

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**12<sup>th</sup> May 2022**

Application No:	SMD/2021/0676	
Location	Bradstones, Bottom Lane, Ipstones	
Proposal	Construction of a steel portal frame agricultural building	
Applicant	Mr & Mrs G Bowden	
Agent	Mr Andrew Dukesell	
Parish/ward	Ipstones	Date registered: 20/10/2021
If you have a question about this report please contact: Ailsa Berry, tel: 07583122644, email: <a href="mailto:ailsa.berry@highpeak.gov.uk">ailsa.berry@highpeak.gov.uk</a>		

## **1. REFERRAL**

1.1 The application was deferred by Members of the January 2022 Planning Applications Committee. Members requested the applicant submit an Agricultural Appraisal to support their application and asked the Council to appoint an Agricultural Consultant to independently review the Appraisal. This has subsequently been done.

1.2 The additional information can be viewed here:

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=153944>

1.3 In addition, following the Planning Applications Committee Meeting, a meeting was held that was attended by the applicants, the applicants' planning agent, the Planning Officer, the Planning Manager and a local Member to discuss the proposal and the issues that had been raised.

1.4 This committee report covers those matters that have been amended since the application was deferred. For all other matters, please refer to the original committee report, which is attached to the end of this report, as an appendix.

## **2. SUMMARY OF RECOMMENDATION**

<b>APPROVE SUBJECT TO CONDITIONS</b>
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## **3. CONSULTATIONS**

### **Reading Agricultural Consultants (RAC)**

3.1 The proposed agricultural building falls within the scope of national and development plan policies which seek to support the development of farming activity

and to accommodate its development requirements which must necessarily be met in the countryside.

3.2 The need for the development arises from the loss of agricultural buildings in the development of the Little Blakelow Barn Farm site previously in the applicant's ownership, and the absence of any buildings on the residual agricultural holding. This reflects an asset management decision on the part of the applicant without any certainty that alternative provision would be available. RAC takes no view on this aspect of the background.

3.3 In the absence of an available building, there is an in-principle requirement for the provision of secure storage of equipment and materials and the safeguarding of animal welfare in association of the stated farming of the land.

3.4 The proposed building is of a size and design generally appropriate to its intended use, and its siting in conjunction with an associated residential presence and a group of buildings has merit. RAC takes no view on the non-agricultural siting considerations and the wider design aspects of the development.

3.5 The current size of the agricultural holding is such that, if maintained, it can sustain the proposed building from a functional perspective.

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

##### Principle of Development

4.1 The applicant has submitted an Agricultural Need Statement to support the planning application. This, together with the planning application submission and the planning history of the farm, have been taken into consideration by Reading Agricultural Consultants (RAC), an independent agricultural consultant appointed by the Council.

4.2 RAC made the following comments:

##### **(a) Need**

- *The submitted material indicates that the applicant occupies 16.7 ha of land and states that he is actively engaged in the farming of that land in terms of grassland management and of a supporting role in the husbandry of sheep. This is a continuation of a long family farming association with the land.*
- *In so far as the agricultural tasks undertaken involve storage and animal welfare considerations which are perceived by the applicant as requiring the availability of an appropriate building, the holding no longer has access to pre-existing buildings. RAC takes no view on the agricultural merits of the decisions occasioning the loss of those buildings or the severance of their site from the applicant's holding. If, however, a new building is now required, the fundamental reason for it and on a new site derives from the decisions taken in respect of the assets now comprised in Little Blakelow Barn Farm.*

- *The Agricultural Need Statement suggests that machinery is currently stored outdoors, and the sheep are managed without any access to shelter (Section 3.0 1 and 2). Notwithstanding that this is a situation created by the applicant, it is one which is, in principle, unsatisfactory from an operational and animal welfare perspective.*
- *Although external storage is a common feature of farms, it does not represent best practice. In respect of equipment and machinery, external storage exposes items to unnecessary deterioration and damage from the effects of weather, which has a consequential cost in repairs and replacement. There is also a greater risk of theft or interference with items not stored in a secure manner. Given the rise in rural crime, increased security on farms is recommended by both the police and insurers.*
- *Although the number of animals on the holding is relatively small, the applicant is statutorily responsible for their welfare while they are on his land and in his care. The Defra Code of Recommendations for the Welfare of Livestock – Sheep makes it clear that it is essential that there is awareness of the welfare needs of sheep present and a capability on the part of the responsible person to safeguard them under all foreseeable circumstances. Unless this can be achieved, flocks should not be increased in size or new units established.*
- *The number of animals involved at the applicant's holding is relatively small (10% of the total flock) requiring the labour input of less than 0.1 of a worker. There is no indication as to why the majority of management tasks, particularly those of a more sensitive nature such as lambing, must necessarily take place at the application site. However, it is axiomatic that some animal shelter is desirable to address emergency or unforeseen circumstances.*
- *There is an in-principle requirement of a general-purpose building to serve the agricultural holding.*

### **(b) Design**

- *The proposed building is of a standard general purpose agricultural design. The portal frame encloses a single open internal space, which divides into three bays. The application drawing suggests one bay with a double doorway in the north-west elevation will function as an equipment storage area, a central bay having a general storage use, and the remaining bay with a double doorway in the south-western gable used for the housing of sheep. The Design and Access Statement accepts, however, that the central bay may also have to be used for sheep housing.*
- *The primary design consideration is ensuring that the appropriate environment is provided for the housing of the sheep. Inadequate design can be a cause of disease and welfare problems. It is particularly important that animals have appropriate amounts of space available to them and that the building is adequately ventilated. The latter requires the free circulation of air*

above sheep height and the avoidance of draughts at sheep level. This is usually secured in a portal frame building by an open or protected ridge and some form of wind break material below eaves typically space boarding or material fabric. Concrete panel walling prevents draughts and provides protection to the wall from livestock and moving equipment. The proposed building generally achieves these objectives. Furthermore, the building will be sited on a concrete slab which, in association with the wall panels, will facilitate the maintenance of biosecure conditions.

