

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

23rd July 2020

Application No:	SMD/2019/0753	
Location	Horton Barn, Kerry Hill, Eaves Lane, Armshead	
Proposal	Proposed erection of agricultural and equestrian building on existing hardstanding / former building.	
Applicant	Mr and Mrs Horton	
Agent	David Byatt and Associates	
Parish/ward	Werrington / Werrington	Date registered 24 th Jan 2020
If you have a question about this report please contact: Arne Swithenbank tel: 01538 395578 or e-mail arne.swithenbank@staffsmoorlands.gov.uk		

REFERRAL

The application is a Full Minor and is referred to Committee at the request of Cllr Roberts in order for committee to consider in particular the impact on the character and appearance of the area and that the former site building was agricultural in the green belt as opposed to 'previously developed' land.

1. SUMMARY OF RECOMMENDATION

Approve – subject to conditions
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2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 This site was until c.2016 part of Kerry Hill Farm, a large functioning dairy farm. The newly named Horton Barn was a narrow linear single storey brick and clay tile farm building of traditional style which has been converted into a dwelling. An extensive range of typical 20thC livestock buildings attached and extending to the east has now largely been demolished. Behind these to the north where there is a fall in the land were two silage clamps. One of these is now used as a manège. A second silage clamp with concrete walls to two sides is the proposed site of the development subject of this application.

2.2 The general surroundings are of agricultural fields. To the west of Horton Barn is a public footpath which runs generally north into the fields and passes the west edge of the application site. Also to the west of Horton Barn is the original farm yard, farm house and other outbuildings of Kerry Hill Farm. These latter also in process of part conversion to a further dwelling. Adjacent again to the west are two unrelated dwellings.

2.3 Access to the site is from Eaves Lane at a point some 80m along to the east from the entrance to Horton Barn.

3. DESCRIPTION OF THE PROPOSAL

3.1 The proposed development would comprise a single storey concrete block-work building with sheet metal roofing on an L plan providing five loose boxes for stabling, a tack-room and a tractor / hay store. The building would have a mono-pitch roof 3.2m high along the rear and 3.7m on the front and with a projecting overhang creating a canopy to height 3.9m. The building would be 21m in length and width 6.6m parallel to the existing site buildings and in its other arm would project 19.5m northwards with width of 4m.

3.2 The applicants have submitted a list of the 8 horses needing to be stabled; a list of equipment and a photo survey of the site in relation to its surroundings. The holding size is given as c.9ha (22 acres).

4. RELEVANT PLANNING HISTORY

4.1 00/00901 – full – new agricultural cattle shed and extension to existing cattle shed – approved – implemented – now part demolished

DET/2016/0057 – GPDO (2015) Schedule 2 Part 3 Class Q prior notice change of use of agricultural building to dwelling – approved and implemented in accordance with a variation through SMD/2017/0605 (below) – now known as Horton Barn

SMD/2017/0047 – conversion of barn to domestic dwelling, alterations to elevations including raising the ridge height, construction of an external spiral staircase and demolition of redundant farm buildings – withdrawn

SMD/2017/0605 – [as DET/2016/0057 (above)] conversion of barn to dwelling and demolition of redundant farm buildings – approved and implemented

DET/2019/0019 – in relation to a further building: GPDO (2015) Schedule 2 Part 3 Class Q prior notice change of use of agricultural building to dwelling – refused

5. PLANNING POLICIES RELEVANT TO THE DECISION

5.1 Core Strategy Development Plan Document (Adopted 2014)

S01 Spatial Objectives

SS1 Development Principles

SS1a Presumption in Favour of Sustainable Development

SS6c Other Rural Areas Area Strategy
DC1 Design Considerations
DC3 Landscape and Settlement Setting
R1 Rural Diversification
NE1 Biodiversity
T1 Development and Sustainable Transport

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

- Design Principles SPG
- Design SPD 2018

Core Strategy Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

National Planning Policy Framework (NPPF) July 2018

Paragraphs 1 – 14
Section 4 Decision making
Section 12 Achieving well designed places
Section 13 Protecting Green Belt Land;
Section 15 Conserving and enhancing the natural environment

Local Plan Submission Version (February 2018)

SS1 Development Principles
SS1a Presumption in Favour of Sustainable Development
SS10 Other Rural Areas Area Strategy
DC1 Design Considerations
DC3 Landscape and Settlement Setting
NE1 Biodiversity and Geological Resources
T1 Development and Sustainable Transport

