

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

28th March 2024

Application No:	SMD/2023/0559	
Location	Bird Grove Farm, Hilderstone	
Proposal	Change of use of agricultural land to dog walking field with associated fencing, landscaping and parking, and improvements to existing vehicular access and bio-diversity	
Applicant	Mr & Mrs M. Gellatley	
Agent	Mr Andrew Martin	
Parish/ward	Draycott in the Moors CP / Checkley	Date registered 21 st Nov 2023
If you have a question about this report please contact: Reuben Berriman e-mail: reuben.berriman@highpeak.gov.uk		

REFERRAL

The application is a Full – Minor and is referred to Committee at the request of Cllr Deaville to consider the sustainability of the location for this proposal.

1. SUMMARY OF RECOMMENDATION

Refuse

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 The site is an agricultural field fronting Cresswell Road, near Hilderstone, associated with the adjacent Bird Grove Farm, farmhouse and agricultural buildings, and vehicular access. The site boundary fronting the highway has a wooden fence with newly planted saplings, and is subject to Forestry Commission Restocking Notice RN20/22-23. At the time of visit, the site was grassland. The site is in a rural location, to the north of the village of Hilderstone. There are no residential properties [other than the applicants] to the north, east or west of the site, the nearest being approximately 160m to the south – Swallows Rest, The Coach House, Courtyard Cottage, Rose Cottage and Draymans Cottage. The site does not fall within the Green Belt but is in open countryside.
- 2.2 The application is a re-submission following officer delegated refusal of a similar proposal under SMD/2023/0187.

3. DESCRIPTION OF THE PROPOSAL

- 3.1 The proposal is to change the use of the application site to a fenced dog walking exercise area and provide an area of hardstanding for customer off-road parking. The vehicular access will be widened and tarmacked, and 1.8 metre high mesh fencing will be erected around the site boundary. A dog waste bin will be installed, and a mix of trees will be planted within the site. The intention is to provide a facility where dogs can be exercised safely and securely off their leads. The submitted Planning Statement informs that an online booking system would be used to secure a 1 hour slot, and restricts customers to a maximum of 4 dogs per owner at any one time. Only customers who have made a prior booking will be able to use the field, dog walkers will not be able to arrive speculatively.
- 3.2 The dog owner/walker would be issued with a pin code to unlock the gate to use the facility. Opening hours in the Summer would be 8am - 8pm and Winter 8am - 6pm, seven days a week. The facility would have no external lighting.
- 3.3 The application, the details attached to it, including the plans, any comments made by residents and the responses of consultees can be found on the Council's website at:-

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=175584>

4. RELEVANT PLANNING HISTORY

- 4.1 SMD/2023/0187 - Change of use of agricultural land to dog walking field with associated fencing, landscaping and parking – REFUSED.
- 4.2 SMD/2022/0040 - Install eight biomass boilers and associated equipment and the erection of a monopitch biomass. Boiler/forestry machinery storage shed, associated wood fuel stores, alterations to hay barn, surface water management scheme, alterations to the access and formation of permeable enhancement measures – Conditioned by the Highway Authority – Refused by Staffordshire Moorlands District Council.
- 4.3 SMD/2021/0625 – Installation of eight biomass boilers and associated equipment and the erection of a lean-to biomass boiler shed, associated wood fuel stores, alterations to hay barn and formation of permeable stone hardstanding area – Withdrawn

5. PLANNING POLICIES RELEVANT TO THE DECISION

- 5.1 **Local Plan (adopted 9th September 2020)**
SS1 Development Principles
SS2 Settlement Hierarchy
SS10 Other Rural Areas Strategy

DC1 Design Considerations
DC3 Landscape and Settlement Setting
NE1 Biodiversity and Geological Resources
NE2 Trees, Woodland and Hedgerows
T1 Development and Sustainable Transport

National Planning Policy Framework December 2023

Paragraph(s) 1 – 14; 114 – 117;

Section(s) 4 – Decision making; 8 – Promoting healthy and safe communities;
9 – Promoting sustainable transport; 15 – Conserving and enhancing the natural environment.

