

DELEGATED DECISION REPORT

DET/2026/0022
Valid 08/07/2026

OX HAY FARM
GUN HILL ROAD
MEERBROOK

**APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR A PROPOSED
ERECTION OF A ROOF OVER
AN EXISTING MANURE
STORAGE AREA**

**(AGRICULTURAL/FORESTRY
DETERMINATION)**

MAIN ISSUES

- Whether eligible under Part 6 – as a muck store cover
- Siting, Design and external appearance

DESCRIPTION OF SITE

Very traditional modest-scale rural farmstead. The farm is about 900m west of Meerbrook on the south side of Gun Hill Road which climbs gently from the village before gaining height more abruptly towards Gun Hill further to the west. Land on the north side of the road is within the Peak District National Park. The surroundings are very rural, generally of small fields with strong hedgerows and boundary trees.

The farm house is Grade II Listed and is the first building seen from the road set back by some 50m. Other farm buildings are grouped around including an older stone barn and the workshop building of the 02/01186/FUL consent which is mainly in stone with part in brick. It is likely both of these should be considered curtilage Listed. There is also a range of more ramshackle 20thC farm sheds. This building group is recorded in the Staffordshire Heritage Environment record as: "An isolated farmstead laid out around a loose courtyard, two-sided with detached farmhouse. The farmstead is of probable 18th century origin and still appears to be extant, although with some modern additions to the site."

Between the farm buildings group and the road is Oxlea House of mid to late 20th C origin. Its relationship to the farm isn't known at this stage. Between this property and the farm is a discrete brook course strongly lined with trees and which flows directly to Tittesworth Reservoir.

A cross-field public footpath right of way forks from the road just west of Oxlea House to climb up from the farm on the north side of the brook. Within 400m to the west are further public footpaths which converge through Lower Hadden. With their height advantage these may afford some views of the proposal site though likely curtailed by intervening boundary hedges and trees.

PROPOSAL

To erect a roof cover structure over a farmyard midden seen as existing in figure 1 below.



Fig.1

The building would be 15m x 9m in the form shown in the drawing extract at Fig.2 below. With a mono pitch roof it would stand to a height of 3.5 metres at its lower edge and 4.6m at its higher edge. There would be a base wall in concrete panels to c.2m with box profile sheet metal cladding above in slate blue and roof in fibre cement sheeting again in colour slate blue.



The building would be about 30m from the Listed Farm house and some 15m from a nearer curtilage Listed building but from which it would be separated by a tin sheet pole barn structure.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

SS1 Development Principles
SS2 Settlement Hierarchy
SS10 Other Rural Areas Area Strategy
DC1 Design Considerations
DC2 The Historic Environment
DC3 Landscape and Settlement Setting
NE1 Biodiversity and Geological Resources

National Planning Policy Framework (Dec 2024)

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 6 – Building a strong and competitive economy; 8 – Promoting healthy and safe communities; 9 – Promoting sustainable transport; 11 – Making effective use of land; 12 – Achieving well designed places; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Space About Dwellings SPG
- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

Local Plan Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2017/0311 Replacement agricultural building – approved

02/01186/FUL Retention of light industrial (joinery) use of agricultural building approved

04/00913/FUL Extension to workshop – approved

DET/2024/0055 Agricultural building to store fodder and implements – Prior approval required and granted

CONSULTATIONS**Publicity**

None – due to being a prior notification under Part 6.

OFFICER COMMENTS**Principle of Development**

The building proposed must comply with the definitions and limitations set out under GPDO(2015) Schedule 2 Part 6. Fundamentally, in order to be eligible under Part 6 the development must be 'reasonably necessary for the purposes of agriculture' within the unit.

'Agricultural unit' is defined at Part 6 D.1 and "means agricultural land which is occupied as a unit for the purposes of agriculture, including—

- (a) any dwelling or other building on that land occupied for the purpose of farming the land by the person who occupies the unit, or
- (b) any dwelling on that land occupied by a farmworker."

Agricultural land is defined and "means land which, before development permitted by this Part is carried out, is land in use for agriculture and which is so used for the purposes of a trade or business, and excludes any dwellinghouse or garden."

In order to further consider the principle of this proposal the following tabulated section summarises the LPA's assessment by reference to the statutory wording used in Part 6.

Permitted development

A. The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of—

- (a) works for the erection, extension or alteration of a building; or**
 - (b) any excavation or engineering operations,**
- which are reasonably necessary for the purposes of agriculture within that unit.**

Is the proposed development going to take place on 'agricultural land'?

Yes – There is no alternative land use consent in place. Agricultural Holding Number is stated as: 37/067/0177

Is it land that is [currently] in use for agriculture?

