

DELEGATED DECISION REPORT

SMD/2026/0022
Valid 11/02/2026

MARSH SIDE FARM TAN
HOUSE LANE
RUSHTON SPENCER

THIS APPLICATION SEEKS PERMISSION FOR A CHANGE OF USE OF THREE EXISTING AGRICULTURAL BUILDINGS TO A CHILDREN'S NURSERY, TOGETHER WITH THE ERECTION OF TWO TIPIS AND THE SITING OF THREE REPURPOSED SHIPPING CONTAINERS TO PROVIDE TOILET FACILITIES AND A STAFF ROOM. THE TIPIS WOULD BE LINKED VIA TWO OF THE THREE SHIPPING CONTAINERS, WITH THE THIRD PROVIDING THE STAFF ROOM. THERE WILL BE NO ALTERATIONS, EXTENSIONS OR DEMOLITION OF THE EXISTING LISTED FARM HOUSE BUILDING. THE APPLICATION ALSO SEEKS PERMISSION TO ERECT THREE IDENTICAL AGRICULTURAL BUILDINGS ON THE FARM TO PROVIDE SHELTER AND STORAGE FOR ANIMALS ON THE FARM.

(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Impact on Character and Appearance
- Impact on designated heritage assets
- Impact on Highway Safety
- Impact on residential Amenity
- Impact on Biodiversity Habitat

DESCRIPTION OF SITE

The application site is Marsh Side Farm, a small holding/farmstead, located off Tan House Lane within the open countryside of Staffordshire Moorlands. The site includes

The site forms part of an established farmstead and includes three agricultural buildings arranged around a traditional farmyard:

The farmstead also includes a farmhouse which is a Grade II listed building. No works or alterations are proposed to the listed farmhouse, and it does not form part of this planning application.

The farmstead is outside of the central cluster of the 'smaller village' of Rushton, in an 'other rural area' of countryside that surrounds the settlements.

Access to the site is taken solely from Tan House Lane, a no-through rural lane which serves Marsh Side Farm and three additional residential properties: Tan House, The Anthony Cottage, and Horseshoe Cottage.

PROPOSAL

Change of use of three existing agricultural buildings to a children's nursery, together with the erection of two permanent tipis and the siting of three repurposed shipping containers to provide toilet facilities and a staff room.

Plans detail the provision of a visitor parking area (13 car spaces) on a field adjacent to the neighbour Tan House and an expanded area of parking, for eight staff, pushing out and extending existing .yard area into surrounding field.

To erect three identical agricultural grazing shelters on the surrounding farmland, individually spaced. The shelters would be positioned against field boundaries. They would be small (3m by 6m) timber clad and have shallow full pitch roofs.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

- SS1 Development Principles
- SS2 Settlement Hierarchy
- SS9 Smaller Village Strategy
- SS10 Other Rural Areas Area Strategy
- DC1 Design Considerations
- DC2 The Historic Environment
- DC3 Landscape and Settlement Setting
- E1 New Employment Development
- NE1 Biodiversity and Geological Resources

National Planning Policy Framework

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None relevant

CONSULTATIONS

Publicity

Site Notice expiry date: 24th March 2026

Neighbour consultation period ends: 24th March 2026

Press Advert: N/A

Public Comments

8 objections have been received. The following comments are raised:

- Concern that the access road is too narrow for the increased traffic
- The access lane is often flooded
- Dangerous for pedestrians
- Not many pre school children in the village, so most will arrive by car
- Parking areas would result in a loss of agricultural land and reduced drainage
- Intrusive in the natural landscape
- Adverse impact on the amenity of residents at The Anthony Cottage and Tan House

Three supporting comments have been submitted, the following concerns have been raised:

- The houses on Tan House Lane are empty so the development should not concern anybody
- Should bring new life to the area
- Should support and compliment the local school
- Surface water can just drain into the stream
- A much-needed provision

Town / Parish Comments

Rushton PC: Objection. The scale of the proposed development is out of keeping with what currently exists, the access to the site from the main road is unsuitable for large volumes of traffic and the junction with the main road is blind, there will undoubtedly be an increase in volume of traffic.. The site has in the past has flooding issues and making large hard standing areas will compound this, also the hard standing areas are aesthetically unpleasing and out of keeping. There is currently adequate provision in the village for nursery care and due to the public footpaths crossing the site, which also cause safe guarding concerns.