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

- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

6. CONSULTATIONS CARRIED OUT

Public

6.1 The last consultation expiry date was 25th January 2024 (site notice). No neighbour notification letters were sent.

6.2 No public comments were received.

Draycott Parish Council

6.3 No comments received.

Severn Trent Water

6.4 No impact on Severn Trent assets.

Staffordshire Wildlife Trust

6.5 No comments.

SMDC Waste

6.6 No issues regarding waste collection.

SCC Highways

6.7 The following is the Highways Authority consultation response.

Recommendation Summary: Conditional

Site visit conducted on 23-Feb-2024

Personal Injury Collisions;

Current records show that there was 1 personal injury collision (PIC) on Sandon Road within 215 metres either side of the access from 01/01/2019 to 31/12/2021. Although all PICs are regrettable, the overall volume of collisions does not suggest there are any existing safety problems that would be exacerbated by the proposed development.

Background;

The property is located on Sandon Road (Road No.C0013) which is a C classified road and is subject to a 60-mph speed limit. There are no streetlights or footways along this section of Sandon Road.

Previous Application;

SMD/2023/0187- Change of use of agricultural land to dog walking field with associated fencing, landscaping and parking, and improvements to existing vehicular access – Conditioned by the Highway Authority - Refused by Staffordshire Moorlands District Council.

SMD/2022/0040 - Install eight biomass boilers and associated equipment and the erection of a monopitch biomass. Boiler/forestry machinery storage shed, associated wood fuel stores, alterations to hay barn, surface water management scheme, alterations to the access and formation of permeable enhancement measures – Conditioned by the Highway Authority – Refused by Staffordshire Moorlands District Council.

SMD/2021/0625 – Installation of eight biomass boilers and associated equipment and the erection of a lean-to biomass boiler shed, associated wood fuel stores, alterations to hay barn and formation of permeable stone hardstanding area – Withdrawn

Description of Proposal;

Change of use of agricultural land to dog walking field with associated fencing, landscaping and parking, and improvements to existing vehicular access and bio-diversity.

Comments on Information Supplied;

The application is for the change of use of agricultural land at Bird Grove Farm, Creswell Road, Hilderstone, for use as a dog walking and exercise field, and associated fencing and vehicle parking.

Access;

Entry to the site is via a vehicular access off Creswell Road serving Bird Grove Farm, this access was Conditioned by the Highway Authority under application SMD/2022/0040 but ultimately the application was refused by Staffordshire Moorlands District Council. It was noted at the site visit the construction of the access has commenced albeit not completed.

Visibility;

It was also noted at the site visit and the submitted plan titled Site Layout Plan For Proposed Dog Walking Field 596 drawing 01 revision C shows the improvements to the visibility splay have been carried out. These improvements

were Conditioned by the Highway Authority under application SMD/2022/0040. The hedge has been removed and a replacement hedge has been planted and a post and rail fence erected. The visibility splay should be kept clear of anything over 600mm. It is noted on plan titled Site Location Plan Showing Visibility Splay Bird Grove Farm, Cresswell Road, Hilderstone, Staffs Nov 2023 it states that no obstructions greater than 600mm high within verges forward of visibility splay, the applicant should not undertake new planting within any section of the highway verge.

Parking;

Parking and turning for 2 vehicles are proposed as detailed in plan titled Site Layout Plan For Proposed Dog Walking Field Drwg. No. 01 Revision C. It is noted within the Design and Access Statement that the facility will operate on a pre-booking system only for one owner at a time to walk and exercise their dogs; a gate lock code for the owners to access the field will be sent electronically. The facility will operate from 08.00hrs to 20.00hrs during summertime, and 08.00hrs to 16.00hrs during wintertime, for seven days a week. Based on the information submitted the usage is unlikely to generate an unacceptable level of traffic to the site. It is considered the proposal will not have a detrimental impact on the adopted highway and therefore there are no objections on Highway grounds to the proposed development subject to the following conditions:-

