



Statement of Case
Relating to a full planning application for a
General purpose agricultural building to house livestock
and to store fodder and implements

At

Elderberry Barn
Benty Grange Lane
Winkhill
Leek
ST13 7PU

On behalf of
Mr & Mrs M Bradley

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1.Introduction

Mr & Mrs Bradley propose to erect an agricultural apex building 18.28m long x 13.72m wide x 3.66m high to eaves level with an apex height of 4.88m (creating a floor area of 250.73m²) at Elderberry Barn, Winkhill.

The application site is located west of Waterhouses in an open countryside rural area, in the Gritstone Highland Fringe, a large-scale undulating landscape with plateaus, steep slopes and valleys.

Access to the site is via the entrance to Elderberry barn off Benty Grange Lane.

Mrs Bradley is from a family of generational farmers; the family farm is currently run by her father. Mr Bradley has always worked on farms and 90% of the building work he does is on farms, building parlours, livestock housing, fodder stores, hedge laying and fencing. Mr Bradley's son is also interested in farming and often helps out at his grandad's farm and is keen to continue his father's work once his holding has become established. The opportunity to purchase Elderberry Barn for conversion with a small parcel of land was Mr and Mrs Bradley's way for to get back to their farming roots and start their own farm, as unfortunately an established farmstead was too costly. With this came opportunities to rent additional land to support his venture.

2. Background to the case

In February 2022 a prior notification application was made by Bagshaws LLP for a similar scheme (DET/2022/0006), this was refused as it was deemed not to be development permitted under a GPDO (General Permitted Development Order) application. This was subsequently appealed (APP/B3438/W/22/3296498) as it was felt this was not correct against permitted development legislation. The appeal was dismissed as it could not be determined if the land and holding described within the application documents formed '*agricultural land*' for the purposes of Class A as land '*in use for agriculture and which is used for the purposes of a trade or business*'.

Further to that application and appeal, a full application was submitted to Staffordshire Moorlands District Council for a building in the same location with a slightly larger footprint to ensure that the fodder produced from the owned and rented land could be stored along with winter housing for the applicants cattle that currently reside at the farm in Longnor, approximately 13 miles away under a bed and breakfast agreement, however this is not a long term agreement as the building being used is required for that holdings livestock.

The previous application and appeal both state that the additional ground had not been specified and could therefore it could not be concluded that this was indeed agricultural land. With this appeal we attach a Google Earth image showing the owned and rented land plotted onto it and annotated as such. I also have provided photographs of both sites (see Photomontage – photos 8, 22-24). Although the livestock are still to come back from Longnor - at the time of writing this statement they were awaiting TB testing before transferring back onto the holding, this is common practice when livestock leave one holding for another or to go to market.

The rented land at Moorside Farm is currently being left to grow to produce winter fodder, whilst the land at Elderberry Barn is ready to accept the livestock for grazing, which will sustain them for approximately 1-2 months as well as being supplemented with grain purchased from local farmers.

3. Reasons for Appeal

On 13th September 2024 a full application was submitted, application reference SMD/2024/0417 with an anticipated decision date of 15 November 2024. The application was submitted in the same location as the previous application with a slightly larger design due to the change in livestock type and numbers the applicant now has compared to the previous application.

The delegated report makes reference to the change in farming practices from sheep rearing to cattle. When the applicant first started farming the land it was easier to keep sheep for short periods of time to graze the ground while works were completed on the barn conversion. Now the barn conversion is complete, and the fact that sheep do not make a sufficient profit margin to enable the holding to grow to its full potential the applicant has moved over to beef cattle which was their intention all along. They purchase the livestock young (approximately 8 months old) and will rear them until they are 30 months old and ready for the food industry, this will help to maximise profitability enabling the hold to grow. Cattle will be purchased periodically to allow a yearly to bi-yearly sale and replenishment of the livestock. It is the applicant's intention to move from being a builder/agricultural building specialist to a full-time farmer as he nears early retirement from his day job. To enable this to happen and continue farming a building is required to house the livestock on site, rather than be moved to bed and breakfast housing over winter periods, which is currently 13 miles away.

As many farms are slowly being converted into dwellings and farming practices are changing many communities are welcoming new farms and the production of local produce, all of which helps the country become self-sustaining and for a more profitable business. This in turn will help with climate change challenges and reduce the amount of imported meat into the country, thus reducing the overall carbon footprint.

The applicant is always looking for further land to purchase, however, to do that he needs to make his holding viable.

The delegated report makes further comments regarding the design of the building. It has been designed this way so that the gable facing south will be seen in context with the surrounding landscaping with the colour blending with the green field backdrop that it will be seen against. This design was taken from surrounding nearby buildings. The rear gable will be spaced Yorkshire boarding to allow for natural ventilation alongside ventilating ridges to allow sufficient airflow for the livestock being housed within it.

The applicant feels from the delegated report that his primary job as a builder is in some way being used against him. He understands that the site currently has some building materials on, these are left over from the barn conversion and the stone would be incorporated into the building as shown on Drawing No. 1146-003. The applicant though is happy to discuss alternatives with the local authority if they deem these unsuitable.

