

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

14th September 2023

Application No:	SMD/2023/0231	
Location	Sylvesters Farm, Land off Rownall Road, Wetley Rocks	
Proposal	Change of use of building to storage and office extension (the development has already been carried out)	
Applicant	John Pointon and Sons Ltd	
Agent	Wharfe Rural Planning	
Parish/ward	Cheddleton	Date registered: 11 th July 2023
If you have a question about this report please contact: Benjamin Hurst tel: 07738506367 benjamin.hurst@staffsmoorlands.gov.uk		

REFERRAL

The application is before committee because the applicant is related to Cllr Oliver Pointon.

1. SUMMARY OF RECOMMENDATION

REFUSE

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 Sylvesters Farm is located in the Green Belt approximately 2 km north of Werrington. The site has a 160m access track that joins with Rownall Road to the east and it is surrounded by farm land. A belt of mature trees along the eastern boundary of the site screen it from Rownall Road. Without planning permission, a large portal frame storage shed and a lean to office building have been added to the sides of a pre-existing agricultural grain store (the subject of pending application SMD/2023/0232). Both buildings are being used to store marquees and temporary buildings, a storage use that is at B8 of the Use Classes Order. An area of hardstanding to the western side of the agricultural building that has been extended in preparation for the construction of a 2,125 sq m cattle shed (approved under SMD/2020/0664) is currently used for additional storage outside of the building.

3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL

3.1 The application seeks planning permission for the existing use of the building to store marquees and temporary buildings (presented as a change of use to a storage use under class B8 of the Use Classes Order) and an office extension that has been added to the side of the adjoining shed. Beyond that, the application

statement does not say anything more about the use or the business that currently occupies the site.

3.2 It was assumed that the existing building was constructed under the prior approval for an agricultural building granted in 2016 under ref. DET/2016/0040, it is a condition of such an approval that when the building is no longer used for agriculture it shall be removed. However, in submissions, the applicant's agent says that the agricultural approval was not implemented and that the building that stands today is a different building that does not accord with the approved plans – it has a length of 31m rather than 18m and has 20 roof lights rather than 6. Photographs confirm that in 2020 the building was open without any cladding to its gable end or across its front. This means that the building, which is now fully enclosed with cladding and a central roller shutter door, was completed within a requisite 4 year period. It is therefore, an unauthorised, unlawful building that requires planning permission. The development that requires planning permission therefore, is effectively the construction of a building for the purposes of a B8 storage use and an associated office. The storage building is 31m wide across the front and 25m wide across its gable end (775 sq m). The office a slimmer lean to building at 125 sq m.

3.3 Details of the application scheme can be viewed at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=170304>

4. RELEVANT PLANNING HISTORY

08/01225/FUL Change of use of agricultural shed for the storage of bone meal. APPROVED (time limited permission subject to a condition that required the use to cease within 24 months from the date of the permission).

DET/2016/0040 Erection of agricultural building (Application as to whether prior approval was required).

SMD/2020/0664 Erection of agricultural building -Cattle shed. APPROVED (development not yet carried out)

SMD/2023/0231 Change of use of agricultural building to the storage of marquess and temporary buildings. PENDING.

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:-

- SS1 Development Principles

- SS2 Settlement Hierarchy
- SS10 Other Rural Area
- DC1 Design Considerations to protect residential amenity
- DC3 Landscape Character
- SD4 Protection from Pollution
- T1 Development and sustainable transport
- NE1 Biodiversity and Ecology

Supplementary Planning Document (SPD)

Staffordshire Moorlands Design Guide 2018

National Planning Policy Framework (NPPF) revised.

6. CONSULTATIONS

Public response to consultation

6.1 Notification letters were sent to Neighbours. A site notice was posted on the 25th July 2023, all periods of consultation expired on the 15th August 2023.

6.2 One objection has been received. The following points are made:

- This massive shed should be used only for agriculture in the Green Belt
- The use/operation is causing considerable neighbourhood nuisance, noise, litter, light pollution, and traffic chaos
- The applicant carries out unauthorised development and then applies retrospectively
- The use has involved the storage of up to 20 Eddie Stobart HGV trailers on this site which were replaced in June by other unbranded trailers
- Shipping containers are used on the site

Cheddleton Parish Council

6.2 Awaited

Environmental Health

6.3 No objection subject to suggested conditions to protect local amenity covering times of operations and deliveries, construction impacts, potential for land contamination, lighting, and drainage.

Staffordshire County Council Highways

6.4 **Site Visit Conducted on: 26-Jul-2023**

Personal Injury Collisions

Current records show that there was not any personal injury collision (PIC) on Rowndall Road within 215m of the development site for the previous five years.

