

DELEGATED DECISION REPORT

SMD/2026/0322 Valid 30/06/2026	HARDSTANDING AT INDUSTRIAL SITE ADJACENT TO THE WOODLANDS KINGSLEY ROAD KINGSLEY MOOR	'CHANGE OF USE' OF PART OF EXISTING INDUSTRIAL SITE TO A HOT FOOD TAKEAWAY' (FULL - MINOR)
---	--	---

MAIN ISSUES

- Impact on the Green Belt
- Impact on the Character and Appearance of the Area

DESCRIPTION OF SITE

Site is in the Green Belt.

The Woodlands is an early to mid-20th Century brick dwelling that has been provided in an area of woodland clearance. The dwelling fronts Clamgoose Lane, set behind mature hedgerow. Adjacent to the dwelling, to the east, there is a grouping of sheds that are agrarian in character which are set behind an open expanse of hardstanding which runs to the roadside hedge. The sheds and hardstanding have a dedicated gated access.

The site is accessed via Clamgoose Lane, an unadopted single track access road running between the A52 and the A522 which serves a small, scattered row of farm properties. The mature roadside hedges provide a high boundary treatment. Clamgoose Lane is an official Public Right of Way (PROW) as a Public Bridleway.

PROPOSAL

The proposed development is described on the application form as:
'Change of Use' of part of existing Industrial site to a Hot Food Takeaway'

The Proposal looks to create a new Café / Catering Use on the site. This is proposed to generally be for the purpose of serving Hot Food to Takeaway (Sui Generis), as opposed to a sit-in Café which would be Use Class E(b) which is Sale of food and drink for consumption (mostly) on the premises.

The statement explains that the proposal anticipates serving the current commercial users on the site and to benefit from passing traffic / footfall from the A52 in a similar way, it is said, to other roadside cafes in the area.

The proposal would utilise a single existing 20ft x 10ft Shipping Container which would be clad in Larch Cladding to improve its visual appearance. An existing shipping container is 2590mm height and 2390mm internal measurement. The proposal will receive an insulated Flat Roof with the Timber Cladding taken above the roofline to create a secret gutter detail and parapet. Submitted plans detail the

provision of a covered area of seating with 5 tables provided beneath a canopy to the front of the cabin and four free standing picnic tables.

Within the site the applicant will also provide two 'Portaloo' type chemical toilets, a waste and recycling area and drainage for Foul and Surface Water generated by the Proposals.

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
DC3 Landscape and Settlement Setting
E1 New Employment Development

National Planning Policy Framework (August 2026)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

80/08582/OLDDC Clay storage building for Alfa Aggregates. APPROVED.
09/00036/FUL Riding arena. APPROVED

07/00058/BOC Enforcement Complaint relating to conversion and use of sheds for industrial purpose. Complaint was closed when site owner convinced officers that this was not the case and no supporting evidence could be found.

CONSULTATIONS

Publicity

Site Notice expiry date: 22/08/2026
Neighbour consultation period ends: 22/08/2026
Press Advert: N/A

Public Comments

1 supporter has submitted comments (Cllr Cheadle Northeast)
Whilst in the green belt, the proposal is solely contained within an already developed site with adequate industrial access. I support this application and wish the proposers well.

Flood Risk Management Team

The site is not identified as being at risk from surface water flooding and no ordinary watercourses have been identified within the vicinity of the proposed development.

Town / Parish Comments

Kingsley PC: No objection.

Environmental Health

Noise from plant and machinery associated with catering. (Condition)

Noise during construction and renovation. (Condition Timings)

Cooking Smells (Remote from sensitive receptors see advisory)

Operating Times (Condition application form)

Food registration (See advisory)

The proposed site is relatively remote from any non-involved residential properties so noise and cooking smell impacts are not predicted to be a concern. These types of unit sometimes rely on generators for power which can cause noise across significant distances so we have advised a condition to ensure this is prevented.

Staffordshire County Council Highways

Conditional

Site Visit Conducted on: 15-Jul-2026

1. Adequate parking shall be maintained within the site for use by the Hot Food Takeaway'.
2. Any advertising signs shall be on private land and must not obstruct any visibility splay at any access or junction.

SCC Rights of Way

The Definitive Map of Public Rights of Way for Staffordshire shows a public right of way running along the access route to the application site.

