

DELEGATED DECISION REPORT

DET/2025/0037
Valid 18/09/2025

HEATON HOUSE FARM
MEERBROOK ROAD
RUSHTON SPENCER

**APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR PROPOSED
EXTENSIONS TO TWO
AGRICULTURAL SHEDS AND
PROVISION OF A DETACHED
TOILET BLOCK**

**(AGRICULTURAL/FORESTRY
DETERMINATION)**

MAIN ISSUES

- Whether in principle the proposal can be considered eligible to proceed under Part 6 as works which are 'reasonably necessary' for the purposes of agriculture within the agricultural unit.
- Siting, design and external appearance.

DESCRIPTION OF SITE

The site is at the edge of a plateau of flat land where, to the west, the land dips away. The site is reached from the north by a short c.160m hard surfaced track from Meerbrook Road (C 74). Heaton House Farm is c.500m west along Meerbrook Road.

At a minor cross roads 170m east along Meerbrook Road the turning to the south follows a level and straight unclassified metalled highway by the name of Rotten Hole. This runs parallel with the alignment of the application site and its access road. The application site and existing buildings are plain to see at about 150m distance across the level intervening field. Rotten Hole is partly hedged but also open in significant parts, including where there is a loose stretch of trees. There is a mix of gappy hedging and open (though fenced) gaps along the application site edge as seen from Rotten Hole.

The site comprises chiefly three buildings in the layout seen in Fig.3 below. The first building reached entering the site from the north (top in the photos) appears to correspond in part with barn 1 of the current application except that the building as existing now is 24m x 15m; walled to all four sides; and has a roller shutter door in the east gable end. The 2022 DET submitted building was walled only in the west end gable elevation. At the date of the LPA site visit, on 29th September 2025, barn 1 was largely a vacant space with three or four items of agricultural equipment placed inside and racking with stored logs to the front right hand end. At the front left was an enclosed store with sinks and wash up facility. Alongside this was a makeshift but

apparently serviceable bar facility. Around the ceiling perimeter to all sides was a long draped strand of bulb lighting. Fixed centrally in the roof ceiling appeared to be a wi-fi unit connected to an externally mounted short mast.

Immediately alongside to the south of barn 1 is a more makeshift pole barn with metal sheet roof; metal sheet rear (south) elevation and metal sheet west end. This appears to correspond with a 2015 retrospective consent for 'Construction of a timber frame straw shelter'. At the date of the LPA site visit this housed cut fire logs in storage, a Kubota digger, a topper and a harrow.

Finally, to the south again is a 2011 approved 'cattle shelter', the southernmost of the existing buildings on the site (26m x 11m aligned north – south). This appears to correspond with a southerly two thirds part of the building approved which was in total 41.2m x c.11m with eaves 3.2m and ridge 4.2m. At the date of the LPA site visit there was a lone Aberdeen Angus bull housed in this building.

Despite being at the end of the grass fodder harvesting season there was no sign of any stored fodder other than two large straw bales in barn 1.

The location is highly rural. It is not in the Green Belt. The Council's Landscape and Settlement Character Assessment (2018) places the area in the Gritstone Highland Fringe landscape character type (LCT). It is considered a 'high' quality landscape in a Staffordshire county-wide context (level four on a five point scale where 5 is highest) and one which has the 'highest sensitivity' to landscape change.

PROPOSAL

From the supporting statement (Design and Planning Statement):

The original hay and straw shelter [second building from the north] has now come to the end of its useful life and it is proposed to replace it with a larger extension to the subsequent portal-framed shelter (Barn 1). This barn is currently used, on a seasonal basis, for the storage of hay and straw, equipment storage and lambing. Open days are also offered to visitors at lambing time. The extension is designed as a double-pitched shed attached to and open to the south side of the existing building, reusing the existing cladding from the south side of the existing building. External materials will match those of the existing shed.

A toilet block (converted shipping container) is also proposed to the rear of this building for the use of farm staff, vets and visitors.

Further additional storage is also required and it is proposed to construct an extension to the rear of the existing cattle shelter (Barn 2), removing the concrete panels from the rear of the cattle shelter for reuse on the extension. The new building is designed as a double-pitched portal-framed structure with cladding to match the existing shed.

Additional concrete hardstanding is proposed between the two new sheds.

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
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 2024)

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 6 – Building a strong and competitive economy; 8 – Promoting healthy and safe communities; 9 – Promoting sustainable transport; 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

07/01506/FUL

[SMD/2007/1021] – Erection of cow shelter – refused

08/00444/FUL

[SMD/2008/0302 – Erection of cattle shelter – refused

11/00634/PNOT_1

[SMD/2011/0580] – cattle shelter – approved (prior approval granted). The southernmost of the existing buildings on the site (26m x 11m aligned north – south) appears to correspond with a southerly two thirds of this approval which was 41.2m x c.11m with eaves 3.2m and ridge 4.2m.

SMD/2015/0559 – Retrospective planning permission for construction of a timber frame straw shelter – approved. This building was c. 18m x 6m to ht c.4.0 metres.

