

Town and Country Planning Act, 1990

Section 78

**Statement by Staffordshire Moorlands District Council
in respect of the appeal by Mr Jack Reid of JCB Farms Ltd
on behalf of Mr John Reid of JCB Farms Ltd against the refusal of planning
permission for 'Erection of two pullet sheds' on land at
Ashbourne Road, Rue Hill, Caudon Low, Staffordshire ST10 3HD**

1. Introduction

- 1.1 This statement is made by Staffordshire Moorlands District Council in response to the appeal by Mr Jack Reid on behalf of Mr John Reid both of JCB Farms Limited (c/o JCB Wardlow, Ashbourne Road, Rue Hill, Caudon Low Staffordshire ST10 3HA) against the refusal of an application for planning permission under reference SMD/2022/0149 for 'Erection of two pullet sheds' on land at Ashbourne Road, Rue Hill, Caudon Low, Staffordshire ST10 3HD. The application was submitted 18th March 2022 and made valid 14th April 2022. The application was refused by delegated decision on the 10th February 2026. A copy of the officer delegated decision report has been supplied earlier with the LPA appeal Questionnaire return.
- 1.2 The main focus of this statement will be to respond to the appellant's submissions and re-emphasise and where necessary clarify the LPA's reasons for refusal. It is not intended to repeat the contents of the LPA's decision report and it is respectfully requested that the report be read in conjunction with this statement.

- 1.3 On first submission of the application a number of points were taken up by the Planning Case Officer with the applicant's then Agent, JMI Planning. In an e-mail dated 16th May 2022 the Planning Case Officer wrote:

...although I do not have any concerns over its size, design or purpose, I do have concerns over its siting. There are a number of sporadically placed farm buildings on the land to north-east of the quarry which appear to comprise open green fields which do contribute to the landscape of the area and this area is very visible from the main road to the north. The building proposed adds to this sporadic nature and would lead in my opinion to **cumulative additional harm** to the area. There appear to be several better screened locations within the JCB ownership at Wardlow, particularly to the south-west where there is also another agricultural building allowed under a Prior Approval application (under Part 6 of the GPDO) in 2016 (ref: DET 2016 0013) and also a proposed agricultural building next to it. (I note from our records you were informed Prior Approval was not required for this in November 2021). This area is far better screened and could be put to the west of the existing building or even in the siting of the 2021 proposed "No Prior Approval" building if this is not implemented? Alternatively, are there any unused parts of the quarry itself that could be used? [emphasis added]

- 1.4 The case officer followed up with a further e-mail the next day:

Further to my previous email regarding the proposed agricultural building elsewhere at the JCB site (SMD/2022/0150), I would be grateful for further information of the exact use of the buildings and justification of their need along with information of the other buildings at the 11ha agricultural site and their specific use. If the need is demonstrated, a siting closer to the existing buildings would be required in the interests of landscape impact. Are the "mobile" buildings on the site intended for removal? If so, a siting on their footprint would be the best solution. A highways objection has been received. This is attached. I would be grateful for some further information in response to this.

1.5 The agent at the time then responded (24th June 2022):

I have attached a revised plan which should hopefully address the Highway Authority's concerns. The buildings are proposed to increase capacity at the unit. At present the smaller temporary sheds on the site house 50 specialist cockerels each, and the larger temporary sheds house 500 female chicks each. The new buildings will house 1,000 female chicks each, which would allow the existing temporary sheds (which are to be retained) to be used to house cockerels. The building has been sited on the footprint of a recently demolished house. It is well related to the temporary sheds, and needs to be sited close to the farm manager's accommodation at Rock House so that they can be on hand quickly in the event of issues with the heating and ventilation systems. [Adding:] I will respond separately to the SWT [Staffordshire Wildlife Trust] concerns.

1.6 The planning case officer again raised the matter of siting in an e-mail dated 14th July 2022 in which he asked:

Could the two sheds not be placed immediately to the east of the five mobile sheds on a north-south axis? This would be further from the road and less prominent. Farm buildings should always be clustered together if possible as this minimises landscape impact. I will forward your drawing to Highways today. I will also await your Ecology response as well as that for 0150.

1.7 On 7th November 2022 the agent responded with a draft suggested alternative position east of the mobile sheds but orientated east – west. The Planning Case Officer replied (25th Nov 2022):

I think this increases prominence and significantly encroaches into open land very visible from the main road. I was suggesting a north-south axis, end to end, as close to the existing 5 sheds as possible within the gap between the five sheds and the, what appears to be, the east boundary of the site.