Peak and Northern Footpath Association/Ramblers Association

Rushton Footpaths 15, 16, 49, and 52 are close to the proposed site. The use of the rights of way and the safety of users must not be affected by the development. The routes must remain open at all times.

Staffs Police Liaison

The proposal has been reviewed with particular reference to Police CPI's Secured by Design guidance and in accordance with the recognised principles of Crime Prevention Through Environmental Design.

I recommend that these proposals are protected by a Video Surveillance System as a condition of this application. Where possible, buildings should be protected by a Monitored Alarm System.

Environmental Health

Recommend refusal of this application due to insufficient information to assess drainage impacts. There are further concerns raised by the Principal Environmental Health Officer regarding lack of information to assess operational health and safety.

Potential Areas of Environmental Concern.

1. Construction Impacts (Condition)
2. Unexpected Contamination (Condition)
3. Operational Noise impacts (Condition timings)
4. Artificial Lighting (Condition)
5. Cooking Smells (Condition kitchen extraction)
6. Drainage (Insufficient details)
7. Drinking Water Safeguard Zone (Consult Environment Agency)
8. Operational Safety (Insufficient information)
9. Ofsted (Child care registration)

General Comments

- Drainage and Licence Comments -To make a full assessment of the site we require more detail on the wastewater disposal on the site and package treatment plant details. Any approved foul drainage system should meet the British Standard 6297:2007+A1:2008: Code of practice for the design and installation of drainage fields for use in wastewater treatment <http://www.bsigroup.com> It should have sufficient capacity for the numbers of staff and children proposed and not compromise surface or ground water resources.

- Lighting -Any lighting installed should be so selected, positioned and directed so as not increase pre-existing luminance levels at any neighbouring property, all lighting should be and be complaint with the Institute of Lighting Engineers Guidance on Excessive Luminance. (Condition on request)

- Operational Safety (Lead EHO Comments) - Having reviewed the planning application there are a number of areas that I would highlight that require some further information.

Given that this is a childrens' nursery that will be accommodating vulnerable groups, it is not clear what measures are in place for the provision for safe food production and hygiene.

I understand that there will also be animals on site which will potentially interact with the service users.

Whilst it may be planned that this will operate as a 'field nursery' involving outdoor food preparation it would be helpful to have an understanding of what provision there will be for hygienic hand washing/ equipment cleaning and general good management

of these activities including protection from external contamination of surfaces and structures used for food preparation.

The risk in these activities is also heightened by the presence of animals and potential cross contamination through animal contact. Hand hygiene/wash hand basins need to be provided.

United Utilities

Risk to public water supply The proposed site is particularly vulnerable to the presence of contamination. The site directly overlies the sandstone rock, in a Groundwater Source Protection Zone (SPZ 2). This forms an aquifer, abstracted at shallow depth by United Utilities for public drinking water supply at nearby Rushton Spencer borehole No.2.

The applicant should follow environmental best practice for any activities that take place, which might impact the groundwater quality in the area. This applies to ALL aspects of development including site preparation, the construction phase, and any activities that might occur post completion of the construction phase (operation and use).

The applicant should follow best practice on their use and storage of fuels, oils and chemicals and animal wastes, to remove the risk of causing pollution during construction and operation of the nursery scheme/ farming activities. The prevention of pollution to drinking water supplies is critical. Please see Appendix Section 5.0 'GROUNDWATER PROTECTION ZONE'.

