

DELEGATED DECISION REPORT

SMD/2023/0620
Valid 12/02/2024

SPRINKS FARM
BLACKWOOD HOUSE
LANE
HORTON
LEEK

RETROSPECTIVE
APPLICATION FOR RAISED
PATIO AND PERGOLA

(FULL - MINOR)

MAIN ISSUES

- Green Belt
- Character and appearance

DESCRIPTION OF SITE

1. Up until the point of development this was agricultural field abutting the gable end of a former shippon and barn building. The field also wrapped around the south-westerly elevation to meet a gate into the farm yard (see fig.1).



Fig. 1 (12th October 2017)

2. In 2018 the former barn and shippon was subject to a Prior Approval Application under GPDO(2015) Schedule 2 Part 3 Class Q for change of use to a dwelling (DET/2018/0041). This was granted on 21st February 2019.



Fig. 2

3. The plan extract at fig. 2 is the approved layout as submitted by the applicant for DET/2018/0041 – drawing 2028.G.13 dated 07.02.2019. Under a Part 3 Class Q proposal an area of curtilage is permitted as defined at paragraph X which – under the regulations relevant at the time – means:

(a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or

(b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser.

4. In a covering letter with DET/2018/0041 the agent stated that, “the area of the curtilage of building is below that of the footprint of the existing building”. The LPA case officer report for DET/2018/0041 noted, “A defined curtilage of 276m2 is now shown comprising land to the front (south) of the building and along part of the rear on drawing 2028.G.13 (7th February 2019). This area does not exceed the plan area of

the building to be converted and is thus within the limits of Class Q. For parking and turning, additional pre-existing yard area is relied upon.”

5. The accepted curtilage under DET/2018/0041 was an area rear of the building bound by red dashed line and shaded grey together with an area to the south west of the building again bound by red dashed line but excluding the area described as “parking area to the front of site” (which was found to be in pre-existing parking and turning use already serving the premises).

PROPOSAL

6. No planning statement accompanies this full minor application and there is no attempt to correlate the application with the prior approval granted for conversion of the adjacent barn and shippon under Class Q (DET/2018/0041) to a dwelling. The now submitted location and block plan drawing 2023-2815-15 revision A sets out the site as shown in fig.3 below.

