

Tan House
(formerly "Ventnor")
Tan House Lane
Rushton Spencer
Macclesfield
SK11 0SE

Staffordshire Moorlands District Council
(Development Management)
Moorlands House
Stockwell Street
Leek
ST13 6HQ

Date: 02 March 2026

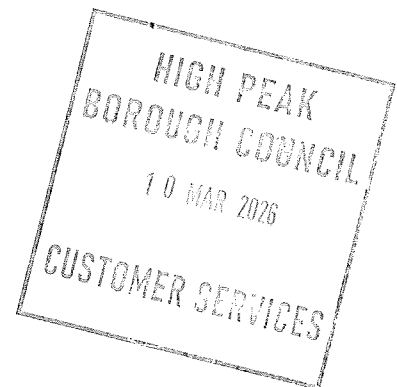
FORMAL OBJECTIONS TO PROPOSED DEVELOPMENT

Dear Sir / Madam

Please find enclosed Formal Objections letters in respect of two Planning Applications made under numbers SMD/2026/0022 & SMD/2026/0023 relating to the site at Marsh Side Farm, Tan House Lane, Rushton Spencer, SK11 0SE.

I should be much obliged if you would please place these promptly on the public record.

Yours faithfully
Mr Goodfellow



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Dear Sir / Madam

APPLICATION NUMBER: SMD/2026/0022

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

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')

I write as owner of Tan House, one of the four properties (which includes the Site) directly served by Tan House Lane and neighbouring the proposed development, to register my formal objection to the Application.

I have reviewed the applicant's submitted documents and know the Site and surrounding area intimately, having also previously served as Parish Councillor for Rushton Parish Council for several years.

This objection is evidence-based, made on clear planning grounds, and supported by national policy, Staffordshire Moorlands District Council (SMDC) Local Plan & Policies, and established decision-making principles. It is also supported by all three other households on Tan House Lane and the majority of Rushton Spencer and Heaton residents, reflecting widespread community concern.

The Application in its current form is wholly unsuitable due to the serious adverse impacts it would have on the four neighbouring properties, Tan House Lane, and the wider village. It represents unsustainable countryside development, intensification of a rural access and agricultural land, and a fundamental mismatch with the Site's constraints. The proposal fails to align with small-scale sustainable diversification under the Local Plan policies SS10/E3/C2.

The Application lacks essential supporting evidence, making it impossible to properly assess its impacts. This includes, but is not limited to:

- Transport Statement;
- Flood Risk Assessment;
- Drainage Strategy;
- Biodiversity Metric calculation;
- Noise Impact Assessment;
- Heritage Impact Assessment;
- Public Right of Way Safety Assessment;
- Landscape and Visual Impact Assessment;
- Safeguarding and operational management strategy.

Without these, the Local Planning Authority cannot discharge its duty to reach a lawful and robust planning judgement. The concerns below are material planning considerations central to the proposal's acceptability.

1. APPLICATION FORM INACCURACIES & INSUFFICIENT INFORMATION

The Application contains multiple inaccuracies and insufficient information. The applicant's statements regarding flood risk, watercourses, and biodiversity net gain are incorrect, as a watercourse runs through the Site within 20m of the proposed tipis and less than 5m from the proposed visitor parking. The Design & Access Statement (DAS) and Biodiversity Net Gain (BNG) assessments also misrepresent the scale and nature of the development, by failing to include the shipping containers, additional farm buildings, hard-cored visitor parking, and enlarged tracks, far beyond the description currently limited to only the tipis. The DAS fails to acknowledge the change of use of agricultural land for parking, and incorrectly asserts that the nursery could operate without harm to highway safety or residential amenity, and misstates that the development is confined to separate agricultural structures. The BNG assessment ignores these additional structures, misclassifies the land as "*poor quality*" (when it is in fact subject to organic and regenerative farming practices) and incorrectly claims a de minimis exemption in breach of Schedule 7A of the Town and Country Planning Act 1990 and Local Plan NE1. The Application also contradicts itself regarding parking provision, showing 13 car spaces on the Site Plan (with potential for an additional 20 or more spaces) contrary to the stated 12-space allocation stated in the application form.

