive location within relative proximity, and to the rear, of residential neighbours. The building was granted planning permission on the condition that it was built in accordance with approved plans, installed with sound insulation, and that the use of a highway access and private way be restricted to a limited number of days. None of these conditions have been complied with.

The developer's previous applications and on site activity has been the subject of considerable objection and complaint, mainly from residents occupying three of the properties to the north of the appellant's farm (4, 6 and 8 Heather View). The dwellings are at the end of a private drive cul-de-sac and their rear elevations and gardens back on to the applicant's farm land. The dwellings are just 60m from the rear of the existing livestock building. The neighbour's evidence has been that developments and activity have unreasonably harmed their living conditions and the enjoyment of their properties.

The proposed building's siting and design would effectively and inevitably extend and expand the size and function of the existing livestock building, within such close proximity of these residential neighbours, this would appear quite provocative. The development, in these regards, could only introduce unreasonable noise and disturbance that would adversely affect the living conditions and amenity of the near neighbours. Such development would exacerbate and compound the adverse impacts that the neighbours say they already suffer.

The development would be unreasonably harmful to the living conditions and amenity of nearby residents by reason of excessive noise and disturbance. There would be conflict with policies DC1 and SD4 of the Staffordshire Moorlands Local Plan 2020

and the terms of the NPPF in these regards. The prior approval for the siting of the development is required and should be refused for these reasons.

CONCLUSION / PLANNING BALANCE

The proposed development would result in an unreasonable loss of amenity for those residents that would be within close proximity of the development and have the inevitable effect of extending and expanding an existing livestock building that has been built in a relatively sensitive location. The proposed development, by reason of its siting and design, would cause excessive noise, disturbance and light pollution. In these regards there would be conflict with policies DC1 and SD4 of the Staffordshire Moorlands Local Plan 2020 and the terms of the NPPF.

Prior Approval is therefore required for the siting and design of the development and because the application is sufficiently detailed it can be determined that prior approval for the siting and design of the development should be refused. This is because the development would occupy a prominent and excessively close location to nearby neighbouring residential neighbours.

OFFICER RECOMMENDATION : PRIOR APPROVAL REQUIRED AND REFUSED

Case Officer: Ben Hurst

Recommendation Date:

X 

Signed by: Jane Curley

On behalf of Staffordshire Moorlands District Council