

DELEGATED DECISION REPORT

DET/2026/0001
Valid 02/01/2026

HEATON HOUSE FARM
MEERBROOK ROAD
RUSHTON SPENCER

APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR A PROPOSED
HAY SHED

(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. The holding is stated as being 68 hectares (168 acres).

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 existing site comprises chiefly three buildings in the layout seen in Fig.3 below. The first building reached on entering the site from the north (top in the photos) is barn 1 which as existing now has four bays and stands 24m x 15m; is walled to all four sides; and has a roller shutter door in the east gable end. A 2022 DET submission which was allowed to proceed presented a building that was walled only in the west end gable elevation.

Confusingly the now submitted 'as-existing' 1:200 drawing HHF-HS2-01 rev A shows a building with five bays and length 30m. The background to this is that the 2022 prior notice had proposed a building 30.8m x 16.4m with eaves 5.5m and ridge 7.75m. The

fifth bay has not been erected but has been included on the drawing as existing reflecting an intention to proceed with it.

At the date of the LPA's 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.

Photos are now on file from an LPA visit made 29th January 2026. Some 30 to 40 ewe lambs (tagged in both ears) were present in a temporary pen occupying perhaps one third of the floor area. It is unlikely there would be any particular reason to keep these penned indoors other than temporarily and presumably they were being held pending some treatment or sorting. The building was otherwise largely vacant save for stored logs heaped along two bays to the right of the doorway with further logs on racking in a section of the first bay. A tractor-towed implement was parked back left of the building and some six or eight large-bales of straw were stacked against the rear wall. There were also a couple of bales of hay by the sheep.

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 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 were some 20 or so mixed beef cattle including a bull divided into pens by age group.

The farm must presumably have significant other means of hay and straw storage as the amounts at this location were limited to fairly immediate needs.

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

The building proposed is described in the application form as "Proposed hay shed". It is stated to be a "new building" reasonably necessary for the purposes of agriculture as it is "required for the storage of hay and agricultural machinery and for lambing".

Measurements

Length 30.3m
Breadth 12.2m
Eaves 5.5m
Ridge 7.2m
(Ground area 370m²)

Materials

Walls – profiled metal cladding in juniper green
Roof – profiled metal cladding in juniper green

The elevation drawing shows that the lower c.1.7m to the walls would have visible concrete panels.

The building is shown with dual pitched roof and would have a 5m high by c.6m wide roller shutter door to its north-easterly gable elevation. A personnel door is shown in the rear (south-westerly) gable. No other openings are shown.

From the agent's supporting statement:

1. The application is for a single additional hay shed, rather than an extension to the existing shed [as proposed previously in refused DET/2025/0037]. The extension to the cattle shelter and the provision of a toilet block have been omitted from this application.
2. A separate application has been made seeking retrospective permission for the cladding of the existing hay shelter. [See SMD/2026/0002.]
3. The proposed shed will replace the earlier hay and straw shelter on the same site built in 2015 (Application ref: SMD/2015/055) which has now come to the end of its useful life and is too small to meet the current needs.
4. The proposed barn is required, in conjunction with the existing hay shed, for the following purposes:
 - a. The storage of 350+ bales of hay (between October and May). Hay is currently wrapped in polythene and stored in the fields but this has proven uneconomic.
 - b. The storage of 24 x 1-ton bales of straw.
 - c. The storage of miscellaneous items of farm equipment including a tractor, straw chopper, seed drill etc, many of which items are currently stored in the open.
 - d. The storage of logs generated by the numerous wind-blown trees etc around the farm.
 - e. Lambing from March onwards, at which time much of the stored hay and straw will have been used. Open days are also offered to visitors at lambing time.
5. The proposed shed is sited immediately adjacent to the existing shed within the group of buildings on the site to mitigate the visual impact of the development from surrounding areas.
6. The form and materials of the shed will replicate those of the existing hay shed and are considered appropriate for use and location of the building.

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; 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

DET/2025/0037 - 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) – prior approval required and details submitted – **refused**.

SMD/2026/0062 – Part retrospective application for cladding of portal-framed barn – **pending**.

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.

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?

The appearance generally is of agricultural use. Barn one appeared significantly under utilised. It is also not a building suited to housing livestock other than on a short-term temporary basis.

Around the outside of the buildings was a significant amount of accumulated items including 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 livestock 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 is a lack of clarity on this point. Barn 1 appears significantly under-utilised. Coupled with the intention to add the fifth bay to barn 1 the proposals overall would increase the current storage floor area capacity by c.75% after taking account of the pole-barn structure to be removed and completion of barn 1 by addition of the fifth bay (80m²).

The stated purpose for the storage of hay and agricultural machinery and for lambing is 'agricultural'. Some explanation of the requirement is set out in the supporting statement. If permitted, the use is restricted to being agricultural.

