

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

12 August 2021

Application No:	SMD/2021/0264	
Location	Upper Moor End Farm, Stoney Lane, Caudon	
Proposal	Two no. proposed shepherd's huts for use as holiday lets	
Applicant	Mr. and Mrs. C. Rhodes	
Agent	Mrs Julia Allen, Julia Allen Building Design	
Parish/ward	Waterhouses / Hamps Valley	Date registered 12 th April 2021
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 Wain (Hamps Valley Ward Member and Portfolio Holder for Planning, Development And Property) in order for Committee to consider in particular the access and its weight and width capacities in regard to a cattle grid bridge and the delivery of the 'Shepherds' Huts'.

1. SUMMARY OF RECOMMENDATION

Approve

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 Upper Moor End Farm is a detached stone farm house set back 80m from the public Road and accessed via a single track farm lane which is also a public footpath right of way and which also serves a rear access track to properties on Stoney Lane, other farm land beyond and Honey Hole Farm.
- 2.2 There are some outbuildings to the immediate NE of the farm house separated by a narrow yard. There is also yard area to the rear (NW) of the farm house which is open to the two proposed hut positions. An open fronted store / livestock building erected following consent under SMD/2019/0775 stands in the SW rear yard corner and at an LPA visit this spring was housing sheep. The farm house has no obvious or identifiable garden or curtilage at the rear and the yard butts up with the house walls. A public footpath right of way passes through the farm yard between the sites of the proposed huts.

3. DESCRIPTION OF THE PROPOSAL

- 3.1 Two 'Shepherds' Huts' holiday accommodation units are proposed 5.75m in length x 2.27m wide and 3.3m in overall height to roof ridge top. Materials: painted laminated vertical timber boarding; insulated metal 'barrel' roof painted to match the laminated vertical timber boarded walls.
- 3.2 A design and access statement accompanies the application. Although this several times refers to East Staffordshire BC the policy references quoted appear to be the SMDC Local Plan Policies and indeed the agent has confirmed that reference to East Staffordshire is a typing error. The huts are designed to sleep up to two people each and have a kitchenette and ensuite shower room. They are heated by log burning stove. The scheme includes proposals for an on-site foul water drainage and treatment facility.

4. RELEVANT PLANNING HISTORY

- 4.1 There is a lengthy planning history including of potential relevance:
- 4.2 79/07253/OLDDC – construction of vehicular access – approved – [this re-positioned slightly the road link and initial route of the farm lane].
- 4.3 10/01105/FUL – change of use of outbuilding to form ground floor family room, first floor bedroom and en-suite – approved – [this relates to the attached stone building now forming the NE end of the dwelling].
- 4.4 SMD/2018/0472 – retrospective application to change the use of surrounding agricultural land to extend the existing yard area - creation of earth bund with appropriate landscaping (engineering operation, re-routing the highway access drive, removal of the existing rented caravan and providing 2 new caravans with suitable access for disabled visitors - the proposal also includes permission to erect an open sided shelter for lambing etc. – withdrawn.
- 4.5 A submitted Part 6 prior notification for a lambing shed (ref DET/2019/0005) was withdrawn after it was found ineligible due to the holding size being less than 5ha.
- 4.6 SMD/2019/0775 – open fronted agricultural building for use as a lambing shed – approved – built and in use Paid-for pre-application advice was provided under PAD/2020/0055.
- 4.7 Paid-for pre-application advice was provided under PAD/2020/0055.

5. PLANNING POLICIES RELEVANT TO THE DECISION

5.1 Local Plan (adopted 9th September 2020)

- SS1 Development Principles
- SS10 Other Rural Areas Area Strategy
- DC1 Design Considerations
- DC2 The Historic Environment
- DC3 Landscape and Settlement Setting
- E1 New Employment Development
- E4 Tourism and Cultural Development
- H1 New Housing Development
- NE1 Biodiversity and Geological Resources
- NE2 Trees, Woodland and Hedgerows
- T1 Development and Sustainable Transport

National Planning Policy Framework February 2019

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 6 – Building a strong and competitive economy; 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)

6. CONSULTATIONS CARRIED OUT

Public

- 6.1 The last consultation expiry date was 8th June 2021 with, prior to that, neighbour consultation period to 17th May 2021 and press advertisement (due to public footpath passing through the site) to 26th May 2021.
- 6.2 One representation was received (from a resident of Stoney Lane) querying the access and whether the applicants would have the right to use it for this proposed development if they do not own it. The owner appears not to have been consulted. The Highways response recommends a condition to require binding surfacing to the junction with the public road “but they do not own it”.

Waterhouses Parish Council

- 6.3 Co not object

SCC Highways

- 6.4 No objections on Highway grounds to this proposal. The Highways Officer initially recommended a condition to surface the access track for 5m back from

the highway to provide support to the carriageway and prevent damage to the carriageway. However, this was on the understanding (as had appeared from the initial application submission) that the applicant owned the track from the public road.