- *The means of access from both ends of the buildings meets a general safety requirement to provide an alternative escape option should one doorway become unusable for any reason. The doorways also enables access by machines and equipment avoiding the need for manual cleaning activity and handling of materials. However, the low height of the eaves limits the doorways which may place some restriction on the size of equipment which can be used.*
- *The proposed building has a design generally appropriate to the intended uses identified.*

#### **(c) Size**

- *The Welfare Code recommends that sheep should not be housed in groups of more than 50. The general space requirements of sheep are 1.2 to 1.4 sq m per animal and 2.0 to 2.2 sq m for ewes with lambs at foot. This does not fully make allowances for individual lambing pens, feeding troughs, and general access. If all ewes and lambs were to be housed simultaneously at the maximum space requirement, the building could with difficulty handle the numbers indicated, but at the expense of storage uses of the central bay. This is, however, an unlikely scenario. The remaining bay could reasonably accommodate the equipment necessary for general grassland management.*
- *The proposed building is not excessive in size for the intended uses identified.*

#### **(d) Site**

- *The site of the proposed building is in a field corner adjacent to a non-residential building in the adjoining property. It would form part of a close group of primarily residential buildings. In this respect, the site reflects the general imperative regarding agricultural buildings that they should, where possible, be allied to existing development rather than on isolated sites. The proximity of the proposed building to an associated dwelling and the intended means of access to it have merit in terms of security and surveillance considerations. The non-agricultural siting considerations and the wider design aspects of Policy DC1 are outside the scope of this appraisal.*

#### **(e) Sustainability**

- *As with all agricultural development in the countryside, it is important that it can continue to serve its nominated purpose for a realistic period of time to*

*avoid becoming redundant and potentially giving rise to changes of use or circumstances which would otherwise be unacceptable. This raises considerations of economic and functional sustainability.*

- *It is unusual for agricultural buildings to be tested from an economic perspective. The emphasis is primarily on the functional consideration. However, the statements supporting the application indicate that the relevant agricultural holding is managed in a manner which seeks to generate an income within a recognisable trading structure and continues the applicant's longstanding farming activity.*
- *From a functional perspective, the proposed building has the uses identified. As long as it is associated with the current land resources (i.e. the 16.7 ha), they are sufficient to justify and sustain those uses.*

4.3 It is considered that the Agricultural Need Statement has clarified the issues surrounding the agricultural enterprise and how it operates, and has demonstrated a need for the proposed building. The amended design of the building indicates that it is now designed and is of an appropriate size for its intended use. The proposed building will support the diversification of an existing farm enterprise and therefore the principle of the development is acceptable and it will comply with policy SS10 of the Local Plan.

#### Impact on the Character and Appearance of the Area

4.4 Policy DC1 of the Local Plan (2020) refers to design and seeks to secure development of a high quality which is designed to add value to the area and to respect the site and its surroundings. New development should promote a positive sense of place and identity through its scale, density, layout, siting, landscaping, character and appearance.

4.5 Paragraph 130 of the NPPF (2021) requires the design of a development to add to the overall quality of an area, by being sympathetic to local character and by being visually attractive as a result of good architecture.

4.6 Policy DC3 refers to landscape and settlement setting and seeks to protect and, where possible enhance, local landscape and the setting of settlements. It states that development that leads to a prominent intrusion into the countryside should be resisted. Supporting developments that 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.

4.7 The proposed building will measure 13.5 metres x 9 metres. It will have a shallow pitched roof with an eaves height of 3 metres and a ridge height of 4.2 metres. It will comprise a steel portal frame structure, bolted onto a new concrete slab. The walls will comprise one metre of exposed pre-cast concrete panels with hit and miss vertical clad natural finished Yorkshire boarding above. The roof will comprise a cement fibre panel roof with clear segments to provide natural light. The building will have double doors accessing into the field and double doors accessing onto the proposed access track.

4.8 The building will be sited within the northeastern corner of the field, approximately 30 metres from the applicant's dwellinghouse. The building will be accessed via an extension to the driveway serving the applicant's dwellinghouse and will result in a area of hardstanding being created to facilitate the access and turning area associated with the building (approximately 115 square metres). The existing ground mounted solar array will be relocated onto the building's roof.

4.9 The application site is located in a rural part of the District that comprises largely agricultural fields with dispersed farms. The site is located within the 'Gritstone Highland Fringe' landscape character type, as identified in the Staffordshire Moorlands Landscape and Settlement Character Assessment (LSCA). Page 45 of the LSCA states:

- *'Planning for Landscape Change SPG to Staffordshire and Stoke on Trent Structure Plan, identifies this landscape character type as very sensitive to the impacts of development and land use change.'*
- *'The grouping and form of new buildings should reflect the juxtaposition, scale, form, enclosure and materials of traditional stone buildings characteristic of this area.'*
- *'The colour of prefabricated agricultural buildings should be determined taking careful account of position, predominant tones of adjacent vegetation, local materials and sky, so as to minimise the visual impact of the development.'*
- *'Where possible, gritstone walls should be used as a means of enclosure in order to reflect and maintain local character.'*

4.10 Concern was previously raised regarding the design and materials of the proposed agricultural building; it was likened to a domestic outbuilding rather than an agricultural building. The proposed building has been amended so that it is now agricultural in appearance and has been designed for its intended use, with adequate ventilation and natural light for livestock. The extent of the hardstanding has also been significantly reduced thereby improving the development's visual impact on the Open Countryside.

4.11 The proposed building will be highly visible when travelling north along Bottom Lane and from the adjacent Public Right of Way (PRoW). A much less prominent location for the proposed building would be to the northeast of the existing retained agricultural building on the opposite side of the road. A building in this location would be screened by the existing barn conversion and agricultural building when travelling northeast along Bottom Lane and would be screened by the rising land when travelling southwest. However, the applicant has since sold off the converted barn, existing agricultural buildings and the land immediately surrounding these buildings to his daughter. The land therefore falls outside of the applicant's ownership.



Land Registry plan showing the land that has been sold separately from the farm.

4.12 The proposed building has been sited adjacent to an existing group of buildings, which includes the applicant's bungalow, a neighbouring dwellinghouse and the neighbour's agricultural building. The proposed building will be viewed against the backdrop of these buildings and will have a similar appearance as the neighbour's agricultural building. Although the building will appear extremely prominent within the landscape, the siting of the building in this location is considered to be the least visually intrusive within the land holding and on balance is considered acceptable.

