

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**28<sup>th</sup> March 2024**

Application No:	SMD/2023/0607	
Location	Park View Farm, Stoney Lane, Cauldon, ST10 3EP	
Proposal	Change of Use from Agricultural Building to Category B Vehicle Maintenance and Repair Workshop (Use Class B2)	
Applicant	Mr and Mrs S Shenton	
Agent	Mr David Byatt - Byatt Oliver Ltd	
Parish/ward	Waterhouses/Hamps Valley	Date registered: 4 <sup>th</sup> December 2023
If you have a question about this report please contact: Benjamin Hurst tel: 07738506367 <a href="mailto:benjamin.hurst@staffsmoorlands.gov.uk">benjamin.hurst@staffsmoorlands.gov.uk</a>		

## **REFERRAL**

The application is before committee at the request of Cllr Edwin Wain who considers the proposal to be for an appropriate use of a former farm building in the open countryside.

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

<b>REFUSAL</b>
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### **2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 The farm site, consisting of an area of open farmyard surrounded by three large modern sheds, is to the rear of the applicant's dwelling that fronts Stoney Lane. The application concerns one of those three sheds. The building was constructed post 1973 permission as a general purpose agricultural building, for the purposes of agriculture on the unit. It is not specifically or lawfully provided, as the applicant contends, as an agricultural vehicle/equipment maintenance and repair building. As part of its general purpose it could be used to store or maintain vehicles or equipment used on the farm, but this would have presumably been relatively occasional and ancillary to the agricultural activity on the unit.

2.2 The shed is adjacent to Dukes Lane, with its side elevation flanking the roadside and its gable front facing onto the open farm yard. The building is constructed from single skin concrete block work with an asbestos sheet roof, it has a roller shutter and adjacent personnel door in its front elevation. The building provides 129 sqm of floor space with a mezzanine level to the rear.

2.3 The farm dwelling to the south east is adjacent to the Dukes Lane/Stoney Lane junction and Dukes Lane flanks the side of the house and provides access to the farm yard and application site to the rear. The access from Dukes Lane is double gate width between stone walls onto open area of bound concrete. Along the Dukes Lane frontage there is a stone wall to the rear of highway verge. The applicant has erected a 2m high close boarded fence between the wall and a row of tree planting behind. Parkview is between two near neighbouring dormer bungalows - The Gables to the west with access from Dukes Lane and Meadowcroft to the east with access from Stoney Lane. Parkview Farm and these two properties are otherwise surrounded by open farm land.

2.4 The site is outside the boundary of any town or village in an 'other rural area' of countryside, roughly mid-way between Leek to the north west and Ashbourne to the south east. The site is served and surrounded by a network of rural lanes. It is over 3km, by road from the A52 (Leek Rd) and the 'Larger Village' of Water Houses and around 10km from the 'market town' of Cheadle to the south east.

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

3.1 This is a repeat application, following two previous refusals, that includes a statement of information provided in an attempt to address objections.

3.2 The proposal is described as a change of use from an agricultural workshop to Category B vehicle maintenance and repair workshop. The statement clarifies that this means domestic vehicles that can be driven on a standard license and explains that the building is used by a retired vehicle mechanic, principally for the maintenance and repair of his own personal collection of vehicles but there are occasions whereby the tenant maintains vehicles, not in his ownership, from local villages, customers who do not wish to travel to the two main towns of Ashbourne or Leek. The application confirms that there are no adverts or signs to be displayed and work on third party vehicles is ad hoc.

3.3 In these respects, the applicant appears to present the commercial elements as being limited in scale. However, nevertheless, it is clear that there is an intention to service, repair and maintain cars for paying customers and the application must be considered accordingly, a car repair garage with such activity would be classified as 'general industrial' and a B2 use.

3.4 Submitted site plans indicate an access and strip of hardstanding to the front of the building and 11 adjacent parking spaces within the area shown edged red. The building is constructed from single skin concrete block work with an asbestos sheet roof, it has a roller shutter and adjacent personnel door in its front elevation. The building provides 129 sqm of floor space with a mezzanine level to the rear that is screened by canvas sheet and may provide office or brewing up space.

3.5 Details of the application scheme can be viewed at:

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=176326>

## **4. RELEVANT PLANNING HISTORY**

4.1 Permissions granted in the early 1970s for farm sheds when the site belonged to the previous owner.

9878 - Provision of a general purpose farm building. APPROVED 1973.

SMD/2022/0206 Change of use to vehicle repair workshop. REFUSED.

SMD/2022/0402 Change of use from agricultural building to category B vehicle maintenance and repair workshop. REFUSED.