2. FLOOD RISK, DRAINAGE & SEWERAGE

The proposed development is in a flood-prone marshy area that regularly floods both Tan House Lane, the field proposed as visitor parking and surrounding fields. Water from this area discharges under the main road (A523) and into the brook, which already floods near 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 exacerbate existing flooding issues in Station Lane.

The septic tank which currently serves Marsh Side Farm is limited to only providing capacity for one family. The proposed development would substantially add to this, potentially raising

and exacerbating pollution risks in an area that already has septic tank concerns from recent botched local developments.

The Application fails to provide any flood risk assessment, drainage/sewerage scheme, or any mitigation — contrary to paragraphs 159-169 of the National Planning Policy Framework (NPPF) and Local Plan SD4/SD5 — or foul drainage (ticked as “*unknown*” on the application form).

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The Site lies outside the defined settlement boundary in open countryside, representing sporadic and peripheral development that would erode the village edge. The NPPF requires decisions to contribute to sustainable development (paras 7–11), direct development to sustainable locations (paras 105–109), and recognise the intrinsic character and beauty of the countryside (para 180). The Application fails to demonstrate a sustainable location or reduced reliance on private vehicles, conflicting with the spatial strategy of the Local Plan and NPPF sustainability objectives. As most (if not all) customers for the proposed nursery would come from outside the area, this would unnecessarily increase road traffic, emissions (contrary to Local Plan SD1 and NPPF para 104), travel time, and distance.

4. HARM TO LANDSCAPE CHARACTER, SETTLEMENT SETTING, AND RURAL CHARACTER

The Site forms part of open fields that contribute positively to the rural landscape and village setting. It is highly visible from a network of public footpaths, including the one alongside the Canal Feeder, which crosses the Site on raised land and provides clear views into it. The introduction of built form, engineered parking areas, children activities, paraphernalia, and associated domestic/operational features would have an urbanising effect, interrupting the open character, diluting the transition between built form and countryside, and introducing incongruous activity into a tranquil rural setting with potential for further urbanising.

The proposed tipis, metal shipping containers (Use Class B8) and shelters are out of keeping with this quiet countryside setting. Indeed, the proposal suggests the Site being potentially used for eventing at week-ends and evening in addition to the proposed use.

These activities would harm the heritage setting of Marsh Side Farm, a Grade II listed farmhouse, and be out of character with Rushton Spencer (against Local Plan DC2; NPPF paras 194-208). NPPF para 180 requires recognition of the countryside's intrinsic character, and para 135 requires developments to be sympathetic to local character and landscape setting. The proposal fails to meet the minimum test thresholds for these and neither protects nor enhances the landscape character or settlement setting.

5. PUBLIC RIGHTS OF WAY – CONFLICT, AMENITY, SAFETY, AND CHILD SAFEGUARDING

Two public footpaths used on a daily basis run directly through the development area: one alongside the Canal Feeder on raised land (as noted above), and another from the Site

entrance through the proposed visitor car parking area to between the areas shown as main farmhouse and brick shippon on the applicant's Site Plan, and across the wider field. The proposed development would directly interact with these established pedestrian routes by introducing increased vehicle movements and nursery/eventing and associated traffic, creating unacceptable safety hazards for walkers (especially to children also using the lane and these rights of way).

The coexistence of increased vehicular activity and public pedestrian access in the same confined areas raises unacceptable safety concerns, including supervision, boundary control, and conflict between unrelated members of the public and children. Given the child-focused use, this creates additional safeguarding and operational risks. No assessment has been provided to demonstrate mitigation, such as a Public Right of Way safety assessment, swept-path analysis, conflict assessment, safeguarding strategy, or controlled access plan. NPPF para 116 requires safe and suitable access for all users, and para 104(c) requires safe and attractive places promoting health and well-being, including safe walking routes. The proposal does not satisfy any of these requirements.

6. TAN HOUSE LANE – EXISTING PHYSICAL CONSTRAINTS, TRAFFIC GENERATION, AND HIGHWAY SAFETY

Tan House Lane is a narrow single-track cul-de-sac serving only four properties, with no pavements, formal passing places, or turning spaces. Pedestrians are forced to walk on the carriageway. It joins the busy A523 at an acute angle with restricted visibility due to boundary walls and hedging. Bi-directional traffic impossible. This is compounded by a section of the lane reducing to approximately 2 metres in width when any of the two informal parking spaces in the small lay-by alongside Horseshoe Cottage are used, making even single-file movement hazardous, particularly for larger vehicles like emergency ambulances, fire appliances, refuse lorries, and delivery vans.