4.13 To help screen the proposed development from views from the southwest when travelling along Bottom Lane, and to ensure the development provides a net gain in biodiversity, it is recommended that hedgerows and trees are planted along the southern boundary of both the access track and the proposed building. This should be conditioned accordingly.

4.14 The revised drawings are considered to have overcome the previous concerns in respect of siting and design and therefore the application will, on balance, comply with policies DC1 and DC3 of the Local Plan (2020).

#### Impact on Residential Amenity

4.15 Local Plan policy DC1 and paragraph 130(f) of the NPPF (2021) seek to secure development that protects amenity, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

4.16 Concern was previously raised regarding the proximity of the existing access and driveway to the applicant's dwellinghouse and the potential noise disruption resulting from a farmer or vet accessing the building at any time of day or night to tend to the sheep. It was considered that this would result in an unacceptable impact on the amenity of the occupiers of the adjacent bungalow (i.e. the applicant and his family).

4.17 The applicant has clarified that whilst the sheep belong to another farmer, it will be him that looks after the sheep whilst they are on his land. Therefore there will be no comings and goings to the proposed agricultural building unless the applicant has specifically requested for the vet or the farmer to attend. There will therefore be no disruption to the applicants residing at the adjacent bungalow.

4.18 The proposed agricultural building will therefore have an acceptable impact on amenity and it will comply with policy DC1 of the Local Plan (2020) and the NPPF (2021).

### Ecology

4.19 Policy NE1 of the Local Plan (2020) outlines that the biodiversity of the District will be conserved and enhancement by positive management and the strict control of development by (1) protecting and enhancing habitats and species of principal importance for conservation; (2) ensuring development produces a net gain in biodiversity and; (3) any unavoidable impacts are mitigated.

4.20 A pond is located approximately 17 metres southeast of the application site, within the adjacent field, with other ponds located in close proximity. The Planning Officer advised the applicant of this during a previously refused application and a Preliminary Ecological Survey (PES) was submitted to support that planning application.

4.21 The PES was not submitted to support the new planning application when it was validated. However, prior to the January Planning Committee, it was re-submitted.

4.22 The proposed development proposes a larger building than that proposed by the previously refused application (SMD/2020/0709). However, the site area is the same and therefore there is no requirement for an updated PES.

4.23 Subject to a condition requiring the development to be undertaken in accordance with the Reasonable Avoidance Measures detailed within the survey, the proposed development will not adversely affect Great Crested Newts.

4.24 As detailed above, the planting of a hedgerow and trees along the southern boundary of the proposed access and building to help screen the building from views from the southwest, will also result in a net gain in biodiversity, in accordance with part (2) of policy NE1 of the Local Plan (2020).

4.25 The proposal will therefore comply with policy NE1 of the Local Plan (2020) and the NPPF (2021).

## Planning Balance & Conclusions

4.26 The need for the proposed agricultural building has arisen by the applicant's desire to convert the traditional agricultural building on the opposite side of the road to a dwellinghouse under Part Q of the General Permitted Development Order and the subsequent sale of the barn conversion and the only agricultural buildings associated with the farm to the applicant's daughter. This has resulted in the farm having no agricultural buildings.

4.27 Although the circumstances surrounding the requirement for a new agricultural building to serve the farm are regrettable, an agricultural need for a new building has been demonstrated and, whilst the siting of the proposed building is less than ideal, it will be sited in the least obtrusive location on the farm holding that now remains.

4.28 In addition:

- The building's design and materials have been amended. It is now of a traditional agricultural design and has been designed for its intended purpose, with sufficient light and ventilation provided for the housing of livestock.
- The area of hardstanding has been reduced, improving the visual impact of the development on the Open Countryside.
- Clarification has been provided by the applicant regarding the use of the proposed building. The building will therefore not adversely affect the amenity of the occupants of the bungalow.
- The submission of the Preliminary Ecological Survey ensures the development will not adversely affect protected species or their habitat.

4.29 On this basis, the application is considered, on balance, to comply with the relevant policies in the Local Plan (2020) and the NPPF (2021) and is therefore now recommended for approval.

## **5. RECOMMENDATION**

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

- 1. The works hereby permitted shall be begun before the expiration of three years from the date of this consent.**

**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 permitted shall be carried out in accordance with the following approved revised plans:**
  - PL11D
  - PL12F
  - PL13G

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

- 3. The development hereby approved shall be constructed of those materials specified within the planning application, unless details of alternative materials are first submitted to and approved by the Local Planning Authority.**

**Reason: To ensure the external appearance of the development is acceptable.**

- 4. Prior to the construction of the roof of the building hereby approved, details of its colour shall be submitted to and approved in writing to the Local Planning Authority. The development shall be constructed in accordance with the approved details.**

**Reason: To ensure the external appearance of the development is acceptable.**

- 5. The development hereby approved shall be undertaken in accordance with 'Chapter 5: Development Constraints and Recommendations' contained within the Preliminary Ecological Appraisal produced by Absolute Ecology, dated February 2021.**

**Reason: To ensure the development has an acceptable impact on protected species and their habitats.**

- 6. Prior to the construction of the external walls of the building hereby approved, a comprehensive landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority for the planting of a hedgerow and trees along the southern boundary of the access road and building. Such a scheme shall include full details of all new trees, shrubs and any other planting, giving specification for species, positions, planting sizes and numbers/densities of all new planting.**

**The soft landscaping scheme so approved shall be fully implemented before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved.**

**The trees and shrubs planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.**

**Reason:- In the interests of the visual appearance of the development, the amenities of the area and to achieve a net gain in biodiversity.**

- 7. The building hereby permitted shall be demolished and the land restored to its former condition within 6 months of the date on which it ceases to be required for agricultural purposes.**