DET/2022/0031 – Notice received 6th August 2022. Proposed portal-framed open shelter for the storage of hay and straw – no determination recorded. This proposal was 30.5m x 16m to eaves 5.5m and ridge 7.75m. This proposal appears to correspond in part with barn 1 of the current application except that the building as existing now is 24m x 15m walled to all four sides and has a roller shutter door in the

east gable end. The submitted building was walled only in the west end gable elevation.

Fig.1 – Location in 2006



Fig. 2 – Location in 2011



Fig. 3 – Location 2021-2024

CONSULTATIONS

Publicity

None – due to being a prior notification under Part 6.

OFFICER COMMENTS

Principle of Development

The building proposed must comply with the definitions and limitations set out under GPDO(2015) Schedule 2 Part 6. Fundamentally, in order to be eligible under Part 6 the development must be 'reasonably necessary for the purposes of agriculture' within the 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."

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."

Assessment of this application is potentially made complicated by a significant material mismatch in the design details of barn 1 as it was approved compared with the existing extant building. There are also some indications of possible non-agricultural uses and activities.

In response to the application form question which asks the applicant to *Please describe the activities and processes which would be carried out on the site and the end products including plant, ventilation or air conditioning. Please include the type of machinery which may be installed on site*, the answer given is simply: "Agriculture: storage of straw and farm machinery". No information is given as to where this is all currently kept now and why the new additional space is needed.

In order to further consider the principle of this proposal the following tabulated section summarises the LPA's assessment by reference to the statutory wording used in Part 6.

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.

Is the proposed development going to take place on 'agricultural land'?

Yes – There is no alternative land use consent in place

Is it land that is [currently] in use for agriculture?

There is evidence of agricultural use specifically for the 'cattle shelter' (third building south). Some agricultural storage is evident generally through the site including a small number of machine items of an agricultural type. The main other items in storage in barn 1 and in the second building (straw shelter) were cut fire logs. The greater proportion of the space in barn 1 was un-utilised vacant floor area. Also in barn 1 was evidence suggesting a degree of non-agricultural usage including a makeshift drinks bar. Around the outside of the buildings was a significant amount of accumulated items including some agricultural eg new livestock mineral feed blocks on a pallet and galvanised gates and pens. There was also a significant amount of stored building materials not obviously in active use, redundant scrap items and some stacked felled timber. There was an abandoned or stored static caravan and on the outside (south elevation) of the straw shelter two further semi-abandoned store cabins one of which appeared to have housed a generator at some point.

Is this use taking place for the purposes of a trade or business?

No specific information has been supplied to verify this point but the size of the holding and the housed bull suggest this is likely.

Is the land part of an agricultural unit of 5ha or more?

Yes – stated as being 68 hectares (application form)

Is the development 'reasonably necessary' for the purposes of agriculture within that unit?

There must necessarily be some very significant doubt on this point.

Barn 1 was largely vacant despite being visited beyond the end of the local harvest season. The proposal would double the capacity and a further large store is proposed rear of the cattle shed adding a floor area of 496m².

The increased storage for the stated purpose: storage of straw and farm machinery seems out of all proportion to the enterprise as presented. The application takes little or no opportunity to explain why this significant expansion is 'reasonably necessary'.

The installation of a separate stand-alone toilet block described as a 'converted shipping container' is not discussed in the application. No details are given as to water supply and foul drainage. Somewhat impractically access appears to be proposed via a personnel door out of the far end of one of the storage buildings which would make it inaccessible if genuinely in use for storage.

Interpretation of Classes A to C:

D.1— (1) For the purposes of Classes A, B and C—

“agricultural land” 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;

“agricultural unit” 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;

“building” does not include anything resulting from engineering operations;

D.1 (2) For the purposes of Classes A, B and C—

(a) an area “calculated as described in paragraph D.1(2)(a)” comprises the ground area which would be covered by the proposed development, **together with** the ground area of any building (other than a dwelling), or any structure, works, plant, machinery, ponds or tanks within the same unit which **are being provided or have been provided within the preceding 2 years** and any part of which **would be within 90 metres** of the proposed development;

(b) a reference to 400 metres in paragraphs A.1(i) and (k), A.2(1)(a), B.1(d) and B.5(1) of this Part is a reference to distance measured along the ground.

Development not permitted:

A.1 Development is not permitted by Class A if—

Constraint	Compliant yes / no	Evidenced
Not permitted if the land is a separate parcel of less than 1 hectare	Yes	Blue edge plan submitted.
(a) the development would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area;		
Not permitted where development under Class Q or S of Part 3 has been carried out in the 10 year period ending with the date the Part 6 begins	Yes	None on LPA record
(b) it would consist of the erection or extension of any agricultural building on an established agricultural unit (as defined in paragraph X of Part 3 of this Schedule) where development under Class Q or S of Part 3 (changes of use) of this Schedule has been carried out within a period of 10 years ending with the date on which development under Class A(a) begins;		
Not permitted if a dwelling involved	Yes	LPA site visit, plans, photos
(c) it would consist of, or include, the erection, extension or alteration of a dwelling;		
Not permitted if the works are not designed for agricultural purposes	?	Not fully clear
(d) it would involve the provision of a building, structure or works not designed for agricultural purposes;		
Not permitted if 1,000m2 and 1,500m2 limits exceeded	Yes	Bldg area wld be c.1160m2 taking into account existing barn 1 on basis built in last two years. No other record of