Larger vehicles frequently become stuck and must reverse blindly onto the A523, a dangerous manoeuvre.

The lane is regularly used by walkers, residents, and school-age children living in the properties, who face increased danger when walking to school buses. It is currently only just manageable for limited residential use.

Vehicular movements:

The four properties served by Tan House Lane currently generate an approximate combined total of **30 daily vehicle movements**. This level of use is consistent with a quiet rural cul-de-sac of its limited size.

The Application provides no vehicle trip data or forecasts for the proposed development. Accordingly, an initial assessment of highway impact is forced to rely on reasonable

assumptions based on the applicant's existing "*Bee Curious Childcare*" operational precedent at Glebe Farm, Astbury, and associated latest Ofsted data showing 46 children with 14 staff. Based on this, the Application's stated additional proposed activities on the Site and National Travel Survey data and TRICS standard rates adjusted for rural settings (4 movements per child for drop-off/pick-up, plus 2 per staff member) the proposal would generate:

- Parents: 46 children × 4 movements = 184 movements;
- Staff: 14 × 2 movements = 28 movements;
- Ancillary deliveries, farm/livery operations, and other (e.g., food/materials deliveries almost daily = 2; refuse weekly ≈0.6; farm trips 1-2/week ≈0.8; maintenance/visitors ≈1; third-party grazing/liveries for 4 animals ≈20): 34 movements.

Total estimated additional vehicle movements: approximately 246 per day.

This represents an **820% increase in daily traffic**, which would overwhelm the lane's limited capacity, especially during peak hours, and exacerbate congestion, heighten collision risks (especially with walkers and children using the lane), obstruct property access, make egress/ingress with the main road (A523) junction more hazardous, and impact refuse/delivery services.

This could also impact on the ability of emergency vehicles to access any of the four properties, a material consideration under the NPPF Highway Safety policies.

Additionally, the proposed enlargement to the Marsh Side Farm entrance falls very short of being able to address any of the issues noted above. Without substantial modifications to the lane's width, congestion and hazards will remain.

The Application provides no evidence of compliance with section 7 of the Staffordshire Act 1983 or sections 219-226 of the Highways Act 1980 (exemption for private roads). Therefore, if a widening of Tan House Lane is being envisaged to cope with the projected increase in traffic, it is expected that a Highway Works Agreement with Staffordshire County Council will, at the applicant's cost, be provided.

The Application fails to provide sufficient, or any, evidence on peak-time traffic generation, pick-up and drop-off congestion, visibility splays, or cumulative farm impacts. The proposal therefore fails to confirm that a safe and suitable access to the Site can be achieved for all users.

The issues noted above conflict with NPPF paras 104-113 and Local Plan T1.

7. IMPACT ON RESIDENTIAL AMENITY & INTERFERENCE WITH EXISTING LEGAL RIGHTS

The introduction of the proposed nursery would result in increased unwarranted noise, unreasonable disturbance, frequent lane blockage and general disruption, especially during peak hours drop-off and pick-up.

Proximity to private homes would negatively affect residents' quality of life. For Tan House specifically: the proposed visitor parking would lead to engine noise/idling, door slamming, reversing alarms, headlights affecting living spaces, routine access obstruction, etc.

This along with the entrance widening also risks damaging existing soakaways and drainage located on the development land which currently serve Tan House.

The proposed development would also substantially impact on the following, some already protected by covenants recited in an Agreement dated 24 July 1991 formally recording that all existing rights that benefit one property over the other — such as rights of light, air, support, water flow, drainage and sewerage — will continue permanently. Even if those rights have not been formally documented before, they are treated as if they are now expressly granted. In effect, any existing easements or quasi-easements (other than rights of way, which are dealt with separately) will continue in perpetuity and will be legally binding on both properties going forward:

- Right to privacy: The car park would overlook living spaces, introduce additional noise, disturbance, lighting, all harming privacy and quiet enjoyment by creating a common law tort of nuisance through interference with the amenity of “*quiet enjoyment of the land*”. This principle is now fully established in England & Wales following the case of *Network Rail Infrastructure v Williams & Waistell* [2018] EWCA Civ 1514 which confirms that any private nuisance is actionable if it diminishes a property's amenity value, even without physical damage.
- Interference with easement of right of way: The proposed development would interfere with an easement of a right of way, acquired prescriptively, to egress/ingress the Site from Tan House by foot and wheelbarrow via a gate separating the boundary wall. The existing fencing currently installed relates to a recent temporary agreement with the owners of both properties to protect the boundary wall and keep livestock - it forms no basis for acquiescence of any other rights.
- Interference with existing views: While no statutory protection exists for local views, the proposed layout would create another nuisance by significantly restricting or impacting the amenity of enjoyment of existing landscape views (as defined in the case of *Dennis v Davies* [2009] EWCA Civ 1081), especially as Tan House, by dint of being a single detached property currently benefits from large unobstructed views all around.

None of these issues noted above are addressed by the Application, creating unnecessary conflict with existing legal and equitable rights, and in breach of NPPF para 130 and Local Plan DC1 (compounding the impact from the increased traffic).

8. LACK OF LOCAL NEED & SUFFICIENCY OF EXISTING NURSERY PROVISION

Rushton Primary School, neighbouring the Site, already offers excellent early education and childcare, with its early years nursery provision graded *Outstanding* in the latest Ofsted inspection (May 2025). Given this high-quality local provision, there is little unmet need for an additional private nursery, especially one requiring payment for services already available nearby. Rushton school adequately meets local needs but also fills its nursery mostly with children from outside the area due to its excellent reputation and the low number of young families locally. The proposal would therefore not fill a local requirement. If the Application does not offer funded hours (or only additional ones), this is a market issue governed by business model and Local Authority commissioning, not planning.

The Application therefore fails to evidence any additional need beyond Rushton Primary's existing services.

9. DESIGN QUALITY AND URBANISING IMPACT

The cumulative effect of built form in open countryside, engineered visitor parking, enlargement of an existing entrance, additional fencing/gating/lighting, and increased general activity and traffic results in unwarranted urbanisation. NPPF para 135 requires development to add quality and be visually attractive through good architecture and landscaping which the proposed development fails to achieve, but instead diminishes the rural character of the area.

10. POLICY CONFLICT

The proposed development conflicts with:

- NPPF paras 104–113 (safe access);
- NPPF para 180 (countryside character);
- Local Plan T1 (highway safety and reducing reliance on private cars);
- Local Plan DC1 (amenity);
- Local Plan SS1/SS10/SD4/SD5/NE1/DC2 (cumulative harms outweigh benefits per NPPF para 11).

11. CONCLUSION & REQUEST FOR REFUSAL

The Application represents a substantial and unsustainable intensification of use in an environmentally constrained and physically unsuitable countryside location. It is not a modest rural diversification proposal, but a material change of character involving engineered parking

areas (and destruction of valuable agricultural land), event-style additional structures & potential activities, and significant traffic generation on a hazardous single-track private lane incapable of safely accommodating the projected increase in movements.

In summary, this proposal is fundamentally unacceptable for the following key reasons:

1. The Application is supported by incomplete, inaccurate and contradictory information (including misrepresentations of flood risk, biodiversity impacts, parking numbers, and the true scale of development). This lack of essential technical assessments makes it impossible to make a properly informed decision.
2. It materially underestimates and misrepresents the scale and impacts of the development;
3. It would cause unacceptable flood risk, drainage and sewerage issues in an already vulnerable marshy area, with no supporting assessments or mitigation provided, contrary to NPPF and Local Plan requirements.
4. It would generate unnecessary private vehicle trips, emissions and traffic intensification without justification of any local need or alignment with sustainable development principles.
5. It would cause significant harm to rural landscape character, the setting of a Grade II listed building, and the tranquil village edge through urbanising elements (tipis, containers, hardstanding, fencing, lighting and activity) and fail to protect or enhance local character as required by NPPF and Local Plan policies.
6. The development would create direct and severe conflicts with public rights of way, pedestrian safety (especially children), and child safeguarding, with no mitigation evidence provided.
7. It would generate an extreme and unsafe increase in traffic on Tan House Lane, overwhelming its current physical and capacity constraints as a narrow, single-track cul-de-sac with no passing places, substandard visibility at the A523 junction, and historically minimal residential traffic, by introducing an estimated 820% increase in daily vehicle movements, thereby creating unacceptable risks to pedestrians, residents and children, **materially compromising highway safety and emergency access**, and residential amenity for all properties served by the lane.
8. It would cause unacceptable noise, disturbance, overlooking, privacy loss, and interference with established legal rights/easements affecting neighbouring properties (including Tan House), breaching amenity protection policies.
9. No convincing local childcare need is demonstrated, given the Outstanding-rated early years provision already available at Rushton Primary School.

