

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

16th November 2023

Application No:	SMD/2023/0343	
Location	Land at Ball Green Farm, Woodhouse Lane, Brown Edge	
Proposal	Variation of conditions 3 and 11 of SMD/2021/0179 - to regularise the use of grey fibre cement roofing sheets on the extension to the animal housing, as opposed to a roofing material of a dark green colour; and to increase the permitted use of the access with Gorsey Bank from 6 days per calendar year to a maximum of 30 days per calendar year.	
Applicant	Mr D Clement	
Agent	Rob Duncan Planning Consultancy Ltd	
Parish/Ward	Brown Edge	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

This application is presented to Planning Applications Committee because the application is locally contentious and involves significant development, and, applications for similar developments on this site have previously been determined by committee members.

1. SUMMARY OF RECOMMENDATION

APPROVE SUBJECT TO CONDITIONS

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 Ball Green Farm is a well-established dairy farm business comprising 273 acres and a further 120 acres rented. The site comprises part of a field located to the north east of Ball Green Farm and east of Gorsey Bank, Brown Edge. The site is located within the SMDC boundary. However, the farmhouse itself together with neighbouring residential properties, within close proximity to the west / north west and Ball Green Assembly of God Church, are within the Stoke on Trent Council area.

2.2 The site is within the Green Belt and Countryside. Development granted by planning permission ref. SMD/2021/0179 has been built. Toward the north of the site, the detached animal housing, built in an excavated shelf of land to reduce its height profile, has been constructed with a dark green roof to comply with the condition at the request of Members. However, to the south, the extension to the

pre-existing animal housing, within the main grouping of farm buildings, has been built with a grey cement fibre roof that matches adjacent farm buildings.

2.3 To the north west corner of the site, the pre-existing access with Gorsey Bank adjacent to the Church has a locked steel gate that is set back from the highway.

3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL

3.1 The planning application seeks to vary the wording and terms of Conditions 3 and 11 of the existing planning permission SMD/2021/0179. The permission was granted in July 2021 for the erection of the freestanding animal housing building; the extension to the pre-existing agricultural buildings; and the retention of a vehicular access track within the site which serves the farms silage clamp and connects to the pre-existing access with Gorsey Bank (the access with the highway is long established and did not require planning permission). In granting the permission the Council imposed a series of planning conditions, and this submission relates to Conditions 3 (External Materials) and 11 (Use of Vehicular Access) of that consent.

3.2 At the request of Planning Committee, condition 3 required the fibre cement roof of both the detached animal housing and the building extension to be finished in a dark green colour. However, the terms of Condition 11 that limited the use of the north west Gorsey Bank access to 6 days per calendar year, were volunteered by the applicant and it was on this basis that Stoke on Trent Highway Authority withdrew their objection. Condition 3 and 11 written in full below:

3. The freestanding agricultural building and the extension to the agricultural building shall only be constructed using the external facing and roofing materials that are specified and detailed on the drawings numbered 1702-AL03B and 1702-AL05A respectively. The finished facing colour of the roof material used in the construction of development, shall only be a dark green colour. There shall be no variation without the prior consent in writing of the Local Planning Authority.

Reason:- To ensure that the works are in keeping with adjacent development.

11. The existing access with the highway from Gorsey Bank at the northwestern end of the site shall only be used for the purposes of transporting sileage to the site on no more than a maximum of 6 days per calendar year. Within 6 months from the date of this permission a new farm gate shall be erected and installed across this access in a position that is to be set back a minimum of 10m from the carriageway edge.

Reason:- To limit the use of a highway access with a narrow residential lane opposite dwellings.

3.3 There has been complaint to the planning enforcement service about the grey roof of the building extension and that the access has been used in excess of the imposed limit. With this application the developer responds and seeks to vary those conditions so that the grey fibre cement roof that has been used to construct the extension to the pre-existing farm buildings can be retained and regularised; and the number of days that the access with Gorsey Bank can be used, for the purposes of transporting sileage to the site, can be increased from 6 to no more than 30 days per calendar year.

3.4 In addition to conditions 3 and 11, the planning permission was granted subject to other conditions that: require any fill material to be tested for contamination before it is brought to site; requires any contamination found on site to be reported to the Local Planning Authority; restricts the introduction of exterior lighting; limits the sound levels that can be emitted from any plant and machinery; restricts deliveries and animal movements to the hours between 07:00 and 19:00 and prohibits them on Sundays and Public Holidays; requires full compliance with the applicant's odour management plan; and the provision of landscape planting. This application does not concern the terms of any of those conditions and does not seek variations in those regards. These conditions would be reimposed to any new or varied permission.

