

DELEGATED DECISION REPORT

SMD/2025/0361
Valid 01/08/2025

LAND OFF STONEY DALE
GREENDALE
OAKAMoor

LAWFUL DEVELOPMENT
CERTIFICATE FOR A
PROPOSED FORMATION OF
VEHICULAR ACCESS OFF
STONEY DALE AND
CONSTRUCTION OF
HARDSTANDING FOR
AGRICULTURAL PURPOSES

(CERTIFICATE OF
LAWFULNESS - PROPOSED)

MAIN ISSUES

- Whether the proposed development complies with Schedule 2, Part 2, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- Whether the proposed development complies with Schedule 2 Part 6 Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

DESCRIPTION OF SITE

The site consists of an agricultural holding, including a farmhouse, out buildings and approximately 11 acres of agricultural grassland, used between April and the end of October for keeping sheep. The specific area of the site is a field to the north-west of the farmhouse, which abuts the unclassified public highway known as Stoney Dale. The field boundary with the road is at present a post and rail timber fence, and a small stone wall.

PROPOSAL

The application seeks to determine whether the proposed vehicular access and hardstanding comply with the relevant parts of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

- SMD/2019/0307. DESCRIPTION: New vehicular access. DECISION: REFUSED

CONSULTATIONS

Public comments

3 objections received making the following comments:

- It makes a nonsense to apply for an additional field access when there is a perfectly adequate drive already in use: a driveway recently upgraded with excellent visual display, smooth tarmac surface and a more open access onto Stoneydale lane. Several of the appellant's fields are accessed via farm gates onto this driveway. Logical thinking would be to construct the seasonal animal welfare husbandry facilities within one of these fields. In addition, a perfectly adequate farm building already exists on the appellant's land to the east of Oak Cottage. Here the animals not only have hard standing but also shelter.
- The proposed new access is on a tight bend, visually unsafe for other users of the lane. Although the lane is unclassified, traffic flow is frequent; horse riders, cyclists and walkers in this most popular area add to the lane's usage.
- A Planning application by the same appellant (SMD/2019/0307) for access in precisely the same location was refused by SMDC; this current application should therefore also be refused.
- Applicant has failed to give address.
- Application states that no trees will be removed. A healthy county woned trees was removed prior to submission.
- A hardstanding adjoining the existing field access would be less damaging

OFFICER COMMENTS

The proposal shall be assessed against Schedule 2 Part 2 Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which permits the formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part). The highway in question is Stoney Dale, which is an unclassified road, which is required in connection with development permitted by Part 6 Class B of the Schedule. Therefore, providing the hardstanding complies with Part 6 Class B, the highway access is permitted development.

As such, also assessed will be Schedule 2 Part 6 Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which permits the carrying out on agricultural land comprised in an agricultural unit,

of not less than 0.4 but less than 5 hectares in area, of development consisting of (e) the provision of a hard surface. The proposal is assessed below:

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

- (a) the development would be carried out on a separate parcel of land forming part of the unit which is less than 0.4 hectares in area; **the proposal complies, it is within the main agricultural holding.**
- (b) the external appearance of the premises would be materially affected; **the proposal complies, it would not affect the external appearance of the premises.**
- (c) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road; **the proposal complies, the only road within 25 metres is unclassified.**
- (d) it would consist of, or involve, the carrying out of any works to a building or structure used or to be used for the accommodation of livestock or the storage of slurry or sewage sludge where the building or structure is within 400 metres of the curtilage of a protected building; **the proposal complies, it does not involve the carrying out of any works to a building or structure.**
- (e) it would relate to fish farming and would involve the placing or assembly of a tank on land or in any waters or the construction of a pond in which fish may be kept or an increase (otherwise than by the removal of silt) in the size of any tank or pond in which fish may be kept; or **the proposal complies, it is unrelated to fish farming.**
- (f) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system 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 **the proposal complies, it is unrelated to storing fuel or waste.**
- (g) the extension of a building would be carried out on land or a building that is, or is within the curtilage of, a scheduled monument. **The proposal complies, it is not within the curtilage of a scheduled monument.**

B.4 Development is not permitted by Class B(e) if the area to be covered by the development would exceed 465 square metres 1,000 square metres calculated as described in paragraph D.1(2)(a) of this Part. **The proposal complies, it would cover only 75m².**

Other matters

3rd Party objections are noted. However, this is an application for a lawful development certificate and as such it must simply be assessed against the provisions of the GPDO. It is not a planning application and therefore not an opportunity to consider the planning merits of the proposal

CONCLUSION / PLANNING BALANCE

The proposals comply with both Part 6 Class B and Part 2 Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Therefore, the proposed works are permitted development. recommendation is to approve.

OFFICER RECOMMENDATION : APPROVE.

Case Officer: Reuben Berriman
Recommendation Date: 23/10/2025

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council