- 6.5 When it transpired that the applicant did not own the track at the road junction the Highways Officer agreed that the suggested condition would be unreasonable (by reference to the Government's six tests for planning conditions). It was further agreed and advised that it would not be appropriate or necessary to refuse the application just because this particular condition could not be implemented.

Severn Trent Water

- 6.6 Minimal impact on the public sewer system therefore no objections and no requirement for a drainage condition.

7. POLICY AND MATERIAL CONSIDERATIONS / PLANNING BALANCE

Principle of Development and Main Issues

- 7.1 SS10 for the 'other rural areas' (which this location is in) says:
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. The Council and its partners will achieve this through the following actions:
- 7.2 SS10(2) is to sustain the rural economy by [first two points]
- Enabling the limited expansion or development of business for employment uses where a rural location can be justified
 - Supporting the diversification of existing farm enterprises
- 7.3 SS10(5) is to enhance tourist opportunities by:
- Allowing for small-scale tourism developments in other areas [than the Churnet valley] (in accordance with policy E 4);
- 7.4 Local Plan policy E4 for Tourism and Cultural development is that:
New tourism and cultural development which complements the distinctive character and quality of the District will be supported having regard to the Area Strategies in Policies SS5 to SS10 and Churnet Valley Strategy Policy SS11.
- 7.5 E4(1) is that: "New tourist, visitor and cultural accommodation, attractions and facilities should be developed in locations that offer, or are capable of offering either:
- A) good connectivity with other tourist destinations and amenities, particularly by public transport, walking and cycling; or
 - B) in locations in or close to settlements where local services, facilities and public transport are available; or

C) in areas specifically identified for tourism development in the Churnet Valley Masterplan or other relevant documents.

- 7.6 E4(2) is that New accommodation, attractions and facilities should:
- A) support the provision and expansion of tourist, visitor and cultural facilities in the rural areas where needs are not met by existing facilities; and
 - B) all development shall be of an appropriate quality, scale and character compatible with the local area, protect the residential amenity of the area, enhance the heritage, landscape and biodiversity of the area and shall not harm interests of acknowledged importance.
- 7.7 As a proposed new development offering accommodation for tourist visitors the proposal falls to be considered under E4. The considerations therefore are whether the development would have good connectivity [E4(1)(A)]; and would have proximity to settlements and services [E4(1)(B)]; and if not, would otherwise meet needs that are not provided for elsewhere E4(2)A and be appropriate and compatible as per E4(2)B.
- 7.8 There are certainly degrees of connectivity with local attractions and some proximity to services. The application DAS provides a comprehensive schedule at section 7.
- 7.9 Public footpaths converge through Moorend from five directions. The site is c.900m on foot to the famous Yew Tree Inn; about 1200m to the Cross Inn at Cauldon and the 'larger' village of Waterhouses is 2.6km by road and c.2km to walk by combination of road and cross-field footpaths. Waterhouses has the benefit of the main road between Ashbourne and Leek and some bus services. There is also a pub, village store and fish and chip shop.
- 7.10 Whether needs are met by existing facilities may often be difficult to assess conclusively but this application seeks to demonstrate a niche service provision by being dedicated to low numbers of people and only up to a maximum of two in each cabin.
- 7.11 It can be judged significant that the proposed siting of the cabins in association with an existing farmstead buildings cluster would help assimilate the development without causing overt intrusion into the landscape.

Design

- 7.12 There may not be any particular authenticity or tradition behind the 'Shepherd's hut' concept in the Staffordshire Moorlands and any examples there may once have been have long disappeared but the concept has the advantage of appearing low key and transient in terms of the structure. Seen in close association with the farm setting and using timber walls the structures should not seem especially out-of-place. Metal sheet cladding to the roof is also very akin to later 20thC and more recent farm building and structures.

7.13 These are modestly sized items and at this particular site the two site positions afford some screening by combination of topography and backdrop / trees / hedging. There is also scope to add hedging to the more visually exposed boundaries NW of hut 1 and NE of hut 2 and this should be made subject to condition.

Amenity

7.14 The public footpath would be unaffected. The dwelling at Honey Hole Farm 150m to the north would be in sight of the development and would have views of it but the development could not be considered to intrude on their amenity or be overbearing and at this distance would be unlikely to result in disturbance. Whilst there are closer neighbours in the terrace on Stoney Lane the development may be less noticeable from there and the overall assessment low or zero impact would also apply – likewise for Lower Moor End 200m to the east.

7.15 Due to the small size of the accommodation and the nature of the location and no assigned private amenity space (which would not be appropriate) it would be important to condition their use solely as holiday lets.

Highway Safety

7.16 With satisfactory parking and turning available, the scheme is acceptable in highways terms. Although a condition had initially been recommended to add additional surfacing to the track junction with the public road (“in a bound and porous material for a minimum distance of 5m back from the carriageway edge of Stoney Lane”), now that it is apparent that the track is not in the applicant’s ownership it would be unreasonable to attach the condition, as there would be no certainty that the applicant could implement the condition, a point agreed in correspondence with the Highways Authority. Whilst improved surfacing would be beneficial, the access is in all other respects acceptable and the surfacing not so problematic that the development should not proceed. The development would be likely to lead to only a light increase in a ‘domestic’ type of traffic. An informative to suggest entrance surfacing would be desirable can be included.