Local Plan process

- 5.2 The Council agreed to publish the Local Plan Submission Version for representations in February 2018. At this point, the Council agreed that the Local Plan was “sound”. Formal representations were then invited from residents, businesses and other stakeholders to provide them with the opportunity to support or challenge the soundness or legal compliance of the Local Plan. This stage in the process followed three previous public consultations since 2015 which had informed the preparation of the Local Plan alongside a comprehensive evidence base.
- 5.3 In June 2018, the Council subsequently agreed to submit the Local Plan Submission Version to the Secretary of State for examination. An examination in public is ongoing in order to determine whether the Local Plan is sound and legally compliant. Hearing sessions were conducted in October 2018 and the Inspector issued his initial post-hearing advice in January 2019 which set out some actions for the Council and a range of modifications that would be necessary to make the plan sound. The full schedule of modifications was agreed by the Council and the subject of public consultation between 18th September 2019 and 31st October 2019. The schedule consisted of modifications that the Inspector has deemed necessary to make the Local

Plan sound. Following the consultation, the Inspector concluded that further hearing sessions were necessary to consider; proposals for safeguarded land at Gillow Heath in Biddulph, housing land supply, Local Green Spaces in Cheddleton (Ox Pasture), Biddulph (Dorset Drive and implications for the emerging neighbourhood plan) and Blythe Bridge. They were held on 4th and 5th February.

5.4 On 27th February, the Inspector issued his post hearing advice. Key recommendations in the letter include:

- The proposed safeguarded land at Gillow Heath, Biddulph should be removed. Neither should the site be allocated for housing as requested by the landowners as the case for exceptional circumstances has not been met. The land will remain Green Belt as per the Local Plan Submission Version agreed by the Council in June 2018.
- No further housing allocations in Biddulph are required.
- No further amendments to the housing trajectory are required aside from pushing back the predicted commencement of the Wharf Road, Biddulph site (excluding BDNEW) until 2022/23.
- Monitoring of housing supply will determine if a full or partial Local Plan review is required within 5 years.
- Land at Ox Pasture (Cheddleton) and Dorset Drive (Biddulph) should revert back to the Local Green Space designations as per the Local Plan Submission Version as agreed by the Council in June 2018.
- Other modifications were considered during the recent hearings sessions are necessary to make the plan sound, including; updating neighbourhood area housing requirements (Policy SS4) to reflect the latest monitoring data, updating the employment land area for the Tunstall Road allocation to reflect the masterplan and other adjustments to the wording of Policy SS4 and Policy DC2.

5.5 No further representations will be sought by the Inspector. As such, the Local Plan policies as proposed to be modified in September 2019 along with the Inspector recommended revisions (February 2020) provide a strong indication of the final policies likely to be adopted in the Local Plan. The Inspector's final report is expected within 2 months and will reflect the post hearing advice. The Council will be able to consider the adoption of the Local Plan at this point. As such, the plan is at a very advanced stage of preparation with some of the key outstanding objections now having been resolved following the February 2020 hearing sessions.

5.6 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 considered below:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as the main modifications have been subject to consultation
- The extent to which there are unresolved objections to relevant policies varies depending on the policy in question – the Inspector wishes to explore

outstanding objections on a limited number of issues from the February hearing sessions further before drawing conclusions.

- The degree of consistency of the relevant policies in the emerging plan to this Framework – policies have been modified to address soundness issues identified by the Inspector to date. It is the Council's view that the policies (as modified) are consistent with national policy. The Inspector has yet to draw final conclusions, particularly on the matters subject to further hearing sessions.

5.7 Given the above, the majority of policies (as modified) can be given substantial weight.

6. CONSULTATIONS CARRIED OUT

Public

6.1 Neighbour consultations x 8 for response by 17th February 2020.
Site notice posted for responses by 27th February 2020.
– none

Parish Council

6.2 Werrington Parish Council – none received

Severn Trent Water

6.3 Advise that the proposal has minimal impact on the public sewerage system and therefore there are no objections to the proposals and no requirement for a drainage condition to be applied.

SCC Highways

6.4 No objection. Eaves Lane is an unclassified country lane with a speed limit of 60 mph. The access to the new equestrian building will be the existing gateway and track to the north east of the area outlined in red on the plan submitted with the application. It is considered that the proposal will not cause a significant trip generation and visibility is sufficient in both directions. Current records confirm no accident data within 215 metres radius of the property access.

7. POLICY AND MATERIAL CONSIDERATIONS / PLANNING BALANCE

Policy Context

7.1 In its general approach, in accordance with policies SS1 and SS1a, the Council expects the development and use of land to contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. This means that planning applications that accord with the policies in the Core Strategy shall be approved without delay, unless material considerations indicate otherwise.

