

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
DEVELOPMENT CONTROL COMMITTEE**

**Date 16<sup>th</sup> February 2023**

<b>Application No:</b>	SMD/2022/0617	
<b>Location</b>	Far Lakes Farm, Shaw Wall Lane, Whiston, Staffordshire, ST10 2HT	
<b>Proposal</b>	Proposed temporary agricultural workers dwelling	
<b>Applicant</b>	A & P Byatt and Hughes	
<b>Agent</b>	Rob Duncan Planning	
<b>Parish/ward</b>	Ipstones	<b>Date registered</b> 30 <sup>th</sup> November 2022
<b>If you have a question about this report please contact: Declan Cleary, dcplanningconsultancy@gmail.com Tel: 07976272142</b>		

## **REFERRAL**

This application has been brought before the Planning Applications Committee as it is locally contentious.

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

<b>Approve, subject to conditions</b>
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### **2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 The application site relates to an agricultural enterprise which is located within the open countryside as defined by the Local Plan Proposals Map. The site is accessed from Shaw Wall Lane. There are a number of agricultural buildings located on site, along with a mobile home. The surrounding area is predominantly in agricultural use. The nearest dwelling to the site is located immediately to the east of the enterprise boundary. Public Rights of Way Ipstones 50 cross and Ipstones 51 are adjacent to/cross the site.

2.2 The mobile home was sited under temporary permission on 8<sup>th</sup> November 2019 for a three year period under planning permission SMD/2018/0427. That approval was in connection with the agricultural enterprise at the site. The three year temporary consent has subsequently expired and as such the siting of the mobile home is currently in breach of planning control.

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

3.1 This application proposes the retention of the temporary dwelling for a further 3 year period. The application proposes the retention of the building in connection with a rural enterprise occurring at the site.

3.2 The dwelling is access via the shared farm access, and is sited to the north of the agricultural buildings being sited closer to the public highway. The building is a single storey structure and the retention includes amenity space to serve the unit and dedicated parking. Accommodation comprises 2 bedrooms (1 en-suite), lounge, kitchen and bathroom.

3.3 As noted below the applicant has also applied for a permanent dwelling under ref SMD/2023/0011, to replace the current temporary accommodation, but is yet to be determined. This application is accompanied by an agricultural appraisal which will be independently reviewed.

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

4.1 The following is a summary of the relevant planning applications relating to the site.

SMD/2020/0713 - Proposed Construction of Lambing Shed and Hay Store – Approved – 18/06/21

SMD/2020/0170 - Proposed construction of dwelling – withdrawn - 21/07/20

SMD/2019/0051 - Proposed construction of cattle store and extension to existing hay store – Approved 11/04/2019.

SMD/2018/0427 - Proposed Temporary agricultural workers accommodation – Approved – 08/11/2019.

SMD/2017/0575 – Proposed construction of farm workers dwelling – Withdrawn 25/07/2018.

SMD/2015/0618 – Proposed menage – Approved 08/02/2016.

SMD/2009/0683 (old ref. 09/00600/FUL) – Construction of agricultural stock and implement shed – Approved 04/08/2009

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

##### **Staffordshire Moorlands Local Plan (Adopted 2020)**

SS1 - Development Principles

SS1a - Presumption in favour of sustainable development

SS10 - Other Rural Areas Strategy

SS11 – Churnet Valley Masterplan Area  
 DC1 - Design Considerations  
 DC3 - Landscape and Settlement Setting  
 SD1 – Sustainable Use of Resources  
 SD3 – Sustainability measures in development  
 SD4 - Pollution and Flood Risk  
 H1 – New Housing Development  
 NE1 - Biodiversity and Geological Resources  
 T1 - Development and Sustainable Transport

**Supplementary Planning Guidance/Documents**

Staffordshire Moorlands Design Guide (2018)

**National Planning Policy Framework**

Section 5: Delivering a sufficient supply of homes  
 Section 6: Building a strong, competitive economy  
 Section 12: Achieving Well-designed Places  
 Section 15: Conserving and enhancing the natural environment

