

Staffordshire Moorlands District Council  
Moorlands House  
Stockwell Street  
Leek  
ST13 6HQ

Date: 27th February 2026

Mr and Mrs J D Richards  
The Anthony Cottage  
Tan House Lane  
Rushton Spencer  
Macclesfield  
SK11 0SE

RECEIVED  
- 3 MAR 2026

### **OBJECTION TO PROPOSED DEVELOPMENT**

Dear Sirs / Madam

**APPLICATION NUMBERS:** SMD/2026/0022 & SMD/2026/0023

**LOCATION:** Marsh Side Farm, Tan House Lane, Rushton Spencer, SK11 0SE (the 'Site')

**APPLICANT:** Mr Matthew Akker

**PROPOSED DEVELOPMENT:** Change of use of three existing agricultural buildings to a children's nursery, erection of tipis, siting of repurposed shipping containers (toilet and staff room), erection of agricultural buildings, change of use of agricultural land to hard-cored car parking facilities (the 'Application')

**AFFECTED PROPERTY:** The Anthony Cottage, Tan House Lane, Rushton Spencer, SK11 0SE (the 'Affected Property')

We refer to the above planning applications for full planning consent. We have had sight of the Applicant's submitted documents and we know the proposed site and the area very well.

As legal owners of one of the affected properties neighbouring the proposed development, we would be most grateful if you would please accept and register this letter as our **formal objection** to Application Numbers SMD/2026/0022 & SMD/2026/0023 for the reasons set out below.

We consider the Application wholly unsuitable in its current form due to the serious adverse impacts it would have on the neighbouring properties, Tan House Lane, and the wider village. Our objections, supported by relevant National Planning Policy Framework (NPPF) paragraphs, are summarised as follows:

#### **APPLICATION FORM INACCURACIES & INSUFFICIENT INFORMATION**

1. Contrary to the Applicant's claims, there are inaccurate statements regarding flood risk, biodiversity net gain, and watercourses. A water course runs through the proposed development (within less than 20m of the proposed tipis and less than 5m from the proposed car parking ) together with a feeder canal.
2. The Design & Access Statement (DAS) and Biodiversity Net Gain (BNG) statements misrepresent the scale and nature of the development. The proposed car park, tipis, shipping containers, and additional farm buildings materially increase the footprint and are not consistent with the Applicant's description.
3. Paragraph 1 of the DAS fails to include change of use of agricultural land adjacent and surrounding Tan House for a substantial car parking facility.
4. (a) Paragraph 2.2 of the DAS incorrectly states: "*The proposed nursery use is considered capable of operating without causing undue harm to highway safety or residential amenity,*



*subject to appropriate management of access and parking*". The proposed change of use from agricultural land to car parking will significantly impact on the amenities as noted further below. Tan House lane is narrow, only 2.7metres wide without a separate footpath and therefore unsuitable for the passage of two vehicles passing together.

4(b) In February 2019, a Planning application ref: SMD/2018/0537 (Submitted by J Hallam) was unanimously rejected by the Planning Committee following their site visit to Tanhouse Lane and what they considered to be a dangerous its junction with the A523 which is still the case. They also commented that the open countryside in this area is the site of biological interest (SBI) and therefore the increased traffic and car parking on agricultural land in this application is contrary to the views of the Planning Committee at that time.

5. Paragraph 3 of the DAS incorrectly states: "*...the development is confined to separate agricultural structures...*" when in fact the proposed development aims to remove and replace valuable agricultural land.
6. The BNG assessment restricts its consideration to only the two tipis and ignores the additional hard-cored car parking facilities and enlarged track, new shelters, and several metal transport containers (falling with Use Class B8 - storage and distribution) and additional farm buildings. Further, the BNG attempts to claim *de minimis* exemption and 0 units lost in contradiction with the requirements of Schedule 7A of the Town and Country Planning Act 1990 (TCPA 1990).
7. The BNG also fails to assess the land correctly. The land is part of an SBI and organically/regeneratively managed and not "*intensively managed*" or "*poor quality*" as claimed by the Applicant. The assessment thus fails to comply with the requirements of Schedule 7A of TCPA 1990 (mandatory 10% net gain) and Local Plan NE1.
8. The application form contradicts its statement of "*dedicated on-site car park for up to 12 vehicles*" whilst the site plan (titled: "PROPOSED SITE PLAN" - drawing number 260101 - CBL-ZZ-00-DR-A-0002) instead shows 13 distinct car parking spaces, with 'spare' land adjacent for additional unmarked car parking.

## FLOOD RISK AND DRAINAGE

9. The proposed development is in a flood-prone marshy area regularly flooding both Tan House Lane and the field proposed to provide 13 car parking spaces. The surrounding fields also regularly flood. The water from this area discharges under the main road and into the brook. The brook already floods by the property known as Cherry Brook on Station Lane. Replacing agricultural fields, which currently absorb water, with hard standing will increase the volume of water and existing flooding issues in Station Lane.
10. The applicant failed to provide a flood risk assessment, drainage scheme, or any mitigation — contrary to NPPF paras 159-169 and Local Plan SD4/SD5 — or foul drainage (**ticked as "*unknown*"** on the application form). This could potentially raise and exacerbate pollution risks in an area that already has septic tank concerns from recent local developments.