1.8 There appears then to have been no further contact with JMI Planning until 27th January 2026 when they wrote to question / confirm the current Case officer contact details. The original Case officer replied that there is no file record of correspondence since the earlier discussion requests about re-siting.

1.9 A single reason for refusal was given as follows:

The application site occupies a prominent and open location adjacent to the main A52. The proposed buildings would encroach into this open area and be visually intrusive and harmful to the character and appearance of this rural area. The application therefore fails to comply with policy DC1 and DC3 of the Local Plan and the National Planning Policy Framework.

2. Background Planning History

2.1 Cited in the Planning Officer's Decision report is application DET/2016/0013 which is a poultry building located as shown by yellow shading in Fig. 1 below. Highlighted red for the purposes of this statement is Red House, location of the appeal development. DET/2016/0013 ('Erection of portal framed agricultural building with hardstanding' approved under GPDO Schedule 2 Part 6) is some 300m from the appeal site.

2.2 Specifically at the appeal site where Red House is named on the plan at Fig.1 a prior notification was received in 2020 for demolition of the extant building. For whatever reason at the time the Council allowed this to proceed as notified without any response to the notice. The applicant meanwhile had submitted an ecology report which noted active nest sites for five pairs of swallows in the farmhouse barn and for a further 2 pairs of swallows in an adjacent outbuilding. Their submitted ecology report recorded the farm house as a daytime bat roost for which a Natural England licence would need to be obtained in order for the loss of the roost to be authorised and take place legally. In support of this it was submitted that two pole-mounted large bat roost boxes were to be erected.



Fig.1

2.3 Demolition of Red House went ahead and the current planning status of the site is that of open undeveloped land. The general character of the appeal site is well illustrated in the aerial photo image reproduced at Fig.2 below. The general location is indicated by blue arrow. For the record, one of the last available images of the building prior to the demolition work dates from 2019 and is reproduced at Fig.3 below.

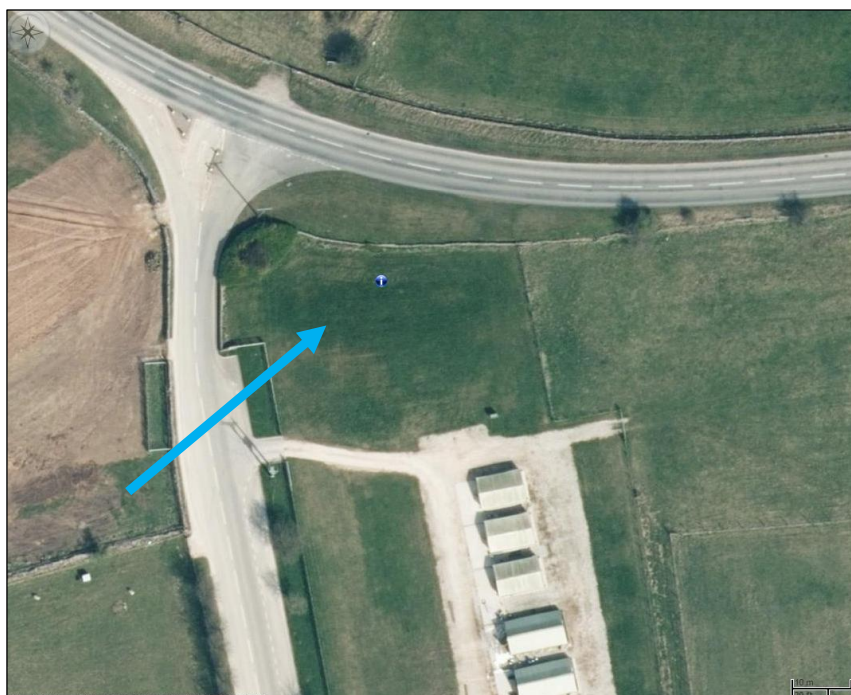


Fig.2



Fig.3

- 2.4 It will be noted at any site visit that, as referenced by the appellant, and visible in both figure 2 and figure 3 above, a row of poultry sheds described by the appellant as mobile poultry units occupies land directly south of the appeal site. There appears to be no associated planning history on record for this development.