Groundwater Protection

We have concerns regarding the impact of the applicant's proposals on groundwater quality within the Source Protection Zone. There are potential pollution risks which could impact public drinking water supply. Based on the information currently available, United Utilities require:

- A location plan and design (capacity) for the private Ww treatment plant and associated drainage field (discharge to ground), or outfall to watercourse;
- Confirmation and location of existing foul cesspit or septic tanks at March Side Farm;
- Foundation details for the 3 shipping containers / tipi structure, Hay Barn and Brick Shippon. and 3 agricultural buildings in fields to north. (depths of excavation)
- Location and design of private surface water drainage to watercourse, including any measures to prevent contamination.
- Confirmation of heating arrangements & details of any fuel oil storage tanks, including bunding and foundations.
- Confirmation of visitor & staff parking no's (20 or 12 vehicles).
- Location of the current manure heap. We request the applicant contacts our Ground

Engineering Team at the earliest opportunity by email at Groundwater@uuplc.co.uk
If direct communication, between the applicant and our Ground Engineering team results in an acceptable solution, the applicant must submit any agreed details to the Council for formal consideration. It is the applicant's responsibility to ensure the Council receive all information, relevant to their application.

Should the Council be minded to grant permission for this scheme without the provision of the requested information, which we do not recommend, we request the following conditions are attached to any subsequent approval:

Private Wastewater Treatment Plant (WwTP) The Rushton Spencer valley is a Nitrate Vulnerable Zone with agricultural stewardship agreements and an ongoing multi-party approach to reduce nitrate & phosphate inputs into surface watercourses, the Canal

and the underlying groundwater aquifer. The site itself has high groundwater vulnerability, as it directly overlies the sandstone rock, within the Groundwater Source Protection Zone (SPZ) 2. This forms an aquifer, abstracted at shallow depth by United Utilities, for local public drinking water supply at nearby Rushton Spencer boreholes, located 400m to the west.

The applicant should ensure that their private WwT plant does not cause pollution of surface water or groundwater.

We recommend the applicant discuss the potential pollution risks with the Environment Agency to confirm the need for an Environmental Permit.

As Regulator, it would fall to the EA to grant Environmental Permit, or agree to construction under the General Binding Rules. United Utilities would wish to comment on the detailed specification of the plant, particularly the low concentrations allowed in the discharge of treated effluent to ground, into the sandstone aquifer.

Pre-existing Septic Tank There is a potential risk of wastewater chemical and bacteriological pollution leaking and reaching the watertable at depth from any current or historic septic tank storing untreated sewage, serving the Farm buildings. The historic septic tank is assumed to be installed in potentially permeable strata directly overlying the sandstone.

- UU wish to see any historic septic tanks or cesspits on-site decommissioned and removed, with foul sewerage updated to a private wastewater treatment plant/s, as development occurs. Given the potential future pollution risk to the aquifer, UU would request the EA and the LPA consider placing the following condition: Permit for private wastewater Packaged Treatment Plant Prior to development commencing a Wastewater Drainage design for [Site] must be submitted to, and approved in writing by, the local planning authority. Prior to occupation of the development (hereby permitted) decommissioning of existing and construction of new wastewater drainage shall be completed in accordance with the agreed design and subject to receipt of an Environmental Permit. Reason: To manage the risk of pollution to the underlying aquifer, abstracted for drinking water supply and to promote sustainable development.

Surfacewater Drainage No proposals are given for surfacewater drainage design and the location of the outfall to watercourse. We note that Vehicle Access, off Tan House Lane is in loose stone or road planings, with sub-base of MOT Type 1&2.

- UU's preference would be for use of clean, uncontaminated materials in this sensitive area, that will not leach contaminants into the environment i.e. not road planings. A recent nearby development (SMD/2025/0080 Rushton Spencer Chapel refurbishment) planned to discharge treated wastewater effluent to a 'non-standard historic soakaway', located in the lower lying field, adjacent to the east of Marsh Side Farm. This soakaway may fall within the redline boundary of this development, south east / east of the farm buildings. We have no mapping of the location of this private surfacewater drainage, to confirm the location.

- Does the Chapel's discharge lie within the Applicant's site?
- Does the proposed new private WwT plant propose to discharge to the same location?

Heating for Nursery The method of heating the various new & existing nursery buildings, including the yurts / re-used shipping container structure is not detailed in the application. It is assumed that a large tank, storing fuel oil for commercial use will be located on site.