Yes – previous LPA visit in connection with DET/2024/0055 has confirmed this.

Is this use taking place for the purposes of a trade or business?

Based on the activity and size of holding as reported in the planning statement (and as seen on site by the LPA):

"Oxhay Farm is an established agricultural holding extending to approximately 72 acres, all of which are within the applicant's ownership.

The holding currently supports approximately 150 breeding ewes plus followers together with 74 pigs. Alongside the commercial farming enterprise, the holding continues to work in partnership with Trading Standards by providing temporary accommodation for pigs requiring emergency welfare housing whilst animal welfare investigations are undertaken."

Is the land part of an agricultural unit of 5ha or more?

Yes – stated as being 29 ha (72 acres) (application form)

Is the development 'reasonably necessary' for the purposes of agriculture within that unit?

See section 3 of the planning statement: *"The existing manure storage area has served the holding for many years and remains appropriately located within the established farmyard. However, increasingly prolonged periods of wet weather have highlighted the limitations of an uncovered storage area, with significant volumes of clean rainfall entering the stored manure. As a consequence, unnecessary volumes of contaminated dirty water are generated, reducing the nutrient value of the stored manure whilst increasing the volume of runoff requiring management. The proposal therefore represents an improvement to existing agricultural infrastructure rather than the creation of a new agricultural use or additional storage facility."*

Interpretation of Classes A to C:

D.1— (1) For the purposes of Classes A, B and C—

"agricultural land" means land which, before development permitted by this Part is carried out, is land in use for agriculture and which is so used for the purposes of a trade or business, and excludes any dwellinghouse or garden;

"agricultural unit" means agricultural land which is occupied as a unit for the purposes of agriculture, including—

(a) any dwelling or other building on that land occupied for the purpose of farming the land by the person who occupies the unit, or

(b) any dwelling on that land occupied by a farmworker;

"building" does not include anything resulting from engineering operations;

D.1 (2) For the purposes of Classes A, B and C—

(a) an area "calculated as described in paragraph D.1(2)(a)" comprises the ground area which would be covered by the proposed development, **together with** the ground area of any building (other than a dwelling), or any structure, works, plant, machinery, ponds or tanks within the same unit which are being provided or have been provided **within the preceding 2 years** and any part of which **would be within 90 metres** of the proposed development;

(b) a reference to 400 metres in paragraphs A.1(i) and (k), A.2(1)(a), B.1(d) and B.5(1) of this Part is a reference to distance measured along the ground.

D.1 (3) The circumstances referred to in paragraphs A.2(1)(a) and B.5(1) of this Part are—

(a) that no other suitable building or structure, 400 metres or more from the curtilage of a protected building, is available to accommodate the livestock; and

(b) (i) that the need to accommodate the livestock arises from quarantine requirements, or an emergency due to another building or structure in which the livestock could otherwise be accommodated being unavailable because it has been damaged or destroyed by fire, flood or storm; or

(ii) in the case of animals normally kept out of doors, they require temporary accommodation in a building or other structure because they are sick or giving birth or newly born, or to provide shelter against extreme weather conditions.

Development not permitted:

A.1 Development is not permitted by Class A if—

Constraint	Compliant yes / no	Evidenced
Not permitted if the land is a separate parcel of less than 1 hectare	Yes	Blue edge plan submitted.
(a) the development would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area;		
Not permitted where development under Class Q or S of Part 3 has been carried out in the 10 year period ending with the date the Part 6 begins	Yes	None on LPA record
(b) it would consist of the erection or extension of any agricultural building on an established agricultural unit (as defined in paragraph X of Part 3 of this Schedule) where development under Class Q or S of Part 3 (changes of use) of this Schedule has been carried out within a period of 10 years ending with the date on which development under Class A(a) begins;		
Not permitted if a dwelling involved	Yes	LPA site visit, plans, photos
(c) it would consist of, or include, the erection, extension or alteration of a dwelling;		
Not permitted if the works are not designed for agricultural purposes	Yes	Suitable for the stated storage / midden protection.
(d) it would involve the provision of a building, structure or works not designed for agricultural purposes;		
Not permitted if 1,000m ² and 1,500m ² limits exceeded	Yes	Total net new bldg. area would be 135m ² and therefore within the 1,500m ² . A recent previous Part 6 building was 480m ² carried out within 90m in last two years but the combined total new net (615m ²) would be still well within the 1500m ² limit.
(e) the ground area which would be covered by— (i) any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations would exceed 1,000 square metres; or (ii) any building erected or extended or altered by virtue of Class A would exceed 1,500 square metres, calculated as described in paragraph D.1(2)(a) of this Part;		
Not permitted if height exceeds 3m at within 3km of an aerodrome perimeter	Yes	N/A
(f) the height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;		
Not permitted if height exceeds 12m	Yes	Max height is stated and scales as c.4.6m.
(g) the height of any part of any building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;		
Not permitted if any part is within 25m of a metalled part of a trunk road or classified road	Yes	80m from the road
(h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;		

