



Appeal Decision

Site visit made on 10 March 2026

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2026

Appeal Ref: 6002818

Apesford Farm, Apesford Lane, Bradnop, Leek ST13 7EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs Harrison against the decision of Staffordshire Moorlands District Council.
- The application Ref is SMD/2025/0319.
- The development proposed is described as 'erection of 2no. dwellinghouses in lieu of the 2no. dwellinghouses approved by application DET/2024/0005'.

Decision

1. The appeal is allowed and planning permission is granted for erection of 2no. dwellinghouses at Apesford Farm, Bradnop, Leek ST13 7EX in accordance with the terms of the application, Ref SMD/2025/0319, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form. However, for my formal decision, I have removed the reference to the previous application as this is not necessary. When the proposal is considered alongside the submitted plans it is clear that the proposal is to replace the existing buildings.
3. As part of the appeal the appellants have submitted a Carbon Comparison Assessment. Although this is new information and represents a change to what was considered by the Council at the application stage, it was available to the Council at the appeal and they had an opportunity to provide comments on it. Consequently, no party would be prejudiced if I were to take this information into account in my decision.

Main Issue

4. The main issues are whether the appeal site is a suitable location for the proposed development having regard to local policies and whether there are any material considerations sufficient to outweigh any harm identified.

Reasons

5. The site comprises three large agricultural storage buildings which were previously associated with Apesford Farm. The appeal before me proposes to demolish all three buildings and erect two new dwellings.
6. Policy SS10 of the Staffordshire Moorlands Local Plan 2020 (the LP) sets the strategy for rural areas outside of development boundaries, in the countryside and

Green Belt. The policy seeks to limit new development to a number of exceptions. Policy H1 of the LP also limits new housing in the countryside.

7. As new build housing in an area defined as countryside the proposal would not comply with any of the exceptions listed in either Policy SS10 or Policy H1 of the LP. The appeal site is, therefore, not a suitable location for the proposed development having regard to local policies and would conflict with Policies SS10 and H1 of the LP.
8. Both main parties have drawn my attention to two applications for prior approval under Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the conversion of two of the existing buildings¹. Given these permissions, and having regard to the relevant judgment², there is a realistic possibility that the conversion would take place should the appeal before me fail. This, therefore, represents a fallback position.
9. The current appeal proposal would involve the demolition of all three buildings and the erection of two new dwellings. The new dwellings would have a similar footprint and rectangular form as the existing buildings. The height of the appeal proposal would also be similar. One of the proposed dwellings would be in a different position to allow for a garden and parking area. However, the other dwelling would be in the same position as the existing building.
10. Externally the proposed dwellings would be clad in full-height vertical timber cladding and finished with zinc sheet roofing with conservation style rooflights. Full height window openings would be provided to all openings, except the utility and en-suite, and each dwelling would have a large, glazed opening with bi-fold doors in the gable end.
11. The height, design and materials proposed in the current appeal would all be materially different to the previous appeal scheme at the same site³ which proposed taller dwellings, finished in stone and clay tiles, with a more domestic appearance.
12. I acknowledge that the fallback scheme, of converting the existing buildings under Class Q, would reuse the existing buildings and, thus result in less external alterations. Although the Class Q conversion would retain the existing blockwork to the lower part of the walls it would still result in new window openings to all elevations, including the gable end. From my observations on site the windows and doors proposed in the conversion scheme, albeit respecting the agricultural characteristics of the building, did not follow the position and layout of the existing openings and, therefore, would have resulted in alterations to the appearance of the buildings.
13. Although the Staffordshire Moorlands Design Guide discourages timber boarding this is present on the existing buildings and is, therefore, part of the agricultural character of the area. The use of zinc cladding to the roof is a form of metal cladding which is generally in keeping with other agricultural buildings near the site. Furthermore, the size, shape and position of the windows and doors would respect the agricultural characteristics of the buildings, even though they would result in larger openings than those approved in the Class Q conversion scheme.