Given the potential pollution risk to groundwater from release of mobile or dissolved contaminants at this site, UU would request the LPA place the following condition:

Condition: No development shall take place until a design for fuel storage has been submitted to, and approved in writing by the Local Planning Authority. The design must consider measures to avoid release of pollutants to the environment, during use and supply of domestic fuel.

Reason: To prevent pollution of groundwater, to ensure there is no contamination to public water supply.

Storage of slurry, silage and agricultural wastes The applicant should follow the current SSAFO 2010 regulations, in order to protect the catchment surrounding United Utilities public drinking water supply boreholes from nitrates and biological contamination. The current SSAFO 2010 regulations are implemented via Environment Agency guidelines, with industry best practice guidance available in CIRIA report 759 (2015) "Livestock manure and silage storage infrastructure for agriculture"

- Is the current manure heap located directly overlying the sandstone? Near the Shippon & Hay Barn, or south / east of the Farm buildings.

DRAINAGE

Directed by the principles set out in the National Planning Practice Guidance and the new National Standards for Sustainable Drainage Systems (2025) we require developers and Local Planning Authorities, to do all that they can to avoid surface water entering the public sewer, unless absolutely necessary. This applies to all proposed development. See Appendix 1.1 'Surface Water Hierarchy'.

All options for the sustainable management of surface water must be thoroughly investigated before we will accept any surface water connections from new development to the public sewer. Where a new surface water connection to the public sewer is proposed, we will require robust evidence to demonstrate the drainage hierarchy has been fully investigated and there are no more sustainable options available for the management of surface water.

To discuss their drainage proposals the applicant should contact our Developer Services team by email at SewerAdoptions@uuplc.co.uk. Alternative ways to contact the team are detailed in the Appendix, Section 6.0 'Contacts'.

When considering their drainage proposal, it is the applicant's responsibility to investigate the existence of any infrastructure that might impact their detailed design. This includes water, wastewater, operational and/or abandoned pipelines. United Utilities will not routinely carry out this assessment when reviewing drainage proposals submitted within a planning application. Where infrastructure exists, the drainage design must comply with the relevant United Utilities guidelines and/or Building Regulations. Further information is available on our website: Working near our pipes - United Utilities. Failure to consider existing infrastructure when designing a drainage proposal may result in the applicant having to redesign proposals at a later date.

UNITED UTILITIES' PROPERTY, ASSETS AND INFRASTRUCTURE

It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site and also to demonstrate the exact relationship between United Utilities' assets and the proposed development. The applicant should not rely solely on the detail contained within asset maps when considering a proposed layout.

It is important that the supporting information contained in the Appendix, Section 3.0 'United Utilities' Property, Assets and Infrastructure', is read in conjunction with this letter. This provides information that might impact a proposed layout and additional

guidance that an applicant or developer must consider when United Utilities assets are located in, or in the locality of, the proposed site.

Where United Utilities' assets exist, it is essential that the applicant, or any subsequent developer, contacts our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition. See Appendix, Section 6.0 'Contacts'.

WATER EFFICIENCY IN NEW DEVELOPMENT

All new homes are required to meet the mandatory national standard of 125 litres of water used per person per day (l/p/d) as set out in Building Regulations Approved Document G. If your adopted development plan includes a policy that implements the tighter water efficiency standard of 110 l/p/d for new-build dwellings in Part 3 of Building Regulations, you should ensure that this is a condition of any planning permission you may grant. You should also consider whether there is any adopted development plan policy relating to water efficiency in the construction of non-residential development. As this is a matter for the local planning authority / building control body, United Utilities would not be involved in the discharge of conditions relating to water efficiency.

Historic England

No comments

Conservation Officer

Object.

