

DELEGATED DECISION REPORT

DET/2024/0034
Valid 28/08/2024

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

APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR -
FORMATION OF
HARDSTANDING

(AGRICULTURAL/FORESTRY
DETERMINATION)

MAIN ISSUES

Is the Prior Approval required for the siting of the proposed hardstanding 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 a field parcel to the north of the applicant's farm land within the Staffordshire Moorlands, that extends toward the rear garden boundaries of neighbouring dwellings on the Heather View cul de sac to the north.

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 20m from the edge of the application site, their garden boundaries just 6m, and 40m from the edge of a track/private way that links the Gorsey Bank access to two silage clamps and buildings toward the south of the site.

PROPOSAL

A proposed engineering operation to provide an area of compacted hardcore as an hardstanding with an area of 999.7 sqm. The hardstanding would be used to store agricultural implements and associated storage. The hardstanding would be located toward the northern boundary of the site, to the south of garden boundaries belonging to dwellings at Heather View.

The engineering operation would involve excavations which, when combined with all other areas of excavation that have occurred within the unit (the relevant area), would have an area that exceeds 0.5ha. In these circumstances it is a condition of the provisions at Class A Part 6 that the developer must, before beginning the development apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting of the excavation and, if so, whether that prior approval can be granted.

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 the carrying out of an engineering operation, such as the provision of a hardstanding, 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 of the excavation.

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 engineering operation 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 engineering operation would be more than

25m from the metalled part of the highway; and the hardstanding is not for livestock housing.

- (a) The parcel of land within which the proposal is located 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 proposed hardstanding has been designed specifically for agricultural purposes, providing an area of land for the storage of agricultural vehicles, implements and associated agricultural storage
- (e) The ground area covered by the new hardstanding will not exceed 1000m² (999.7m²)
- (f) The works will not lie within 3km of an aerodrome
- (g) The works will not result in any development exceeding 12m in height taking place
- (h) No part of the building will be located within 25 metres of a metalled part of a trunk road or classified road (the nearby highway being unclassified) and more than 25m distant.
- (i) The hardstanding is not to be used for the keeping of livestock or storage of slurry.
- (j) The proposal does not involve excavation or engineering works in connection with fish farming.
- (k) The proposal does not include any form of biomass boiler or anaerobic digestion system
- (l) The works will not be carried out on land within the curtilage of scheduled monument

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 of the engineering operation.

The Impacts associated with the proposed siting of the engineering operation

The developer's 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 applicant'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 40m from the edge of a track/private way that links the Gorsey Bank access to two silage clamps and buildings toward the south of the site. The edge of the proposed engineering operation/hardstanding would be 6m from the neighbour's garden boundaries and 20-25m from their dwellings.

The complaint and objection is directed toward nuisance from vehicle headlights, noise and disturbance from vehicle engines revving or idling, and the use of the track by haulage vehicles to deliver concrete rubble. The neighbour's evidence is that this unreasonably harms their living conditions and the enjoyment of their properties.

The proposal to provide a hardstanding for the purposes of storing agricultural implements and general storage associated with the farm in a location that is within such close proximity of these residential neighbours, would appear quite intrusive. Storage use and activity would introduce regular vehicle movement and activity within an area that is close to the boundary of residential neighbours. 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 already suffered.

The development would be unreasonably harmful to the living conditions and amenity of nearby residents by reason of excessive noise, disturbance and light pollution. 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 removed 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. The proposed development, by reason of its siting, 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 of the development and because the application is sufficiently detailed it can be determined that prior approval for the siting 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: 25th September 2024

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council