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

5.1 The Development Plan comprises of:

- The Local Plan Development Document (adopted Sep 2020)

Adopted Staffordshire Moorlands Local Plan - Sep 2020

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

S01 Spatial Objectives

SS1 Development Principles

SS10 Presumption in Favour of Sustainable Development

E1 New Employment Development

DC1 Design Considerations

DC3 Landscape Character

SD4 Pollution

T1 Development and Sustainable Transport

National Planning Policy Framework (NPPF) revised.

## **6. CONSULTATIONS**

### **Public response to consultation**

6.1 Neighbours received notification letters on the 11<sup>th</sup> December 2023. A site notice was posted on the 8<sup>th</sup> January 2024, the period of consultation expired on the 29<sup>th</sup> January 2024.

6.2 One Letter of Objection has been received from the adjacent and nearest neighbour at 'The Gables'. The following points of concern are raised:

- Volume of traffic will increase on the narrow Dukes Lane – there are already other commercial uses on this site that have increased vehicle movements on the lane

- The use of power tools would create noise and disturbance particularly when the doors are open for ventilation and engines are revved and tested
- The tenant occupant has regular clients from outside of the area, including taxi cabs from Stoke and Longton. The use is more than a hobby with three fitters for six days a week
- There are other business premises on employment/industrial sites in Cheadle, Leek and the Potteries, this type of use does not need to locate in a rural area
- The yard can be very dusty in dry weather

### **Town/Parish Council**

6.3 Waterhouses Parish Council: No Objection

### **County Highway Authority**

6.4 Awaited.

### **Environmental Health**

6.5 Comments as per SMD/2022/0206: The application if permitted may mean an intensification of operations and noise. There are a small number of neighbours in close proximity who may be adversely impacted. We would recommend the following conditions be applied to any permission granted. The timings can be negotiated but we would advise that mornings, evenings, night times and weekends are protected. No Objection subject to the following conditions, or similar, being applied:

- Details of floodlighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
- The machinery, plant or equipment including installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [15 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating.
- No power tools or machinery which are audible at the site boundary/ies shall be used outside the fabric of the proposed building. No power tools or machinery which are audible at the site boundary/ies shall be used outside the fabric of the building. All doors and windows to the premises shall be kept closed at all times except for the explicit purpose of entry to or exit from the premises or for loading and unloading purposes.

- No vehicles may arrive, depart, be loaded or unloaded within the general site except between the hours of 07.00 and 18:00 Mondays to Friday, 08:00 and 13:00 Saturdays and at no time on Sundays and Bank Holidays.
- The use hereby permitted shall take place only between the hours of 7am to 6:00pm Monday to Friday, 8am to 1pm on Saturdays and at no time on Sundays or Bank Holidays.
- Prior to being discharged into any watercourse, surface water sewer or soak away system, all surface water drainage from parking areas and hard standings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

## 7. OFFICER COMMENTS

### Principle of Development

7.1 The farm site is in an 'other rural area' of countryside where strategy SS10 applies. These areas will provide only for development which has an essential need to be located in the countryside or supports the rural diversification and sustainability of the rural areas. The limited expansion or development of business for employment uses where a rural location can be justified; and the diversification of existing farm enterprise, are supported by the strategy where the development would help sustain the rural economy.

7.2 The concept of sustainability argues in favour of concentrating most development in or adjoining existing built-up areas. Local Plan strategies for those settlements identified as smaller or larger villages, for example, take a more flexible approach to development to assist the provision of facilities available in rural areas. However, there can be cases where some development and diversification of use in the countryside can be beneficial and sustainable. For instance, some farm businesses may benefit from diversification and an increased number of visits to the countryside can help the rural economy. However this needs to be appropriate to the character of the countryside which also needs to be sustained.

7.3 The applicant does not seek to demonstrate an essential need for the development to be located in the countryside – there is no case, for example, that such a facility is not provided or could not be provided elsewhere, or that the use is connected or dependent, in some way to the rural environment or a countryside pursuit.

7.4 The applicant argues that there are merits to the proposal in terms of rural diversification and sustainability, stating the following points:

- *The building provides a good level of accommodation to allow the tenant to maintain and repair his own personal collection of vehicles*
- *It also provides useful and much needed services which allows local residents to have their vehicles serviced or repaired in their local area.*

- *reduces the need to make long unnecessary journeys to the neighbouring major towns of Leek or Ashbourne*
- *it supports and enhances the existing farm activities.*

7.5 However, the tenant or occupant of the building does not live on site, he travels daily from an undisclosed residence, believed to be outside of the district, creating unnecessary journeys into a remote countryside/'other rural' location. Beyond the activity of the 'retired' occupant, the development does not offer employment opportunity to the local or nearby community and does not sustain the rural economy in those regards.