Background

Rownall Road is a classified road (Road No. C83) with a speed limit of 60mph. Rownall Road has no footways either side of the carriageway. The road is unlit.

No Objection. There are no changes to the existing vehicular access. This is a retrospective application, and the use has been stated as temporary storage of buildings/marquees therefore, seasonal operational use. Application form states there is 1 part time employee, and the proposal is to have 1 full time employee. The total gross internal gross floorspace will change from 723 sqm to 837sqm an additional space of 114sqm. There is sufficient internal parking to the site and the nature of the proposal (retrospective proposal) means there will not be a severe highway impact.

7. OFFICER COMMENT AND PLANNING BALANCE

Impact on the Green Belt

7.1 The site and building is within the Green Belt where development is inappropriate and harmful, by definition, unless it is provided for by one of the exceptions on the closed lists at paras 149 and 150 of the NPPF. The NPPF makes it clear that 'substantial weight' should be given to any harm to the Green Belt and that planning permission should not be granted except in very special circumstances. 'Very Special Circumstances' will not exist unless the harm to the Green Belt, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

7.2 None of the exceptions on the closed lists include buildings that are provided for either a B8 storage use or as an office. The exception that provides for the extension or alteration of a building is limited to development that would not result in disproportionate additions over and above the size of the original building. In this case, the original building is a building for agriculture and the adjoining buildings have not extended it in those terms or for that purpose, the development has only been carried out for new independent purpose. In any event, the storage building and the office have added over 50% to the footprint and floor area of the original building. That would be considered a disproportionate size increase in most cases, and at this scale, the foot print and volume involved is considerable with significant impact on the Green Belt and its open character – a total of 900 sqm (775 sq m storage building and 125 sq m office space) of floor space provided in the Green Belt for purposes other than agriculture.

7.3 Material change of use and the reuse of a building are only exceptionally provided for where they preserve openness and do not conflict with the purposes of including land within it. In addition to the Green Belt harm identified above, the development, on observable evidence, does not preserve openness and causes conflict with the purposes of including land within it through countryside encroachment. When the officer visited the site there were porta cabin units stacked on top of each other, trucks, fork lifts, hydraulic platforms, shelving units racked with pieces of apparatus, and stacks of insulation board - all spilling out and clearly kept

outside of the building. Given the size bulk and nature of the storage the use of articulated haulage must be required to deliver and transfer the product. There has been notable extension to the extent of hardstanding to provide for this storage and business operation. However, the applicant's agent points to the extant planning permission for a 2,125 sq m cattle shed that is to be built adjacent, under planning permission SMD/2020/0664, and says that the hardstanding is a start of works in respect of that.

7.4 In any event, the adverse impact on openness was clear and is greater than what might normally be expected with an agricultural use. It demonstrates an inability or lack of intention to operate and limit storage within the confines of the building. The only conclusion is that the development is inappropriate and significantly harmful to the Green Belt by reason of inappropriateness, adverse impact on openness, and conflict with the purposes of including land in the Green Belt. Any harm to the Green Belt must be attributed substantial weight and planning permission should not be granted unless other considerations, amounting to 'very special circumstances', clearly outweigh the harm to the Green Belt and any other harms resulting from the development. There are no very special circumstances forwarded with this application.

Sustainability and Local Plan Approach to Development within Rural Areas

7.5 The site is outside of any of the settlements defined in the Local Plan with a settlement boundary. It is in an 'other rural area' of countryside, is remote from recognised haulage routes and is instead served by narrow country lanes. Local Plan Strategy for the 'Other Rural Areas', SS10, only provides for development which has an essential need to be located in the countryside and supports sustainability of the rural areas. The site is therefore, a poor and unsustainable location for a new B8 storage building and use, particularly of this scale. The use generates unnecessary and frequent journeys into the countryside and the development is in conflict with the Local Plan policy in these regards and at odds with the principles of good, sustainable planning set out in the terms of the NPPF.

Impact on Character and Appearance of the Area

7.6 As a portal frame shed the building is essentially agrarian in character and appearance, it relates in form and character to the adjoining building and other similar farm buildings in the locality. From Rownall Road, to the east, and Thorney Edge Road, to the west, the site is well screened by tree and hedgerow belts and the land profile. In these respects the building is not visually intrusive, or harmful to landscape character. However, 190m to the north of the site, there is a public footpath (Cheddleton No. 19). The separation between the northern boundary of the site and the footpath is exposed and open, meaning that the clutter and intrusion of storage in the hardstanding outside of the building, is apparent, intrusive and harmful to the character of the landscape. In these respects the development would be contrary to the NPPF and policies SS10, DC1 and DC3 of the Adopted Staffordshire Moorlands Local Plan 2020 and the Design Guide 2018 for the area.