The following should be brought to the attention of the applicant and noted in the planning consent if granted:

Public BOAT (Byway open to all traffic) No.23 Kingsley Parish runs along the access to the application site, along Clamgoose Lane.

Severn Trent Water Ltd

Severn Trent requests that any approval be conditioned as follows:

- ☐ The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- ☐ The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- ☐ Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water to enter the foul or combined water systems by any means.

OFFICER COMMENTS

Introduction and Background

The land and application site is described as an 'existing industrial site'. However, the validity of such a claim is not established, and it is apparent that in recent years unauthorised development has been carried out in the form of expanding hardstanding and the introduction of a large shed.

The planning history reveals that in the 1980s, there was some use of the site by Alfa Aggregates Ltd who occupied a clay storage building on the site which, it is said in submissions, has been partially removed. There are no further commercial or industrial permissions granted post 1980.

In 2007 Council planning enforcement officers investigated complaint that commercial or industrial uses were taking place in agricultural sheds on the site. There was no evidence of such uses during a site inspection and the then owner reassured officers that their business was mobile and related only to offsite activity.

In recent years the tree lined roadside boundary, and hedge has been thinned with the removal and pollarding of mature species. This has reduced canopy to the edge of the site and hardstanding has pushed up into those areas to meet boundary edge. This has provided the space which now forms the application site and the location that the applicant wants to provide the development.



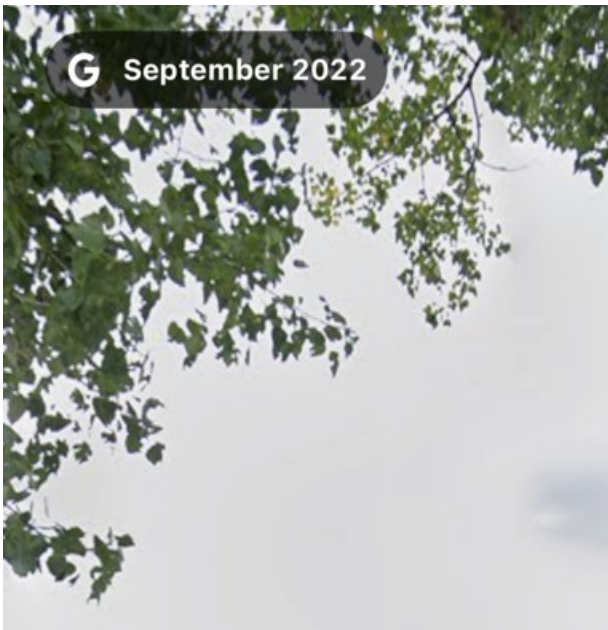
Further unauthorised development on site can be identified as the recent, within the last 4 years, construction of a large portal frame shed. The shed is used to store a large number of vehicles relative to a commercial business.



Sept 2025



Sept 2022



Impact on the Green Belt

The site is located within the Green Belt wherein Policy SS10 of the Local Plan confirms that strict control will continue to be exercised over inappropriate development, allowing only for exceptions as defined by government policy.

Chapter 13 of the revised NPPF continues to confirm that development is to be considered inappropriate and, by definition, harmful to the Green Belt unless it falls within one of the categories that appear at Chapter 13 of the NPPF. Any harm to the Green Belt shall be attributed substantial weight, planning permission shall not be granted unless there are other considerations, amounting to very special circumstances, that clearly outweigh the harm to the Green Belt and any other harm that would result from the development.

None of the exception categories allow the provision of development or facility to support a startup catering or takeaway business.

The exception at NPPF policy GB7 f iii only allows material change of use provided the impact on the openness of the Green Belt is minimised, and there would not be a significant conflict with the Green Belt purposes.

Where the catering unit would be provided in an adapted freight container that would be placed on the land and could theoretically be moved to different positions on the land, there is no intention or real practicality of doing so and the unit would have the function, permanency, and physical presence of a building and would be tantamount to operational development. This is particularly so given the unit would be adapted to serve as a catering unit with cladding, canopy and serving hatch.

However, if the development were considered as a material change of use rather than operational development, it fails to minimise the impact on the openness of the Green Belt and there would be conflict with the Green Belt purpose of safeguarding the countryside from encroachment.

