

PLANNING STATEMENT

**MOUNT GARAGE
CELLARHEAD**

AUGUST 2025

Site Address:

Mount Garage, Leek Road, Cellarhead, Staffordshire, ST9 0DQ

Applicant:

Shirleys Transport Ltd.

Proposal:

Erection of vehicle maintenance, office and storage building and
associated works (part-retrospective)

Planning Statement:

Date Issued: 19th August 2025

Job Reference: RDP/2025/076

Report Prepared By:

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1. Introduction

- 1.1 Rob Duncan Planning Consultancy Ltd. has been instructed by Mr. M. Shirley of Shirley's Transport Ltd. to seek full planning permission for the erection of a vehicular maintenance building, with ancillary office and store rooms, on land at Mount Garage, Leek Road, Cellarhead.
- 1.2 The application is part retrospective as works to construct the portal frame of the building and to provide the metal cladding to the roof have already been undertaken. Works have since ceased on site pending the outcome of this application.
- 1.3 By way of background, planning permission has previously been granted for the erection of a vehicle maintenance building on the site, with ancillary storage and offices, along with the change of use of land at the southern end of the site for use for vehicle parking (LPA Reference: SMD/2012/0609). The relevant planning conditions on that consent were discharged and works subsequently undertaken to enlarge the vehicle parking area in accordance with that permission. That previously approved scheme therefore remains extant.
- 1.4 Rather than constructing the building approved under that application, the applicant favours siting the new building to the south of the existing body shop and spray booth. The building will occupy a footprint of 604 square metres and will stand to a height of 9.5 metres. It is to be finished in dark green vertical metal cladding to match the other buildings on the site. The building will provide a maintenance and storage area for four lorries, along with an ancillary office and storage area. The lorry bays will open out onto the existing yard area to the east of the building.

2 Site & Surroundings

- 2.1 The application site is located within the North Staffordshire Green Belt and comprises a long established haulage yard located on the south side of the Leek Road in Cellarhead.
- 2.2 A petrol filling station forecourt lies at the northern end of the site, with dual access points off the Leek Road. The retail sales area for the petrol filling station lies behind the forecourt, and has offices associated with the haulage yard located at first floor.
- 2.3 To the southwest of that building lies an existing workshop / servicing building and fabrication workshop. Lorry parking and hardstanding extends to the south and east of those buildings. To the southwest of the fabrication workshop lies a building that is used for tanker cleaning, and to the south of that lies the existing body shop and spray booth building. The building the subject of this application will extend off the southern end of that building.
- 2.4 An extensive area of hardstanding extends to the south, southeast and east of these buildings which is used for the parking of vehicles, in particular lorries associated with the existing haulage business that operates from the site (Shirleys Transport). A total of 80+ lorry bays are accommodated on the site.
- 2.5 The nearest residential properties to the site lie to the west of the petrol filling station forecourt (Freshways) and to its east (Hands Farm). Further residential properties lie to the northwest on the opposite side of the Leek Road. The land surrounding the main haulage yard part of the site is otherwise surrounded by boundary vegetation, beyond which lie open fields.
- 2.6 The site is not located within a Conservation Area, nor are there any statutorily listed buildings located in close proximity of the site.
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3 Planning Policy

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the Development Plan taking into account of any material considerations relevant to the determination of the application.

3.2 The Development Plan for this area comprises the Staffordshire Moorlands Local Plan (2020) of which the following policies are of relevance to the determination of the application:

3.3 Policy SS1 of the Local Plan relates to 'Development Principles' and states that the Council will expect the development and use of land to contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands in terms of delivering, in partnership with other agencies and services:

- a mix of types and tenures of quality, affordable homes, including starter homes, to meet the needs and aspirations of the existing and future communities
- quality local services, including provision for education, healthcare, leisure, community, cultural and tourist facilities in response to anticipated population change and visitor numbers;
- easy access to jobs, shops and transport services by all sections of the community;

- increased economic prosperity and opportunities for employment and greater local capacity with an educated, skilled and flexible workforce;
- a healthy, safe, attractive, active, well-designed and well-maintained environment;
- development which maintains the locally distinctive character of the Staffordshire Moorlands, its individual towns and villages and their settings;
- development that is undertaken in a way that protects and enhances the natural and historic environment of the District and its surrounding areas, including the Peak District National Park, both now and for future generations.
- support development which secures high quality, sustainable environments, efficient and effective use of resources and contributes effectively to tackling climate change and reduced carbon

3.4 Policy SS10 of the Local Plan relates to the 'Other Rural Areas Strategy' and 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. This will be achieved by:

- Enabling the limited expansion or development of business for employment uses where a rural location can be justified

- Giving priority to the need to protect the quality and character of the area and requiring all development proposals to respect and respond sensitively to the distinctive qualities of the surrounding landscape.
- Strict control will continue to be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by Government policy.