The proposal would have a moderate harmful impact on the immediate setting of the Listed Building which would fail to satisfy s.16 and 66 of the Act. With reference to planning policies, this would be 'less than substantial harm' to the designated heritage asset (par.215 of NPPF and policy DC2 of the local development framework). There would be no heritage-related benefits arising from the proposal (par.215 of NPPF) and there is no clear justification as to why a more sympathetic design could not be proposed to minimise or remove the heritage harm to the setting of the Listed Building (par.213 of NPPF). As set out in the NPPF, great weight should be given to the conservation of a designated heritage asset (par.212 of NPPF). At this stage, we object to the proposal from a conservation perspective and, if considered an appropriate use from a planning perspective, we would suggest amendments to the design of the outbuildings in close proximity to the listed structures otherwise we would recommend it is refused.

Rushton Spencer CE First School

Rushton has existing school nursery provision in the village that serves the local community and provides pre school education with links to the school. A private nursery may draw numbers and prospective pupils away from that facility and this could negatively impact future reception numbers at the school. There are concerns over site security and the site should be completely secure from the land adjacent to Rushton First School and provide safeguarding standards for both settings.

Canal and River Trust

The application site adjoins the Dane Feeder Channel, which is an artificial watercourse originally designed to transfer water from the River Dane to Rudyard Reservoir, which provides a water supply to the Caldon Canal. The channel is owned by the Canal & River Trust. The proposed visitor parking area is located adjacent to

the feeder channel ; the channel is carried on an embankment where it passes the parking area, and it is important that the stability of the embankment slope is not compromised by the proposed development.

The application documents do not provide any details of how the parking area is to be laid out and whether it includes the laying down of any hard surfacing or the provision of positive surface water drainage arrangements.

As you will be aware, land stability is a material planning consideration and is referred to in paragraphs 187 (e), 196 and 1 97 of the NPPF and is the subject of more detailed discussion in the NPPG (see <https://www.gov.uk/guidance/land-stability>). We consider that this advice and guidance is clear in identifying that the planning system has a role to play in minimising the risk and effects of land stability on property, infrastructure and the public.

The NPPF is clear that planning decisions should ensure that new development is appropriate for its location in the context of avoiding unacceptable risks from land instability and being satisfied that a site is suitable for its new use, taking account of ground conditions and land instability.

In particular, paragraph 1 97 of the NPPF is clear that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

We therefore consider that the potential effect of any construction operations in proximity to the canal feeder channel is a material planning consideration and that submission of a construction method statement for works to lay out the new visitor parking area (including any associated surface water drainage arrangements) should be secured via a planning condition to ensure that the development is undertaken without creating instability likely to affect the adjacent embankment slope or the structural integrity of the canal feeder channel . Instability could be created either through construction operations undertaken close to the embankment or from surface water being allowed to pool adjacent to the embankment toe , so it is important to be able to understand how the parking area is to be laid out and what, if any, arrangements for disposing of surface water are to be made .

Staffordshire County Council Highways

Object/recommend refusal.

Information is required on the maximum number of children attending the nursery.

Applicant states the nursery will operate with managed drop-off and pick-up times, and traffic movements will be modest in scale. What are the arrangements and how is the applicant proposing to manage/enforce the arrangements.

Applicant 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. Further information is required on how the access is to be managed.

Applicant states the farm will remain in active rural use, with animals housed on site. The applicants intend to rent the majority of the land to local farmers for grazing and already have sheep and alpaca owners wanting to utilise the land. Information is required on how the farm will continue to work, including farming activities, type and frequency of all vehicles accessing the farm.

Concerns identified are;

- Visibility at Tanhouse Lane/A523 junction is poor.
- Length and width of Tan House Lane which is narrow with little turning and passing places.

- Increased vehicle movements at a junction that cannot accommodate 2-way traffic with poor visibility.

OFFICER COMMENTS

Principle of Development

The proposed development would be located in an 'other rural' area of countryside that is beyond, and surrounding, the edge of the recognisable cluster of the smaller village settlement of Rushton Spencer. With consideration for the specifics and context of the proposal access to the development from the village would be relatively awkward and convoluted and, in those regards, its location would not be sustainable and best placed to serve the village community.

The proposed development would provide privately/commercially operated facility to serve the small village community of Rushton and other clients from a wider catchment area, who would be largely dependent on travelling by car.