3.5 Details of the application scheme can be viewed at:

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

4. RELEVANT PLANNING HISTORY

SMD/2021/0179 Construction of vehicular access track; the erection of an animal housing building following preparatory excavation and land levelling work; extension of existing building to provide animal housing; and the erection of a slurry tank. Approved.

SMD/2019/0349- - A cubicle shed for the housing of the dairy herd - Phase 1 Resubmission of SMD/2018/0028 - Refused

SMD/2019/0331 - A cubicle shed for the housing of the dairy herd - Phase 3 Resubmission of SMD/2018/0029 - Refused.

SMD/2019/0320 - A cubicle shed for the housing of the dairy herd - Phase 2. Resubmission of SMD/2018/0027 – Refused.

SMD/2018/0027 - Proposed steel framed cubicle building Phase 2 200ft x 300ft Lean to – Refused 08/06/2018.

SMD/2018/0028 - A proposed steel framed cubicle building. Phase 1 200ft x 60ft main building – Refused 08/06/2018

SMD/2018/0029 – Proposed steel framed cubicle building. Phase 3 200ft x300ft lean to – Refused 08/06/2018.

5. PLANNING POLICIES RELEVANT TO THE DECISION

5.1 The development plan comprises the adopted Staffordshire Moorlands Local Plan Development Plan Document (September 2020) and supporting evidence documents.

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
- T1 Development and sustainable transport
- NE1 Biodiversity and Ecology

Supplementary Planning Document (SPD)

Staffordshire Moorlands Design Guide 2018

Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

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 28th Aug 2023, all periods of consultation expired on the 18th Sep 2023.

6.2 Seven local residents have objected to the proposal. The following points are made:

- The applicant agreed to the restrictions on the use of the access
- The access dimensions are substandard
- The installed gates are not always closed and kept locked, on occasions cows have wandered onto the road and neighbour's properties.
- The grey roof on the building extension is prominent and reflects the sun making it appear white.
- Use of the track already causes nuisance – invading privacy and causing noise and light pollution

6.3 The Stoke on Trent City Ward Cllr for Baddeley, Milton and Norton, David Evans, has in correspondence to his constituent confirmed their agreement with, and support, for their objection to the application. He does not think that the applicant has done anything to mitigate the impact of developments on neighbouring properties and residents and is concerned that the road is often covered in detritus. The correspondence was copied to the SMDC planning comments inbox and Cllr Joe Porter. The Ward Cllr for Brown Edge and Endon, Joe Porter, has copied his

response to the SMDC planning comments inbox, confirming that he agrees with everything said
by Cllr David Evans.

6.4 One neighbour registering their support for the application makes the following comment:

The access road in question next to the Assembly of God church is used during silage time only. I live directly opposite this site and do not find the working practices of the farmers in any way intrusive. The drivers stop at the entrance when leaving the site and give way to traffic using the road. With regards to cleaning the road where I live. The farmer attempted to do this in 2021 when the weather was poor. It was washed off using clean water.

Brown Edge Parish Council

6.5 Awaited

Staffordshire County Council Highways

Site Visit Conducted on: 24-Jul-2023

6.6 No objection. Condition 11 was requested by Stoke on Trent City Council. They should be contacted for their views. The access is onto a road, the bulk of which is under the administrative boundary of Stoke City Council.

Stoke on Trent City Council Highway Department

6.7 No Objection. Considering that the use of the access would continue to be limited and in view of the supporting information submitted, the Local Highway Authority has no objection to the varying of condition 11 as proposed.

Staffordshire County Council Flood Risk Management

6.8 We did not request condition 3 or 11 and have no comments to make.

Coal Authority

6.9 No specific comments to make regarding the proposed variation of conditions 3 and 11 of the existing permission. We therefore raise no objection.

SMDC Environmental Health

6.10 Awaited

Stoke on Trent City Council Environmental Health

6.11 No Response

7. OFFICER COMMENT AND PLANNING BALANCE

Main Issues

7.1 The key issues for consideration are whether the proposed variations to the existing permission would impose an unreasonable impact on the amenity enjoyed by nearby residential neighbours; the impact on the existing access and road network; and the character and appearance of the area or quality landscapes.

Variation of Condition 3 – External Materials

7.2 The applicant suggests that they did not understand the condition because it is ambiguous. They say they have installed grey fibre cement sheets to the extension to preexisting building because that is what had been specified on the plan. Such a contention does not seem credible. Firstly, the applicant appeared to understand the condition to the extent that the detached animal housing building has been constructed with a dark green roof as required, it is only the extension to existing building form which has not. While the approved plan specifies the use of fibre cement roofing sheets it does not detail a colour, and such a product can be provided in different colours, in particular – dark green. The condition is clear, the fibre cement sheets to be installed throughout the development, as specified on the approved plan, should be of or finished in a dark green colour. In these regards the condition is clear, unambiguous and enforceable, if the Council were to insist on compliance with its terms.