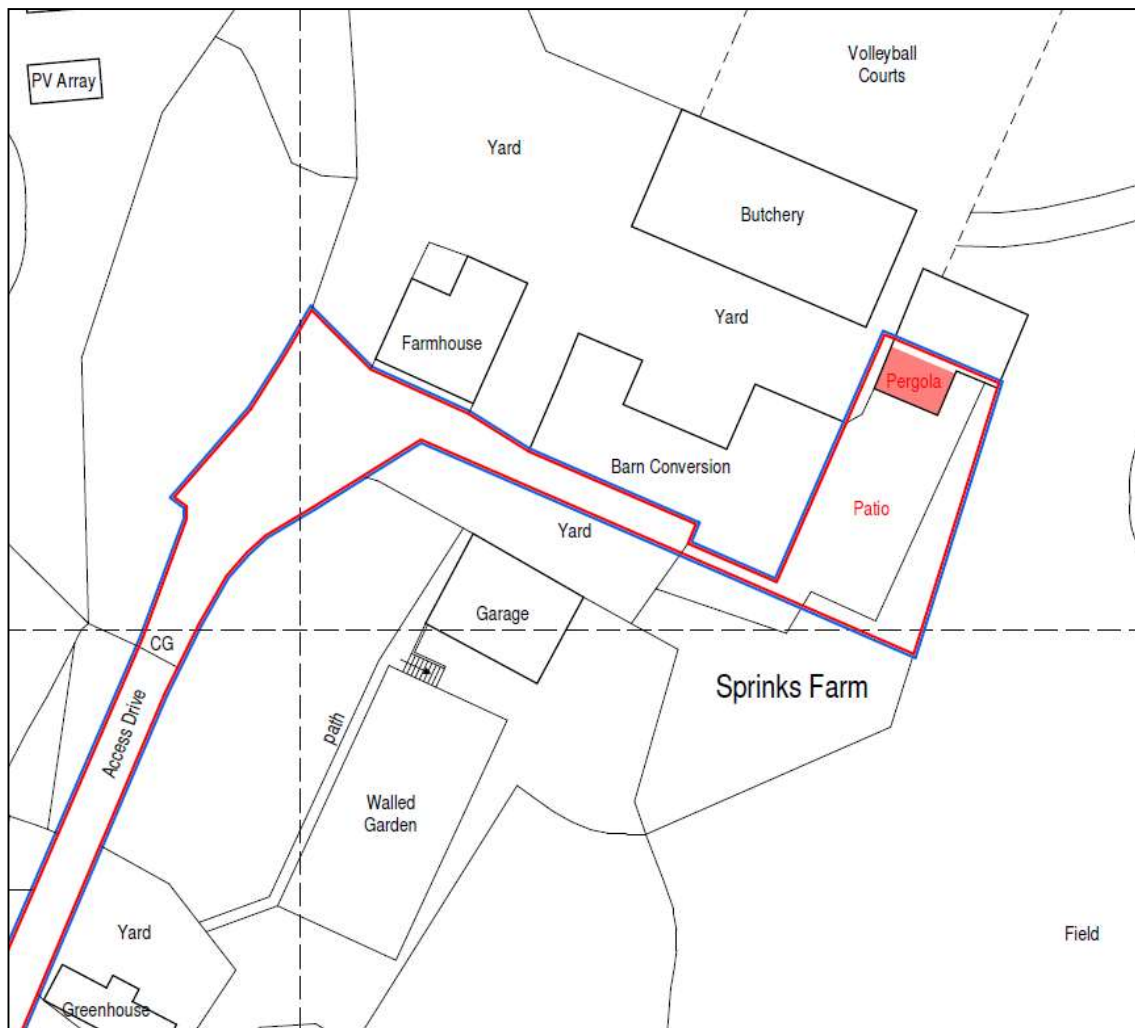


Fig.3

7. It is useful to consider the proposal as comprising five elements:
- (i) the overall proposed area of development within the red edge from the point extending east of the field gate and east of the building end-wall line – the LPA scales this from plan as being 320m²;
 - (ii) the raised patio terrace structure – the LPA scales this from the plans as being in the order of 195m² in built area;
 - (iii) pergola building positioned on the terrace at the north east end – 24m²
 - (iv) garden strip along the south east margin of the development c. 75m²
 - (v) connecting strip along south west edge c.20m²



Fig. 4

8. Figure 4 above is a view of the building (7th Nov 2023) from a similar angle to that seen in Fig. 1 and faces the now altered and converted building from the south east. (Nb the conversion with insertion of full height / full width gable glazing has not been carried out in accordance with the approved plans. These retained much more of the original masonry including the vent holes but did allow altered windows at ground floor level.) The approved Class Q scheme made no provision for access into the building in this gable end wall and no provision for an exterior patio.

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
DC2 The Historic Environment
DC3 Landscape and Settlement Setting
NE1 Biodiversity and Geological Resources
NE2 Trees, Woodland and Hedgerows

National Planning Policy Framework (Dec 2024)

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; 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

DET/2018/0041 - Proposed change of use of agricultural building to a single dwelling
[Class Q prior notification] – approved

CONSULTATIONS

Publicity

Site Notice expiry date: 30.08.2024
Neighbour consultation period ends: 20.02.2024
Press Advert: 27.03.2024

Public Comments

Neutral [one party]: We urge full consideration be given to the preservation of all Green Belt land and to carefully consider any change of use that impacts Green Belt land.

Objections from or on behalf of three parties:

- Should the development extend beyond the property's domestic curtilage and/or encroach on to Green Belt land, then we would expect SMDC to observe policies and rules with regards to material changes of use and preservation of the Green Belt.
- This proposal is an encroachment into the Green Belt and contrary to National and Local Green Belt policies.
- The Blue ownership boundary is not correct and Certificate B on the Application Form as the applicant does not own all the land within the red line.
- The cumulative impact of all the development which has been completed without planning permission is significant with substantial elements encroaching into the Green Belt. With 6 planning applications submitted for retrospective works and two applications remaining invalid, this has led to the site being over developed with further breaches of planning still outstanding.

Town / Parish Comments

Horton Parish Council – does not object [no additional commentary]

OFFICER COMMENTS

Principle of Development

9. In its general approach, in accordance with policy SS1, the Council expects the development and use of land to contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. This means that planning applications that accord with the policies in the Local Plan shall be approved without delay, unless material considerations indicate otherwise.

