

DELEGATED DECISION REPORT

SMD/2025/0378
Valid 01/09/2025

MOUNT GARAGE
LEEK ROAD
CELLARHEAD

ERECTION OF VEHICLE
MAINTENANCE, OFFICE AND
STORAGE BUILDING
AND ASSOCIATED WORKS
(PART-RETROSPECTIVE)

(FULL - MINOR)

MAIN ISSUES

- Green Belt
- Character and appearance
- Environmental and amenity impacts

DESCRIPTION OF SITE

The current developed site extends to in excess of 3ha (7.5 acres). The majority of this land is hard surfaced in concrete with a drainage fall to the south towards adjacent farm land. There are also various buildings including a petrol garage and office building at the road front and a series of various maintenance / repair and body work buildings along the western side. The greater majority of the site is given over to parking and turning space for a large fleet of commercial transport vehicles mainly haulage tankers.

The applicant's supporting planning statement comments:

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). [12/00760/FUL_MJ] 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.

The site is in the North Staffordshire Green Belt and is surrounded chiefly by open countryside farm land. It is close to the Cellarhead junction of the A520. There are scattered residential properties in the vicinity. Despite its size the site is remarkably concealed from the few public road vantage points as the land dips away to the south into a shallow valley. There will be some visibility from public footpaths on the gently rising ground beyond this to the east and south.

PROPOSAL

According to the applicant's supporting planning statement:

Rather than constructing the building approved under that application [12/00760/FUL_MJ], the applicant favours siting the new building [which is] 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.

At 5.15 of the statement it is said:

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.

Biodiversity Net Gain (BNG)

The LPA can agree that as given in the planning statement:

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.

It is also to be noted that as a retrospective development application the statutory BNG condition would not be applicable.

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
E1 New Employment Development
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; 7 – Ensuring the vitality of town centres; 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

12/00760/FUL_MJ – Erection of replacement maintenance garage, facilities, stores and offices and change of use of land for vehicle parking – approved and implemented though not in full

CONSULTATIONS

Publicity

Site Notice expiry date: 23.10.2025

Neighbour consultation period ends: 02.10.2025

Press Advert: N/A

Public Comments

A single representation from the occupier of Holmlea Cottage, Leek Road raising the following objection:

The amount of buildings that Shirley's Transport have already erected is beyond acceptable. If this planning application is passed there will be more flood lights installed, already the rear of my property is lit up at night from Shirley's yard, more flood lights will just add misery and complete inconvenience to me and my family.

Town / Parish Comments

Caverswall Parish Council – no comments received

Environmental Health

Contamination: The site is on a hard standing for vehicle parking, it is likely to be subject to some contamination, however it is going to a low sensitive end use with minimal ground intrusion/ disturbance (as a portal frame), so the unexpected contamination condition be sufficient.

Noise: the site is approx. 100m from the nearest NSR. There is no record of validated noise complaint against the business but this represents intensification at the site. We would advise the conditions below are placed on any permission granted to ensure local residential amenity is protected.

No objection subject to a series of recommended conditions:

1. Construction Impacts (Condition)
2. Plant and Machinery/ Operational Noise (Condition)
3. Artificial Lighting – (condition)

4. Drainage (Interceptor) – Condition
5. Unexpected contamination (Condition)

Staffordshire County Council Highways

Current records show there has been 1 Personal Injury Collision on Leek Road within 43 and 215 metres of the site between 31/12/2020 and 30/12/2023.

The site is on the A-classified Leek Road (Road No. A520) with a speed limit of 30 mph. There is a system of streetlights and a footway along this section of Leek Road opposite to the site. Leek Road is a primary route running from Stoke on Trent to Leek. There are speed cameras along the route with 1 speed camera on the section of Leek Road fronting the site. The site has 2 vehicular accesses onto Leek Road. There is a fuel station serving the public, to the rear of the fuel station is the main site (Shirley's Transport Ltd).