## INCREASED TRAFFIC

11. Being located in a rural location with limited public transport and walking options, nearly all journeys to and from the proposed development are therefore expected to be vehicle-based, thus burdening an already limited single track lane.
12. Existing traffic on Tan House Lane is generated in respect of only 4 houses, each with 2 cars averaging currently a total of around 30 daily vehicle movements. Drivers are tempted to park on the lane currently and this would be exacerbated and be potentially dangerous by an increase in traffic to Marsh Farm with parents being inclined to park and walk with their children to the farm. Parking on the lane would obstruct access and egress for the residents of the Anthony Cottage and Tan House.
13. Assuming a setup similar to that already operated by the Applicant as "Bee Curious Childcare" in Glebe Farm (Astbury) and associated latest Ofsted data, the proposed development would likely have around 46 children and employ 14 staff. Based on National Travel Survey data and TRICS (Trip Rate Information Computer System) standard rates adjusted for rural settings, using standard planning assumptions for nurseries in low-accessibility areas (4 vehicle movements per child for drop-off and pick-up, plus 2 per staff member), this would generate approximately 184 additional movements from parents and 28 from staff, for a total of 212 daily vehicle movements from the core nursery operations alone (excluding service vehicles).
14. An additional 34.4 daily movements (from service and ancillary vehicles, nursery, base farm operations and rentals, will likely result from the following:
  - Deliveries (food, materials, etc.): Assumed almost daily, with 1 vehicle per day (arrive + depart = 2 movements); Fuel oil tanker deliveries.
  - Commercial refuse collection: Assumed weekly, averaging ~0.3 daily (arrive + depart = 0.6 movements);
  - Farm-related trips (vets, feed deliveries, etc., for the ongoing small-holding and new animal shelters): Assumed 1-2 per week, averaging ~0.4 daily (arrive + depart = 0.8 movements);
  - Other (maintenance vehicles, parent meetings/visitors, inspections, combined farm-nursery management trips): Assumed occasional, averaging ~0.5 daily (arrive + depart = 1 movement).
  - Third parties grazing / livery (e.g., stabling in the three proposed animal shelters). Based on UK planning data for livery yards (e.g., DIY or part livery, where owners visit 1-2 times daily for care/riding), assume 3 shelters accommodate 3-6 horses/animals. Using estimates from transport statements (e.g., ~4 movements per animal daily from owner visits), this generates ~12-24 movements for livery. Conservatively, for 4 animals: 16 movements. Grazing rentals add minimal traffic (e.g., weekly checks for livestock, ~1-2 movements daily average). Animal trailers (for transport to events/vets) add occasional larger vehicle trips, assumed 2-3 per week (~0.6 daily movements). Total for rental activities: ~20 movements.



15. The total estimated daily vehicle movements which the proposed development would add to the existing on Tan House Lane are therefore in excess of 235. This significant increase in traffic of nearly 800% will, without any doubt, compound and exacerbate existing congestion and safety issues which already burden this narrow single-track lane.
16. Whilst the Applicant has provided no evidence of compliance or approval pursuant to the requirements under section 7 of the Staffordshire Act 1983 and sections 219 to 226 (exemption for a private road) of the Highways Act 1980, Tan House Lane would have to be widened to safely cope with the forecast level of increased traffic. If a widening of Tan House Lane is being envisaged to accommodate the proposed development, any such proposal or construction would require a Highway Works Agreement with Staffordshire County Council formally confirming access conditions.
17. The above issues conflict with NPPF paras 104-113 and Local Plan T1.

## **HIGHWAY SAFETY**

18. Tan House Lane is a narrow single-track cul-de-sac serving only four properties, with no passing/turning spaces or pavements (pedestrians are forced to walk in the carriageway). It is regularly used by walkers and residents and is currently only just manageable but increased traffic would severely impact on this.
19. The two informal parking spaces in the small lay-by alongside the hedge adjacent to Horseshoe Cottage are regularly used as additional parking for that property. When vehicles are parked there, the remaining width of Tan House Lane is reduced to approximately 2 metres. This makes bi-directional traffic impossible and single-file movement hazardous, particularly for larger vehicles such as emergency ambulances, fire appliances, and refuse lorries, which may be unable to access properties beyond the obstruction.
20. Delivery and service vans frequently become stuck in this narrow section and are forced to reverse blindly back onto the A523 — a manoeuvre that is inherently dangerous due to severely restricted visibility at the junction (caused by the corner of Horseshoe Cottage, the adjacent wall, and tall hedge). This is compounded by the acute entry angle for larger vehicles. **See para 4(b) above and the decision of the Planning Committee in February 2019.**
21. There are several children of school age currently living in some of the properties being served by Tan House Lane. Additional traffic on Tan House Lane would seriously increase the danger for these children when walking to school buses etc.
22. Tan House Lane cannot sustain simultaneous incoming and outgoing traffic, especially where it joins the already very busy main road (A523). **See Para (4b),**
23. The proposed enlargement to the entrance to MSF fails to address any of the issues raised above. Without specific modifications of the width of Tan House Lane, the congestion and hazardous issues stated above will remain.