- 7.2 Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:
- (a) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
 - (b) specific policies in that Framework indicate that development should be restricted.
- 7.3 The Development Plan for the Staffordshire Moorlands District Council consists of the Adopted Staffordshire Moorlands Core Strategy Development Plan Document (March 2014) with regard also being given to the provisions of the National Planning Policy Framework (NPPF); the Council’s adopted Supplementary Planning Guidance documents: ‘Space About Dwellings’ and ‘Design Principles’ and the Council’s Core Strategy Supporting Evidence Document: Landscape and Settlement Character Assessment (2008). Development boundary mapping remains for the present time as approved under the Staffordshire Moorlands Local Plan (September 1998).
- 7.4 Policy SS6c for the rural areas supports only development which meets an essential local need and supports rural diversification and sustainability of the rural areas (or supports sustainable tourism or enhances the countryside).
- 7.5 In the rural areas outside of the development boundaries Policy SS6c is that strict control will continue to be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by Government Policy.
- 7.6 Subject to Green Belt requirements Policy SS6c provides for “the diversification of existing farm enterprises (in accordance with policy R1)”.
- 7.7 As a new building for equestrian use there is no express or specific policy provision either in the current Core Strategy or the Local Plan (submission version) to support the proposal outright. Subject to Green Belt requirements the proposal therefore falls to be determined on its merits based on benefits versus harm. More specifically Policy R1 expects a balanced consideration of the extent to which a proposal protects and benefits rural qualities and supports rural economic and community needs stating that “appropriate development should not harm the rural character and environmental quality of the area”.

Green Belt Principle

- 7.8 The NPPF states at paragraph 144 that: “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.”
- 7.9 The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their

openness and their permanence. The Government identifies five purposes of the Green Belt:

- To prevent the unrestricted sprawl of large built up areas;
- To prevent neighbouring towns from merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic market towns
- To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

7.10 Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances (NPPF 143). 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (NPPF 144).

7.11 NPPF paragraph 145 states that: "A local planning authority should regard the construction of new buildings as inappropriate in Green Belt." Paragraphs 145 and 146 then set out specific exceptions by which certain forms of development can be considered as being not inappropriate in the Green Belt. One of these exceptions is:

145(b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

7.12 It must be noted that the application site is currently occupied by the concrete base and sections of concrete retaining wall on two sides associated with the former silage clamp. The walls comprise concrete panels supported between steel stanchions. In planning terms, whilst there is obvious extant physical engineering and construction at this site, the Government provides a definition of 'previously developed land' (aka brown field land) as follows:

"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings..." (NPPF Annex 2 – Glossary).

7.13 This is relevant because a further potential exception to the Green Belt restrictions on new building is given at 146(g) as follows:

146(g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

- 7.14 In order to find support for this proposed stables development in the Green Belt in accordance with policy SS6(c) it would be necessary to rely on NPPF 145(b). It appears also that an element of the applicant's activity is simply the 'breeding and keeping of animals' as some 'retired' horses are being kept. This could potentially benefit from the planning definition of agriculture but in this case would seem not to be the main defining activity.

Character and Appearance

- 7.15 Although the outlook from the site is rural and relatively undeveloped most views into the site from the surroundings would tend to see the proposed development against the backdrop of existing development and as such not be unduly harmful.

Amenity

- 7.16 The development would be prominently in view from the large picture window in the north elevation of Horton Barn albeit of the roof rather than the elevations as the building would be set down by nearly its full wall height. The relationship seems less than ideal but perhaps some low level shrub planting would assist.
- 7.17 Consideration needs to be given to the outlook and amenity of occupiers of the nearby dwellings to the west. The development would be in view albeit to one side but at the separation distances of c.50m or more would not seem likely to be unduly intrusive and not overbearing given its being set down.
- 7.18 Viewed in the context of the pre-existing developed area the development proposed would be unlikely to seem out of place when seen from the public footpath which passes alongside and which would afford extended views in the approach from the north.
- 7.19 There is a risk that outdoor lighting insensitively positioned and managed could cause unnecessary and undue intrusion on both neighbour amenity and landscape character. In the event of permission being granted a condition could be attached to cover this point.

Other Matters

- 7.20 For the avoidance of doubt no significant ecological or biodiversity matters arise.
- 7.21 The site would not be considered sustainably well located in terms of access and transport links given its rural position. There is no indication in the proposal of a commercial element involving outside participants or 'customers' and so no concern arises as to potential sustainability conflicts. Nonetheless, in the event of permission, a 'for avoidance of doubt' condition and /or

informative should be attached that the consent is personal to the occupiers of the dwelling Horton Barn.