Impact on Amenity

7.7 There is an objector, a neighbouring resident within the locality, who complains of the development causing considerable neighbourhood nuisance through noise, litter, light pollution, and traffic disruption. They report the use of heavy goods haulage.

7.8 The site is relatively remote from its closest residential neighbours and B8 storage uses are not obviously or inherently noisy activities. Consequently, officers from the Council's Environmental Health service have not objected and instead suggest that impacts can be controlled through condition. Particularly they suggest placing restriction on lighting and operating or delivery times. There is some issue with the restriction on delivery or dispatch and the use of haulage in general, because the application does not provide details of the business operations. It is not possible, in the absence of information, to ascertain whether the use of haulage, delivery and dispatch times can be effectively controlled and limited in that way. Rownall Road is a narrow country lane that passes residents in both directions, heavy haulage use that might be associated with an unrestricted B8 storage use, could be harmful to the amenity and living conditions enjoyed by residents along the route. There is some assumed and reported harm in those regards, and resultant conflict with policy DC1 and SD4 of the Staffordshire Moorlands Local Plan.

Impact on Highway Safety

7.9 The development would make use of the existing site access and hardstanding. There would be no adverse impact on highway safety, and the Highway Officer has not objected.

CONCLUSION / PLANNING BALANCE

7.10 It is clear on the evidence of the applicant's agent and photographic record of the building's unfinished condition in 2020, that the building has been provided and completed within the last 4 years for the purposes of a B8 Storage Use. That development that has been carried out is inappropriate in the Green Belt and, by definition, harmful because it is not provided for by any of the exceptions listed at paragraph 149 or 150 of the National Planning Policy Framework (NPPF). The harm to the Green Belt is significant given the size and scale of the building that has been provided and completed for purposes other than agriculture, and the extent to which large scale storage takes place outside of the building.

7.11 The site is a poor unsustainable location for a new B8 storage use, particularly of this scale. It is in an 'other rural' area of countryside served by country lanes remote from haulage routes. There is conflict with Local Plan policy SS10 in these regards.

7.12 Open storage in the area of hardstanding outside of the building causes some visual clutter and intrusion into the countryside that is harmful to the character of the landscape, particularly when viewed from the public footpath to the north. There is conflict with Local Plan Policies SS10 and DC3 in these regards.

7.13 In the absence of information and detail about the operation of the use and business there is assumed and reported disturbance from haulage vehicles passing

the properties of residential neighbours on narrow country lanes and through the residential areas of the towns and villages. There is conflict with policies DC1 and SD4 of the Local Plan in these regards.

7.14 The case presented by the applicant does not demonstrate benefits or considerations that clearly outweigh the harm to the Green Belt and the other harms resulting from the development.

8. RECOMMENDATION

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

1. The development that has been carried out is inappropriate in the Green Belt and, by definition, harmful because it is not provided for by any of the exceptions listed at paragraph 149 or 150 of the National Planning Policy Framework (NPPF). The harm to the Green Belt is significant given the size and scale of the building that has been provided and completed for purposes other than agriculture, and the extent to which large scale storage takes place outside of the building. There is harm by reason of inappropriateness, adverse impact on openness, and conflict with the purposes of including land in the Green Belt through encroachment into the countryside. There are no other considerations that amount to 'very special circumstances' and clearly outweigh the harm to the Green Belt. The development conflicts with the terms of the NPPF and policy SS10 of the Adopted Staffordshire Moorlands Local Plan 2020.

2. The site is a poor unsustainable location for a new B8 storage use, particularly of this scale. It is in an 'other rural' area of countryside served by country lanes remote from haulage routes. The use generates unnecessary and frequent journeys into the countryside and the development is in conflict with the Local Plan policy SS10 in these regards and at odds with the principles of good, sustainable planning set out in the terms of the NPPF.

3. The development is harmful to the character and appearance of the rural area because open storage that causes clutter and visual intrusion in the landscape is exposed and apparent to public views from the Cheddleton Public Footpath No. 19, 190m to the north. In these respects the development is contrary to the NPPF and policies SS10, DC1 and DC3 of the Adopted Staffordshire Moorlands Local Plan 2020 and the Design Guide 2018 for the area.

4. In the absence of information and detail about the operation of the use and business there is assumed and reported disturbance from haulage vehicles passing the properties of residential neighbours on narrow country lanes and through the residential areas of the towns and villages. There is conflict with policies DC1 and SD4 of the Local Plan in these regards.

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.