1. The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway has been completed.
2. The development hereby permitted shall not be brought into use until the access drive rear of the public highway has been surfaced and thereafter maintained in a bound and porous material for a minimum distance of 15m back from the highway boundary in accordance with the approved drawing titled Site Layout Plan For Proposed Dog Walking Field Drwg. No. 01 Revision C and shall thereafter be retained for the lifetime of the development.
3. The development hereby permitted shall not be brought into use until the surface water drainage interceptor, connected to a surface water outfall has been provided in accordance with the approved drawing titled Site Layout Plan For Proposed Dog Walking Field Drwg. No. 01 Revision C.
4. The development hereby permitted shall not be brought into use until the visibility splay shown on plan titled Site Location Plan Showing Visibility Splay Bird Grove Farm, Cresswell Road, Hilderstone, Staffs Nov 2023 has been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.
5. The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with plan titled Site Layout Plan For Proposed Dog Walking Field Drwg. No. 01 Revision C which shall thereafter be retained for the life of the development.

6. The proposed dog walking facility will not operate until conditions have been fully complied with.

Reasons;

To comply with NPPF; to comply with SMDC Core Strategy Policy DC1 and T1; in the interests of highway safety.

Important Informative to be Included on Decision Notice;

Please note should planning permission be granted the site access works, conditioned above, shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to highway.agreements@staffordshire.gov.uk.

The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales. <https://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx>

Notes to Planning Officer:

It is noted at the site visit (date 22/05/2023,07/08/2023 and 23/02/2024) works to construct the access and driveway had commenced albeit not completed. Staffordshire Moorlands District Council have not granted Planning Permission for the access under SMD/2022/0040 or SMD/2023/0187. Access to the proposed dog walking facility under SMD/2023/0559 utilises the access to provide vehicular access to the parking area. Should Planning Permission be granted the applicant is required to apply for permission to work within the adopted highway as detailed under section titled Important Informative to be Included on Decision Notice.

SMDC Environmental Health

- 6.8 Potential areas of concern: noise impacts; lighting impacts; timings of visitors; number of dogs. Conditions recommended in relation to all four. Five conditions recommended in total, plus informative: limits on timing of noisy activities during development work; measures to limit the number of cars and dogs on site; measures to limit operating hours; artificial lighting not to increase pre-existing illuminance.

6.9 SMDC Trees

No objection subject to landscaping condition.

7. POLICY AND MATERIAL CONSIDERATIONS / PLANNING BALANCE

Principle of Development and Main Issues

- 7.1 In its general approach, in accordance with policy SS1, the Council expects the development and use of land to contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands. When

considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. This means that planning applications that accord with the policies in the Local Plan shall be approved without delay, unless material considerations indicate otherwise.

- 7.2 Policy SS2, The Settlement Hierarchy for the borough, states that Other Rural Areas comprise the open countryside where development is normally unacceptable. In principle, being within the open countryside and outside of any development boundary, development at this location is generally unacceptable in overall policy terms. It is also an unsustainable location in terms of transport. Policy SS1 aims to support development which secures high quality, sustainable environments, efficient and effective use of resources and contributes effectively to tackling climate change and reduced carbon emissions. The main issues to be considered in relation to this specific proposal are the sustainability of the location; principle of development; site location; character and appearance; impact on neighbour living conditions; and trees.
- 7.3 Policy SS10 sets out the Other Rural Areas Strategy and confirms that the other rural areas comprise the countryside and the green belt outside of the development boundaries of the towns and larger villages and the open countryside surrounding the smaller village. In these areas, the Council will enable the limited expansion or development of business for employment uses where a rural location can be justified; and support the diversification of existing farm enterprises. However, this proposal does not create significant employment in the rural area as the booking system is online and automated with a key pad/ pin code setup, and the alleged creation of one part-time position does not outweigh the harm. There is no evidence to suggest that the site is used as a farm enterprise, as there is a business registered at the address in the applicants name for a logging and road freight enterprise, which is not agriculture. The site is agricultural grassland. However there is no gate, fencing, or cattlegrid to prevent livestock from escaping onto the highway, which further suggests that the site is not actively farmed. The total larger site is approximately 2.25 hectares, which falls short of being eligible for Permitted Development Rights as a farm, which requires a minimum of 5 hectares. Therefore the site does not conform with Policy SS10.
- 7.4 Policy SS10 states that the Council will aim to Enhance and conserve the quality of the countryside by limiting uses which generate a substantial number of regular trips in areas that are not well served by public transport. The application site is located outside of a defined settlement and the closest villages are Hilderstone (approx. 1.1 miles), Fulford (approx. 2.1 miles), and Blythe Bridge (approx. 4.6 miles). The site is not well served by public transport and for customers to use the facility they would be mainly dependent on the use of private motor vehicle. Due to the nature of the facility, it is expected that customers would use the facility one at a time and therefore dependent on the number of slots that the applicant offers several customers would visit each day between 8am and 8pm in summer and 8am-4pm in winter.