## **IMPACT ON RESIDENTIAL AMENITY & INTERFERENCE WITH EXISTING LEGAL RIGHTS**

24. An agreement dated 24 July 1991, noted in section A1 of the Property Register of the Official register against title number SF301531, formally and specifically confirms *inter alia* that all rights of light, air, easements (or quasi-easements), support, drainage and sewerage currently in place to benefit Tan House shall remain unaltered. If allowed to proceed, the proposed development would therefore constitute a breach of this agreement for which we would be entitled to seek remedy (e.g. damages/compensation, etc.).
25. The proposed development would substantially impact our right to privacy by dint of creating a common law tort of nuisance through interference with the amenity of "quiet enjoyment of the land". This violation of our property rights has been confirmed in the recent case of *Network Rail Infrastructure v Williams & Waistell* [2018] EWCA Civ 1514.
26. The car park proposed to be located directly alongside Tan House would overlook their living spaces, introducing noise/disturbance/lighting/activity — harming privacy and quiet enjoyment — whilst the proposed enlarged entrance, together with the car park noted above, risks damaging existing soakaways and drainage.
27. The proposed development would also interfere with a prescriptive right of way acquired by continuous open use "as of right" under the Prescription Act 1832 in respect of egress and ingress of the burdened land (MSF) by foot and with wheelbarrows via a gate located on the boundary of both properties.
28. Whilst there are no statutory provisions to protect our right to a view, following the recent case of *Dennis v Davies* [2009] EWCA Civ 1081, we are advised that the proposed layout is capable of creating another tort of nuisance by considerably restricting our enjoyment of the existing local landscape views (please note that our property is a single detached property benefiting from having large unobstructed excellent views). The proposed development would therefore significantly reduce this important residential amenity.
29. Notwithstanding that the applicant has failed to assess any of the above in relation to the proposed development, conflicts with NPPF para 130 and Local Plan DC1 (likely compounded by any resulting increase in traffic) are worth noting.

## **LACK OF LOCAL NEED AND SUSTAINABILITY**

30. The Applicant has failed to evidence any local need which would require nursery provisions in addition to those already provided by the local Rushton School (which neighbours the proposed development). Rushton School already provides a popular nursery service. This service more than adequately meets the needs of local residents, only managing to fill its nursery provision with most nursery-age children already attending from outside the area due to its excellent reputation (classed as outstanding by Ofsted). This is due to the low number of families with young children in the immediate area. The proposed development would therefore not fill a local requirement.
31. Therefore, customers for the proposed nursery will mostly be coming from outside the area thereby unnecessarily increasing road traffic and emissions (contrary to Local Plan SD1 and NPPF para 104), travel time and distance.



32. Two regularly used public footpaths run within the area of the proposed development. The application has failed to assess safety risks to the walkers and children using the proposed nursery. No assessment has been provided to demonstrate mitigation of those risks.
33. Additionally, the proposed development fails to align with small-scale sustainable diversification contrary to provisions of the Local Plan SS10/E3/C2.

## **RURAL CHARACTER AND HERITAGE**

34. The proposed tipis, metal shipping containers (Use Class B8), and proposed shelters are out of keeping with this quiet countryside setting and would harm the heritage setting of MSF, a Grade II listed farmhouse and be out of character with Rushton Spencer (Local Plan DC2; NPPF paras 194-208).

## **OTHER CONFLICTS**

35. Cumulatively conflicts with Local Plan SS1/SS10/SD4/SD5/NE1/DC1/T1 and NPPF (harms outweigh benefits per para 11).

## **CONCLUSION & REQUEST FOR REFUSAL**

36. There is a history of drainage problems (both foul and surface), high water table and surface water flooding in the area, yet the Applicant has not included any information on how they intend to deal with these issues. There is not enough information supplied with the Application to assess its suitability with regard to the local water regime (drainage / flooding, etc.) and amenity of the proposed unity (noise).
37. Granting planning permission in this case would conflict with various policies of the adopted Staffordshire Moorlands Core Strategy and would significantly and demonstrably outweigh the benefit that the provision of so many car parking spaces and tipis and more sheds (all replacing valuable agricultural land) would bring when assessed against the policies in the Framework taken as a whole.

Notwithstanding the Application failing to provide any and/or sufficient information on drainage (foul and surface water), flood risk, and management of increased traffic and thus cannot be properly assessed, in light of the above, we respectfully request refusal.

Please note we may raise further objections if deemed appropriate. We also reserve the right of judicial review and/or to seek injunctive remedy and/or damages by way of compensation in respect of any consented development that may infringe on our legal rights.

## **NOTICE**

Please take note our Notice that if the Application is to be decided by councillors, we would like to speak at the meeting of the committee at which the Application is expected to be decided. We would therefore appreciate if you could please let us know as soon as possible the date of any such meeting. We look forward to hearing from you in due course.

Yours faithfully

**Mr J D and Mrs K Richards**

**cc Rushton Parish Council**