In the 'other rural areas' of countryside that surround the villages and towns, as defined by the settlement hierarchy at Local Plan Policy SS2, Local Plan area strategy SS10 applies. The Local Plan strategy for these rural areas, SS10, provides only for development which has an essential need to be located in the countryside, supports the rural diversification and sustainability of the rural areas, promotes sustainable tourism or enhances the countryside.

In the smaller village settlements, that would include Rushton Spencer, Local Plan area strategy SS9 applies. The policy states that these settlements shall provide only for appropriate development which enhances community vitality or meets a social or economic need of the settlement and its hinterland. Community vitality to be enhanced by protecting and enabling services and facilities which are essential to sustain rural living.

On the evidence of the headteacher at Rushton first school there is existing nursery and preschool care provided within the village at the school premises. The village and community, therefore, is already served by existing facility. There is no essential need or justification to provide further facility in the village or, indeed, locate such facility in surrounding countryside outside of the village. There is not an obvious or demonstrable shortfall of facility that justifies the countryside location. There would be conflict with Local Plan policy SS10 in these regards.

It is recognised that with the proposed scheme there is a strand that seeks to make benefit of and promote location and access to the farming location as a unique learning experience. However, this is not a matter that outweighs the harm and policy conflict that has been set out, particularly because the surrounding area is rural in character and, rather than being in an edge of city or town location, children within the likely catchment are already likely to naturally have access to countryside walks, working farms and petting zoo type experiences.

Impact on the character and appearance of the area

Local Plan Policy DC1 requires that all development shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the

special character and heritage of the area in line with the Council's Design Guide SPD. In particular, new development should incorporate creativity, detailing and materials appropriate to the character of the area; and, be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, height, density, layout, siting, landscaping, character and appearance.

Local Plan policy DC3 states that development which leads to a prominent intrusion into the countryside should be resisted.

The site provides small compact farmstead arrangement, a small yard area and a cluster of small outbuildings surrounding 19th C grade II listed farmhouse. The site provides a small-scale small holding. The site is surrounded by attractive rural landscape, rolling slope and valley farmland consisting of a small irregular field parcel on hillside slope, surrounded and enclosed by mature tree lines and water courses that form steep incised valleys to the edge of the field. From the site the surrounding countryside and landscape is attractive and there is a sense of rural seclusion. Public footpath Rushton no. 15 runs through the middle of the site and users of the path, enjoy and appreciate the quality of the rural landscape and the setting of the listed farmhouse.

Within this compact and intimate setting, the proposal would introduce an extended area of parking for eight staff members that would push out beyond the existing yard area and into surrounding grass land and field that surround the farmhouse, and, separately, occupy a field adjacent to the neighbour's dwelling at Tan House.

A conglomerate and rather improvised structure of two canvas tipis linked by an arrangement of freight containers would be set to the edge of the field to the northeast of the farmstead. The tipi structure would be a large in scale and have a bulky appearance. The twinned conical shape of the tipis would starkly contrast with the appearance of the surrounding more traditional roof shapes and forms. In addition, the canvas material would also contrast with the surrounding traditional palette of materials. Whilst a khaki green is proposed, this would not mask the incongruous shape, form and materials of the structure.

The freight containers would have an overtly industrial appearance which would contrast with the overriding agrarian character of the site and adjacent buildings.

Overall, the introduction of all this incongruous development would result in a prominent intrusion in the countryside that would create unsightly visual clutter and sprawl beyond the compact form of the existing farmstead arrangement, that would be exposed and prominent when viewed from the public footpath. The development would be at odds with the agrarian character of the landscape and the existing buildings that occupy the site. This would be with detriment to the quality of the countryside amenity that is enjoyed by users of the footpath.

In these regards, the proposed development would cause conflict with Local Plan policies DC1 and DC3 and the terms of the NPPF.

The three small grazing shelters to be provided to field boundaries on the wider farmland would be modestly sized and agrarian in character and appearance (timber

clad, shallow full pitch roof, and wide gated openings). Such structures would not appear unduly intrusive in the countryside or harmful to the character and appearance of the area.