**Reason: To protect the character of the open countryside.**

- 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.**

# Site Location Plan



## **APPENDIX: JANUARY 2022 COMMITTEE REPORT**

### **STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL PLANNING APPLICATIONS COMMITTEE**

**27<sup>th</sup> January 2022**

Application No:	SMD/2021/0676	
Location	Bradstones, Bottom Lane, Ipstones	
Proposal	Construction of a steel portal frame agricultural building	
Applicant	Mr & Mrs G Bowden	
Agent	Mr Andrew Dukesell	
Parish/ward	Ipstones	Date registered: 20/10/2021
If you have a question about this report please contact: Ailsa Berry, tel: 07583122644, email: <a href="mailto:ailsa.berry@highpeak.gov.uk">ailsa.berry@highpeak.gov.uk</a>		

#### **REFERRAL**

The application is before committee as the application, was called-in by Cllr Gill Heath if the Planning Officer was minded to recommend refusal. She is fully in support of the application and note that the Parish Council, Highways and most importantly the next door neighbours, who live very close by, are fully supportive. It mirrors a building the neighbours have and is hidden from the road by said building. Sheds are important for animal health and welfare.

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

**REFUSE**

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

2.1 The application site comprises the northeastern corner of a field that is currently occupied by a solar panel array. The site is located to the east of the applicant's dwellinghouse 'Bradstones', which fronts onto Bottom Lane to the west and comprises a detached L-shaped bungalow. The dwellinghouse does not have any outbuildings or garages.

2.2 A recently converted barn and associated agricultural buildings, formerly owned by the applicant, are located on the opposite side of the road. To the north of the site is 'Little Blakelow Farmhouse' with its associated outbuilding and a detached agricultural building. To the east and south are fields.

2.3 A Public Right of Way, Ipstones 73, travels from Bottom Lane, through the curtilage of Little Blakelow Farmhouse and across the field to the east of the application site. A pond is located southeast of the application site, within the adjacent field.

2.4 The site is located in the Open Countryside.

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

3.1 Full planning permission is sought to erect a portal frame agricultural building. This will result in the displacement of the existing solar array, which will be relocated within the field. An area of hardstanding is proposed that will surround the proposed building and will provide an access and an area for the turning of vehicles.

3.2 The application is a re-submission of an earlier application that was refused by the Local Planning Authority (SMD/2020/0709).

3.3 Details of the application can be viewed at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=153944>

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

4.1 SMD/2020/0709            Construction of a steel portal frame agricultural building  
Refused 04/03/2021

4.2 The application was refused on the following grounds:

1. Insufficient information has been submitted to demonstrate there is an essential need for the proposed building to be located in the Open Countryside, contrary to policy SS10 of the Staffordshire Moorlands Local Plan (2020).
2. The development will encroach into an existing undeveloped field; its design is more akin to a domestic outbuilding than an agricultural building; and the scale and materials of the access, parking and turning areas to serve the proposed building will comprise a visually obtrusive feature within a very sensitive landscape character type, contrary to policies DC1 and DC3 of the Staffordshire Moorlands Local Plan (2020) and the NPPF (2019).

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

Staffordshire Moorlands Local Plan (Adopted Sept 2020)

5.1 The Development Plan comprises the Local Plan Development Document (adopted September 2020).

5.2 The following Local Plan policies are relevant to the application:

- SS1            Development Principles
- 1a            Presumption in Favour of Sustainable Development
- SS2            Settlement Hierarchy
- SS10          Other Rural Areas Strategy
- DC1            Design Considerations
- DC3            Landscape and Settlement Setting

- T1 Development and Sustainable Transport
- NE1 Biodiversity and Geological Resources

### National Planning Policy Framework (NPPF) Revised (2021)

5.3 The following chapters of the NPPF (2021) are particularly relevant to this application:

- 2: Achieving sustainable development
- 4: Decision making
- 9: Promoting sustainable transport
- 12: Achieving well-designed places
- 15: Conserving and enhancing the natural environment

5.4 Other relevant documents:

- Landscape and Settlement Character Assessment of Staffordshire Moorlands

## **6. CONSULTATIONS**

### **Public response to consultation**

6.1 One comment was received in support of the application, that stated:

*'We share a boundary with Bradstones and we have no objections to this planning application to provide Mr and Mrs Boden with a new agricultural building providing essential shelter for 40 ewes and their lambs and fodder, especially during winter here at 1,000 ft above sea level. There is currently no shelter or housing or fodder storage on this exposed 7 acres of grazing adjacent to Bradstones. The new agricultural building will support the DEFRA / Animal Welfare Council Five Freedoms framework supporting livestock welfare on this exposed site. We regards the type and, particularly, siting of and access (via an extension to an existing track) to, this proposed development is appropriate.'*

### **Ipstones Parish Council**

6.2 Ipstones Parish Council support the application.

### **SCC Highway Authority**

6.3 No objection.

### **Ramblers Association**

6.4 Footpath Ipstones 73 runs very close to where development is to take place. The path must remain safe to use for the public during and after development.

## **Peak & Northern Footpaths Society**

6.5 We note that the PROW Ipstones 73 is very close to the proposed site. Use of the PROW, and the safety of users must not be affected by the development, nor during the work taking place.

### **Severn Trent Water**

6.6 The proposal will have minimal impact on drainage and therefore has no objection to the application and do not require a drainage condition to be applied.

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

7.1 The main issues relate to:

- Whether the proposal is acceptable in principle.
- Impact on the character and appearance of the surrounding area.
- Impact on neighbouring amenity.
- Impact on highway safety.
- Impact on biodiversity/ecology.

### Principle of Development

7.2 Paragraph 11 of the National Planning Policy Framework (NPPF, 2021) promotes a 'presumption in favour of sustainable development'. For decision makers this means (c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies which are more important for determining the application are out-of-date, granting permission, unless: i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii) 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.

7.3 Paragraph 8 of the NPPF (2021) identifies three dimensions to sustainable development as being economic, social and environmental. In accordance with policies SS1 and 1a of the Staffordshire Moorlands Local Plan, the Council will expect all new development to make a positive contribution towards the sustainability of communities and to protecting, and where possible, enhancing the environment. When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF (2021).

