

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**15<sup>th</sup> August 2019**

Application No:	SMD/2019/0192	
Location	Land at High up Road, Leek ST13 8SF	
Proposal	Agricultural building to provide TB isolation unit for cattle	
Applicant	Mr Stuart Heath, Red Earth Farm, Rudyard	
Agent	Graham Watkins & Co	
Parish/ward	Leek	Date registered: 21 <sup>st</sup> June 2019
If you have a question about this report please contact: Benjamin Hurst tel: 01538 395400 ex 4127 <a href="mailto:benjamin.hurst@staffsmoorlands.gov.uk">benjamin.hurst@staffsmoorlands.gov.uk</a>		

## **REFERRAL**

The applicant is related to an elected Member of the Council.

### **1. SUMMARY OF RECOMMENDATION**

**APPROVE** subject to conditions

### **2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 The site forms a roughly square shaped field parcel of approximately 1 ha. The field's boundary to the northwest coincides with the roadside. High Up Road is a relatively narrow rural lane that follows a straight line between junctions for just less than a kilometre it passes between small scale field parcels on both sides of the road. At the time of the officer's visit many of the fields were uncut meadow the field and road side boundaries are provided by dense traditional hedgerow frequently interspersed with mature trees which assist with a sense of enclosure which, particularly at this time of year, screen or limit middle and distance views across the landscape from the roadside.

2.2 The application field has a roadside field gate set back from the carriage way edge by about 5 metres behind the highway verge.

### **3. DESCRIPTION OF THE PROPOSAL**

3.1 The erection of a portal frame agricultural shed to provide 445 square metres of floor area for cattle housing. The building would have walls made up of two concrete panels with Yorkshire board timber above and a fibre cement roof. The longside of the building would be parallel to the road with the gable end and entrance facing

north east opening onto a rectangular hard standing. The building would be set 60metres back from the roadside and accessed via a new stone track.

3.2 The applicant explains that he has a well established dairy enterprise with a herd of 500 dairy cows run between the linked holdings of Red Earth Farm, Fould Farm and Lower Foker Farm. He describes how his business has suffered from a number of Bovine Tuberculosis (TB) break downs in the herd over the last few years, and as a result has spent a majority of time subject to the associated movement restrictions on the stock produced on the farm, which can only be sold to a limited number of approved buyers, or direct to slaughter.

3.3 It is said that these restrictions cause problems for the calves produced on the holding, which total some 500 per year because the business needs to move these calves on regularly due to lack of space and valuable regular cash flow. The applicant says that there are few buyers looking for TB restricted calves and the value of a TB restricted calf at three weeks old is currently somewhere in the region of £80-£120, where as the same calf from an unrestricted herd would make in the region of £280-£350 at the local market. The applicant points to an average loss in the region of £200 per calf, which equates to £100,000 loss of income to the farm business each year.

3.4 It is explained how the proposal for the new livestock building will allow the calves to be moved to a separate location, away from the main farm, and be reared there, as an isolation unit. The requirements of an isolation unit are strictly controlled by DEFRA and it would enable the farm business to retain the calves and rear them so they can ideally be sold at full market value when they have achieved TB free status, which is when they have had two clear tests.

3.5 The height to the eaves will be 5.5metres from ground level to allow for farm machinery and good ventilation within the building, with a standard agricultural pitch. Isolation units must be wildlife proof and therefore cannot be open fronted, this means that there needs to be the adequate height and Yorkshire boarding to ensure air flow and ventilation to prevent pneumonia and similar issues. The space requirement for cattle is up to 4m<sup>2</sup> per animal (depending on age) and the building is expected to have in the region of 100 head of stock, depending on calving patterns etc. The remaining space would be utilised by storage for machinery feed and bedding, which needs to be separate to the main holding, and held within the building.

3.6 When the unit would be in use there are likely to be two visits a day made by Land Rover. A rearing cycle in isolation conditions lasts for 120 days, meaning that it is difficult to achieve more than two through puts in a year. At the beginning of the 120 days, stock would be brought on the site and introduced in deliveries occurring once a week for the first four weeks and at the end of the period they would be removed over a 2 week period. It is anticipated that feed deliveries would be made once a fortnight.