¹ Council reference DET/2024/0005 & DET/2025/0045

² Mansell v Tonbridge and Malling BC & others [2017] EWCA Civ 1314

³ APP/B3438/W/24/3354028

The appeal before me, even though it would not retain the blockwork and proposes different roofing materials and larger window openings, would reflect the rural appearance of the existing buildings, their agrarian origins and would relate well with the surroundings. It would, therefore, comply with the requirements of Policy DC1 of the LP which, amongst other matters, seeks to ensure that all development is well designed and reinforces local distinctiveness, is of a high quality and adds value to the local area with detailing and materials appropriate to the character of the area, and respects the site and its surroundings.

14. For these reasons, I find that the appeal proposal would be no more harmful than the fallback scheme. The effect on the character and appearance of the area, and the ability to understand the historic development of the farm complex, would be similar whether the existing buildings were to be converted under Class Q or whether the buildings were to be demolished and the proposed two dwellings erected. The fallback position, therefore, would cause a similar level of harm. I have, therefore, given substantial weight to the fallback scheme.
15. The appellants have also provided additional evidence, in the Carbon Comparison Assessment, of the environmental benefits that would result from the construction of new build dwellings, including higher construction standards, superior air tightness and thermal continuity, low-carbon heating, and higher energy efficiency. Although the conversion of the existing buildings would give rise to lesser embodied carbon emissions the long term benefits of new build dwellings, from lower operational emissions, would exceed the short term gain of the conversion. The evidence before me indicates that the environmental benefits of the new build dwellings would offset and exceed the adverse environmental effects of the demolition and construction.
16. Given the design and layout of the proposal and the additional environmental information, in my judgement, the current appeal is sufficiently different to the previous appeal to justify a different decision. The appeal before me is no more harmful than the fallback scheme and this, alongside the environmental benefits, would weigh in favour of allowing the current appeal.
17. Consequently, although the appeal scheme is not a suitable location for the proposed development having regard to local policies, the extant prior approval is a significant material consideration to which I give significant weight. The appeal proposal would not be of any greater harm than the fallback position and this would, therefore, clearly outweigh the harm I have identified to the settlement strategy.

Other matters

18. The appeal scheme would not result in any more new dwellings than the Class Q conversion would have allowed at the appeal site. With regard to the effect on wildlife the bat report confirms that the existing buildings have negligible potential for bats and the effect from lighting of the new housing would be capable of being controlled by a suitably worded condition.

Conditions

19. The Council provided a list of conditions as part of its submission and the appellants have had an opportunity to comment on these. I have considered the conditions in light of the National Planning Policy Framework and the Planning

Practice Guidance, and I have undertaken some minor editing and rationalisation in the interests of precision and clarity.

20. In addition to conditions relating to the time limit for implementation and the approved plans, which are required for certainty, I have included a condition for external materials as it is reasonable and necessary in the interest of the character and appearance of the development. However, I have not included a requirement for the submission of the details of hard surfacing materials as the site is currently completely hard surfaced and the proposal is for a small scale development. Therefore, I do not find that this detail is necessary.
21. As the appeal proposal is for two new-build dwellings, rather than conversion under Class Q, the resultant dwellings would have permitted development rights. A condition to remove the permitted development rights for alterations and extensions is reasonable and necessary in this instance to ensure that any such alterations continue to respect the agricultural characteristics of the development.
22. A condition to require the submission of the details of the boundary treatments for the dwellings is also necessary and appropriate given that the site is currently open and any subdivision would need to be sensitive to the agricultural character of the farm. It is also reasonable to require the provision of bat and bird boxes and to limit the level of illumination from artificial lighting in order to ensure that the development would not adversely affect wildlife and to enhance the ecological value.
23. Although I note that Apesford Farm no longer operates as a farm from any of the buildings around the appeal site I saw that there is still an operational farm next to it. It is, therefore, reasonable, and necessary to impose a condition to ensure that the proposed dwellings are provided with appropriate insulation from noise.
24. To ensure that waste during the demolition and construction works is handled appropriately and would not escape into the environment it is reasonable to impose a condition to restrict burning of waste on site and to control the level of dust emissions. However, as the appeal site is not next to any other residential dwellings that would be significantly affected by the construction, I do not find it is necessary to impose a condition to limit the hours of noisy construction work.
25. Given the previous use of the site for farming there is a potential for contamination. It is, therefore, reasonable, and necessary to impose a condition setting out the process in the event of unexpected contamination being found. It is also reasonable to ensure that any soils, to be used on the garden areas, are tested for contaminants prior to use.