- 7.5 As such, the development is considered to be located in a unsustainable location. Therefore the principle of the development is unacceptable.

Design – impact on character and appearance

- 7.6 The proposed development would have relatively low impact on the character of the area as the development is screened by an existing high hedge along Creswell Road. The dog field would be accessed off an existing entrance that serves the farm and farmhouse. To facilitate the development this existing access would need to be improved. The development would provide two parking spaces and the existing field would be enclosed with a 1.8m high timber post and rail fence with dog proof mesh. Some tree planting and hedge planting is proposed adjacent to the site entrance. This planting would help to screen the parking area from the roadside and is also a biodiversity benefit. The Council's tree officer has raised no objection on tree or landscape grounds subject to a landscaping condition.

Amenity

- 7.7 Policy DC 1 states that all development shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area in line with the Council's Design Guide SPD. In particular, new development should 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.
- 7.8 Given the distance from the site and the closest neighbours which are approximately 150 metres to the south, it is considered that the development would have minimal impact on neighbour amenity subject to conditions limiting the maximum number of dogs per customer to four.

Highway Safety

- 7.9 Current records show that there was 1 person injury collision (PIC) on Sandon Road within 215 metres either side of the access from 01/01/2019 to 31/12/2021. Although all PICs are regrettable, the overall volume of collisions does not suggest there are any existing safety problems that would be exacerbated by the proposed development. No objections have been received from Staffordshire County Council Highways. The proposal satisfies parking requirements and therefore is acceptable in terms of highway safety.

8. Conclusion and Planning Balance

- 8.1 The proposed development is in the open countryside, an area in which development is generally unacceptable, unless it can be justified. In this case, the proposal does not meet the justifications for development, and therefore does conform with Policy SS10, and therefore is unacceptable in principle.

- 8.2 In this case the development raises concerns chiefly in terms of its sustainability, an issue which stems from the site's location in a rural area in the open countryside. It is concluded that the proposal would result in a substantial number of regular trips in an area not well served by public transport, and a significant distance from urban areas.
- 8.3 Whilst the provision of the proposed facility would provide some very modest economic and social benefits to the local area, as the proposal will create only one part time position, these benefits are attributed only limited weight. By contrast the adverse impacts of granting permission would significantly and demonstrably outweigh these benefits. The proposal conflicts with Local Plan policies and there are no other considerations, including the Framework, that outweigh this conflict.
- 8.4 The revised version of the scheme has not progressed significantly from the earlier refused scheme (SMD/2023/0187). It is concluded the recommendation must remain one of refusal.

9. RECOMMENDATION

A. Refuse for the following reason(s):

- 1. The development owing to its rural location in the open countryside is found to be unsustainable. The development at this location would result in a substantial number of regular trips in an area not well served by public transport. The development is therefore for this reason found contrary to Local Plan policies SS1, SS10, and to the NPPF.**
- 2. The proposal is unacceptable in principal, as it does not meet the exceptions for development in the open countryside, as set out in Policy SS10. The development is therefore for this reason found contrary to Local Plan policies SS10.**

Informative

1. The Local Planning Authority has acted positively and proactively in determining this application, in accordance with paragraph 38 of the National Planning Policy Framework, by assessing the proposal against relevant planning policies and all material considerations and identifying matters of concern with the application. In this instance, the nature of the planning issues were considered to be so fundamental that no further negotiation was sought with the applicant.

B In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

10. APPENDICES TO THE REPORT

10.1 – Location plan