**6. CONSULTATIONS CARRIED OUT**

<b>Site notice</b>	Expiry date for comments: 09/01/2023
<b>Neighbour letters</b>	Expiry date for comments: 28/12/2022
<b>Press notice</b>	N/A

**Public Comments:**

2 letters of objection received on following grounds:

Previous temporary consent expired, why not concerned  
 Effect on landscape and rural setting  
 Agricultural run off from operations  
 Impact on wildlife  
 Stocking rate high  
 Storage of muck  
 Not clear if cows or lambs on site, lack of justification for dwelling  
 Reliance on rented land  
 Properties for sale within 3miles  
 Light pollution  
 Noise from site  
 Noise will increase if operations expand  
 Precedent

<b>Consultee</b>	<b>Comment</b>
Ipstones Parish Council	Members have considered the above, mentioned planning application and voted for refusal of the applications as there has already been a temporary, agricultural workers dwelling on the site and members feel that 'temporary' should mean to temporary.
AES Waste	No issues regarding waste collections
SCC Highways	The proposal is for the erection of a temporary agricultural workers dwelling within Far Lakes Farm. The dwelling will have 2 bedrooms and 3 parking spaces as detailed in the application form. The Proposed Site Plan Layout Drg. No. 5422 – 001 Rev B shows 3 (spaces) scaled at 2.4m x 4.8m which are not annotated however it is assumed these are parking spaces for the proposed dwelling. Access to the dwelling will be via an existing access and will be shared with the farmyard, field and various agricultural buildings. The access is to remain unchanged by the proposal. No objection to the proposal subject to a condition requiring the delivery of parking prior to first occupation.
Environmental Health	<p><b><u>Potential Areas of Environmental Concern.</u></b></p> <ol style="list-style-type: none"> <li>1. Construction Impacts (Condition)</li> <li>2. Lighting (condition)</li> <li>3. Land Contamination (Condition)</li> <li>4. Drainage (Building regulations)</li> </ol> <p><b><u>Recommendation and Conditions</u></b></p> <p>The Environmental Health Department have no objection subject to the following conditions being applied to any permission granted.</p> <p><b><u>Construction &amp; Demolition</u></b></p> <p><b>1. Time of operations (Noise)</b></p> <p>Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities shall be restricted to the following times of operations.</p> <ul style="list-style-type: none"> <li>• 08:00 - 18:00 hours (Monday to Friday);</li> <li>• 08:00 - 13:00 hours (Saturday)</li> <li>• No working is permitted on Sundays or Bank Holidays.</li> </ul> <p>In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and</p>

landscaping) which generates noise that is audible at the site boundary.

**Reason:** To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

## **2. Construction & Demolition: Pollution Control**

- I. Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment. All waste transfer records should be retained for inspection by officers of the Local Planning Authority;
- II. No activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely affect adjacent residential properties and/or other sensitive uses and/or the local environment. In the event dust is caused to escape the site boundary the activity shall be stopped until sufficient dust suppression has been undertaken to prevent further escape. There shall always be the appropriate means and sufficient water resources on site for dust suppression. These should be made available for inspection when required by officers of the Local Planning Authority

**Reason:** *To protect the amenities of the area during construction*

## **3. Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development should not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exist to any identified receptors, development shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment has been prepared, and is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be

	<p>produced, and is subject to the approval in writing of the Local Planning Authority.</p> <p><b>4. Soil and Fill Importation</b></p> <p>No soil or fill material is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority prior to the soils or fill material being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validatory evidence submitted to and approved in writing to by the Local Planning Authority.</p> <p><b>Reason (common to 3-4):</b> - <i>To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.</i></p> <p><b>5. Lighting</b></p> <p>The artificial lighting incorporated into this site in connection to this application shall not increase the pre-existing illuminance at the adjoining light sensitive locations when the light (s) is (are) in operation. Details of all artificial lighting to be installed under this permission should be submitted to and approved by the Local Planning Authority prior to development commencing.</p> <p><b>Reason:</b> <i>To protect the local amenities of the local residents by reason of excess of illuminance</i></p>
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## 7. POLICY AND MATERIAL CONSIDERATIONS AND PLANNING BALANCE

### Planning Policies

7.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.

