



STATEMENT OF CASE

Project Number:

2025-2237

Project:

Holly Dale Farm, Douse Lane, Bradnop, Staffordshire, ST13 7NF

Proposal:

Prior Approval for an Agricultural Barn

Date:

3rd November 2025

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1. Executive Summary

- 1.1. This appeal challenges Staffordshire Moorlands District Council's decision to issue "Prior Approval Required and Refused" for a modest agricultural building under Part 6, Class A of the GPDO (the "Decision") (Appendix 1).
- 1.2. The Decision is procedurally flawed. The Council refused the proposal on siting/design grounds without offering the Appellant an opportunity to respond or engage, despite the GPDO implying a staged process. This approach undermines fairness and transparency, especially where the refusal hinges on subjective design judgments. The Inspector in Sportsman Farm confirmed the importance of procedural fairness once prior approval is triggered (Appendix 2, para 3). The Council's later reliance on New World Payphones (telecoms context) cannot disapply the Part 6 agricultural procedures (Appendix 3).
- 1.3. Substantively, the Council mischaracterised the building as for "accommodation of livestock" within 400m of protected buildings, thereby disapplying PD via A.1(i) (Appendix 1). The Appellant's scheme is unequivocally for secure storage with a gated handling bay and crush to undertake statutory TB testing and occasional veterinary handling; it provides no bedding, feeding or overnight shelter. Transient, supervised handling is not "accommodation" for the purposes of A.1(i). This functional distinction is consistent with how the courts and PINS approach use in context (authorities referenced in the Appellant's complaint: Marshall; Hibbitt) (Appendix 3).
- 1.4. Without prejudice, even if prior-approval matters are engaged, the siting, design and appearance are acceptable in landscape terms. The building is compact, vernacular and recessive; public views are limited; and the position sensibly separates modern farming operations from the holiday cottages. Sportsman Farm confirms that a relatively isolated siting does not, of itself, cause harm, and that a track crossing a field is not incongruous in agricultural countryside (Appendix 2, paras 11–16).
- 1.5. The appeal should be allowed and prior approval granted (if required). The Appellant reserves the right to seek a full award of costs for unreasonable behaviour.

2. The Site and Surroundings

- 2.1. Holly Dale Farm comprises agricultural land to the north of the historic farmstead, with access via a lawful internal track approved in 2019 (SMD/2019/0247) (Appendix 1). The appeal site lies on the west-facing slope above a valley; the nearest converted stone barns, now in holiday-let use, lie approximately 110m to the south (Appendix 1).
- 2.2. The Council identifies the landscape character as "Gritstone Highland Fringe / Ancient Slope and Valley Farmlands" and claims highest sensitivity (Appendix 1). The site, however, is outside any statutory landscape designation. Agricultural activity and field patterns are evident in the wider valley.

3. Planning History and Context

- 3.1. Relevant history includes:
 - a) DET/2017/0015: prior approval for conversion of an agricultural building to dwellings, later regularised for two dwellings via CLEUD (SMD/2023/0569) (Appendix 1).
 - b) SMD/2019/0247: retention of agricultural field track – approved (Appendix 1).

- 3.2. Earlier proposals for livestock housing under previous ownership iterations do not control this appeal, which concerns a different building with a different purpose (storage/handling only) under a consolidated, active agricultural unit (Appendix 1).

4. The Proposal

- 4.1. A single, modest steel-framed agricultural building c. 19m x 11m (approx. 209m²), eaves ~3.5m, ridge ~4.5m, with concrete panel base, Yorkshire boarding above and grey fibre-cement roof with rooflights. One bay is open/gated; one bay is enclosed for secure storage.
- 4.2. The building includes a gated handling area and crush to facilitate biannual TB testing and occasional veterinary handling. It is not designed or intended for the accommodation of livestock - there is no bedding, feeding, pens for overnighting, or slurry storage.
- 4.3. The position, just north of the historic yard on the western side of the internal track, minimises public views and maintains separation between modern agricultural activity and the holiday-let cluster.

5. Legal Framework and GPDO Compliance

- 5.1. Part 6, Class A of the General Permitted Development Order (GPDO) allows agricultural development on holdings of 5 hectares or more, subject to specific limitations and conditions. The Appellant's Planning Statement demonstrates compliance with all relevant criteria, including footprint, height, designated land status, and highway setback. No dwelling is proposed, and the development is reasonably necessary for the purposes of agriculture.
- 5.2. The only Class A limitation relied upon by the Council is A.1(i), which disapplies permitted development rights where a building is for the accommodation of livestock and is located within 400 metres of a protected building. The Appellant's evidence and plans make clear that no livestock accommodation is proposed; rather, the building is intended for secure storage and includes a gated handling bay and crush for TB testing and occasional veterinary handling. The reason for this limitation within the GPDO is to avoid potential adverse impacts upon nearby properties in terms of noise and odours. In this case, the livestock will only be held within the building for a very limited period of time such that noise and odour considerations (the purpose of the limitation in the GPDO) would be immaterial.
- 5.3. Although Part 6 does not prescribe a formal consultation process, its structure implies a logical two-stage approach: first, determining whether the proposal qualifies as permitted development under Class A; and second, if prior approval is required, assessing siting, design, and external appearance. In this case, the Council conflated these stages—refusing the application on siting and design grounds without first establishing whether the proposal met the definitional limits of Class A. This approach undermines procedural fairness and transparency, particularly where subjective design judgments are involved and no opportunity was given for the applicant to respond or engage.
- 5.4. The Inspector in *Sportsman Farm* (Appendix 2) confirmed the importance of procedural fairness in prior approval cases. While that decision arose under a different context, it reinforces the principle that once prior approval is triggered, the applicant should be afforded a fair opportunity to engage with siting and design matters before a refusal is issued. The Inspector stated:

"Whilst the buildings would be in a relatively isolated position, this does not in itself mean that the presence of agricultural buildings in this location on a farm would be visually harmful or out of context." (Appendix 2, para 15)

- 5.5. This reasoning supports the Appellant's position that the Council's approach was procedurally flawed and substantively unjustified.

6. Ground 1 – Procedural Unlawfulness

- 6.1. The Council's decision to issue "Prior Approval Required and Refused" was procedurally flawed. It refused the application on siting and design grounds without offering the Appellant any opportunity to respond or engage, despite the GPDO implying a staged process. This lack of engagement is particularly concerning given the subjective nature of design judgments and the absence of any consultation or dialogue.
- 6.2. More significantly, the Council's reasoning was internally inconsistent. It asserted that the proposal was not permitted development—thereby outside the prior approval regime—while simultaneously refusing it on grounds that only arise within that regime. This contradiction undermines the integrity of the decision-making process and creates uncertainty about the legal basis for the refusal.
- 6.3. The Appellant's formal complaint (Appendix 3) highlighted this inconsistency and the procedural unfairness it caused. The Council's response (Appendix 4), relying on *New World Payphones*, misapplied precedent from a different GPDO context and failed to address the structured logic of Part 6. The refusal bypassed any opportunity for the Appellant to clarify or amend the proposal, despite the GPDO's intent to facilitate necessary agricultural development.
- 6.4. The Inspector in *Sportsman Farm* (Appendix 2) emphasised that relatively isolated siting does not, in itself, cause visual harm or render agricultural buildings inappropriate. That decision reinforces the principle that siting and design must be assessed fairly and proportionately, and that refusal without engagement is unjustified. The Inspector stated:
- "Whilst the buildings would be in a relatively isolated position, this does not in itself mean that the presence of agricultural buildings in this location on a farm would be visually harmful or out of context." (Appendix 2, para 15)
- 6.5. This supports the Appellant's position that the Council's approach was procedurally defective and that the appeal should be allowed.
- 6.6. Following the Council's Stage 1 complaint response, the Appellant's legal representative issued further correspondence on 6 November 2025 (Appendix 5), inviting clarification and resolution in accordance with PEBA's Good Practice Memorandum 4. That letter, which should be treated as a request to escalate to Stage 2 of the Council's complaints procedure, sets out detailed concerns regarding procedural fairness, legal misapplication of GPDO criteria, and the Council's failure to engage constructively. The Appellant reserves the right to rely on this correspondence in support of the costs application and any further legal proceedings.

7. Ground 2 – Substantive Error (A.1(i) misapplied: handling ≠ accommodation)

- 7.1. The Council's central premise is that the building includes "accommodation of livestock" within 400m of protected dwellings (holiday lets), so A.1(i) disapplies PD (Appendix 1). That is factually and legally wrong.
- 7.2. The Appellant's proposal is for storage (forage, feed, machinery, tools) with a gated handling bay and crush for statutory TB testing and occasional veterinary handling. Animals are present only transiently, under supervision, for handling; there is no bedding, no feeding arrangements, no overnight penning, and no slurry provisions. The use is functionally and physically distinct from accommodation.

- 7.3. The Appellant's complaint referenced authorities confirming that function and context govern classification; genuine agricultural handling for veterinary/statutory purposes does not convert the building to "accommodation of livestock" (Appendix 3). The Council's report collapses the distinction by suggesting that any period during which animals are physically within a structure amount to accommodation (Appendix 1). On a fair and ordinary reading of A.1(i), that position is unsustainable and would render any crush, race or loading pen within 400m unlawful contrary to agricultural reality and the GPDO's intent to facilitate necessary agricultural development.
- 7.4. In *Marshall v East Dorset DC [2018] EWHC 226 (Admin)*, the High Court held that the 400m restriction applies only to buildings genuinely used for livestock accommodation, not incidental handling. Similarly, *Hibbitt v SSCLG [2016] EWHC 2853 (Admin)* emphasised that functional context matters. Applying these principles, a crush for TB testing does not equate to accommodation.
- 7.5. Accordingly, A.1(i) is not engaged. The building remains within Class A PD, and the appeal should be allowed.