7.4 The application site is located in the Open Countryside. Policy SS10 of the Local Plan relates to developments within other rural areas within the countryside and Green Belt outside of the Development Boundaries of the towns and villages and the open countryside surrounding the smaller villages. This policy outlines that *'these areas will provide only for development which has an essential need to be located in the countryside, supports rural diversification and sustainability of the rural areas, promotes sustainable tourism or enhances the countryside'* and then lists a number

of types of development that are deemed acceptable in principle. One such example is listed at (2) as '*supporting the diversification of existing farm enterprises*'.

7.5 The previous application was refused on the grounds that insufficient information had been submitted to demonstrate there was an essential need for the proposed building to be located in the Open Countryside. A Design & Access Statement had been submitted to support the previous application and the Planning Officer requested additional information during the course of the application to clarify the information already provided, but to also provide additional supporting information.

7.6 The applicant did submit some additional information, but this led to confusion rather than resolve the issues identified by the Planning Officer. The information submitted stated:

- The applicant and the occupant of the barn across the road (Little Blakelow Barn) manage the surrounding agricultural land in partnership and they have recognised the need for additional storage once the large metal clad building to the rear of the barn is removed and so need to apply for permission to construct a smaller agricultural building, behind the bungalow, Bradstones.
- The occupants of Bradstones and Little Blakelow Barn operate a small holding on the surrounding agricultural land.
- They allow another local farmer to graze his sheep on the land, but the applicant himself is the individual who manages and maintains the land as well as provides space for animal sheltering and feed storage. This proves necessary to have the storage space for feed, materials and machinery used to manage the land.
- Mr Ian Hooley rents land from the applicant. He resides at Old Blakelow Farm, Ipstones. He uses the land for sheep and will also need to use the shed for storage of corn, hay and shelter for the sheep. He currently has around 20 sheep in the adjacent field, the rest are lambing at present.
- The applicant's own tractors along with various mechanical attachments such as mowers, pallet forks and alike which are used in the summer months for silage, which is one example of the feed and materials that will be stored in the proposed structure.
- The total area of land under their ownership is approx. 17 hectares.
- Although the two elements of the farm, Bradstones and Little Blakelow Barn are under separate ownership, as a farmstead they operate as one, so all facilities between the two are shared.
- The information states that other than taking a silage crop, no other agricultural work takes place on the land by the applicant or the occupier of Little Blakelow Barn.
- Mr Ian Hooley of Old Blakelow Farm, Ipstones rents land from the applicant to graze his sheep. It is not known which land he rents or how many sheep there are in total. Old Blakelow Farm is sited to the south of the application site, accessible on foot via the PRoW. It has a large agricultural building that was granted planning permission in 2005. No information has been provided regarding whether the land Mr Hooley rents forms part of his agricultural

holding rather than the applicants; why Mr Hooley cannot store corn, hay and sheep within his own agricultural building; why Mr Hooley has not applied for the building himself; why it is not located on his own land; why a temporary field shelter cannot be used for the sheep etc.

- The list of machinery provided is imprecise.
- No information has been provided as to why a separate building is required from the existing building at Little Blakelow Barn or why a larger extension cannot be erected to the existing agricultural building at Little Blakelow Barn to accommodate all of the demands of the farmstead.

7.7 In contrast to the information provided to justify the building under application SMD/2020/0709, the Design & Access Statement submitted with this application now states:

- The occupants previously rented out the land on the opposite side of the road to local farmer, Philip Heath of Barnfields Farm, Bradnop. He now rents the land surrounding the proposed application site too and requires the sheltered space for feed and material storage year long, with the addition of animal shelter, especially important for winter months and lambing seasons. He has a total of 400 sheep, 40 of which will be grazed on the pasture within the applicant's ownership surrounding the application site.
- The land will support a sheep flock of 40 breeding ewes which will graze all year round with the use of some purchased fodder during winter months.
- Part of the applicant's small holding includes facilities at Little Blakelow Farm Barns. This recently had application SMD/2020/0706 approved for an extension to an existing agricultural building for housing machinery used in farming activities.
- The area of surrounding land is approx. 7 acres, and 40 sheep will graze in this area. The breed of sheep are Mules.
- As this is an extension to the main farm, machinery can be kept off site in existing housing, but sheep and fodder require the facilities locally to where they are farmed.

7.8 To conclude, in the year since the previously refused application was submitted to the Council:

- The land has been rented first to a Mr Ian Hooley and then to a Mr Philip Heath. No evidence has been provided to substantiate these facts.
- No information has been provided regarding the lease, its terms, its length, whether the applicant can revoke the lease at any time etc.
- The size of the land holding has been significantly reduced from 17 hectares to 7 acres, with only the field in which the building would be sited and the applicant's dwellinghouse now within their ownership.
- There is no mention of the small holding jointly operated by the applicant and the owner of the converted barn across the road.

- The applicant previously stated that their machinery was stored in the buildings across the road.

7.9 In addition, the applicant's planning agent later submitted a Land Registry document with an accompanying email that stated:

*'The barn and outbuildings across the road from the site have been sold off and are now a separate entity to the application site. Please see the new land registry document attached for your reference.'*

*Bradstones still owns the majority of the surrounding land which is being rented out as described in the D&A Statement. The sheep are currently off site for worming and foot paring. This is one of the reasons a suitable agricultural building on site is required as this otherwise could have taken place on site and not required the livestock to be transported elsewhere.'*

7.10 The land registry document is dated 28<sup>th</sup> September 2019 and describes the sale of the following land edged red.



7.11 This contradicts the information provided by the applicant in the refused application SMD/2020/0709. During the consideration of that application, the Planning Officer raised an issue with the site edged red and blue as it included land that the applicant of another application claimed they owned. The applicant provided an amended site edged red and blue. However, neither the initial site edged red nor

the amended site edged red excluded all of the land depicted on the above land registry map. This is despite the applicant having sold the land prior to the previously refused application being submitted to the Local Planning Authority on the 18<sup>th</sup> December 2020, over a year later.

7.12 The Planning Officer offered the applicant the option to clarify the comments that had been submitted and to submit additional written information in support of their application. The applicant proposed a site meeting instead. However, as verbal comments cannot be taken into consideration when determining a planning application, this was declined by the Planning Officer.