Not permitted if to be used for or involves works to a livestock building or a building for slurry or sewage sludge storage if within 400m of a protected* building [All *as defined – see D.1 (1) extract below]	NO See further commentary below	The type of building is described in the application as 'a roof over an existing manure storage area'. The application form has been ticked 'no' in response to the question: Would the proposed building be used to house livestock, slurry or sewage sludge? [An unrelated dwelling known as Oxlea House is just 70m (well within 400m) to the north west.]
(i) it would consist of, or include, the erection or construction of, or the carrying out of any works to , a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400 metres of the curtilage of a protected building;		
Not permitted if connected with fish farming 2(4) land	Yes	N/A
(j) it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming;		
Building not permitted in the case of...	Yes	N/A
(k) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system— (i) would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land within the unit; or (ii) is or would be within 400 metres of the curtilage of a protected building;		
Not permitted if the erection or extension of a building would be carried out on land or a building that is, or is within the curtilage of, a scheduled monument.	Yes	N/A

* **“protected building”** means any permanent building which is normally occupied by people or would be so occupied, if it were in use for purposes for which it is designed; but does not include—

- (a) a building within the agricultural unit; or
- (b) a dwelling or other building on another agricultural unit which is used for or in connection with agriculture;

From Part 6 D.1(1):

“slurry” means animal faeces and urine (whether or not water has been added for handling)

The LPA finds this a wide reaching definition that effectively debars this proposal from being eligible under Part 6. The point has been discussed in some detail with the agent but whilst various terminologies for manure and slurry have been presented they are quoted from non-planning sources or circumstances. The LPA interpretation of the definition at D.1 is that animal faeces, whether wet or dry are to be considered slurry for the purpose of Part 6.

In full:

Development is not permitted by Part 6 if:

it would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400 metres of the curtilage of a protected building;

The agent has commented:

The proposal is not for the storage of slurry but for the storage of **dry bedded farmyard manure (FYM)**.

The livestock at Oxhay Farm are housed on deep straw bedding. The straw absorbs the urine, producing a solid, stackable manure rather than a free-flowing liquid. The manure is removed by loader and stored within the proposed covered muck store prior to land spreading.

This distinction is recognised in Environment Agency guidance. The Environment Agency defines farmyard manure as:

"Livestock excreta mixed with bedding material... produced where animals are kept in deep bedded pens or yards."

It further describes farmyard manure as material that:

"can be stacked in a freestanding heap without slumping" and "does not give rise to free drainage from within the stacked material."

Conversely, slurry is defined within the SSAFO Regulations as livestock excreta of a consistency that can be pumped or discharged by gravity.

The proposed structure is therefore a covered store for stackable farmyard manure and not a slurry store or slurry lagoon. No slurry is produced or stored as part of this proposal.

On that basis, I do not consider the 400-metre restriction relating to buildings for the storage of slurry is engaged.

Whilst the GPDO contains a simplified definition of slurry, DEFRA's current guidance, which adopts the statutory SSAFO definition, defines slurry as **"liquid or semi-liquid matter... of a consistency that allows it to be pumped or discharged by gravity at any stage in the handling process."**

The same DEFRA guidance then states that slurry storage calculations must include **"runoff from stacked farmyard manures"**.

The agent concludes: *"To my mind, that distinction is significant because it recognises that stackable farmyard manure and slurry are not synonymous. The proposal at Oxhay Farm is for the storage of straw-bedded pig manure, which is removed mechanically and stored as a stackable material beneath a roof, rather than a liquid or semi-liquid material capable of being pumped or discharged by gravity."*

Design

This question does not arise to be considered – though it is likely the structure would be found acceptable in this farmyard context, given its scale and materials.

Amenity

This question does not arise to be considered – though it is likely the development would be found acceptable based on the available separation including intervening buildings from the neighbouring dwelling and on the basis the development would bring no significant new impacts.

CONCLUSION / PLANNING BALANCE

That prior approval cannot be considered due to the proximity at c.70m – well within 400m – of a 'protected building'. In this case an unconnected dwelling not apparently or known to be occupied by people involved in farming. Meanwhile animal faeces will be part of the dry manure that is being stored and as such must mean the proposal is caught by the Part 6 definition.

OFFICER RECOMMENDATION : **prior approval refused**

Case Officer: Arne Swithenbank

Recommendation Date: 05.08.2026

X 

Signed by: Jane Curley

On behalf of Staffordshire Moorlands District Council