

DELEGATED DECISION REPORT

DET/2025/0038
Valid 26/09/2025

ABBAY FARM
ABBAY GREEN ROAD
LEEK

**APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR A PROPOSED
NEW OPEN SPAN PORTAL
FRAME BUILDING**

**(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 within generally level field land adjacent to existing farm buildings to which the proposal building would be attached.

Abbey Farm lies in a rural setting on the northerly edge of the broad level valley of the River Churnet on the north side of Leek. The farm is reached along a private tree-lined drive of some 250m running between fields on a north east line from Abbey Green Road. The large and prominent black and white timber framed farm house is the first building of the farm cluster encountered in the approach along the farm lane and is Grade II Listed. Behind it and parallel to the access is the separately Grade II listed 'West Stable Range' now converted to two dwellings. Continuing beyond are the Grade II listed 'Byre and Barns at Dieu-la-Cres Abbey'. Further east behind the farm buildings is the 'Eastern Stable Range' and the Dieu-la-Cres Abbey Ruins both also separately Grade II listed. In turn these latter two are positioned within an area which is also a Scheduled Ancient Monument, the site of the former C13th to C16th abbey.

An expanded series of 20thC steel-framed farm sheds, linked together, have been extended over a rectangular plan into field land east and south of the stone / brick and tile earlier more original Listed farm buildings (Byre and Barns).

The proposed site is outside of the defined area of the Scheduled Ancient Monument of the Dieulacres Abbey ruins but comes to within c.20m. The implications for setting need to be considered including for the Listed Abbey ruins as well as for the several Listed Buildings at the farm. Fig. 1 below is an aerial image in which the most recent

last approved development at the farm, a slurry tank, can be clearly seen to the right (east) of the buildings.



Fig. 1

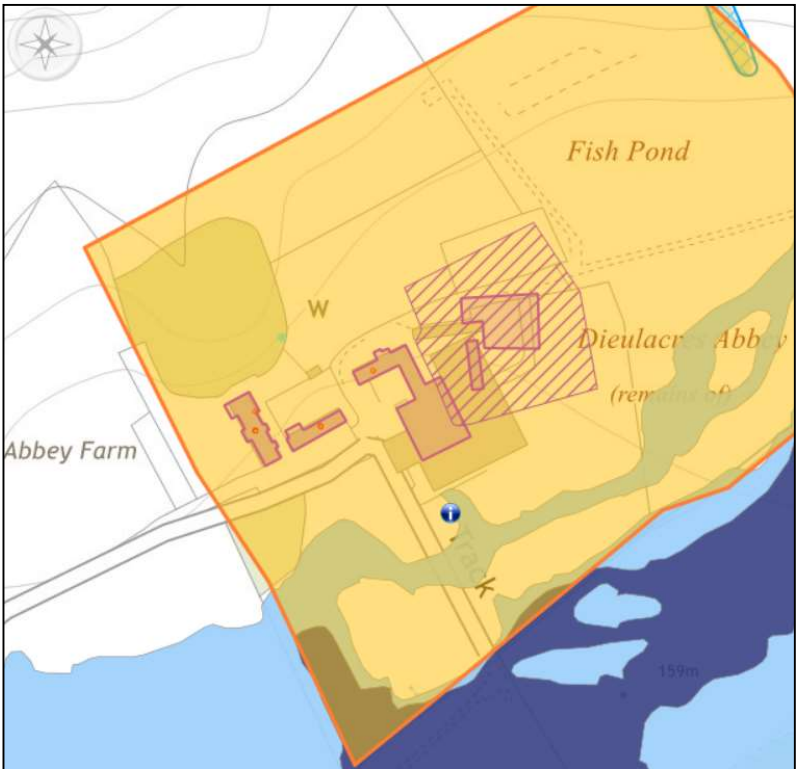


Fig. 2

Figure 2 illustrates an area similar to that in fig.1 to show the various planning constraints. The amber / yellow shading defines an area recorded in the Staffordshire Heritage Record as: "The listed and scheduled remains of a Cistercian abbey founded circa 1214 and dissolved in 1539. Much of the abbey masonry is incorporated into the 19th century farm buildings which now occupy the site." The various Listed Buildings and structures are shown with purple edge and shading. Diagonally hatched in purple is the Scheduled Ancient Monument named Dieu-la-Cres Abbey (remains of). Pale blue is flood zone 2 and dark blue is flood zone 3. The 'i' symbol marks the south west corner position of the proposal building.

As can be seen, the farm is close to the edge of the defined flood plain of the River Churnet including zone 3 and the proposed additional building would clip a small outreach of zone 2.

The farm buildings are prominent in some views from public access land associated with Leek's Brough Park (Brough Park Fields) within 500m to the south where the land rises from the flats of the River Churnet valley. They are also plain to see from the pavement along Abbey Green Road, see fig. 3 below taken at a distance of about 500m.



Fig. 3

PROPOSAL

The proposed building is for dry storage. It would be 42m in length alongside the existing SE elevation of the same length. It would be between c.12m and 15m in width. Eaves 4.5m and ridge c.7m. It would have concrete panel base walls to c. 2.5m and vertical Yorkshire boarding above. Dark blue / slate profiled fibre cement roof panels.

The SW end elevation is annotated on drawing AAL25 04 as “open with sheeted gates”.

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 Heritage
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; 11 – Making effective use of land; 12 – Achieving well designed places; 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

There is an extensive planning history resulting from mainly small scale but repeated incremental expansion of the farm buildings. The most usefully relevant are:

SMD/2020/0420 – Formation of slurry tank (circular tower) to provide a minimum of five months storage capacity for slurry arising from the dairy herd housed in the adjacent farm buildings – approved and implemented /complete.