8. Conclusion and Planning Balance

- 8.1 At the heart of the NPPF is a presumption in favour of sustainable development. For decision taking, it sets out that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or where specific NPPF policies indicate otherwise.
- 8.2 In this case policies for the Green Belt are specific NPPF constraints. On the one hand accommodation for horses in association with their grazing land can only best be provided in the countryside. This element of the use may be considered to meet the definition of agriculture and gain Green Belt exemption under 145(a). That the development is also to support necessarily rural recreational pursuits – in this case of the land owner / occupier at Horton Barn, exemption can also be ascribed from NPPF 145(b) but on the other hand this exception is subject to the facilities being regarded as “appropriate” and preserving the openness of the Green Belt and not conflicting with the purposes of including land in the Green Belt.
- 8.3 With regard to the matter of “appropriateness” there is an existing farm building at Horton Barn providing the current stabling. This was subject to the applicant’s refused DET/2019/0019 application to convert to a dwelling. It may reasonably be judged that the total 22acre holding could potentially justify further buildings on basis of agricultural storage and animal housing needs and this point has been made by the applicant and their agent although no actual details of a case in support of this have been submitted.
- 8.4 In respect of openness, this is generally regarded to mean “freedom from development”. Clearly any building permissible under para 145(b) will result in the land no-longer being entirely free from development and therefore some degree of intrusion of built form is inevitable with any development permitted under this exemption. Nevertheless the site is technically a “greenfield” one and the development is a relatively large stable block and its impact cannot be completely dismissed. Given the remnants of the agricultural structures on the land with the existing concrete base and on two sides its high walls and adjoining developments the impacts on openness and protection of the countryside from encroachment are less severe than if the land were completely undeveloped and / or dissociated from existing structures.
- 8.5 Core Strategy policy R1 expects a balanced consideration of the extent to which a proposal protects and benefits rural qualities and supports rural economic and community needs stating that, “appropriate development should not harm the rural character and environmental quality of the area”. Notably also however, Core Strategy Policy SS6c (3) is to “Enhance and conserve the quality of the countryside by: 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.” In this case the proposal can reasonably be considered not to add significant other harm (beyond that identified to the Green Belt) given the site context.

- 8.6 Taking all of the above into account, overall it is considered that a case can be made that the proposal represents appropriate facilities for outdoor sport and recreation which will preserve the openness of the Green Belt and does not conflict with the purposes of including land within it. There are no other technical reasons such as ecology, neighbour amenity or highway safety why permission should be withheld. Consequently, narrowly and on balance the conclusion and recommendation is to support the application as proposed.

9 RECOMMENDATION

A. Approve 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 the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

2. The development hereby approved shall be carried out in accordance with the details as submitted in the application form and submitted specifications and as shown in drawings:

5450-005

Reason: To ensure that the development is carried out in accordance with the submitted details and approved plans, in the interests of good planning, for clarity and the avoidance of doubt.

3. At any time during and following the completion of the development all exterior lighting installations shall be erected only in accordance with the protocols contained in the Institute of Lighting Engineers document “Guidance for the Reduction of Obtrusive Lighting” (2005) and the Bat Conservation Trust’s “Artificial Lighting and Wildlife Interim Guidance: Recommendations to Help Minimise the Impact of Artificial Lighting” (2014).

Reason: to minimise disturbance by artificial light to protected species including bats and minimise sky-glow across the site and in the interests of the visual appearance of the development and the amenities of the area.

4. This permission relates only to the use of the site for the stabling of horses belonging to or in the care of the occupiers of Horton Barn and the site shall not be used as a public riding school, commercial livery stable or equestrian centre unless a further planning permission has first been granted in respect thereof.

Reason: To define the permission and to limit the level of activity on the site to be compatible with its location.

5. If the use of the building hereby approved for the purposes of

agriculture and/or stabling within the unit permanently ceases, unless the local planning authority have otherwise agreed in writing, the building shall be removed from the land and the land shall, so far as practicable, be restored to its condition before the development took place, or to such condition as may have been agreed in writing with the local planning authority.

Reason: In the interests of the visual landscape amenities of the area as the site lies within open countryside within the Green Belt and the building has only been permitted for reasons to serve an agriculture related need in accordance with Policies SS1, SS1a, SS6c, R1 and the NPPF.

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

Informatives

1. Coal Mining Hazards – Low Risk Area – Standing Advice

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority. Standing Advice valid from 1st January 2019 until 31st December 2020.

2. The application has been determined in accordance with Policies: SS1; SS1a; SS2; SS4; SS6c; SD1; SD4; DC1; DC3; R1; NE1 and T1 of the Core Strategy Development Plan and the NPPF.

3. This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 38 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.

10. APPENDICES TO THE REPORT

10.1 The link below to the Council's website is where the detail of this application can be viewed.

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=131922>

10.2 – location plan