3. **Main Issues**

- 3.1 The main issue is the matter of siting and the refusal reason cites Local Plan Policy DC1: Design Considerations and Local Plan Policy DC3: Landscape and Settlement Setting along with the NPPF as all underpinning the reason.
- 3.2 The appellant refers to the former farm house, barn and outbuilding at Red House as the 'planning baseline' against which the decision should be assessed. However, air photos show that this had gone by July 2022 and public street view images show that work was underway in April 2021. This is consistent with the Planning history background set out above.
- 3.3 Any planning assessment that took into account the previous development

would also be expected to consider the then buildings as a characterful vernacular feature of the roadside scene which OS maps show had been present at least since 1887. If they were to be taken into account in some way, it would not in the Council's view be appropriate or relevant in landscape character terms to attempt to derive support for the highly modern and obviously utilitarian poultry buildings subject of the appeal on the basis of the vernacular street scene aesthetic as previously present.

- 3.4 The motives for the appellant to have first cleared the site of previous development and create a new landscape of open land are not known. The consequence however is that any new development must rightly be assessed against this current state. Setting aside the loss of history and traditional built character that was previously present (and, in addition, apparent ecological loss of biodiversity) the now open land appears well presented. For this exposed upland limestone location the openness of the appeal site is appropriate to the site location in this area.
- 3.5 As is evident above from the early communications (1.3 to 1.7) between the Council's case officer and then applicant the concern on the council's part had been to identify and understand the nature of the need for the development and the scope of options available from within the available 11 hectare holding.
- 3.6 The proposal buildings are significant in area being each 150m² (20m x 7.5m). Although modest in height the roofing would be eye-catching in public views. It is to be noted that in addition to prominence in the landscape from the main A52 there would be unscreened visibility from the public footpath (Farley footpath no. 34) which follows the route of the access lane that runs due south from the main road, past the appeal site, before turning west to follow a track off the access road opposite the works car park some 160m from the main road.

4. Discussion by reference to Policy Background

- 4.1 NPPF section 12 makes clear at para. 131 that: *"The creation of high quality*

beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve.” Whilst the council's refusal is based on impacts on character and appearance of the location rather than the design per se of the buildings the two cannot be wholly separated. The Council accepts the building design as appropriate to their purpose and function but the location also has to be suitable. A degree of tree planting is proposed as part of the scheme but this leaves very open the views from the public footpath from the southwest. It is also probable that visibility will be apparent in views from the A52 when approaching from the east.

- 4.2 Local Plan Policy DC1 opens by saying: *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.* It goes on more specifically to expect development amongst other things to be: of high quality and add value to the local area, to respect the site and surroundings and to protect the amenity of the area.
- 4.3 Under the heading of Landscape and Settlement Setting, Policy DC3 sets out to protect and where possible enhance local landscape and the setting of settlements in the Staffordshire Moorlands. Amongst other things, DC3(1) is to resist development which would lead to prominent intrusion into the countryside which in essence is the Council's primary concern with this appeal scheme.
- 4.4 DC3 refers in the pre-amble to the role of the Council's Landscape Character Assessment (2008). The appeal location is in the limestone highland fringe landscape character type which at this location is ranked 'high quality' in a Staffordshire county wide context (level 4 on a 5 point scale where 5 is highest). In addition, this location is within an area that is regarded as having the 'highest sensitivity' to new development. Under the heading of key planning and management issues, the study notes this to be an area characterised by open uplands - which the council would say applies here and, interestingly, the character study says that the uplands are sensitive to planting as they tend to not be characterised by tree cover. Instead, open landscape views

predominate. At the same time, where development is to be accepted the beneficial role of tree planting in mitigating its impacts can be found an appropriate measure.

- 4.5 On balance, however, it is the Council's view that this location has taken on a more characteristically relevant and significant contribution to the landscape in it's now established open aspects such that its development in the appeal scheme would bring an unacceptable level of harm given the location's public prominence.

5. Other matters

- 5.1 There seems to have been some confusion in the application submissions in that this scheme predates the statutory biodiversity net gain requirements introduced in April 2024. Nevertheless it is the Council's expectation under Policy NE1 that all development should where possible seek to deliver a net gain in biodiversity proportionate to the size and scale of the development.

6. Conclusion

- 6.1 In consideration of all of the above the inspector is respectfully asked to dismiss the appeal.

Staffordshire Moorlands District Council

01.06.2026