7.6 Where it is argued that the development serves the local rural areas, the Local Plan strategy provides appropriate support for facilities and services to serve rural communities by directing them toward the smaller or larger village settlements and away from countryside locations. There are already a number of other repair garages available to serve local communities along the arterial A52, close to the larger village of Waterhouses and on the service route between Leek and Ashbourne. The delivery of parts, equipment and tools from centralised depots and warehouses; and customers from the rural 'larger' and 'smaller' villages using and visiting a facility or service located in a relatively remote 'other rural'/countryside location, would increase unnecessary journey movements, conflict with the Local Plan strategy, and run counter to good principles of sustainability. The applicant acknowledges that there are/would be increased vehicle movements, suggesting no more than six per day and, what would be an impractical, condition to try and control such movements.

7.7 The applicant claims benefits to existing farm activities, finding an alternative use for an existing building. However, there is no evidence to suggest that the former farm site is currently in use for agricultural enterprise and that the development would form part of a diversified business in those regards. The applicant is a relatively recent purchaser and occupant of the farm site and appears to have other business interests, the statement describes him as running an agricultural contracting business, providing all manor of services for the farming industry, from harvesting, mowing, bailing, silage, fertilisers, slurry, muck spreading, fencing and much more.

7.8 The Local Plan preamble to strategy SS10 gives indication of what might be increased number of visits to the countryside can help the rural economy. However this needs to be appropriate to the character of the countryside which also needs to be sustained". This is suggestive of circumstances where a farm might take advantage of its attributes and rural location as an attraction to visitors or tourists, working with and in compliment to the farming enterprise, its character and location. The development is not considered to have merits in those regards and is not considered to be a genuine or appropriate case of the diversification of an existing farm enterprise.

7.9 The development would be a new employment use that is not located either within an existing employment site or within or on the edge of a town or larger village. As such the development would be contrary to policies SS1, SS10 and E1 of the SMDC Local Plan 2020.

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

7.10 To comply with policy DC1 of the Local Plan all development shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area. The site is in the countryside and an area of local landscape identified as having the qualities and characteristics of a 'Gritstone highland fringe' landscape type. Under the terms of local plan policy DC3 local landscape will be protected and, where possible, enhanced by resisting development which would lead to prominent intrusion into the countryside and supporting development which respects and enhances local landscape character.

7.11 Within the yard area it is necessary for customers to park and turn their vehicles. In association with the use there appears an inevitability that parked and stored cars and containers will collect in the open yard to the building's peripheries. This would result from customer parking, cars waiting to be repaired, or cars ready to be broken down or to donate parts. In these regards the outside storage and parking has the potential to escalate and become difficult to control.

7.12 The application statement acknowledges that there could be an issue here and suggests an impractical condition as a means of controlling and limiting the extent of outdoor parking and storage. The open yard is relatively enclosed on three sides and is to the front of the large application building. Parking and storage within this area would not appear as a prominent intrusion into the countryside. The yard area is however, exposed to and visible from Dukes Lane, the relatively wide access affords open views into the yard from the lane. Within the yard parking and storage would be apparent and appear at odds with the rural location and ultimately harmful to the character and appearance of the area. This would be contrary to local plan policies SS10, DC1 and DC3.

## **Impact on Amenity and Living Conditions**

7.13 An objection has been received from one of the adjacent neighbours that also has an access with Dukes Lane. Their concerns relate to both highway safety and a loss of amenity through noise and disturbance that would adversely affect their living conditions. Their property, the nearest neighbouring dwelling to the building, is 50m to the south of the building on the other side of Dukes Lane. There are no intervening structures or barriers between the two. The proposed use has not yet been operating at full capacity.

7.14 Within the scope of a B2 vehicle repair use, activities and operation of tools or machinery could vary, differ or intensify with increased or varying noise levels. In his comments, the Council's Environmental Health Officer recognises this potential.

7.15 To counter those concerns the officer recommends conditions that would seek to limit noise levels, through non specified attenuation; prohibit the use of power tools or machinery outside of the building; and to restrict operating hours. The approach with the noise level condition, as drafted, would be to set an acceptable

noise limit and then leave it to the applicant to ensure, in an open ended manner, that he complies.

7.16 The building is built from solid concrete block walls, meaning that the points of the building most vulnerable to noise outbreak are the roller shutter door, if left open, and the sheet roof. On previous visits to the site the door has been half open and radio music has been audible from outside of the building on approach. During summer months in particular or when engines are tested or revved, there would appear to be an inevitability of the door being left open for maximum ventilation.

7.17 Further attenuation or enclosure within the building therefore might be impractical and easily undone if the building is ventilated with the door open for example. Sound insulation installed in the roof could reduce natural light and ventilation. Enclosure or attenuation specific to individual tools could be difficult to control and the applicant to manage, particularly because they may often be handheld and, within the scope of the use, vary in type, size and application. There is real potential here for noise from the industrial activities proposed to break out and cause disturbance to the occupants of the nearby dwelling, just 50m away.