NB this was subject to a condition to require archaeology investigation and reporting see DOC/2024/0054.

SMD/2016/0180 – Proposed extension to agricultural building to provide cover to an existing slurry tank and farm implement/tractor shed – approved and implemented /complete.

[SMDC Conservation Officer and Historic England were consulted. SMDC CO advised: “The shed is attached to a Listed barn but is visually detached from it. No harm to setting”. SMDC CO also noted: “The site adjoins a Scheduled Ancient Monument – Historic England should be consulted as it may affect setting or disturb earthworks”. HE responded: “happy in this instance to defer to your conservation specialist with regard to the detailed particulars of the scheme”.

DET/2018/0023 – Proposed portal framed open sided building to cover an existing muck store – approved

[Historic England were consulted and responded: Arrangements for Handling Heritage Applications Direction 2015. Thank you for your e-mail of 19 July 2018 regarding the above application. On the basis of the information available to date, as this is a prior notification, in our view you do not need to notify us of this application under the relevant statutory provisions, details of which are enclosed. If you consider that this application does fall within one of the relevant categories, or you have other reasons for seeking our advice, please contact us to discuss your request.]

CONSULTATIONS

Publicity

None – due to being a prior notification under Part 6. The case officer has however liaised with the Council’s Conservation Officer about a number of aspects relating to the potential heritage impacts of the proposed siting.

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.”

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 – This is very obviously part of a working dairy farm and there is no alternative land use consent in place at this position.

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

Yes – as above. This is a significant working dairy farm with a milking herd understood to number into three figures.

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

Yes – the Local Planning Authority (LPA) have no doubts that a significant farm enterprise is currently operating at the site as evidenced from the LPA site visit and for example implementation of recent past development approvals such as the new slurry tank.

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

Yes – stated as being 80 hectares (application form)

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

The building is stated as being necessary to give covered storage of farm machinery, dry fodder and feedstuffs, straw and secure storage of bagged fertiliser.

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	Yes	LPA site visit and submitted design plans.
(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	Area of new bldg wld be c.593m ² . Taking into account the slurry tower completed in the last two years and within 90m distance the total comes to 983m ² which is within the maximum limit of 1,500m ² set by (e) (ii) and D.1(2)(a).
(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
(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	320m from the C195 Abbey Green 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 livestock or for slurry or sewage sludge storage if within 400m of a protected* building [All *as defined – see D.1 (1)]	Yes	Although the proposed bldg is within 400m of 'protected' buildings as defined and is also directly adjacent to livestock buildings it can be reasonably judged in this case that the development does not involve "works to" those buildings.
(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;		
Building not permitted in the case of...	Yes	By reference to the Dieulacres Abbey Scheduled Ancient Monument plan with Historic England List Entry 1006107, the proposal is not 'within' the monument. In the absence of any evidence for a curtilage beyond the limits of the recorded monument it can reasonably be concluded the proposal is not within any curtilage of the monument.
(l) Not permitted if the erection or extension of a building would be carried out on land or a building that is, or is within the curtilage of, a scheduled monument.		

* **“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

From the above line-by-line assessment of the proposal by reference to the Part 6 qualifying criteria it is concluded that the proposal is eligible to be determined under Part 6. It remains open nevertheless for the LPA to consider matters of siting, design and appearance

Siting

The main implications of the proposed siting are the building's proximity to heritage assets. As regards the Listed Buildings there is a statutory duty placed on the LPA, under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to consider the impact of the proposal on the special architectural and historic interest of the Listed Building(s) affected, and the settings and "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". There are no direct impacts on Listed structures but the proposal would appear within the settings. Full detail has been submitted as to the proposal's design appearance and its siting.

Notably, the consents granted in 2016 and 2018 (SMD/2016/0180 and DET/2018/0023) for the adjacent buildings which this proposal would be attached to did consider setting but found in support. There is also arguably some visual benefit or at least a 'neutral' impact in that this would give a constant or cohesive single edge to the buildings and would in part obscure the slurry cylinder. Conclusion: no harm to setting from the siting.

Careful consideration has been given to the proximity of the Dieulacres Abbey Scheduled Ancient Monument (SAM) but as set out in the analysis table above, the siting is not 'within' the monument and secondly there is nothing to suggest the proposal is within any identifiable curtilage to this monument.

Given that the terms of Part 6 A.1 'development not permitted' already include a specific clause (l) added to the GPDO in 2024 to consider a SAM it would seem potentially unreasonable to nevertheless still require an archaeology submission or to otherwise restrict the development due to the SAM. Again, also noting how recent past decisions were reached, there is nothing in this submission to suggest a different or more stringent approach is warranted, especially now we have clause (l) of 2024 to at least define what is not permitted.

The impacts of the siting will in time be ameliorated by recent tree planting carried out alongside the track to the south west. This was in connection with the slurry tank permission but will benefit this scheme also, especially for views from Abbey Green Road.

Design and external appearance

The design both in scale and materials is highly consistent with previous approved schemes at the farm which are seen to work well. The building is not unduly tall and the use of vertical timber boarding is an appropriate material finish for the rural location avoiding for example the more 'industrial' appearance of sheet metal.

Other matters

As a prior approval scheme under the permitted development regime there is no requirement for biodiversity net gain to be provided.

As a relatively modest addition of secure dry storage to an existing long established dairy farm there are not found to be any implications from the siting, design or appearance to affect residential living conditions of neighbours or to affect highway safety.

CONCLUSION / PLANNING BALANCE

In consideration of all of the above the proposal can be accepted as permitted development and with regard to the relevant matters of siting, design and external appearance, prior approval should be granted.

OFFICER RECOMMENDATION : **Prior approval required and granted**

Case Officer: Arne Swithenbank
Recommendation Date: 24.10.205

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council