3.7 Details of the application scheme can be viewed at:

#### **4. RELEVANT PLANNING HISTORY**

4.1 None

#### **5. PLANNING POLICIES RELEVANT TO THE DECISION**

5.1 The Development Plan comprises of:

- Saved Local Plan Proposals Map / Settlement Boundaries (Adopted 1998)
- Core Strategy Development Plan Document (Adopted March 2014)

Adopted Staffordshire Moorlands Core Strategy DPD (26<sup>th</sup> March 2014)

5.2 The following Core Strategy policies are relevant to the application:-

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SS6 Rural Areas
- SS6c Other Rural Area Strategy
- SD1 Sustainable Use of Resources
- DC1 Design Considerations
- DC3 Landscape and Settlement Setting

#### Emerging Local Plan

5.3 A full schedule of main modifications to the Local Plan is expected to be subject to consultation early this autumn. The schedule will consist of modifications that the Inspector has so far deemed necessary to make the Local Plan sound. Following the consultation, the Inspector is expected to consider the responses before issuing his final report. Depending on the recommendations in the report, the Council may then be in a position to adopt the Local Plan.

5.4 In this context, the Council's position on the weight to be given to the policies contained in the Local Plan Submission Version in terms of the three criteria set out in Paragraph 48 of the NPPF is as follows:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as discussed above.
- The extent to which there are unresolved objections to relevant policies – this varies depending on the policy in question.
- The degree of consistency of policies with the NPPF – given that the Council has submitted a Local Plan that it considers to be sound, all policies are deemed to be consistent with the NPPF.

#### Emerging Policies

5.5 The following policies (including their weighting) are considered to be relevant to this application:

- SS1 Development Principles (Moderate)
- SS1a Presumption in Favour of Sustainable Development (Significant)
- SS10 Other Rural Areas Strategy (Limited)
- SD1 Sustainable Use of Resources (Limited)
- DC1 Design Considerations (Moderate)
- DC3 Landscape and Settlement Setting (Significant)

#### Supplementary Planning Guidance

5.6 The following documents supplement and provide an evidence base to the development plan:

Staffordshire Moorlands Design Guide (2018)  
Landscape Character Assessment (2008)

National Planning Policy Framework (NPPF) revised.

5.7 The following sections of the NPPF are particularly relevant to this application:

- 2: Achieving sustainable development
- 6: Building a strong, competitive economy (supporting rural economy)
- 12: Achieving well-designed places.
- 15: Conserving and enhancing the natural environment

## **6. CONSULTATIONS**

6.1 Expiry date:

Site Notice posted 31<sup>st</sup> July 2019

No public comments have been received

**Leek Town Council:** No Objection.

**Highway Authority:** No Objection subject to conditions

**Severn Trent Water:** No Objection

## **7. OFFICER COMMENT AND PLANNING BALANCE**

### **Principle of Development**

7.1 The main issue for consideration is whether the development's impact on the character and appearance of the area, in this case farmland landscape with strong vegetated field boundaries, results in a degree of harm that outweighs the economic benefit from development that supports agricultural business in the rural areas.

7.2 At the heart of the NPPF and the Core Strategy there is a presumption in favour of sustainable development. Achieving sustainable development means that the planning system has overarching objectives to both help build a strong, responsive and competitive economy; and protect and enhance the natural environment. This is reflected in the 'Other Rural Area' strategy set out in the Core Strategy at SS6c which provides only for development that sustains the rural economy by enabling the limited expansion of an existing business and supporting the diversification of existing farm enterprise; and enhances and conserves the quality and character of the countryside.

### **The Impact on the Character and Appearance of the area**

7.3 Inevitably many of the structures and buildings that farming enterprise rely upon are of functional or utilitarian appearance and size. While there are certain ways of siting, grouping and designing this type of development to minimise its impact, sometimes the needs of an enterprise will mean that development must be absorbed by their surroundings. Consequently it is common within a rural farming area for sheds, to be apparent and have some presence within the landscape. Leek is a market town and the surrounding countryside provides some of the land for farming community and economy. Within the locality of the application site there are other examples where utilitarian farm buildings and structures appear within the landscape, the building on the other side of the road to name just one.

7.4 The building would not appear within a 'valued landscape' as referred to and protected by paragraph 170(a) of the NPPF because it has no statutory status and has not been identified in the development plan as having specific quality. Nevertheless, policy DC3 of the Core Strategy says that more generally development should be resisted if it would harm the character of the local and wider landscape and paragraph 170(b) of the NPPF does still require decisions to recognise the intrinsic character and beauty of the countryside.