Conclusion

26. The proposal would conflict with the Council's spatial housing strategy and the development plan, when taken as a whole. However, there is a very reasonable prospect of the fallback being implemented if the appeal were to fail. This constitutes a consideration that outweighs the harm to the spatial strategy. For these reasons, the appeal should, therefore, be allowed.

K Townsend

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 1571-AL73A, 1571-AL74, 1571-AL72C and 1571-AL71C.
- 3) The development hereby permitted shall be carried out in accordance with the following measures throughout the construction period for the development:
 - i) Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment. All waste transfer records should be retained for inspection by officers of the local planning authority on request;
 - ii) No activity shall cause dust to be emitted beyond the site boundary. In the event dust is caused to escape the site boundary the activity shall be stopped until sufficient dust suppression has been undertaken to prevent further escape. There shall always be the appropriate means and sufficient water resources on site for dust suppression. These should be made available for inspection when required by officers of the local planning authority.
- 4) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 5) No development above damp course level shall take place until details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) No development above damp course level shall take place until details of a scheme for the protection of the proposed residential units from noise has been submitted to and approved in writing by the local planning authority. The submitted scheme shall have due regard for the British Standard BS8233:2014 Guidance on Sound Insulation for Buildings and be designed to achieve noise levels of less than 30dB LAeq in bedrooms (23:00 to 07:00) 35dB LAeq in bedrooms (07:00 to 23:00), less than 40dB LAeq in living areas (07:00 to 23:00) and less than 50dB LAeq in garden areas (07:00 to 23:00). The submitted scheme shall include all raw data showing how calculations have been made. Any noise protection measures required by the scheme shall be provided before the development is first occupied and shall, thereafter, be retained.
- 7) Prior to their use, any soils that are intended to be used for the proposed garden/soft landscaping areas shall first be tested for contaminants and

assessed for their suitability of the proposed use. Prior to sampling, a suitable method for testing the soils, including the sampling frequency, testing schedules, and criteria against which the analytical results will be assessed, shall be submitted to and approved in writing by the local planning authority. The results of the soil tests, confirming the suitability for the proposed use, shall be submitted to the local planning authority for information. If soil results indicate that a potential risks exists, development shall not commence until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been prepared and subjected to the approval in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved remediation strategy.

- 8) Prior to the installation of external lighting full details of the lighting, including height, design, location, and intensity, shall be submitted to and approved in writing by the local planning authority. The lighting shall not increase the pre-existing illuminance at the adjoining light sensitive locations when the lights are in operation. The lighting installation shall thereafter be carried out in accordance with the approved details and shall be retained or replaced with lighting of the same or lesser illuminance levels.
- 9) Prior to the occupation of the development hereby permitted details of the positions, height, design, materials, type, and texture of boundary treatments to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed in accordance with the approved details before either of the dwellings are occupied and shall, thereafter, be retained or replaced with like for like boundary treatments.
- 10) Prior to the occupation of the development a scheme for the provision of bird and bat boxes shall have been submitted to and approved in writing by the local planning authority. The bat and bird boxes shall then be installed in accordance with the approved details.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes AA, A, B, C, D and E of Part 1 and Classes A, B and C of Part 2 of Schedule 2 to the Order shall be undertaken to the houses hereby permitted.

*** END OF CONDITIONS ***