The catering unit, the canopy, the sprawl of outdoor seating and tables, and the additional car dependent customer/visitor parking would appear within the site context of increasing encroachment from what appears to be unauthorised development and infrastructure (sprawling and expanding area of hardstanding and a new shed provided for non-agricultural purpose without planning permission).

In all, the catering facilities would add to and compound encroachment on the countryside and impact on the openness of the land in a significant way. Even if it was accepted that the development would be a material change of use, which it is not, the development is not provided for by that exception in any event.

The applicant makes reference to the previous version of the NPPF but points to the exception for the redevelopment of previously developed land, which now appears at GB7 1. e and reads *“the redevelopment of previously developed land (including a material change of use to residential or mixed-use including residential), which would not cause substantial harm to the openness of the Green Belt”*;

However, the development would not fall within this category because the land is not previously developed (it has not been developed lawfully, it is not or was not occupied by a permanent structure, it is not within the curtilage of a non-agricultural building). There would also for the reasons set out above be substantial harm to the openness of the Green Belt.

The applicant also points to the 'grey belt' exception category that now appears at GB7 1. g. of the revised NPPF. However, this does not apply because there is not an evidenced unmet need for the type of development proposed and the development would not be in a sustainable location. The site is disconnected and remote from the main highway network, it is not served by public transport or other forms of transportation.

The development is inappropriate development in the Green Belt and harmful to the Green Belt.

Design and Impact on 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 appears as a grouping of farm sheds. Until more recently, the sheds were skirted by limited areas of hardstanding and access track and the site benefited from grassed peripheries and mature tree lined roadside hedgerow that provided canopy and cover to the edge of the land. The site was screened and had natural buffer to the surrounding farmland landscape.

The applicant has thinned roadside tree line and hedgerow. This has reduced canopy and screening and in turn hardstanding has expanded to the boundary of the site degrading grassed periphery to the edges of the land. The area marked out for the proposed development was formally grassed and beneath tree canopy. These operations alone have been detrimental to the character and appearance of the rural area.

The exposure of the site and land to the public vantage of the roadside has been increased. The freight container and the scattered sprawl of outdoor seating would be placed closed to the roadside and appear as prominent visual intrusive clutter that would be detrimental to the farmland landscape and the character and appearance of the rural area. The applicant expresses an intent to serve passing trade, particularly in the form of 'football traffic'. The intention, therefore, apparent, to

impose some degree of roadside presence and visibility to attract customers. There can additionally be the expectation of roadside signage and announcement that too would introduce visual clutter.

The proposed development would be harmful to the rural character and appearance of the area, the farmland landscape, and the amenity of the countryside. The development would form visual clutter that would be exposed to the public vantage of the roadside and appear as a prominent intrusion in the countryside that is at odds with its agricultural rural setting. There is conflict with policies SS10, DC1 and DC3 of the SMDC Local Plan.

Other Considerations

The applicant seeks to demonstrate merit in respect of the site's location on what they describe as an existing industrial site, pointing to some implied diversification and employment opportunity. However, this is an unverified claim and rather, it is clear that unauthorised development has been carried out on the land and results in its existing, degraded, character and appearance. The land is in an 'other rural' area of countryside, remote and disconnected from adjacent settlement or the main highway network.

This is not a matter that outweighs the harm to the Green Belt and the other harms that would result from the development.

CONCLUSION / PLANNING BALANCE

The proposal is for inappropriate development in the Green Belt that would fail to minimise the impact on the openness of the Green Belt and would conflict with a purpose of the Green Belt by causing countryside encroachment. There would be harm to the Green Belt for these reasons and substantial weight is attributed to that harm. There are no considerations that amount to 'very special circumstances' and clearly outweigh that harm.

The proposed development would be harmful to the rural character and appearance of the area, the farmland landscape, and the amenity of the countryside. The development would form visual clutter that would be exposed to the public vantage of the roadside and appear as a prominent intrusion in the countryside that is at odds with its agricultural rural setting. There is conflict with policies SS10, DC1 and DC3 of the SMDC Local Plan.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Ben Hurst

Recommendation Date:

X *Jane Curley*

Signed by: Jane Curley

On behalf of Staffordshire Moorlands District Council