

PLANNING STATEMENT

**APESFORD FARM
BRADNOP**

JULY 2026

Site Address:

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

Applicant:

Mr. J. Harrison

Proposal:

Proposed Removal of Condition 13 of Application SMD/2019/0047
(Proposed agricultural building and formation of vehicular access)

Planning Statement:

Date Issued: 30th July 2026

Job Reference: RDP/2026/084

Report Prepared By:

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1 Introduction

1.1 Rob Duncan Planning Consultancy Ltd. has been instructed by Mr. J. Harrison to lodge a full planning application to secure the removal of Condition 13 of application SMD/2019/0047 which granted consent for the erection of an agricultural building and the formation of a vehicular access on land at Apesford Farm, Apesford Lane, Bradnop.

1.2 Condition 13 of SMD/2019/0047 reads as follows:

“Within 6 months of the date on which the building ceases to be required for agricultural purposes, it shall be demolished and the sites restored to its former condition”.

1.3 The stated reason for imposing the condition reads as follows:

“To protect the character and appearance of the area”

1.4 This document sets out the applicant’s case for Condition 13 of SMD/2019/0047 to be removed, as the condition is not considered to be necessary to make the development acceptable in planning terms and also fails the test of reasonableness. The condition is consequently held to conflict with the tests for conditions set out in paragraph 57 of the NPPF.

2 Site & Surroundings

- 2.1 The application site is located within the rural area and comprises a detached portal framed agricultural building located to the east / northeast of a complex of buildings associated with Apesford Farm.
- 2.2 The buildings on that adjacent site are either in residential use and / or have consent for conversion to dwellinghouses. The site is otherwise surrounded by open fields.
- 2.3 The vehicular access to the site connects with Apesford Lane to the north of the site.
- 2.4 The site is not within a Conservation Area, nor are there any statutory listed buildings located within the local surrounding area.

3 Planning Policy

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.

3.2 The Development Plan for this area comprises the Staffordshire Moorlands Local Plan (2020) of which the following policies are of relevance to the determination of this application:

3.3 Policy SS10 of the Local Plan relates to the 'Other Rural Areas Strategy' and states that these areas will provide 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. It goes on to confirm that this will be achieved by (amongst other measures):

- Sustaining the rural economy by enabling the limited expansion or development of business for employment uses where a rural location can be justified.
- Giving priority to the need to protect the quality and character of the area and requiring all development proposals to respect and respond sensitively to the distinctive qualities of the surrounding landscape.

3.4 Policy DC1 of the Local Plan relates to 'Design Considerations' and states that new development should (amongst other requirements):

- be of a high quality and add value to the local area, incorporating creativity, detailing and materials appropriate to the character of the area

- 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

3.5 Policy DC3 of the Local Plan relates to 'Landscape and Settlement Setting' and states that the Council will protect and, where possible, enhance local landscape and the setting of settlements in the Staffordshire Moorlands by:

1. Resisting development which would lead to prominent intrusion into the countryside or have a significant adverse impact on the character or the setting of a settlement or important views into and out of the settlement as identified in the Landscape and Settlement Character evidence;
2. Supporting development which respects and enhances local landscape character and which reinforces and enhances the setting of the settlement as identified in the Landscape and Settlement Character evidence;
3. Supporting developments which conserve or enhance the biodiversity qualities of any natural or man-made features within the landscape, such as trees, woodlands, hedgerows, walls, watercourses or ponds;
4. Supporting opportunities to positively manage the landscape and use sustainable building techniques and materials which are sympathetic to the landscape;
5. Ensuring that development does not adversely affect the wider setting of the Peak District National Park

4 Other Material Considerations

National Planning Policy Framework

- 4.1 The National Planning Policy Framework seeks to secure the delivery of sustainable development, and sets out guidance, *inter-alia*, in respect of the imposition of planning conditions. The content of the NPPF is referenced within the Statement of Case.

Appeal Decision 3269856 – Fould House, Meerbrook Road, Leek

- 4.2 The above appeal decision relates to an appeal against a similarly worded planning condition imposed on a consent for the erection of a replacement agricultural building elsewhere in the Moorlands. The conclusions of the Planning Inspector in the determination of that appeal are material considerations which are directly relevant to this current application and are discussed within the Statement of Case. A copy of the appeal decision is enclosed as Appendix A.

5 Planning Assessment

5.1 The planning application the subject of this appeal granted consent for the erection of an agricultural building on the site, along with the formation of a new vehicular access. The building was approved for the keeping of livestock and for the storage of fodder and agricultural machinery / implements associated with the applicant's 32 acre holding.