Conditions set under SMD/2012/0609 do not appear to have been carried out. It was noted at the site visit that the forecourt access has several construction joints and is generally showing early signs of distress and there is evidence of vehicles over-running the kerb and verge of the western radius of the eastern access. As stated in Highways previous response this is a wide access and there should be adequate space for HGV's to exit without over-running the kerb and damaging the verge. Condition 2 is intended to draw the applicant's attention to this and provide a solution to this problem.

Recommended conditions:

- (i) Before the proposed development is brought into use the eastern access and part of the forecourt used by HGVs shall be resurfaced in a bound material.
- (ii) Before the proposed development is brought into use, details of measures to prevent the overrunning of the kerb and verge on the western radius of the eastern access shall be first submitted to and approved in writing by the local planning authority. The measures shall thereafter be implemented in accordance with the approved plans and retained for the life of the development.

Reasons: To comply with NPPF; to comply with SMDC Local Plan policy DC1; in the interests of highway safety and to protect the structure of the highway.

Severn Trent Water

Severn Trent Water requests that any approval be conditioned as follows:

- The development hereby permitted shall not commence [be continued] until drainage plans for the disposal of foul and surface water flows have been submitted to and approved [in writing] by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water to enter the foul or combined water systems by any means.

IMPORTANT NOTE: With regard to network capacity, this response only relates to the public waste water network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.

Suggested Informative – affected sewers and water mains

Before undertaking any work on site, all applicants must determine if Severn Trent has any assets in the vicinity of the proposed works. This can be done by accessing our records at www.digdat.co.uk. Severn Trent Water advise that even if our statutory records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer of Sewer Regulations 2011. Public sewers and Water mains have statutory protection and may not be built close to, or diverted without consent, consequently you must contact Severn Trent to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the proposed building.

Additional information

If the development site includes a Vehicle Wash / Petrol Station / Swimming Pool / Industrial Processes, or anything else that may discharge waste other than foul sewage or surface water into the public network, we would strongly recommend the applicant speaks to the Trade Effluent Support Team before requesting a discharge of any drainage related condition. The team can be contacted by email: trade.effluent@severntrent.co.uk. Please note that for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

OFFICER COMMENTS

Principle of Development

1. In its general approach, in accordance with policy SS1, the Council expects the development and use of land to contribute positively to the social, economic and

environmental improvement of the Staffordshire Moorlands. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. This means that planning applications that accord with the policies in the Local Plan shall be approved without delay, unless material considerations indicate otherwise.

2. Policy SS2 sets out the settlement hierarchy for the District and requires that all development shall be of a scale and nature appropriate to the character and role of each area category within the hierarchy according to the individual area policies. The categories in the hierarchy and their policies are: towns (policies SS5 /6 and 7); larger villages (SS8); smaller villages (SS9) and the Other Rural Areas – which applies in the case of this application – SS10.

3. Policy SS10 for the rural areas supports only development which meets an essential local need and supports rural diversification and sustainability of the rural areas (or supports sustainable tourism or enhances the countryside).

4. In the rural areas outside of the development boundaries Policy SS10(6) also establishes that strict control will continue to be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by Government Policy.

Green Belt Principle

5. In accordance with the commenced development under 12/00760/FUL_MJ [SMD/2012/0609] the Shirley's Transport Site as a whole, as covered by that permission, can be accepted (subject to discussion below) as being Previously Developed Land (PDL). This is defined in the NPPF as being:

Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

6. The proposal site lies within the 2012 approval site area as confirmed for example by the approved drawings referenced 1680 04A and 1680 07A (proposed block plan).

7. How the introduction of a building without planning permission (the subject of this retrospective application) may affect the qualification of the application land as PDL is perhaps a moot point. On the one hand, the development has not been completed but has been held at a standstill since the LPA's involvement through

enforcement investigations. Separately, it certainly can be accepted that the site acquired PDL status under the 2012 consent. Also, the March 2012 air photos show the land of this proposed building already in developed use – further extended by the time of the 2015-2018 aerial photos by which point it was in use for outside parking of the commercial fleet. One question for the LPA is whether the introduction of a development that is currently not lawful (the subject of this application) must be considered to in effect rescind the already previously established PDL status, based on the above definition which is that the land must have been lawfully developed.