Other matters

7.17 Objection was raised that necessary certificate B notification in relation to ownership of the access track did not accompany the application as first submitted. The access track between the public road and the farm is in separate ownership from the applicant. After the LPA raised this with the agent the applicant served notice on the owner of the track by letter dated 9th June 2021 and corresponding certificate B has been provided in an amended application form of the same date.

7.18 The ward member's concern in relation to the 'bridge' / cattle grid has been examined in a further site visit made by the case officer. The structure appears solid and not unduly restricted in width. The matter has also been discussed with the agent and applicant and they have advised that each Shepherd's hut is sectional on delivery and will be brought in by trailer towed by the applicant's car for final construction on site. They point out that the access track has to carry farm traffic to and from both Upper Moor and Honey Hole farms / former farm and to and from adjacent fields and the Shepherds' huts will be relatively minor deliveries by comparison. Ultimately in any event the structural load carrying capacity of the access track and in particular the cattle grid would be a private matter and not a material planning consideration for the Local Planning Authority.

8. Conclusion and Planning Balance

8.1 This is a relatively modest scheme which would not be dominant in the landscape – indeed it would be relatively secluded. By being positioned in close association with a small active farmstead the accommodation huts would not appear incongruously in the open. For these reasons and taking account of the materials, colour and ephemeral or transient form of the development as discussed in the report, and with some additional hedge planting, the scheme can be judged to meet the requirements of E4(2)(B). There is a reasonable case to conclude that the scheme has good connectivity and good proximity to existing attractions and would therefore be acceptable in principle under E4(1)(A) and E4(1)(B) – both of which are requirements unless alternatively the scheme can be shown to provide for un-met demand. At this small scale it is likely that the scheme would find its specified niche customer base and therefore also fit the latter. On balance in consideration of all of the above the scheme is recommended for approval.

8 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:

JABD.293.001 Rev A

JABD.293.002 Rev A

JABD.293.003 Rev A

JABD.293.004 Rev A

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. The external facing and roofing materials shall be as stated in the submitted application details and plans using timber painted to an 'earth' colour for the walls and roof in metal of colour to match the walls and there shall be no variation without the prior consent in writing of the Local Planning Authority.**

Reason: To ensure that the works harmonise with the location and existing development.

- 4. By the end of the first full available planting season November to February inclusive following the completion or the first coming into use of the development whichever is the earlier a hedge comprising a double row of hawthorn (Crataegus monogyna) whips of stem height 20cm to 40cm shall be planted at 45cm staggered spacings in two rows set 30cm apart alongside the site boundary to the north west and north east of hut two as marked on the site plan hereby approved. The plantings shall be protected from grazing wild mammals or livestock by means of guards and mesh fencing. Any plants which die or are lost or otherwise fail to establish in the first five years following the completion of the planting shall be replaced in the next available planting season (November to February inclusive) with plants of the species, form and size as originally planted. The planting shall thereafter be allowed to grow and be maintained for the lifetime of the development.**

Reason: In the interests of the appearance of the development in the landscape and for biodiversity.

- 5. The accommodation cabins hereby approved shall only be used for short stay holiday accommodation not exceeding 4 weeks continuously by the same individual whether alone or as part of a group and for not longer than 4 weeks in any three month period whether alone or as part of a group. A register of occupants including details of duration of stay shall be kept by the owner / proprietor of the premises and shall be made available for inspection by the Local Planning Authority upon request at any time in normal office hours. The cabins hereby approved shall not be sold, let or otherwise occupied as a sole or main residence for any person or persons at any time.**

Reason: In order to control the nature of the permission as the premises are not considered suitable for permanent residential occupation.

Informatives

- 1. A public footpath right of way passes through the site and this must not be obstructed at any time during the development and must remain available for public use on foot at all times both during development and on completion. Should temporary closure or diversion be necessary to**

allow the works to proceed then application should be made to the Staffordshire County Council Public Rights of Way officer. Contact: Rights of Way, Staffordshire County Council, 2 Staffordshire Place, Tipping Street, Stafford ST16 2DH. Email: rightsofway@staffordshire.gov.uk
Tel: (01785) 277244 or 277247

2. The applicant is advised of the desirability of improving the surface of the access track for 5m back from the highway at Stoney Lane using a bound porous material.
3. The proposed development is judged to be of suitable design and meets the tests of sustainability in planning. There are not judged to be any adverse implications for neighbours or wider public amenity and street scene. As the application was considered acceptable there was no need for any negotiation or amendment as would otherwise be advocated within the National Planning Policy Framework paragraph 38.

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

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=147624>

10.2 – location plan