7.13 The justification for the proposed building is unsubstantiated. The Local Planning Authority has no guarantee that the building will be used for its intended purpose or that the applicant will not terminate the lease, or stop the farmer from grazing the field and instead take a silage crop. This is further emphasised by the application having been submitted by the landowner rather than the farmer. Incorrect land ownership drawings have been previously submitted, even though the Planning Officer requested clarification of this matter and the land had been sold by the applicant more than a year prior to the first application being submitted. There has also been a significant reduction in the size of the applicant's landholding, with the agricultural buildings also having been sold off.

7.14 The landholding associated with the applicant amounts to 7 acres and comprises of the applicant's dwellinghouse and the field to the south. This is not sufficient to support a farm. The selling off of the land and associated agricultural buildings indicates that there is currently no farm operating from the site. The justification to provide a new building in the Open Countryside for the purposes of '*supporting the diversification of existing farm enterprises*' is therefore not applicable.

7.15 The information that has been submitted has not been substantiated and has raised numerous questions. On three separate occasions, the applicant has been given the opportunity to remedy these concerns by providing additional information. However, the additional information submitted only serves to confuse the situation further and is at best anecdotal. The applicant has therefore failed to overcome the first reason for refusing the previous application as they have not demonstrated there is an essential need for the development to be located in the Open Countryside. On this basis, the principle of the development is contrary to policy SS10 of the Local Plan (2020).

#### Impact on the Character and Appearance of the Area

7.16 Policy DC1 of the Local Plan (2020) refers to design and seeks to secure development of a high quality which is designed to add value to the area and to respect the site and its surroundings. New development should promote a positive sense of place and identity through its scale, density, layout, siting, landscaping, character and appearance.

7.17 Paragraph 130 of the NPPF (2021) requires the design of a development to add to the overall quality of an area, by being sympathetic to local character and by being visually attractive as a result of good architecture.

7.18 Policy DC3 refers to landscape and settlement setting and seeks to protect and, where possible enhance, local landscape and the setting of settlements. It states that development that leads to a prominent intrusion into the countryside should be resisted. Supporting developments that 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.

7.19 The proposed building will measure 13.5 metres x 9 metres (larger than the previously refused application). It will have a shallow pitched roof with an eaves height of 3.7 metres and a ridge height of 4.8 metres (again, both larger than the previously refused application). It will comprise a steel portal frame structure, bolted onto a new concrete slab. All the voids between the columns will be infilled with 1 metre high pre-cast concrete panels. The walls will be clad in vertical natural finished York boards fixed to cladding rails (the previous building proposed metal sheeting), whilst the roof will be insulated profile metal cladding in Juniper Green. The building will have three sets of double doors constructed of timber (the previously refused application proposed two sets of double doors).

7.20 The building will be sited within the northeastern corner of the field adjacent to the applicant's dwellinghouse; approximately 30 metres away. The building will be accessed via an extension to the driveway serving the applicant's dwellinghouse and will result in a large area of hardstanding being created to facilitate the access and turning area associated with the building (approximately 280 square metres, excluding the proposed building). The Site Plan also shows the relocation of the existing solar array to the southwestern side of the proposed building (although the description of development does not include this aspect of the proposal and therefore it falls outside the scope of the application).

7.21 The submitted Design & Access Statement states that the building will be used for the following purposes:

*'The use of the new building will be for agricultural purposes. The area of surrounding land is approx. 7 acres, and 40 sheep will graze in this area. The breed of sheep are Mules which are a common sheep as they have crossbred characteristics making them suitable for farming. This aspect of farmland does not have substantial livestock or fodder housing available and requires building space for the sheep flock that which the land supports. As this is an extension to the main farm, machinery can be kept off site in existing housing, but sheep and fodder require the facilities locally to where they are farmed. The farmers require covered conditions to ensure materials are kept in good useable conditions.'*

7.22 The application site is located in a rural part of the District that comprises largely agricultural fields with dispersed farms. The site is located within the 'Gritstone Highland Fringe' landscape character type, as identified in the Staffordshire Moorlands Landscape and Settlement Character Assessment (LSCA). Page 45 of the LSCA states:

- *'Planning for Landscape Change SPG to Staffordshire and Stoke on Trent Structure Plan, identifies this landscape character type as very sensitive to the impacts of development and land use change.'*
- *'The grouping and form of new buildings should reflect the juxtaposition, scale, form, enclosure and materials of traditional stone buildings characteristic of this area.'*
- *'The colour of prefabricated agricultural buildings should be determined taking careful account of position, predominant tones of adjacent vegetation, local materials and sky, so as to minimise the visual impact of the development.'*
- *'Where possible, gritstone walls should be used as a means of enclosure in order to reflect and maintain local character.'*

7.23 Concern was raised in respect of the previously refused application regarding the design and materials of the proposed agricultural building. It was likened to a domestic outbuilding rather than an agricultural building. The proposed building has been amended since the previously refused application in that:

- The overall length of the building has increased by 4.5 metres;
- The eaves and ridge height of the building have marginally increased; and
- The walls of the building are proposed to be clad in timber rather than metal sheeting.

7.24 Although these changes have been made, its overall design is still one of a domestic outbuilding rather than an agricultural building. The Design & Access statement outlines that the building will be used to house a flock of sheep. However, the submitted drawings show the building being used for the storage of a tractor and some unidentified circles. The Design and Access Statement also states, *'so a ventilated indoor space will provide better welfare for the flock for winter shelter'*. However, the proposed building will offer no ventilation unless the three sets of double doors were left open. The DEFRA 'Code of Recommendations for the Welfare of Livestock: Sheep' states:

*'103 Effective ventilation of buildings (to avoid high humidity, condensation and draughts) is essential, as sheep are particularly susceptible to respiratory diseases. Properly designed ventilation will permit the free circulation of air above sheep height and avoid draughts at sheep level.'*

*108 Solid floors should be well-drained...'*

7.25 The proposed building, as shown on the submitted drawings, is not considered to have been designed for the purpose of containing a herd of 40 sheep. Despite the previous application being refused on this basis, the applicant has not amended the design of the building to one typically used for the housing of sheep. The building's design is akin to a detached triple garage and it is noted that the applicant's dwellinghouse does not benefit from any outbuildings.