7.5 The building would sit toward the south east or rear boundary of the square land parcel, close to the strong hedgerow that defines the boundary. Public vantage is only provided from High Up Road and there are no public rights of way that would pass any closer to the building. The land on both sides of the road plateau at a relatively consistent level meaning that the building would appear neither raised nor over looked from the roadside. Views from the roadside across the field into the middle and far distance are of pleasant countryside. However, the landscape obviously consists of farmland made up of regular field parcels with hedgerow boundaries and the character and appearance of the land remains as such repeated, without interruption or deviation, to the horizon.

7.6 Within this context the building would appear from certain locations along the roadside, particularly during winter months when hedgerow and leaf cover is sparse, as an isolated intrusion within otherwise open countryside and there maybe some limited harm to the character and appearance of the area in those respects. However, over all, the building would appear obviously as an agricultural building within farmland, an appropriate context for the development meaning that it would not appear unusual or be unduly conspicuous. The landscape does not have any special designation or identified quality in the development plan and in those regards

policy provides limited protection. For much of the year the hedgerow boundaries, the mature trees and vegetation within the highway verge, will limit views across the land and of the building, as they provide a very natural and pre existing form of enclosure and screening. The harm to the character and appearance of the area, identified and discussed above, is rather limited and when considered in its wider context, that harm is less than significant.

#### The farmer's need and benefit to the rural economy

7.7 There has been careful consideration of the farmer's need and whether there was any alternative location for the building, preferably new buildings that are located within an existing grouping can have less of a visual impact for example. However, the building in this case is an isolation unit and by its very nature it must be located away from existing farm buildings and infrastructure so that calves can be reared in a closed unit away from potential contamination.

7.8 The applicant explains (as set out in the application details above) how his large and well established enterprise is affected by TB and incurs financial loss and how the new unit would minimise costs and risks while introducing a new revenue stream allowing his enterprise to adapt and maximise profit relative to investment. Of course with successful robust farming enterprise there comes some wider benefit to the rural economy while, overall, preserving and protecting open countryside as a resource.

#### **Access**

7.9 Access from the roadside to the building would be provided by a single carriageway stone track. There is a good 5-6metres of grass verge between the carriageway edge and the existing field gate that provides generous space for a vehicle to move clear of the site and gain visibility before pulling into the carriageway. Appropriate maintenance of the existing hedgerow and verge would protect visibility without any necessity to widen the access or to remove any part of the hedge. On balance, it is considered that the provision of any bound surface to the rear of the highway boundary would disproportionately affect the character and appearance of the area with an excessively engineered intrusion to the roadside, given the relatively infrequent use of the access that is set out and described in the application details above.

#### **Foul Drainage**

7.10 Manure and effluent will fall and mix with dry straw bedding on a bound floor surface that is enclosed and contained by the walls of the building. The manure is removed periodically and spread on the farmer's fields.

#### **Planning Balance & Conclusions**

7.11 The limited and less than significant harm that may occur to the character and appearance of the area does not outweigh the needs of the farmer, the benefit to the rural economy and the Development Plan and NPPF policy support that is provided for the expansion and diversification of farming enterprise.

## **8. RECOMMENDATION**

**A. That planning permission be granted subject to the following conditions:**

**1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

**Reason:- To comply with Section 91(1) of the Town and Country Planning Act 1990 (As Amended)**

**2. The development permitted and described above shall only be carried out in complete accordance with the drawn and written details that are shown on the 1:500 location plan and the 1:100 Elevation Drawings that were submitted with the application, specifically the walling above the concrete sections at the base shall be hot and miss style timber yorkshire boarding and the roof shall be a dark grey coloured fibre cement material.**

**Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.**

**3. The access track to the development shall be provided only as single width carriageway with a compacted lime stone surface along the entirety of its length. At all times when the development is in use, the existing hedgerow and verge shall be maintained in such a way that a visibility splay of 2.4mx215m in each direction, is provided over a height of 600 mm above the adjacent carriageway level.**

**Reason:- In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.**

**4. When the use of the building and development for the purposes of agriculture permanently ceases then, unless the Local Planning Authority have otherwise agreed in writing, the building and the development shall be removed from the land and the land shall, so far as is practicable, be restored to its condition before the development took place.**

**Reason:- The intrusion of the building within the landscape is, on balance, only considered justifiable if it meets a specified agricultural need.**

**5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 3 Class(es) Q, shall be carried out without express planning permission first being obtained from the Local Planning Authority.**

**Reason:- To avoid permanent visual intrusion, traffic generation and additional impedimenta that would be detrimental to the amenities of neighbouring**

residents.

**B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

### **Informative**

**1. The application is for a sustainable form of development which complies with the development plan and the provisions of the National Planning Policy Framework it was unnecessary to seek amendments or revisions to the scheme.**