7.18 The applicant contends that the pre-existing lawful use of the building is comparable to that which is proposed, claiming it can function as an agricultural machinery maintenance and repair building without restriction. The applicant's assumption however, is misplaced. The building was only provided and permitted as a general purpose agricultural building, available to store and maintain vehicles and machinery used on the farm only occasionally, as required, and as an ancillary function to the agricultural use of the unit. There would be material difference between impacts. The building's pre existing use as a general purpose agricultural building should not count as a material consideration that favours the current proposed change of use.

7.19 The applicant appears to be agreeable to conditions limiting noise level at the boundary of the site. However, conversely accepts that alterations to the building fabric or ventilation systems would be impractical. The application submission does not therefore propose any suggested attenuation or mitigation. As such the development is contrary to policies SS10, DC1 and SD4 of the adopted SMDC Local Plan 2020.

### **Highway Safety**

7.20 With a site plan the applicant demonstrates space to turn within the site for vehicles, including deliveries, and standard compliant parking provision for 11 vehicles. The Highway Officer has not yet, at the time of writing, responded to the consultation. However, in response to the previous application they confirmed that they were satisfied that their concerns had been addressed with the submission of the site plan, and confirmed that they did not object to the proposal.

### **Other Considerations**

7.21 The applicant attempts to draw support for the scheme from the provisions at Part 3 Class R of the General Permitted Development Order. He points to the



permitted change from an agricultural use to a B1 (E(g)) use – an industrial process that can be carried out in a residential area without detriment to its amenity. They contend that because the use would be primarily for the maintenance and repair of his own vehicles it would be more akin to a hobby and a B1/E(g) type use.

7.22 However, the application makes it clear that repair and maintenance of vehicles is proposed. This activity includes and is defined, by the use classes order, as industrial process and, as discussed above, it is capable of harming residential amenity, whether the activity is carried out as a hobby or for customers. While it is appreciated that there is attempt here to play down the scale of likely activity, the application is clear that it proposes the repair and maintenance of customers vehicles – serving the rural communities, parking provided for 11 vehicles, and at least six vehicle movements per day.

7.23 The GPDO does not permit such a change of use, it does not provide a position of ‘fall back’ and this is not a matter that outweighs the objections otherwise stated and discussed above.

## **CONCLUSION/PLANNING BALANCE**

7.24 There is no evidence to justify the development as being essential to the ‘other rural’ location. The proposal is not considered to be for a sustainable form of development that is appropriately located, in a way that complies with the Local Plan strategy for the rural areas and settlements, as a facility to serve the rural communities. There would be no discernible benefit to the rural economy. There would be increased vehicle movements to and from this relatively remote rural location from the towns and villages. It is not considered that the development would amount to the genuine and appropriate diversification of an existing farm enterprise. There is harm to local landscape and the character and appearance of the area. The development has the real potential to harm the living conditions of nearby residents through the sound outbreak of noisy activity.

7.25 In these regards the development is contrary to policies SS1, SS2, SS10, E1, DC1,DC3, and SD4 of the adopted SMDC Local Plan 2020.

## **8. RECOMMENDATION**

**A. That planning permission be REFUSED for the following reason(s):**

**1. There is no evidence to justify the development as being essential to the ‘other rural’/countryside location. The proposal is not considered to be for a sustainable form of development that is appropriately located, in a way that complies with the Local Plan strategy for the rural areas and settlements, as a facility to serve the rural communities. There would be no discernible benefit to the rural economy. There would be increased vehicle movements to and from this relatively remote rural location from the towns and villages. It is not considered that the development would amount to the genuine or appropriate diversification of an existing farm enterprise. As such the development is**

**contrary to policies SS1, SS2, SS10 and E1 of the Adopted Staffordshire Moorlands District Council Local Plan 2020.**

**2. The development results in the open storage and parking of associated vehicles that appear at odds with the rural area when viewed from points of vantage on Dukes Lane. The development therefore, is harmful to the local landscape and the character and appearance of the area. As such the development is contrary to policies SS10, DC1 and DC3 of the Adopted Staffordshire Moorlands District Council Local Plan 2020.**

**3. There is real potential for noise from the industrial activities proposed to break out and cause disturbance to the occupants of the nearby dwelling, just 50m away. Further attenuation or enclosure within the building appears impractical and would be easily undone if the door is open for ventilation. Sound insulation installed in the roof could reduce natural light and ventilation. Enclosure or attenuation specific to individual tools or machines could be difficult to control and manage, particularly because they may often be handheld and, within the scope of the use, vary in type, size and application. The application submission does not seek to demonstrate otherwise through any suggested attenuation or mitigation. As such the development is contrary to policies SS10, DC1 and SD4 of the adopted SMDC Local Plan 2020.**

**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.**

Park View Farm - Workshop to vehicle repairs