7.26 The proposal will result in a significant part of the field surrounding the building being laid to hardstanding. This area of hardstanding will be used to connect to the garden of the applicant's dwellinghouse, providing access onto Bottom Lane. The hardstanding will also be used as a turning area for vehicles. However, the proposed extent of the hardstanding wraps around all sides of the proposed building, and includes an area for the re-siting of the existing solar array, which could be sited on grass, as it currently does. The extent of the area of hardstanding seems excessive for its intended use and could have been further minimised had the building been sited closer to the applicant's bungalow, where the length of the access could have been reduced. The proposed development will result in encroachment into what is currently an open, grassed field.

7.27 It is noted that both the Councillor and the neighbour have stated that the proposed building will be well screened. This may be true in views when travelling south along Bottom Lane, but it is disputed in terms of views when travelling north along Bottom Lane and from the Public Right of Way (PRoW). When travelling north on Bottom Lane, the field is extremely exposed and therefore any building located in the corner of the field will be highway visible. The PRoW is located, at its closest point, between 2-3 metres from the proposed building, resulting in a visually prominent structure to users of the PRoW.

7.28 It is for these reasons that the proposed development will be visually obtrusive and have an adverse impact on the rural character of this very sensitive landscape that is susceptible to the impacts of development and land use change. The application is therefore contrary to policies DC1 and DC3 of the Local Plan (2020).

#### Impact on Residential Amenity

7.29 Local Plan policy DC1 and paragraph 130(f) of the NPPF (2021) seek to secure development that protects amenity, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

7.30 Little Blakelow Farmhouse is located to the northeast of the application site and shares a boundary with the application site. The building will be sited in close proximity to a detached single storey building that was approved in 2013 for a single stable, livestock housing, fodder and machinery storage. The proposed building will be utilised for similar uses. Therefore it is not considered that the proposed building will have a detrimental effect on neighbouring amenity.

7.31 The Design & Access Statement outlines that the applicant has rented out *'the land surrounding the proposed application site'* to Mr Philip Heath of Barnfields Farm, Bradnop and it is he that *'requires the sheltered space for feed and material storage year long, with the addition of animal shelter, especially important for winter months and lambing season'*. It goes on to state, *'The proposed agricultural building shall be used for the 40 ewes for shelter during lambing periods, and times when the vet needs to administer meds, worming/parasite control, foot care, shearing and other general health checks'*.

7.32 The proposed building will utilise the existing access onto Bottom Lane that serves the applicant's dwellinghouse. The farmer that has rented the field from the

applicant and whose sheep will graze the land and who will utilise the building, will have to travel through the applicant's garden to reach the proposed building.

7.33 The applicant has stated that during lambing, access will be required day and night for the farmer and the vet, when required. Any vehicles would have to travel in close proximity to the applicant's bungalow, resulting in noise disturbance to the occupants. It is noted that the applicant supports the use of the building for its proposed purpose, is aware of any associated amenity issues and, as the landowner, he ultimately has control over who and when anyone can visit the building.

7.34 However, the impact of a proposed development on amenity must be considered for the lifetime of the dwellinghouse and not the current occupiers of that property. The Local Planning Authority does not have any control over who may reside in the bungalow. The applicant could decide to sell the bungalow, separate from the associated land and proposed building, or rent the bungalow to someone new, who will not be so accommodating of a farmer/vet driving through their garden at any time during the day and night. It is for these reasons that the proposed building will have an unacceptable impact on the amenity of the adjacent bungalow, Bradstones.

7.35 The proposed development will therefore be contrary to policy DC1 of the Local Plan (2020) and the NPPF (2021) in respect of amenity.

#### Highway Safety

7.36 Policies DC1 and T1 of the Local Plan (2020) seek to achieve a level of parking and an access that is appropriate to the development it serves.

7.37 The Highway Engineer has assessed the proposed development and made the following comments:

*'The proposal is for the construction of a new three-bay agricultural structure (13.5m x 9m). The new structure will be sited behind Bradstones and will be accessed via the existing access as detailed on the Proposed Site Plan (PL 12C).*

*It is considered the proposal has parking and turning within the site and will not cause a significant trip generator and therefore will not have a detrimental impact on the highway. I have no objection.'*

7.38 There are no highway safety issues associated with the proposed development and therefore it will comply with policies DC1 and T1 of the Local Plan (2020) and the NPPF (2021).

#### Ecology

7.39 Policy NE1 of the Local Plan (2020) outlines that the biodiversity of the District will be conserved and enhanced by positive management and the strict control of development by (1) protecting and enhancing habitats and species of principal

importance for conservation; (2) ensuring development produces a net gain in biodiversity and; (3) any unavoidable impacts are mitigated.

7.40 A pond is located approximately 17 metres southeast of the application site, within the adjacent field, with other ponds located in close proximity. The Planning Officer advised the applicant of this during the previously refused application and a Preliminary Ecological Survey was submitted to support that planning application.

7.41 This application is not supported by a Preliminary Ecological Survey and the proposed building's size and use has been altered from that proposed previously. Without an updated survey, insufficient information has been provided to establish whether the proposal will have an adverse impact on protected species or their habitats. The proposal is therefore contrary to policy NE1 of the Local Plan (2020) and the NPPF (2021).

### Planning Balance & Conclusions

7.42 An essential need for the proposed building to be located in the Open Countryside has not been demonstrated. The applicant's landholding does not comprise a farm and therefore the proposed building will not support the diversification of an existing farm enterprise. Therefore the principle of the development is unacceptable and contrary to policy SS10 of the Local Plan (2020).

7.43 The development will encroach into an existing undeveloped field; its design is akin to a domestic outbuilding; the building has not been designed for its intended purpose to house a flock of sheep due to the lack of natural ventilation and drainage to the floor; and the scale and materials of the access and turning area to serve the proposed building will comprise a visually obtrusive feature within a very sensitive landscape character type, contrary to policies DC1 and DC3 of the Local Plan (2020).