Impact on the Setting of the Listed Building

The proposal would involve alterations within the setting of Marsh Side Farmhouse, which is a Grade II Listed Building.

The building is an early-19th century farmhouse, constructed in squared and dressed rubble stone with a symmetrical façade and L-plan formation with later wings to the rear. The significance of the building derives from its retention of historic fabric and plan form, illustrative vernacular construction with some polite architectural influence and association with the development of farmsteads in the early-19th century. The setting is provided by the open agricultural fields to the north which make a positive contribute to the historic agricultural significance of the Listed Building.

To the northeast of the principal Listed Building is a 1-storey brick shippon, which is visible on mid-1940s OS mapping and has the potential to be considered curtilage listed to the principal house. There is also a timber haybarn which, although modern, still has an overtly agrarian character and makes a neutral contribution to the setting and significance of the Listed Building.

The proposal would involve a change of use of the land and buildings around Marsh Side Farm to a children's nursery, creation of new outbuildings and structures within the grounds, creation of two car parking areas and alterations to the shippon, haybarn and store buildings.

The proposed site plan indicates visitor car parking adjacent to Tan House and staff car parking adjacent to Marsh Side Farmhouse (Grade II). The impact of surfacing materials and the introduction of parked cars would have an adverse impact on the setting of the Listed Building.

The proposal would involve the construction of two tipis, adjoined by a flat roof container in the middle. The flat roof form and metal materials of the freight containers would result in an overtly industrial appearance which would contrast with the overriding agrarian character of the site and adjacent buildings. The development would be of a form and design that would not be sympathetic to the overriding vernacular and agricultural character of the site.

Historic England's guidance outlines that the contribution the setting makes to a heritage asset is not dependent upon public rights of access and the proposal would draw focus and detract from the architectural interest of the principal listed building as well as diminish its open field and agricultural setting.

The drawings also indicate animal shelters to the north of the site, which would 3m (H) x 3m (D) x 6m (L). Their siting would be at a considerable distance from the Listed Building and, as these would be small in scale and agricultural in character, they would unlikely harm the setting of the Listed Building.

In summary, the proposal would have a moderate harmful impact on the immediate setting of the Listed Building which would fail to satisfy s.16 and 66 of the Act. With reference to planning policies, this would be 'less than substantial harm' to the designated heritage asset (par.215 of NPPF and policy DC2 of the Local Plan).

As set out in the NPPF, great weight should be given to the conservation of a designated heritage asset (par.212 of NPPF). There would be no public benefits arising from the proposal (par.215 of NPPF) that would outweigh those harms.

Impact on Residential Amenity

Local Plan Policy DC1 requires that development protects the amenity of the area, including creation of healthy active environments and residential amenity, in terms of satisfactory daylight, visual impact, sunlight, outlook, privacy, soft landscaping as well as noise, odour and light pollution.

Most immediately and obviously, the proposed development would considerably increase traffic flow along a narrow single carriage lane that currently serves a single dwelling and a small holding. The lane passes to the south, within immediate proximity, of the front elevation of the nearest residential neighbour at Tan House.

Moreover, the proposal is to provide a 13 space parking area in the field immediately adjacent to Tan House from where parents would presumably park to drop off and collect their children.

The noise and disturbance from passing traffic, cars manoeuvring within the parking area, and the noise of car doors shutting, would have an unacceptable impact on the amenity and living conditions of those occupants at Tan House.

There would be conflict with Local Plan policy DC1 in those regards.

Highway Safety

Local Plan Policy DC1 requires that development provides for safe and satisfactory access and make a contribution to meeting the parking requirement arising from necessary car use.

The NPPF states that in assessing applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

The County highway authority consider the visibility at the Tanhouse Lane/A523 junction to be 'poor' and the length and width of the site access along Tanhouse Lane to be narrow with few turning and passing opportunities. There is an inevitability that the proposed development would intensify the use of the junction and the lane with the introduction of staff vehicles (8 parking spaces shown to be provided on plan) and visiting parents dropping off and collecting their children (13 parking spaces shown to be provided on land adjacent to Tan House). It is also said that surrounding fields would be rented to local farmers as grazing land with three field shelters to be provided

on wider land, these farmers would also require access and parking provision from Tan House Lane.