3.5 Policy E1 of the Local Plan relates to 'New Employment Development' and states that new employment development will be assessed according to the extent to which it supports and improves the local economy in terms of providing for the needs and skills of the existing and future local resident workforce and meeting identified business needs. It goes on to state that in general the Council will endeavour to support the expansion of existing businesses and new businesses in the District.

3.6 Policy DC1 of the Local Plan relates to 'Design Considerations' and states that all development should be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area in line with the Council's Design SPD. It goes on to state that new development should (amongst others):

- be of a high quality and add value to the local area, incorporating creativity, detailing and materials appropriate to the character of the area
- be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, height, density, layout, siting, landscaping, character and appearance

- protect the amenity of the area, including creation of healthy active environments and residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping, as well as noise, odour and light pollution.
- provide for safe and satisfactory access and make a contribution to meeting the parking requirement arising from necessary car use.

3.7 Policy DC3 of the Local Plan relates to 'Landscape and Settlement Setting' and states that the Council will protect and, where possible, enhance local landscape and the setting of settlements in the Staffordshire Moorlands by:

1. Resisting development which would lead to prominent intrusion into the countryside or have a significant adverse impact on the character or the setting of a settlement or important views into and out of the settlement as identified in the Landscape and Settlement Character evidence;
2. Supporting development which respects and enhances local landscape character and which reinforces and enhances the setting of the settlement as identified in the Landscape and Settlement Character evidence;
3. Supporting developments which conserve or enhance the biodiversity qualities of any natural or man-made features within the landscape, such as trees, woodlands, hedgerows, walls, watercourses or ponds;
4. Supporting opportunities to positively manage the landscape and use sustainable building techniques and materials which are sympathetic to the landscape;

5. Ensuring that development does not adversely affect the wider setting of the Peak District National Park

3.8 Policy T1 of the Local Plan relates to 'Development and Sustainable Transport' and states that the Council will promote and support development which reduces reliance on the private car for travel journeys, reduces the need to travel generally and accommodates residual development traffic in line with the Integrated Transport Strategy. This will be achieved by:

1. Ensuring that all new development is located where the highway network can satisfactorily accommodate traffic generated by the development or can be improved as part of the development.
2. Ensuring that major development is located in areas that are accessible by sustainable travel modes or can be made accessible as part of the proposal.
3. Considering appropriate parking provision on a case by case basis with recourse to the parking guidance set out in Appendix 2.
4. Where appropriate all new development shall facilitate walking and cycling within neighbourhoods and town centres, and link with or extend identified walking or cycling routes. In addition applicants should also consider how their schemes can enhance the existing path network in line with the Staffordshire County Council Rights of Way Improvement Plan and also give consideration to the protection of non-definitive public footpath routes in addition to definitive routes.

4 Other Material Considerations

National Planning Policy Framework

- 4.1 The National Planning Policy Framework seeks to secure the delivery of sustainable development and set out policies, *inter-alia*, in respect of supporting a prosperous economy, safeguarding the Green Belt, securing high quality design and maintaining highway safety. The content of the NPPF has been taken into consideration in the preparation of this application.

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- 4.2 The above application granted consent for the erection of a replacement maintenance garage, facilities, stores and offices and change of use of land for vehicle parking on the same application site. That permission was subsequently implemented by virtue of the vehicle parking area being created, and consequently the permission remains extant and amounts to a material fall back consideration in the assessment of this application.

5 Planning Assessment

Green Belt

5.1 The application site is located within the North Staffordshire Green Belt, wherein policy SS10 of the Local Plan confirms that strict control will be exercised over inappropriate development, allowing only for exceptions as defined by Government policy.