8. On balance it would seem more correct to accept that the PDL status, having been validly established, should be the accepted planning base line. If the current partially completed development were taken away, the site would still hold its PDL status acquired in 2012.

9. The applicant seeks to rely firstly on NPPF paragraph 154 (g) as exempting the development from being considered inappropriate in the Green Belt. This exception allows in the Green Belt:

“(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.”

10. For a building of the size proposed, taken on its own, including top height of 9.5m and area of c.600m² it would be difficult for the LPA to conclude that it would not cause identifiable harm to the openness of the Green Belt. However, as commented in the planning statement at 5.3 and 5.4 – that the site is grouped with a series of existing buildings and would not be overly visible in public views from Leek Road, there is some weight to the idea that its impacts would be somewhat contained. Moreover, and adding to this, the extant consent for the 12/00760/FUL_MJ [SMD/2012/0609] development would further ‘contain’ this latest proposal. The proposed building would be seen in the context of a large established haulage yard. It would be attached to an existing building and surrounded on its east side by an extensive area used for parking numerous large tankers and HGV’s. Furthermore there is bunding to the site’s rear (southerly) boundaries and tree cover along the west side which further contain the site. In this established site context the addition of this proposed further development would not result in new ‘substantial harm’ to the openness of the Green Belt

11. On this basis the proposal can be considered to meet the exemption of NPPF 154(g) and on this basis acceptable in principle in the Green Belt.

12. There is therefore no need to consider the applicant’s alternative suggested case of ‘very special circumstances’ nor to consider a more formal forfeiture of the extant 2012 consent in order to support the proposal.

Design

13. In design the building is consistent with others extant on the site and not unexpected or out of place as an industrial garage / store or repair / maintenance shed.

The proposed dark green vertical metal cladding for the walls and, importantly, also for the roof, all as set out in the submitted application form is found acceptable.

14. Drainage needs to be conditioned as per STW recommendation.

Amenity

15. Approximately 90m west of the development is Grove Farm with a planning history leading to consent for a dwelling. At this separation it can reasonably be judged that the current application at least in terms of noise should not significantly add to the existing established impacts of the Shirley's Transport Depot. As noted the occupier of Holmlea Cottage has objected due to night time lighting impacts. This property is some 350m to the south west. There is a handful of scattered further dwellings at or within similar range.

16. Nevertheless the Council's EHO recommends a number of conditions with regard to noise and these should be attached. However, in relation to lighting they propose one to stipulate no increase on existing lighting conditions but as these have not been established in any verified form and there are indications from the public comments received that lighting may have recently been increased beyond earlier norms this condition would not be suitable. Alternatives focussed on this specific development should be used, either to require a lighting scheme to be submitted and/or to limit any new lighting in relation to this building. In this case the latter option is recommended. The objector's comments with regard to lighting already prevalent at the site can be referred to the Council's planning enforcement colleagues for review against condition 12 of permission 12/00760/FUL_MJ [SMD/2012/0609]. Alternatively or in addition the matter can be referred to the Council's EHO as potentially a nuisance adversely affecting residents and the surrounding environment.

Highway Safety

17. Attach conditions as requested. Although in comparison to the overall size of this depot the current proposal is of relatively limited scale it would not be appropriate for the LPA to omit the recommended highways conditions that are based on their specialist expertise and responsibility for highway safety.

CONCLUSION / PLANNING BALANCE

18. In consideration of all of the above the application is recommended for approval.

OFFICER RECOMMENDATION : Approve subject to conditions

Case Officer: Arne Swithenbank

Recommendation Date: 24.11.2025

X 

Signed by: Jane Curley

On behalf of Staffordshire Moorlands District Council