The local and wider landscape is littered with agricultural buildings of a similar design. To the south of Elderberry Barn is Benty Grange, which has a wide range of agricultural buildings, slightly to the east is Hill Rise, who have a building of a similar design. Further to the North is Waterfall Cross and as can be seen from photograph No. 20 on the photomontage, this sits on the horizon with a small number of trees behind it. The applicants building is being dug into the bank to a certain extent and will have a high stone wall and planting in front of it, assisting in its assimilation into the landscape. Photographs taken from the A523 show where the building will first be seen from when approaching from the east and when directly aligned (photograph Nos. 1-6). The existing landscaping and mature planting around the applicants holding and that of the adjoining fields assists in providing shielding for the site, that along with additional planting proposed this will significantly reduce any impacts the building will have on the wider landscape.

The siting of the building would make use of an area of rough land that is not suitable in its current form for grazing or producing fodder. This site was preferable to one that aligns with the dwelling as that would require either another entrance point onto Benty Grange Lane or long track to access it. The current location would require a small area of hardstanding which would not be seen from either the passing A523 or

Benty Grange Lane, as it would be blocked from view by the stone wall and planting around the site. It would only be seen in aerial imagery and then be seen in context with the building.

During the application process a response was produced to the objection made by the Staffordshire Wildlife trust regarding the biodiversity net gain metric, that the Tall Forbs had been classed under the wrong category, this was amended by Origin Environmental who were employed to carry out the assessment and produce the report, no further comments appear on the SMDC website or were forwarded to the applicant or his agent to say that this was still incorrect. However, the change in category does not result in any baseline units changing, hence the trading rules still being fulfilled and a net gain being achieved.

We received no communication from the planning officer during the course of the application.

4. Policy Reasoning

The following policies were stated as the reason for refusal on the decision notice and within the delegated report, copies of each policy are in Appendix 1 – Policy reasons for refusal.

SS10 – Other Rural Areas Strategy

This policy 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'*.

As a farming enterprise this shows a need to be in the countryside, rarely are farms situated on industrial estates or make use of urban redevelopment sites. The policy states its support for limited expansion or development of business for employment uses, however, many farming enterprises/businesses do not employ additional people, unless on a large scale is it is not viable for the holding. It does support diversification, however there is no mention of support for existing farming practices or support for new farming ventures. However, within the Vision Statement for Rural Areas, it shows its support for a thriving agricultural sector.

DC1 – Design Considerations

This policy should be read in conjunction with the Staffordshire Moorlands Supplementary Design Guide, however, no design guide has been produced for rural agricultural buildings. It states that '*There is no tradition of external timber boarding in Staffordshire Moorlands..... Vertical boarding has been used more recently on large agricultural sheds as an alternative to metal sheeting but such buildings are regarded exceptions*'. (Extract from page 34 of Staffordshire Moorlands District Council Design Guide, 2018). Any new materials should be designed to be inconspicuous as possible with a shallow low pitched roof and dark or recessive colour. This building with the exception of the north gable follows this guidance to produce a building that will work within an agricultural setting and for the purposes required for livestock housing and fodder and implement storage.

DC3 – Landscape and Settlement Setting

This policy is in place to protect and enhance the landscape and settings of settlements. Although primarily the proposed building may be seen by some as intrusive in the landscape as an individual building, when viewed in the wider landscape it can be seen as part of the agricultural community along Benty Grange Lane, with the materials chosen being sympathetic to the landscape character and in keeping with the nearby buildings. The introduction of further landscaping to enhance the existing hedgerows and planting of trees will create additional areas of biodiversity and encourage wildlife conservation, whilst creating an enhanced landscape.

Nation Planning Policy Framework 2024

Paragraph 88, ss a) supports a prosperous rural economy and is in favour of sustainable growth through both conversion of existing buildings and well-designed, new buildings.

5. Proposed Use of Building, including design

To avoid repetition this is the same as the design and access statement.

For avoidance of doubt below is the list of items the applicant currently has for the management of the holding, not all of these are currently stored at Elderberry Barn due to the rise in rural crime and weather deteriorating the condition and usability of the implements. The delegated report queries the implements to be stored within the building as not all could be viewed when on site and they differ between the prior approval application and full application that is the subject of this appeal.

2 No. Tractors (one can be seen on photo Nos. 10, 13, 15 & 16)

2 No. Telehandlers (one can be seen on photo No.8 & 12)

2 No. Post Knockers (partially seen on photo No.14)

1 No. Muck Spreader (can be seen on photo Nos.10-13)

1 No. Chain and Harrows – not currently on site

1 No. Tedding Implement – not currently on site

Various other small implements and livestock handling equipment

Not all the equipment may be on site at the same time, as the applicant has been forced to seek temporary storage elsewhere due to a spate of rural crimes in the area. When the applicant knows the implements will not be required for longer periods of time this is when they are stored temporarily elsewhere.

As well as space to store the implements the applicant requires approximately 125m² to house the livestock over the winter periods when running at 20 livestock. This includes for separate areas for young stock and mature livestock up to finishing age weighing 700kg plus.

6. Conclusion

Mr Bradley has presented a full application following the decision that prior approval was the wrong application for his holding. He has presented evidence of his extended holding and with this appeal further photographic evidence to show the land is in agricultural use to support his livestock and their welfare needs. He has presented all the documentation he has been asked to produce along with a letter from the farmer who has his cattle on bed and breakfast terms.

Mr Bradley would be more than willing to work with the LPA to achieve a positive outcome for both parties and to enable him to move forward with his farming requirements, however no such opportunity was presented by the LPA who seem determined not to support a rural agricultural business and aid the way to a sustainable Britain. He feels unfairly treated due to his current profession of being a builder and that his applications have not been looked at for the reasons he has applied for.

We appeal to you to grant this appeal in the position we propose.