

## DELEGATED DECISION REPORT

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**DET/2024/0042**  
**Valid 11/10/2024**

**SALTERS FORD FARM**  
**NEWTOWN ROAD**  
**NEWTOWN**  
**BIDDULPH**

**APPLICATION TO DETERMINE  
IF PRIOR APPROVAL IS  
REQUIRED FOR -  
A NEW AGRICULTURAL  
STORAGE BUILDING LENGTH  
18.7M, HEIGHT TO EAVES  
3.6M, BREADTH 12.1M.  
HEIGHT TO RIDGE 5.4M**

**(AGRICULTURAL/FORESTRY  
DETERMINATION)**

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### MAIN ISSUES

- Compliance with GPDO(2015) Schedule 2 Part 6
- Siting, Design and external appearance

### DESCRIPTION OF SITE

Rural former farmstead comprising domestic dwelling, extended gardens with small ornamental lake, stables, horse exercise ring, manège and secondary living accommodation over detached garage.

The total site red edge shown on location plan drawing P375 - 203 LP01 is c. 5.3 ha in area. This includes c.1ha identified as leased land. It also includes the dwelling, gardens, secondary residential accommodation and equine facilities referenced above. These in total occupy some c. 0.8ha.

The location is in the North Staffordshire Green Belt. A series of public footpath rights of way from north, south, east and west converge through the centre of the premises. Nb – whilst the premises are in Rushton parish, the field of the proposed development is in the Biddulph Town parish.

### PROPOSAL

The proposal is a fully enclosed steel portal frame detached shed 18.8m x 12m (226m<sup>2</sup>) with dual pitched roof to ridge height 5.3m and eaves height c.3.8metres. Walls to height 2.0m would be of pre-cast concrete panels. A 3.5m high x 3.4m roller shutter style door is shown to the west gable and to one end of the north side elevation plus a personnel door at each end of this north side elevation. The walls are otherwise faced externally with box profile metal sheet cladding in green, with the

roof also in green. Solar panels are proposed to the south roof slope and sky-lights to the north roof slope.

In a supporting statement the applicant says:

“...we are progressing our business case to support to [sic] local farmers by providing a grain/feed/bedding store with natural resources harvested from the land. The building will also provide covered, secure storage for farming equipment and associated agricultural activities on the land.”

“Previously the land has been grazed with our own animals (horses) however the animals were recently moved on due to my full-time business commitments.”

“The land will also be managed to provide grazing for animals, most likely grazed by the adjoining farmers livestock, to manage the stocks of haylage in storage within the unit.”

“We also intend to stock and provide local farmers with agricultural fencing materials as notably there is a shortage in the locality with nobody supplying these materials within a minimum 8 mile radius. The majority of suppliers being over the county border in Cheshire. Biddulph Moor has a large farming community and having spoken to local farmers there is a genuine need for this service in the immediate area.”

## **RELEVANT LOCAL AND NATIONAL PLANNING POLICIES**

### **Local Plan (adopted 9<sup>th</sup> 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 (Dec 2023)**

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 6 – Building a strong and competitive economy; 7 – Ensuring the vitality of town centres; 8 Promoting healthy and safe communities; 11 – Making effective use of land; 12 – Achieving well designed places and beautiful places; 13 – Protecting Green Belt Land; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

### **Adopted Supplementary Planning Documents/Guidance (SPD/G):**

- Space About Dwellings SPG
- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

### **Local Plan Supporting Evidence Documents:**

- Landscape and Settlement Character Assessment (2008)

### **SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS**

There is no planning history to the ground plan area of the proposal building.

There is an extended planning history for the previously developed parts of the ownership. Most are associated with extensions and alterations to the dwelling but SMD/2014/0701 granted a Certificate of existing lawful use for land which it was accepted was land forming part of the domestic curtilage. The certificate applied to an area of land totalling 5273m<sup>2</sup> within an overall holding of 44922m<sup>2</sup>.

### **CONSULTATIONS**

#### **Publicity and Consultation**

None due to being a prior notification under Part 6.

### **OFFICER COMMENTS**

#### **Principle of Development**

The building development proposed must comply with the definitions and limitations set out under GPDO(2015) Schedule 2 Part 6.

The Permitted Development under Part 6 Class A is only available on units of 5 ha or more. The full wording reads:

Class A – agricultural development on units of 5 hectares or more

Permitted development

A. The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of—

- (a) works for the erection, extension or alteration of a building; or
  - (b) any excavation or engineering operations,
- which are reasonably necessary for the purposes of agriculture within that unit.

‘**Agricultural unit**’ is defined at Part 6 D.1 and “means **agricultural land** which is occupied as a unit for the purposes of agriculture, including—

- (a) any dwelling or other building on that land occupied for the purpose of farming the land by the person who occupies the unit, or
- (b) any dwelling on that land occupied by a farmworker.”