5.2 Paragraph 154 of the National Planning Policy Framework (NPPF) allows for the following types of development within the Green Belt (amongst others):

“(g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt”

5.3 The application site constitutes a long established previously developed site, and forms part of an existing vehicle storage area that was approved under application SMD/2012/0609. The proposed building will occupy this parcel of previously developed land and be sited to the immediate south of the existing body shop and spray booth building on the site, off which it extends.

5.4 The principal public views of the building are from the north along the Leek Road, and in such views the bulk of the building is largely screened by the existing roadside buildings and by the body shop and spray booth building. We consequently submit that the development does not cause “*substantial harm*” to the openness of the Green Belt, that being the test to be applied under paragraph 154(g) of the National Planning Policy Framework.

Without Prejudice – Very Special Circumstances

- 5.5 Notwithstanding the conclusions set out above, and without prejudice to the applicant's case, if the Local Authority were to conclude that the proposal does result in "*significant harm*" to openness and thus constitutes an inappropriate form of development in the Green Belt, then we submit that a clear case of very special circumstances exists to justify approval of the application.
- 5.6 Paragraph 153 of the NPPF confirms that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the openness of the Green Belt, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 5.7 The planning history of the site serves to confirm that planning permission has previously been granted for the erection of a vehicle maintenance building with ancillary office, stores etc. on this site under application SMD/2012/0609 along with the associated change of use of land at the southern end of the site to the storage of vehicles.
- 5.8 The relevant planning conditions imposed on that consent were discharged in writing by the Local Authority on 27th January 2015 and works then commenced to form the vehicle storage area before the consent expired on 13th November 2015. The previously approved scheme therefore remains extant and constitutes a material fall back position in the determination of this current application.

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- 5.9 The approved building was to be sited to the east of the current proposal, in a centralised position within the site, in full view from the vehicular access to the site off the Leek Road. The approved building has footprint of some 1,232 square metres and will stand to a ridge height in excess of 10 metres. The application had been recommended for refusal by the Planning Officers on the grounds of harm to the openness of the Green Belt and conflict with Green Belt policy, but was approved by the Members of the Planning Applications Committee.
- 5.10 The judgment in *Mansell v Tonbridge and Malling Borough Council [2017]* serves to confirm the legal considerations for determining the materiality of a fall-back position as a planning judgement, confirming that a prospect only needs to be a possibility, rather than probable or likely, in order to constitute a fall-back position. The weight attributable to that fall-back is then one for the decision maker.
- 5.11 In this case the applicant benefits from an extant consent for the erection of a much larger vehicle maintenance building on the site compared to that which is being proposed in the application. In the event this planning application were to be refused then there is a strong prospect that the approved building would be constructed to meet the needs of the existing business; the applicant already have gone to the time and expense of securing consent for it and implementing the planning permission.
- 5.12 The proposed vehicle maintenance building is modestly shorter in height than the previously approved building, and also more discreetly positioned within the site – being sited to the immediate south of the body repair / spray booth building. The siting of the building in this revised location will have a far lesser degree of impact on the openness of the Green Belt compared to that extant permission.
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- 5.13 Most pertinently, the proposed building will also be substantially smaller in footprint than the extant permission. The approved building on the site will occupy a footprint of 1,232 square metres, whereas the proposed building will have a footprint of just 604 square metres – less than half of what has already been approved on the site.
- 5.14 As a consequence, this proposal will result in a significantly lesser impact on the openness of the Green Belt than the extant permission (-608 square metres). Paragraph 150 of the NPPF confirms that substantial weight should be given to any harm to the Green Belt, including harm to openness, and it therefore follows that substantial weight should also be given to any proposals that will enhance openness.
- 5.15 The applicant is agreeable to the imposition of a planning condition to preclude them from carrying out the approved building on the site in the event of planning permission being granted for this alternative building. In doing so it is submitted that the benefits of this proposal to the openness of the Green Belt carry significant weight in favour of planning permission being granted and in themselves amount to very special circumstances sufficient to clearly outweigh the totality of harm arising from the development.
- 5.16 Support for the proposal is also afforded by paragraph 85 of the NPPF which states that:

*“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. **Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is***

particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential” (our emphasis)

- 5.17 These provisions are further reinforced by paragraph 87 of the NPPF which states that planning decisions should make provision for:

*“The expansion or **modernisation of other industries** of local, regional or national importance to support economic growth and resilience” (our emphasis)*

- 5.18 Shirley’s Transport was established in 1936 and have owned and operated from Mount Garage since 1943 – a total of 82 years. A large variety of products are transported ranging from feed and foodstuffs to oils and chemicals. The fleet of vehicles also includes specialised tankers for farm deliveries, tipping vehicles for sand and aggregates and curtain-side vehicles for palletised / dry goods.