7.2 Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan currently consists of the Staffordshire Moorlands Local Plan 2020.

7.3 Paragraph 11 of the National Planning Policy Framework (NPPF) explains that at the heart of the Framework is the presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the development plan they should be approved without delay; or where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

7.4 The NPPF seeks to proactively drive and support sustainable economic development through the delivery the homes, business and industrial units, infrastructure and thriving local places that the country needs. High quality design should be sought and a good standard of amenity provided for all existing and future occupants of land and buildings.

7.5 Section 5 of the NPPF relates to delivering a wide choice of high quality homes. Paragraph 60 identifies the need to boost significantly the supply of housing meeting the needs of groups with specific housing requirements. Planning policies should identify a sufficient supply and mis of sites and identify a five year supply of housing land. The Council is not considered to have a five year housing land supply and therefore housing supply policies are not up-to-date. The Development should therefore be considered in the accordance with the Development Plan, unless material considerations indicate otherwise.

### **Principle of Development and background**

7.6 The site is located within the Open Countryside, within such locations Policy SS10 states that 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. With regard to housing, SS10 states that new build housing development in the countryside will be restricted to that which has an essential need to be located in the countryside in accordance with Policy H1.

7.7 Policy H1 states that housing development within other rural areas will be restricted to certain criteria, which includes the construction

of a new dwelling that meets an essential local need, such as accommodation for an agricultural, forestry or other rural enterprise worker. This is where the need for such accommodation has been satisfactorily demonstrated and that the need cannot be met elsewhere.

7.8 Planning permission had previously been granted for the erection of a temporary rural workers dwelling. That permission was granted exceptionally for a three year period, which has now expired. In consideration of the previous temporary consent, the development was justified on the basis that the enterprise had planned commitments to develop the enterprise, through additional planning consents for agricultural buildings and land rental agreements which established a need for a worker to be located on site. Those measures considered at that time have been implemented.

7.9 Since the approval in 2019, the enterprise has expanded further and has further planning permission for an additional livestock building on the northern side of Shaw Wall Lane. The enterprise has expanded to 130 calves, 65 store cattle and 30 young bulls, and they now farm a 75.01 acres, of which 37.54 is owned, and the remainder rented on tenancy agreements. The operation has expanded to a degree which exceeds that which previously justified an initial dwelling on the site.

7.10 The application has not been supported by any robust agricultural appraisal. Nonetheless, it is noted that the applicants have submitted an application for a permanent agricultural dwelling for the site (SMD/2023/0011) which is now under consideration. That application has been supported by a more robust and detailed agricultural appraisal of the existing operations to justify a permanent dwelling on the site as required. No conclusions at this stage have been established on the acceptability of that application.

7.11 Given the clear intention to develop the enterprise further with development of land to the north, and the application for a permanent dwelling, which would be subject to further appraisal, it is considered that one further additional temporary consent can be justified in this instance. This would particularly be in the immediate interests of animal welfare and the effective operation of the enterprise. Should a permanent dwelling prove to be unsuccessful in obtaining planning permission, following a detailed assessment, then the 2 year temporary consent, rather than 3 years as sought, would give the applicants the opportunity to explore other options before having to vacate the site. Temporary consent in such circumstances is not an indication that a permanent dwelling would be successful.

7.12 The concerns of residents are noted with regard to precedent and reliance of rented land to justify the development. Dwellings within the countryside are strictly controlled, and are only justified in exceptional circumstances, and one such exception being where they are necessary for the effective operation of a rural enterprise. As set out above, the



original consent was justified on the basis of proposed expansion which has been carried out, with the enterprise developing further. Any future permanent dwelling would be subject to robust and detailed assessment of the existing operations. Further, it is highly common that agricultural enterprises rely on rented or leased land to carry out their operations and as such is not a reason for the land to be discounted from any assessment.

7.13 For the reasons outlined above, it is considered that a further temporary permission for 2 years would be acceptable in this instance.