The refused prior notice (DET/2025/0037) had included a further barn of 480m² which is longer a part of the proposals.

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.

D.1 (3) The circumstances referred to in paragraphs A.2(1)(a) and B.5(1) of this Part are—

(a) that no other suitable building or structure, 400 metres or more from the curtilage of a protected building, is available to accommodate the livestock; and

(b) (i) that the need to accommodate the livestock arises from quarantine requirements, or an emergency due to another building or structure in which the livestock could otherwise be accommodated being unavailable because it has been damaged or destroyed by fire, flood or storm; or

(ii) in the case of animals normally kept out of doors, they require temporary accommodation in a building or other structure because they are sick or giving birth or newly born, or to provide shelter against extreme weather conditions.

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	Suitable for the stated storage use.
(d) it would involve the provision of a building, structure or works not designed for agricultural purposes;		

Not permitted if 1,000m ² and 1,500m ² limits exceeded	Yes	Taking into account existing barn 1, including fifth bay, the total net area resulting would be 804m ² and therefore within the 1,500m ² . 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 and scales 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	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]	Yes	The type of building is described in the application as a 'proposed hay shed'. The application form has been ticked 'no' in response to the question: Would the proposed building be used to house livestock, slurry or sewage sludge? [An unrelated dwelling known as Beech Croft is just within 400m to the south west.]
(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;		

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.	Yes	N/A
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* **“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’

The proposal is described as a ‘proposed hay shed’ and is presented as a new building to stand alongside an existing building. A similar proposal was submitted under DET/2025/0037 but refused. That scheme would have created a new single larger building incorporating the currently unauthorised appearance of the existing structure. It was noted that the prior approval process cannot be used retrospectively and it was concluded that the proposal must fail in principle on that count.

The previous scheme also failed for other reasons including:

(3) Whether more fundamentally the proposals are 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 ‘entertainment’ or ‘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, amounting to an increase of 220%. There is therefore insufficient information in the application to demonstrate that the proposals with regards to the Barn 1 extension and proposed barn 2 are reasonably necessary for the purposes of agriculture within the unit.

For this January 2026 application a response has been given to the non-agricultural event usage saying: *“The barn had been temporarily cleared for a veterinarian training night for sheep farmers studying lameness in sheep. It was organised by Cheshire Farm Vets who host flock club meetings regularly throughout the year – see appended flyer. We hope this clarifies matters.”*

By omitting a further barn included in the 2025 scheme this latest proposal has been reduced to a 75% increase in floor space. A little more information has now been provided about the need / intended use and whilst this remains somewhat generalised it can be noted that a farming operation is evidently taking place with both cattle and sheep and the farm is significantly sized at 68 hectares (168 acres). If the application were to be permitted the building could only be used agriculturally and would be open to enforcement action if that use were to cease.

In conclusion on the ‘principle’ in terms of amount, it can now be accepted that, coupled with the reduction in scale, sufficient clarification – including with regard to non-agricultural use concerns – has now been provided.

A further critical consideration is that, due to being within 400m of a 'protected building', acceptance of the development cannot be achieved through the Part 6 Prior notification process if: *"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"*. Reference is made in the application to using the building for *"lambling from March onwards"*.

It may be the applicant's expectation that the use would be legitimate based on Part 6 paragraph D.1(3) (b) (ii) which provides qualified allowance where there is no other suitable building available:

"in the case of animals normally kept out of doors, they require temporary accommodation in a building or other structure because they are sick or giving birth or newly born, or to provide shelter against extreme weather conditions."

As the application is for a 'hay shed' not a livestock building, and indeed the building design is not suitable for prolonged livestock housing, it is judged that the proposal is not disqualified on this count.

The prior notification therefore remains to be determined with reference to siting, design and external appearance.

Siting, design and external appearance

The main impacts of this proposal are in public views from Rotten Hole some 150m across the field to the east from the application site. These impacts were grounds for refusal reason 4 in the DET/2025/0037 decision. It is disappointing that the applicant has not taken the opportunity to address this issue for example by putting forward tree or hedge screening. Part 6 doesn't provide for conditions to be added but it does provide as follows [emphasis added]:

(v) the development must, **except to the extent that the local planning authority otherwise agree in writing**, be carried out—

(aa) where prior approval is required, in accordance with the details approved.

The applicant has agreed by exchange of e-mail to provide some additional tree / hedge planting to help mask the development (if it is permitted) in views from Rotten Hole.

On this basis it is concluded that the concerns previously raised with regard to visual impacts as a result of the siting can be sufficiently ameliorated.

CONCLUSION / PLANNING BALANCE

That prior approval is required and should be granted.

OFFICER RECOMMENDATION : prior approval required and approved

Case Officer: Arne Swithenbank

Recommendation Date: 30th Jan 2026

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council