- 5.19 In recent years the business has seen significant growth, with an increase of 50% in turnover over the last 10 years. With that comes an associated need for additional maintenance facilities to ensure that the fleet of lorries can be repaired and maintained and their availability for use optimised. Previously the company had used 3rd party providers to assist, but they are no longer able to keep up with the demand that Shirleys generates. The proposed building will therefore provide an additional area for such maintenance to take place and thus help to meet the growing need for such facilities on the site.

- 5.20 The provisions of paragraphs 85 and 87 of the NPPF therefore lend further weight in favour of planning permission granted, and leads to the conclusion

that a clear case of very special circumstances exists to justify approval of the proposed development, in accordance with the requirements of paragraph 150 of the NPPF and the provisions of policy SS10 of the Local Plan.

Design & Layout

- 5.21 The proposed building will project off the southern elevation of the existing portal framed body repair / spray booth building. It will comprise of a portal framed building, finished in dark green vertical cladding which reflects and reinforces the cladding of the other buildings already on the site. In doing so the development will be in keeping with the character of the existing site.
- 5.22 The building occupies a relatively discreet position at the bottom end of the site, tucked away in behind the body repair / spray booth building such that it does not appear unduly dominant or harmful to the character and appearance of the surrounding area. It is the most appropriate location for a building of this nature.
- 5.23 The front elevation of the building faces eastwards such that vehicles using the building will utilise the existing areas of hardstanding for manoeuvring, rather than requiring any new hardstanding to be provided. The proposed design and layout of the development is consequently held to be acceptable and in accordance with the requirements of policies SS1, SS10, DC1 and DC3 of the Local Plan.

Neighbouring Amenity

- 5.24 The nearest neighbouring residential property lie approximately 110 metres to the north/northwest (Freshways) and is owned by the applicant. The next closest neighbour lies circa 165 metres away to the north/northeast (Hands Farm), and is also owned by the applicant. Further afield, at a distance of circa

175 metres on the opposite side of the Leek Road to the north, lie further residential properties.

- 5.25 The proposed building will be used for general maintenance purposes during normal daytime working hours and is not expected to be a significant generator of noise. The existing workshop towards the northern end of the site currently operates without any issues of noise disturbance arising in relation to neighbouring properties, so this more distant building is unlikely to cause issues either. The proposed development is consequently held to meet the requirements of policies SS1 and DC1 of the Local Plan in this regard.

Highway Safety

- 5.26 The site benefits from an existing vehicular access point off the Leek Road that serves the existing haulage yard and its associated vehicle parking areas. That access will remain unaltered by this proposal so no adverse impact on highway safety will ensue as a consequence of the development. The proposed development is consequently held to meet the requirements of policy T1 of the Local Plan and paragraphs 115 and 116 of the National Planning Policy Framework in this regard.

Biodiversity Net Gain

- 5.27 The development is exempt from statutory Biodiversity Net Gain requirements as the building is to be erected on an existing area of hardstanding within the site. Consequently, no loss of habitat will arise as a result of the development.

6 Conclusion

6.1 The submitted proposal constitutes a sustainable form of development having regard to the following conclusions:

- The proposal constitutes an appropriate form of development within the Green Belt as the development will entail the reuse of previously developed and will not result in significant harm to openness.
- If the Local Authority conclude that the proposal amounts to inappropriate development in the Green Belt, a clear case of very special circumstances exists to clearly outweigh the totality of harm arising.
- The design and layout of the development is in keeping with the character and appearance of the site.
- The proposed development will not have an adverse impact on neighbouring residential amenity.
- The proposal will not give rise to any adverse impacts to highway safety within the locality, as the existing means of vehicular access will remain unaltered.
- The development is exempt from statutory Biodiversity Net Gain requirements.

6.2 The proposed development is consequently held to meet the requirements of policies SS1, SS10, E1, DC1, DC3 and T1 of the Staffordshire Moorlands Local Plan (2020), and guidance contained within the National Planning Policy Framework.