10. The relevant Local Plan spatial policy is SS10 for the rural areas. This states that: "These areas will provide only for development which has an essential need to be located in the countryside, supports the rural diversification and sustainability of the rural areas, promotes sustainable tourism or enhances the countryside".

11. As this location is in the North Staffordshire Green Belt and well outside of any development boundary, policy SS10(6) applies which states that "strict control will continue to be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by Government Policy".

12. Subject to Green Belt requirements Policy SS10 provides for the extension of an existing rural building, "Allowing extensions or additional domestic outbuildings to existing dwellings provided they are appropriate in scale and design and do not have a detrimental impact on the existing dwelling and the character of the rural area. The Council will assess schemes having regard to the original dwelling, in cases where cumulative change has occurred."

13. The development – applied for here retrospectively – has taken place on undeveloped field land. The development is intended to serve the residential occupiers of the dwelling. It lies outside of the land previously approved as curtilage to the dwelling. It comprises a large paved raised patio terrace 8.5m wide x 23m in length erected to a height of between 0.7m at its south west corner and c.1.8m at its north east corner. It is a significant construction in volume and plan dimensions. The 'pergola' building erected at the north east end of the terrace is 4.0m x 6.0m with a hipped pitched roof to height 3.9m at the roof ridge. The pergola is enclosed on its northerly and westerly elevations but is open on to the terrace to its easterly and southerly sides. A large hot tub was found to occupy about one half of the building. It was also storing a wheeled barbecue unit and domestic waste bins. Garden tables and chairs, deck chairs and a 'patio-heater' were in place on the terrace and large floodlights overlook from high mounted positions on the former barn gable.

14. Not included fully in this application but linked to it is a concrete-surfaced and part-paved continuation of the hard-standing at the front (south west) of the building running into the field east of the gateway. The gateway referred to (as existing prior to the development) can be seen to the left edge of figure 1 (above). Post development the occupier's large towing caravan is seen to be parked here at times on this now solidly surfaced area within the former field. The area amounts to some 50m². Not all of this has been included in the application but a c.20m² strip against the barn building *has* been included in the current application site area.

15. All of this development, both as structures and in planning land use terms, lies well outside of anything that could come within the scope of the existing consent as this did not encompass the areas now used for this development. The previous planning land use status for the application land was that of agricultural field. The development meanwhile must be assessed as being 'outdoor domestic amenity space' or in effect 'garden' and indeed the proposal plans include a further c.75m² to the easterly edge of the built retaining structure of the patio terrace, and shown as being proposed for shrub / hedge planting. However the garden in this case predominantly comprises the built structure of the terrace along with the added pergola building.

16. It is only through the Class Q process that consent has been obtained for use of the former shippon and barn as a dwelling. The Class Q process is subject to detailed regulation and criteria for approval, including for outside space. The allowance available for curtilage has already been almost fully exhausted under the applicant's submitted Class Q development. As already noted, none of this extended to encompass any part of the development now under retrospective consideration.

17. Overall this proposal is a change of use of land from field to domestic outdoor space or garden amounting to some 320m² (element (i) as noted under the proposal section above). It is within the Green Belt where NPPF paragraph 154 (h) considers

a material change in the use of land as potentially not inappropriate in the Green Belt provided it preserves openness and does not conflict with the purposes of including land within the Green Belt. Clearly however the proposal fails these tests. The domestic use of the raised patio and provision of domestic paraphernalia, lighting etc compromises openness and the whole structure is an encroachment into open countryside. The overall land-take for the development in total is 320m². This represents a significant encroachment into the formerly green field countryside.

18. Considered in the alternative as a structure or building the raised patio and pergola are also not provided for within any of the exceptions listed at paragraph 154. It is inappropriate development.

19. Following release of the new NPPF(2024) it is necessary to consider whether the additional concept of 'grey belt' has any bearing on the above. If the application site is part of previously developed land or part of land which does not "strongly contribute" to at least one of the specified green belt purposes (a); (b); or (d) it must be regarded as grey belt. It is clear from the above, in particular from the planning history and as evidenced for example by fig.1 that the site is not previously developed. The location however is at significant distance from any nearby towns and for this reason it is unlikely it could be said to strongly contribute to any one or more of purposes a, b or d. It must therefore be concluded that the land is, or is part of, an area of grey belt. Even so, in order to be considered not inappropriate, the development would need to meet all the relevant tests of paragraph 155. The second of the tests (b) is for there to be a demonstrable unmet need for the type of development proposed. The previous Class Q approval has already shown that sufficient outdoor amenity and parking is available elsewhere within the approved scheme and there is therefore nothing to demonstrate there being an 'un-met need'. The proposal cannot be accepted as being not inappropriate on grey belt grounds. There may in addition be reason to regard the other tests (a) and (c) as also not being met but it is not necessary to examine these further as failure on any one is determinative and the LPA would regard the failure against (b) to be the most clear cut and incontrovertible in this case.