In the supporting statement the applicant and occupier of the dwelling says the horses they have kept up to now have recently been moved-on due to what he describes as “my full-time business commitments”. The applicant is listed at

Companies House as a Director of 'Next Generation Body Limited' and the nature of business is given as being the 'maintenance and repair of motor vehicles'. The registered office address is given as The Annex, Saltersford Farm, Newton Road, Biddulph ST8 7SW.

In his statement the applicant says the land will be "most likely grazed by the adjoining farmers livestock, to manage the stocks of haylage in storage within the unit."

The statement goes on to say: "We also intend to stock and provide local farmers with agricultural fencing materials as notably there is a shortage in the locality with nobody supplying these materials within a minimum 8 mile radius."

From this information there must be drawn an inescapable conclusion that the applicant and owner, whilst living in the dwelling, is not himself occupying the dwelling for the purpose of farming the land. He has full time business commitments and will instead be relying on an adjoining neighbour to manage and graze livestock on the land.

The 'unit' in the application ownership cannot include the applicant's dwelling with its 0.53ha curtilage. This means that the total holding including the 1ha of leased ground would be c.4.8ha and therefore less than the 5ha minimum to be eligible under Part 6.

Agricultural land is defined and "means land which, before development permitted by this Part is carried out, is land in use for agriculture and which is so used for the purposes of a trade or business, and excludes any dwellinghouse or garden."

Whilst the specific land proposed for the siting of the building can be seen in all probability as currently being agricultural land and is not part of the house or garden land there is no evidence of this being agricultural for the purposes of a trade or business. All indications are that the farm land associated with the dwelling is being used incidentally by a neighbour who has sheep.

For completeness it can be noted that there is no indication that the building would be used to accommodate livestock and it possibly would not be PD if it were, as it is within 400m of unrelated and potentially non-farm dwellings ('protected buildings' as defined).

Finally and fundamentally, in order to be eligible under Part 6, the development must be 'reasonably necessary for the purposes of agriculture within that unit'. Having moved-on their horses there would appear now to be a vacant existing building. Whilst some details of the intended storage function of the proposal building are provided there is no consideration given as to the capacity and potential for future use of the existing building range. It is not demonstrated that the proposal building is reasonably necessary.

There are moreover some significant additional confusions and contradictions as to the intended use which further undermine the 'reasonably necessary' test with references in the statement to providing a grain/feed/bedding store to support local

farmers and an intention “to stock and provide local farmers with agricultural fencing materials”. These suggest the operation of a farm supplies business and not the practising of agriculture. Such activities would require planning permission in their own right and as they would not be ‘reasonably necessary for the purposes of agriculture within [the] unit’ they could not be supported through an application under Part 6.

## **Design**

The design of the building is reasonably conventional for its type although a completely metal-enclosed building with limited or no ventilation in the design is unusual where it is intended to store harvested grass fodder.

Whilst the building may be out-of-sight from Newtown Road it would figure noticeably in views from the south and especially from public footpaths nos.107 and 108 (Biddulph). The existing collection of buildings at Salters Ford is reasonably compactly grouped but this proposal would break out into an adjacent field thus tending to expand the effective overall development spread and visual impact.

As the location is in the Green Belt the development should only benefit from available exemptions for agriculture if it is acceptable in principle and given it is assessed here as not being eligible under Part 6 the proposal is also found unacceptable in design due to its intrusion as a somewhat industrial looking building into the open countryside and Green Belt.

## **Amenity**

In terms of living conditions for residents or occupiers of nearby buildings there are not found to be any likely adverse impacts to arise from the siting. The nearest un-associated neighbour appears to be at Bentley House 230m to the north east. Butterlands Farm is some 440m to the south east. Royal Cottages and Singing Brook to the south and south west respectively are a similar 450m or so away.

## **Highway Safety**

There are not judged to be any likely highway safety impacts or changes to result from the siting of this proposed development.

## **CONCLUSION / PLANNING BALANCE**

Firstly, the LPA’s calculation (carried out in accordance with the terms of part 6) is that the size of this holding falls short of the minimum 5.0ha necessary for this scheme to be put forward as Permitted Development. The shortfall is modest at c.2000m<sup>2</sup> but eligibility under part 6 is not discretionary. Unable to find the necessary holding size to have been demonstrated the LPA has no choice but to reject the proposal.

Even if the holding were found to be of the required size there is a further concern that the proposed development is not 'reasonably necessary' for the purposes of agriculture within the unit. This is indicated (a) by the presence of an existing building understood from the application to have had a now discontinued equine use and notably this building appears not dissimilar in size to the application building.

A further concern is that some of the stated need for additional building capacity is being linked with an intention to support an agricultural supplies business including to stock and supply fencing materials.

**OFFICER RECOMMENDATION :**     **Prior approval required and refused**

**Case Officer:** Arne Swithenbank

**Recommendation Date:** 04.11.2024

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Signed by: Jane Curley

**On behalf of Staffordshire Moorlands District Council**