The proposal conflicts with core provisions of the NPPF (paras 7–11, 104–113, 130, 135, 180 and others) and multiple policies of the adopted Staffordshire Moorlands Local Plan (including SS1/SS10, T1, DC1, DC2, SD1/SD4/SD5, NE1 and others). It fails the tilted balance test under NPPF para 11 and does not represent sustainable development.

Therefore, when assessed against the development plan as a whole and the National Planning Policy Framework, taken together, the cumulative adverse impacts significantly and demonstrably outweigh any asserted benefits. The proposal conflicts with the spatial strategy of the Local Plan, with countryside protection policies, with highway safety provisions, and with amenity safeguards.

In the absence of robust technical evidence addressing these fundamental constraints, and given the magnitude of the identified harms, in the circumstances, **I respectfully request that the Application be refused.**

NOTICE

Please take this letter as formal notice that if the Application is to be decided by councillors, I would like to speak at the committee meeting. Please inform me of the date as soon as possible.

I also respectfully request this objection be reported in full to all relevant members of the Planning Committee.

I may raise further objections if appropriate, and reserve the right to seek judicial review, injunctive remedy, and/or damages/compensation in respect of any infringement of existing legal and equitable rights.

I look forward to hearing from you in due course.

Yours faithfully
Mr G. Goodfellow

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

PROPOSED DEVELOPMENT: Listed Building Consent: 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')

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- Right to privacy: The car park would overlook living spaces, introduce additional noise, disturbance, lighting, all harming privacy and quiet enjoyment by creating a common law tort of nuisance through interference with the amenity of “*quiet enjoyment of the land*”. This principle is now fully established in England & Wales following the case of *Network Rail Infrastructure v Williams & Waistell* [2018] EWCA Civ 1514 which confirms that any private nuisance is actionable if it diminishes a property's amenity value, even without physical damage.
- Interference with easement of right of way: The proposed development would interfere with an easement of a right of way, acquired prescriptively, to egress/ingress the Site from Tan House by foot and wheelbarrow via a gate separating the boundary wall. The existing fencing currently installed relates to a recent temporary agreement with the owners of both properties to protect the boundary wall and keep livestock - it forms no basis for acquiescence of any other rights.
- Interference with existing views: While no statutory protection exists for local views, the proposed layout would create another nuisance by significantly restricting or impacting the amenity of enjoyment of existing landscape views (as defined in the case of *Dennis v Davies* [2009] EWCA Civ 1081), especially as Tan House, by dint of being a single detached property currently benefits from large unobstructed views all around.

None of these issues noted above are addressed by the Application, creating unnecessary conflict with existing legal and equitable rights, and in breach of NPPF para 130 and Local Plan DC1 (compounding the impact from the increased traffic).

8. LACK OF LOCAL NEED & SUFFICIENCY OF EXISTING NURSERY PROVISION

Rushton Primary School, neighbouring the Site, already offers excellent early education and childcare, with its early years nursery provision graded *Outstanding* in the latest Ofsted inspection (May 2025). Given this high-quality local provision, there is little unmet need for an additional private nursery, especially one requiring payment for services already available nearby. Rushton school adequately meets local needs but also fills its nursery mostly with children from outside the area due to its excellent reputation and the low number of young families locally. The proposal would therefore not fill a local requirement. If the Application does not offer funded hours (or only additional ones), this is a market issue governed by business model and Local Authority commissioning, not planning.

The Application therefore fails to evidence any additional need beyond Rushton Primary's existing services.