8. Policy Context (NPPF and Local Plan)

- 8.1. The NPPF supports a prosperous rural economy, including the growth and expansion of businesses in rural areas and the provision of infrastructure to support agricultural enterprises. The proposed building directly enables safe animal handling, secure storage, and efficient farm operations—all integral to a functioning livestock unit.
- 8.2. Refusal conflicts with NPPF paragraph 84, which requires planning decisions to enable the sustainable growth and expansion of rural businesses. Denying essential infrastructure for statutory animal health undermines this objective.
- 8.3. The Council relied on Local Plan Policies DC1 and DC3 (design and landscape) in asserting harm (Appendix 1). Those policies are engaged only where prior approval is in play and should be applied proportionately to the limited matters set out in the GPDO. For the reasons below, the siting/design produce no unacceptable landscape effects and are fully compatible with a working rural valley.

9. Siting, Design and Landscape Effects (without prejudice)

- 9.1. Siting & visibility. The building occupies lower ground north of the historic yard, aligned to the internal track. Existing hedgerows and landform provide baseline screening; public views are largely limited to intermittent stretches along Douse Lane. The choice of position avoids re-introducing modern farm buildings into the historic yard now occupied by holiday lets, thereby protecting residential amenity and the yard's character.
- 9.2. Design & materials. At ~209m² and ~4.5m ridge, the building is compact. The palette—concrete panels, Yorkshire boarding, grey fibre-cement roof with rooflights—reads as vernacular agricultural and visually recessive.
- 9.3. Landscape character. Modern agricultural structures are an expected component of a working farmed landscape. The Inspector in Sportsman Farm held that a relatively isolated siting does not itself equate to harm; distance from the farmyard is not determinative. The Inspector further found that a track bisecting a field is not incongruous and does not harm countryside character (Appendix 2, paras 11–16). Those findings are directly analogous: here, public visibility is limited; the track is already present/lawful; and the building's modest scale and materials ensure it sits comfortably in context.

9.4. Conclusion on landscape: If prior approval is engaged, the siting, design and appearance are acceptable, and prior approval should be granted.

9.5. The Inspector in Sportsman Farm concluded:

'Whilst the buildings would be in a relatively isolated position, this does not in itself mean that the presence of agricultural buildings in this location on a farm would be visually harmful or out of context.' (Appendix 2, para 15).

This reasoning applies directly here: isolation is not determinative of harm.

10. Material Considerations

10.1. Animal welfare and statutory compliance. Biannual TB testing for cattle is mandatory. The refusal has already impeded safe testing (a vet declined to proceed in open field conditions with horned cattle and uneven ground) and has restricted cattle movements, with welfare, biosecurity and commercial implications (Appendix 3).

10.2. DEFRA guidance requires TB testing every six months. Failure to provide safe facilities has already resulted in a vet refusing to proceed, freezing cattle movements and exposing the holding to biosecurity risk.

10.3. Security and resilience. Enclosed, weather-tight storage reduces theft risk, prevents weather damage to plant, and enables bulk storage of feed/forage—cutting repeat deliveries, costs and emissions.

10.4. Operational efficiency and amenity separation. The siting integrates with the field network and maintains separation from the holiday cottages, which is operationally rational and amenity-preserving.

11. Conclusion and Relief Sought

11.1. The appeal proposal meets the limits and conditions of Part 6, Class A. The A.1(i) restriction is not engaged because the building is not for the accommodation of livestock. The Council misdirected itself on that point.

11.2. The Decision is procedurally unlawful: having determined that prior approval was required, the Council failed to follow a fair and structured process before refusing on siting/design. No opportunity was given for engagement, despite the GPDO implying a staged approach.

11.3. Without prejudice, the siting, design and appearance are acceptable in landscape terms. The Inspector is invited to allow the appeal and grant prior approval (if required). The Appellant reserves the right to seek a full award of costs for unreasonable behaviour.

11.4. The Appellant will submit a separate Costs Application, citing the Council's failure to follow mandatory GPDO procedure and reliance on immaterial considerations despite clear evidence of agricultural use.

12. Suggested Conditions (without prejudice)

12.1. If the Inspector considers conditions appropriate, the Appellant proposes:

- a) Plans compliance: Development in accordance with the approved drawings.
- b) Materials: External finishes to be as submitted.
- c) Use restriction (clarificatory): The building shall not be used for the accommodation of livestock.

d) Standard GPDO notifications: In accordance with A.2 requirements post-completion.

(Note: The GPDO limits the scope for additional conditions; these are offered only to assist the Inspector, mirroring the approach at Appendix 4 para 18.)

13. Schedule of Appendices

- Appendix 1 – Delegated Officer Report and Decision: DET/2025/0036 (validated 15 Sept 2025) – “Prior Approval Required and Refused.”
- Appendix 2 – Appeal Decision (Sportsman Farm): APP/E2205/W/24/3339135, 28 Nov 2024 (Written Representations; prior approval allowed).
- Appendix 3 – Formal Complaint: Procedural and Substantive Failures – DET/2025/0036 (post-decision).
- Appendix 4 – Council’s Complaint Response (Head of Development Services), 28 Oct 2025.
- Appendix 5 – Barrister Email for Stage 2 Complaint
- Appendix 6 - R (on the application of Smolas) v Herefordshire Council