5.2 The Local Authority resolved to grant planning permission for the proposed building and access, concluding as follows in respect of the principle of development:

"In accordance with policy SS10, development in the countryside outside of the development boundaries is limited to that 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. This is to be achieved, amongst others, by enabling the limited expansion or development of business for employment uses where a rural location can be justified, and by supporting the diversification of existing farm enterprises"

***"The principle of the proposed development in this location is therefore considered to be acceptable** subject to all other policies contained in the development plan" (our emphasis)*

5.3 The Local Authority went on to consider the impact of the development on the character and appearance of the area, concluding that:

*“Full planning permission is sought for the construction of an agricultural building and associated hardstanding and access track. Alternative sitings have been considered following concerns raised in respect of scale and landscape and visual impact. However, it became evident that **the location proposed was the best option in terms of visual amenity and landscape character impact.** The proposed building is of generous proportions but of **an appropriate scale and massing relative to its intended use.** The building is representative of modern agricultural buildings and is of a functional design. Subject to appropriate screen planting to the north of the building, which can be secured by condition, **the scheme is deemed, on balance, to be acceptable in terms of landscape and visual impact**”*

(our emphasis)

- 5.4 Despite these conclusions, the Local Authority went on to impose Condition 13 which requires the approved building to be removed from site within 6 months of it no longer being required for agricultural purposes. The condition is tantamount to making the consent a temporary permission, albeit one where there is no known end date.
- 5.5 The Planning Practice Guidance confirms that circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period. That is not relevant in this case, as the impact of the proposal on the character and appearance of the area has been assessed and found to be acceptable. The condition therefore fails the test of necessity.

- 5.6 The condition is also considered to fail the test of reasonableness. The Planning Practice Guidance confirms that:

“a condition requiring the demolition after a stated period of a building that is clearly intended to be permanent is unlikely to pass the test of reasonableness”

- 5.7 The proposed building is intended to be permanent and has been found by the Local Authority to be in accordance with the provisions of policies SS10, DC1 and DC3 of the Local Plan. The applicant did not seek a temporary consent. The requirements of Condition 13 are therefore directly at odds with the advice set out within the Planning Practice Guidance and for that reason the condition is concluded to fail the test of reasonableness.

- 5.8 In support of this conclusion, we draw the Local Authority’s attention to Appeal Decision 3269856 enclosed as Appendix A. That appeal related to a site elsewhere within the Staffordshire Moorlands (Fould House) where a similarly worded planning condition was imposed on an approval for the erection of a replacement agricultural building, requiring it to be demolished within six months of it ceasing to be used for agricultural purposes.

- 5.9 In allowing an appeal to remove the requirement to demolish the building, the Planning Inspector commented that:

“In accordance with the PPG a key question in respect of whether a condition is necessary, is that it must not be imposed unless there is a definite planning reason for it, i.e. it is needed to make the development acceptable in planning terms”

5.10 The Planning Inspector went on to comment that:

*“I find that in approving the application for the new building, **the Council have considered the appropriateness of the building in its open countryside context and found it to be acceptable for an agricultural use.** This includes the removal of existing buildings, as indicated in the original consent” (our emphasis)*

5.11 The Planning Inspector concluded overall that:

*“There is no doubt, based on the evidence in front of me, that **the building is intended to be a permanent structure, and permanent consent was sought.** The Council found the building to be acceptable, so therefore I consider that **it is not necessary for the building to be demolished if it is no longer required for its original use**” (our emphasis)*

5.12 Such conclusions carry significant weight in favour of the current application, given the similarity of the planning issue under consideration and the nature of the development. The original application related to the erection of an agricultural building that is intended to be permanent, and which has been found to be acceptable to the Local Authority, both in terms of the principle of development and in terms of its impact on the landscape.

5.13 The Local Authority has imposed similar conditions elsewhere within the District and have since granted consent for them to be removed, including application SMD/2023/0586, on account of the advice within the Planning Practice Guidance. It is consequently submitted that Condition 13 of SMD/2019/0047 fails the tests of necessity and reasonableness and should be removed.

6 Conclusion

- 6.1 Paragraph 57 of the NPPF is clear that conditions must only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 6.2 In this particular case the requirements set out in Condition 13 of SMD/2019/0047 fail the test of necessity, as the condition is not necessary to make the development acceptable in planning terms.
- 6.3 The condition also fails the test of reasonableness as it has the effect of granting a temporary consent for a development which is intended to be permanent.
- 6.4 The findings of the Planning Inspector in the determination of appeal ref. 3269856 reinforce these conclusions.
- 6.5 The proposed removal of condition 13 is therefore entirely justified in planning terms.