20. In conclusion therefore the proposal is inappropriate development in the Green Belt and therefore harmful by definition. It has also led to a permanent reduction in the openness of the Green Belt and a significant encroachment into the countryside. The development has not taken place within the previously designated approved curtilage of the dwelling under Class Q nor has it been assimilated into the confines of the pre-established overall Sprinks Farm layout but instead projects abruptly out to one side into the surrounding open fields. Para 153 requires LPAs to give substantial weight to any harm to the Green Belt including harm to its openness. No very special circumstances have been put forward by the applicant to justify the proposal. The proposal therefore conflicts with Policy SS10 and the NPPF. It is not accepted in principle.

Design

21. The design has created an expansive structure. Despite its use of stone (which is distinctly preferable to some material alternatives) it does not relate well to the

farmstead setting. Instead it creates an overtly modern, large and somewhat 'sterile' or stark development and use of the land, strikingly at odds with the humble rural vernacular of the original building.

22. It is a common characteristic of the Staffordshire Moorlands farmstead that away from elevations that face on to the farm yard, buildings will typically be adjoined directly by adjacent field. This was the case here as fig. 1 demonstrates. Policy DC 1 sets out in particular that development should be designed to respect the site and its surroundings and amongst other things DC3 expects development to respect and enhance local landscape character and avoid prominent intrusion into the countryside.

23. The Council's adopted design guide (2018) considers alterations, extensions and conversions at section 5 and amongst other things advises that, "Alterations need to be undertaken with care. Insensitive changes can easily spoil a building... All extensions should harmonise with the parent building. An extension should respect the dominance of the original building and be subordinate to it in terms of its size and massing... The guiding principle behind the design of any conversion should be that the character of the original building and its setting should be respected and retained. This means that in most cases the barn, mill or chapel should afterwards look like a converted barn, mill or chapel, and not like a new house or a new block of flats. When converting traditional buildings, new uses should not normally require the construction of extensions or ancillary buildings."

24. The position of Sprinks Farm is exposed and elevated relative to the wider area to the east. Sprinks Farm as a whole is a noticeable development in this landscape where there are relatively few, well-spaced farmsteads and dwellings. At a contour level of c.240m AOD the site overlooks a gentle valley and on the opposite side within some 1,500m to 2,000m are minor roads and a network of public rights of way which afford views looking across and up to the site. It goes without saying that the terrace will be actively used but moreover it is apparent that it will be used in dusk and evening conditions supported by the prominently positioned and outwardly angled flood lighting and the use for example of patio heaters, all of which will draw attention to the development from the wider surroundings.

25. In scale and form the design of the patio development is severely at odds with the humble rural vernacular character of the former farmstead building failing to respect the building's character and its connection with the land and its surroundings.

26. The development brings with it a change of use which would further accentuate the design harm and conflicting visual character impacts especially as a result of the outside use and lighting in hours of dusk and evening darkness.

For all of these reasons there is conflict with Policy DC1 and the NPPF

Amenity

27. In terms of living conditions there are no conflicts for example with any neighbouring dwellings.

Highway Safety

28. No highways considerations arise with this development.

CONCLUSION / PLANNING BALANCE

29. The developments in this proposal cannot be supported in principle in the Green Belt. They remain inappropriate despite an acceptance that the land may be 'grey belt'. This is because the development cannot pass the tests of paragraph 155, in particular it cannot be demonstrated that there is unmet need for the development.

30. There are further harms in terms of visual harm to the character and appearance of the location as a result of the structure per se and as a result of its usage as an active recreational space for example through the use of prominent outdoor lighting. The LPA is required by the NPPF to give 'substantial weight' to Green Belt harm and any other harms. There are no very special circumstances that can be identified as considerations that would clearly outweigh these harms.

OFFICER RECOMMENDATION : Refuse

Case Officer: Arne Swithenbank

Recommendation Date: 10.12.2024 (revised 6th May 2025)

X 

Signed by: Jane Curley

On behalf of Staffordshire Moorlands District Council