		Part 6 development within 90m in last two years.
(e) the ground area which would be covered by— (i) any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations would exceed 1,000 square metres; or (ii) any building erected or extended or altered by virtue of Class A would exceed 1,500 square metres, calculated as described in paragraph D.1(2)(a) of this Part;		
Not permitted if height exceeds 3m at within 3km of an aerodrome perimeter	Yes	N/A
(f) the height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;		
Not permitted if height exceeds 12m	Yes	Max height is stated as c.7.2m / scales 7.8m
(g) the height of any part of any building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;		
Not permitted if any part is within 25m of a metalled part of a trunk road or classified road	Yes	160m from the road
(h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;		
Not permitted if to be used for or involves works to a livestock building or a building for slurry or sewage sludge storage if within 400m of a protected* building [All *as defined – see D.1 (1) and below]	No	Proposed barn 2 involves extension to a livestock building (bldg) in which the existing bldg wall is to be re-used to form the new external west elevation. The existing livestock bldg is at c.380m from the 'protected' building curtilage to the south west known as Beech Croft.
(i) it would consist of, or include, the erection or construction of, or the carrying out of any works to , a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400 metres of the curtilage of a protected building ;		
Not permitted if connected with fish farming 2(4) land	Yes	N/A
(j) it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming;		
Building not permitted in the case of...	Yes	N/A
(k) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system— (i) would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land within the unit; or (ii) is or would be within 400 metres of the curtilage of a protected building;		

* **“protected building”** means any permanent building which is normally occupied by people or would be so occupied, if it were in use for purposes for which it is designed; but does not include—

(a) a building within the agricultural unit; or

(b) a dwelling or other building on another agricultural unit which is used for or in connection with agriculture;

Conclusion on 'principle'

1. Existing barn 1 to which an extension is proposed was not present in April 2021. It is presumed to have been built since August 2022 when a Part 6 application for a mainly (save for the west end elevation) open sided building in that position was received. The building as now built is fully walled to all sides and includes a large and prominent doorway with roller shutter in the east elevation giving an industrial appearance in public views from nearby roads. This appearance did not form part of the 2022 submission and does not have the benefit of planning permission. It is understood, indeed it is expressly stated in the supporting statement that:

“The extension is designed as a double-pitched shed attached to and open to the south side of the existing building, reusing the existing cladding from the south side of the existing building.”

In other words the barn 1 'extension' proposed under this new Part 6 would in effect create a new single larger building and incorporate the currently unauthorised appearance of the existing structure as part of this proposal. However the prior approval process cannot be used retrospectively. The proposal fails in principle on this count.

2. The proposed extension to the cattle shelter relates to a building erected following a 2011 consent (SMD/2011/0580). This building is about 380m from a 'protected building' (as defined under Part 6) named Beech Croft. The proposed extension would be positioned on the side closer to Beech Croft. This element of the application cannot succeed under Part 6 as it would amount to development not permitted as set out under Part 6 A.1 (i). The proposal therefore also fails in principle on this count.

3. Whether the application is reasonably necessary for the purposes of agriculture in the terms of Part 6 is unclear and gives rise to a third failing. The existing building appears underutilised and potentially to be accommodating non-agricultural 'private or public event' type usage. That aside the stated requirement expressed simply as "storage of straw and farm machinery" is wholly inadequate to explain the proposed increase in floor space from 360m² to 1160m², an increase of 220%.

Siting, Design and Appearance

If it is accepted that the application cannot proceed for the reasons 1 to 3 above it is not necessary for a determination to be made with regard to 'Siting, Design and Appearance'. Nevertheless, for completeness the design and appearance as it would be seen from the nearby public roads including Rotten Hole to the east is found to be unduly prominent and more akin to an industrial unit than a building for agriculture and as a result harmful to the character and appearance of this highly rural location identified in the Council's Landscape and Settlement Character Assessment (2018) as a high quality landscape and one highly sensitive to landscape change. The proposal is thus contrary to SS10, DC1 and DC3.

Whilst highly unusual to receive a proposal for a detached toilet block under a Part 6 application, the need for these facilities for farm workers can be understood. In terms of design however the proposal cannot be supported as there are no details as to how water would be connected and foul drainage treated. The proposal to install by way of a converted storage container is also not an appropriate design solution. A more preferable and perhaps more usual solution would be to house the facility within a larger building.

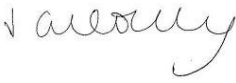
CONCLUSION / PLANNING BALANCE

The application should be refused as not meeting the eligibility requirements under Part 6 and, for completeness, not being found acceptable in terms of siting design and appearance.

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

Case Officer: Arne Swithenbank

Recommendation Date: 16.10.2025

X 

Signed by: Jane Curley

On behalf of Staffordshire Moorlands District Council