The highway authority is concerned because the application does not demonstrate how the proposal would overcome or address these constraints. There is a lack of information relative to the total number of vehicle visits and how these would be managed to mitigate the constraints and issues of concern.

Without counter evidence, the only reasonable conclusion is that the obvious and inevitable increase in the vehicular use of a poor access junction and narrow lane would result in an unacceptable risk to highway safety and conflict with Local Plan Policy DC1 and the terms of the NPPF in these regards.

The Canal and River Trust are concerned about land stability and the extent of works necessary to provide visitor parking within proximity of the Dane Feeder Channel. They advise that the matter could be addressed with the application of a planning condition and suggest suitable wording.

Biodiversity Impacts

The Environment Act (2021) places a legal requirement on all development, unless otherwise exempt, to compensate for impacts on and loss of biodiversity habitats with the delivery of a 10% net gain on site or, where this cannot be achieved, off site, which can include the purchasing credits from a registered habitat bank.

Paragraph 187 of the NPPF states that policies and decisions should minimise impacts on biodiversity and that development should mitigate or compensate for the loss of habitat whilst delivering enhancement and net gain in habitat.

The application claims exemption from BNG requirements under the de minimis provision. The explanation points to the assessed baseline habitat units that would be affected to be zero or near zero.

The site is much larger than 25sqm however, and parking areas and structures to be provided on existing field or grassland would clearly impact more than 25 sqm of biodiversity habitat.

The application does not address this matter appropriately and the claim to the exception cannot be readily accepted.

CONCLUSION / PLANNING BALANCE

The proposed development would be located in an unsustainable location within an other rural area of countryside, beyond the edge of the smaller village of Rushton Spencer. It would not best serve the community in this location. There is not an essential need or justification to locate such development in the other rural area. There would be conflict with Local Plan Policies SS2, SS9 and SS10.

The development would be harmful to the character and appearance of the site and the surrounding area. The introduction of vehicles on extended areas of parking hardsurface within the site and adjacent to neighbours, and non-agrarian improvised

structures, would cause prominent intrusion in the countryside, appear unsightly and create visual clutter, and be at odds with and alien to the quality rural landscape and environment. There would be conflict with Local Plan policies DC1 and DC3 in these regards.

The Development would be harmful to the setting and significance of the grade II listed farmhouse. The proposal would have a moderate harmful impact on the immediate setting of the Listed Building which would fail to satisfy s.16 and 66 of the Act. With reference to planning policies, this would be 'less than substantial harm' to the designated heritage asset (par.215 of NPPF and policy DC2 of the local development framework). There would be no public benefits arising from the proposal (par.215 of NPPF)

The development would significantly increase the traffic flow past and within immediate proximity of near residential neighbours on Tan House Lane. Specifically a large visitor parking area would be introduced immediately adjacent to the dwelling at Tan House. This would cause noise and disturbance that would have an unacceptable impact on the residents amenity and living conditions. There would be conflict with policy DC1 of the Local Plan in these regards.

The development would cause an unacceptable impact on highway safety and fail to provide safe and satisfactory access arrangements. There would be conflict with Local Plan policy DC1 and the terms of the NPPF.

The application has failed to appropriately address and account for the impacts of the proposal on biodiversity habitat. The proposal does not include mitigation and compensation for the loss of habitat with a net gain of 10%. The proposal fails to comply with BNG regulations and there would be conflict with Local Plan policy NE1 and the terms of the NPPF.

Insufficient information has been submitted to address the concerns of United Utilities relative to Ground water protection, treatment of private wastewater, surface water drainage

OFFICER RECOMMENDATION : REFUSE

Case Officer: Ben Hurst

Recommendation Date: 07/04/2026

X *J Curley*

Signed by: Jane Curley

On behalf of Staffordshire Moorlands District Council