9. DESIGN QUALITY AND URBANISING IMPACT

The cumulative effect of built form in open countryside, engineered visitor parking, enlargement of an existing entrance, additional fencing/gating/lighting, and increased general activity and traffic results in unwarranted urbanisation. NPPF para 135 requires development to add quality and be visually attractive through good architecture and landscaping which the proposed development fails to achieve, but instead diminishes the rural character of the area.

10. POLICY CONFLICT

The proposed development conflicts with:

- NPPF paras 104–113 (safe access);
- NPPF para 180 (countryside character);
- Local Plan T1 (highway safety and reducing reliance on private cars);
- Local Plan DC1 (amenity);
- Local Plan SS1/SS10/SD4/SD5/NE1/DC2 (cumulative harms outweigh benefits per NPPF para 11).

11. CONCLUSION & REQUEST FOR REFUSAL

The Application represents a substantial and unsustainable intensification of use in an environmentally constrained and physically unsuitable countryside location. It is not a modest rural diversification proposal, but a material change of character involving engineered parking

areas (and destruction of valuable agricultural land), event-style additional structures & potential activities, and significant traffic generation on a hazardous single-track private lane incapable of safely accommodating the projected increase in movements.

In summary, this proposal is fundamentally unacceptable for the following key reasons:

1. The Application is supported by incomplete, inaccurate and contradictory information (including misrepresentations of flood risk, biodiversity impacts, parking numbers, and the true scale of development). This lack of essential technical assessments makes it impossible to make a properly informed decision.
2. It materially underestimates and misrepresents the scale and impacts of the development;
3. It would cause unacceptable flood risk, drainage and sewerage issues in an already vulnerable marshy area, with no supporting assessments or mitigation provided, contrary to NPPF and Local Plan requirements.
4. It would generate unnecessary private vehicle trips, emissions and traffic intensification without justification of any local need or alignment with sustainable development principles.
5. It would cause significant harm to rural landscape character, the setting of a Grade II listed building, and the tranquil village edge through urbanising elements (tipis, containers, hardstanding, fencing, lighting and activity) and fail to protect or enhance local character as required by NPPF and Local Plan policies.
6. The development would create direct and severe conflicts with public rights of way, pedestrian safety (especially children), and child safeguarding, with no mitigation evidence provided.
7. It would generate an extreme and unsafe increase in traffic on Tan House Lane, overwhelming its current physical and capacity constraints as a narrow, single-track cul-de-sac with no passing places, substandard visibility at the A523 junction, and historically minimal residential traffic, by introducing an estimated 820% increase in daily vehicle movements, thereby creating unacceptable risks to pedestrians, residents and children, **materially compromising highway safety and emergency access**, and residential amenity for all properties served by the lane.
8. It would cause unacceptable noise, disturbance, overlooking, privacy loss, and interference with established legal rights/easements affecting neighbouring properties (including Tan House), breaching amenity protection policies.
9. No convincing local childcare need is demonstrated, given the Outstanding-rated early years provision already available at Rushton Primary School.

The proposal conflicts with core provisions of the NPPF (paras 7–11, 104–113, 130, 135, 180 and others) and multiple policies of the adopted Staffordshire Moorlands Local Plan (including SS1/SS10, T1, DC1, DC2, SD1/SD4/SD5, NE1 and others). It fails the tilted balance test under NPPF para 11 and does not represent sustainable development.

Therefore, when assessed against the development plan as a whole and the National Planning Policy Framework, taken together, the cumulative adverse impacts significantly and demonstrably outweigh any asserted benefits. The proposal conflicts with the spatial strategy of the Local Plan, with countryside protection policies, with highway safety provisions, and with amenity safeguards.

In the absence of robust technical evidence addressing these fundamental constraints, and given the magnitude of the identified harms, in the circumstances, **I respectfully request that the Application be refused.**

NOTICE

Please take this letter as formal notice that if the Application is to be decided by councillors, I would like to speak at the committee meeting. Please inform me of the date as soon as possible.

I also respectfully request this objection be reported in full to all relevant members of the Planning Committee.

I may raise further objections if appropriate, and reserve the right to seek judicial review, injunctive remedy, and/or damages/compensation in respect of any infringement of existing legal and equitable rights.

I look forward to hearing from you in due course.

Yours faithfully
Mr G. Goodfellow