7.44 No impact on neighbouring amenity has been identified. However, the use of the proposed building by a person not residing at the adjacent dwellinghouse, known as Bradstones, will result in an adverse impact on the occupiers' amenity by virtue of the comings and goings of the farmer, vets etc. in close proximity to the dwellinghouse at all times of the day and night. The proposal will therefore be contrary to policy DC1 of the Local Plan (2020) and the NPPF (2021) in respect of amenity.

7.45 Insufficient information has been provided to determine the development's impact on protected species and their habitats, due to the presence of ponds within close proximity of the application site. The proposed development is therefore contrary to policy NE1 of the Local Plan (2020) and the NPPF (2021).

7.46 The Highway Engineer has found that the development would not have a detrimental effect on highway safety and the adjacent PRow will not be adversely affected. However, these factors are not considered to overcome the issues outlined above.

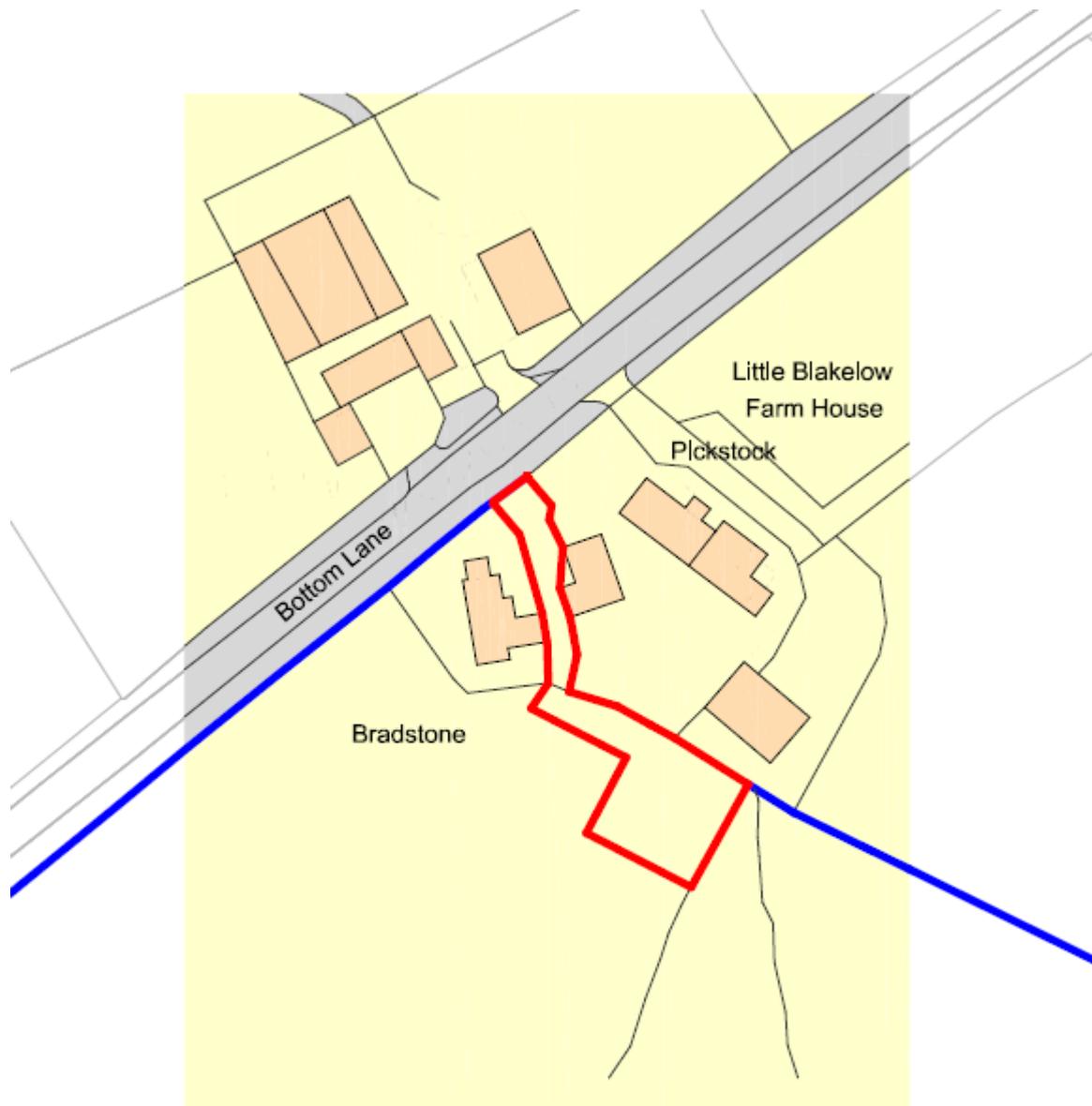
## **7 RECOMMENDATION**

**A. That planning permission be REFUSED for the following reasons:**

- 1. Insufficient information has been submitted to demonstrate there is an essential need for the proposed building to be located in the Open Countryside, contrary to policy SS10 of the Staffordshire Moorlands Local Plan (2020).**
- 2. The development will encroach into an existing undeveloped field; its design is more akin to a domestic outbuilding than an agricultural building; the building has not been designed for its intended purpose to house a flock of sheep due to the lack of natural ventilation and drainage to the floor; and the scale and materials of the access and turning areas to serve the proposed building will comprise a visually obtrusive feature within a very sensitive landscape character type, contrary to policies DC1 and DC3 of the Staffordshire Moorlands Local Plan (2020) and the NPPF (2021).**
- 3. The development, due to its use by a farmer that is not the occupier of the adjacent dwellinghouse, Bradstones, will result in an unacceptable affect on the amenity of the occupiers of this property due to the comings and goings of people to and from the application site through the garden of the property, in close proximity to the dwellinghouse and at any time during the day and night. The development will therefore be contrary to policy DC1 of the Local Plan (2020) and the NPPF (2021), specifically paragraph 130(f).**
- 4. Insufficient information has been provided to determine the development's impact on protected species and their habitats, due to the presence of ponds within close proximity of the application site. The proposed development is therefore contrary to policy NE1 of the Local Plan (2020) and the NPPF (2021).**

- 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.**

Site Location Plan



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