### **Design Considerations**

7.14 Policy DC1 requires all development to be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area. Development should *“be of a high quality and add value to the local area”* and *“be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, height, density, layout, siting, landscaping, character and appearance”*.

7.15 Policy DC3 states that development should protect and where possible enhance local landscape. Development which would lead to a prominent intrusion into the countryside should be resisted, while development which respects and enhances local landscape character should be supported.

7.16 The application proposes the retention of the existing mobile home for an additional three year period, although as noted above it is considered that a 2 year period would be reasonable and sufficient. The mobile home is sited to the front of the site and is clearly visible from the public highway and the public rights of way network.

7.17 Mobile homes, are not indicative of the countryside and causes some harm to the character and appearance of the countryside and landscape setting. The siting of the home adjacent to larger agricultural units, lessens the impact of the proposals to some degree, however it is considered that the development is not an appropriate form or design of development, in a prominent location to be retained long term.

7.18 In this instance, it is acknowledged that the temporary dwelling has been sited within the landscape for 3 years. However, it is considered that there is justification for the retention of the structure on a further temporary basis. Following on from the further temporary consent all structures and paraphernalia should be removed and the land restored to its previous condition.

### **Amenity**

7.19 Policy DC1 requires development to “*protect the amenity of the area, including creation of healthy active environments and residential amenity, in terms of satisfactory daylight, visual impact, sunlight, outlook, privacy, soft landscaping as well as noise, odour and light pollution*”.

7.20 The proposed mobile home is sited an appropriate distance from neighbouring dwellings not to give rise to harm through loss of daylight, overbearing, overshadowing or overlooking.

7.21 Concern has been raised with regard to noise from the site. However, this would relate to the operations of the enterprise rather than the retention of a dwelling on the land and as such are not directly relevant to this application.

7.22 It is also noted that Environmental Health have suggested a number of conditions to be attached to any permission. It would appear that these would relate to a new development rather than the retention of the exist development and as such are not considered to be relevant in this instance.

### **Highway Safety**

7.23 The application site is appropriately serviced by off street parking which is sufficient to meet the demands of the development. SCC Highways have raised no objection to the proposals however they have recommended a condition for the parking to be retained. No highway safety issues are therefore apparent.

7.24 The PROW network would not be impacted by the retention of the development as proposed.

### **Other Matters**

7.25 A number of concerns which have been raised by residents with regard to agricultural run off, impact on wildlife, storage of manure, light pollution, and noise from increasing activities at the site. These are all matters which relate to the agricultural operations and not the retention of a dwelling on the site and as such are not relevant to the determination of this application. In any event all agricultural buildings appear to have been subject to the relevant planning approvals.

## **8. PLANNING BALANCE AND CONCLUSIONS**

8.1 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision making this means that amongst other things, that local planning authorities should positively seek opportunities to meet the development needs of their area unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits and to secure a development

that improves the economic, social and environmental conditions of the area.

8.2 The proposed temporary dwelling would meet the needs of an existing agricultural enterprise and, in the short term, would be in the interest of animal welfare and allow for the effective operation of the business. The applicant's intention to expand further and the submission of a planning application for permanent agricultural dwelling is noted. A further temporary consent would allow for the accommodation needs of the site to be explored further through a permanent consent, if this can be robustly justified. While the application has suggested 3 years, in this instance, given the planned development at the site, a 2 year temporary consent is deemed to be more appropriate.

8.3 Accordingly, the proposal is considered to comprise sustainable development under the terms of the NPPF, and is in general conformity with the Policies of the Staffordshire Moorlands Local Plan 2020 when considered as a whole. While there are also other material considerations which weigh in favour of allowing a temporary consent.

## **9. RECOMMENDATIONS**

**That approval be GRANTED subject to the following conditions:**

- 1. 2 year temporary consent**
- 2. Removal of permitted development rights**
- 3. Agricultural occupancy restriction**
- 4. Approved plans**

**10. Details of the application can be found at:**

**<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=166524>**

**Site Plan**