7.3 Local Plan Policy DC1 and DC3 seeks to protect and, where possible, enhance local landscape by resisting development which would harm or be detrimental to the character of the local or wider landscape or the setting of a settlement. Where the detached building occupies a more isolated position within proximity of the neighbours to the north, its dark green roof assists by assimilating the development into the surrounding landscape. However, the extension to pre-existing building form has been constructed with a light grey roof that matches the adjacent buildings to which it adjoins. The extension is not dug into or surrounded by open ground and it does not have the same proximity to neighbours. The extension has proximity and context with the central hub of the farm and the existing building form.

7.4 One of the objector's raise concern over the more reflective nature of the grey roofing material, stating that in the sunlight it appears white which makes it more prominent. Whilst the grey colour is a close match to the adjoining buildings, it is a new roof and therefore perhaps has a fresher or brighter appearance. However, the objection comes from a neighbouring dwelling on Heather View to the north, which is to the other side of the detached animal housing building. Also, the roof plains of the building extension have orientation facing west and east and therefore, no one roof plain faces or reflects directly toward those dwellings to the north.

7.5 Overall, the Grey fibre cement sheeting is an appropriate roof material which is commonly used throughout the Moorlands, including the existing buildings on the site to which the extension adjoins. The extension is of typical agrarian construction and appearance, and its grey roof fibre cement roof is in keeping with, and has an

appearance similar to, the other existing buildings on the farmstead and similar farm sheds that appear within the open surrounding farmland to the east, south and north. In these regards the building extension's grey fibre cement roof has not harmed the character and appearance of the area or landscape and the proposed variation has not caused conflict with policies DC1 and DC3 of the Local Plan, and indeed the enforcement action that would be necessary to impose and insist upon a replacement roof colour would not be justified.

7.6 As both developments have now been constructed and finished with external facing materials in place, condition 3 would no longer be required or necessary and could be struck from a new and varied permission entirely. Similarly condition 4 of the existing permission which applied control over the finished position and height of the detached animal housing building would no longer be required or necessary given that the development is complete and built out as expected and anticipated. A landscaping condition that has been addressed with the submission of an acceptable planting scheme under ref. DOC/2022/0085 would also need to be varied to reflect that point and to ensure that the planting is carried out and maintained, such a condition would appear as condition 10.

Condition 11 – Use of Vehicular Access

7.7 Condition 11 currently restricts the use of the highway access with Gorsey Bank only to the purposes of transporting silage to the site on no more than a maximum of 6 days per calendar year. The condition also required the erection of a farm gate and that is in place, set back from the highway. The reason for imposing the condition was to limit the use of the existing highway access owing to the narrow geometry of the lane that it egress onto, and proximity to dwellings opposite. The application proposes to vary that condition to allow for the access to be used for a maximum of 30 days per calendar year. In respect of this, a number of local objections have been received raising concerns about increased vehicle movements to and from the site and increased mud/muck on the road.

7.8 The site has two existing accesses with the highway, the access onto Gorsey Bank to the northwest of the site, and one to the southwest onto Woodhouse Lane. The application does not propose any alterations to the existing access arrangements, which have been in situ and established for over a decade. The area is semi-rural in nature and not unlike those surrounding many agricultural sites. When the officer visited the site it was not evident that detritus on the road was a problem.

7.9 In accordance with policies DC1 and T1 all new development should provide a safe and satisfactory access. Paragraph 111 of the National Planning Policy Framework confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

7.10 At the time of the previous application the applicant explained that the existing access at the northwestern end of the site would only be used occasionally when transporting silage to the site, which he said occurs twice / three times a year (2 days at a time), so it will only be used up to a maximum of 6 days per year. To that extent

he was agreeable to and volunteered the terms of condition 11, on that basis Stoke on Trent Highway Authority withdrew their objection. The applicant does not explain with this application why circumstances have changed or why they need to use the access for more days during the year. However, they do submit that the resultant usage of the access arising from the proposed variation of condition – equivalent to just 2.5 days a month – would not result in severe residual impacts to highway safety nor any harm to residential amenity.

7.11 The farm vehicles using the access have an elevated position and thus can observe oncoming traffic more readily than cars would, and the access is understood to have functioned without incident to date. A review of the CrashMap website furthermore confirms that there have been no recorded incidents along Gorse Lane for the last 23 years. It is submitted therefore, that the proposed variation of condition 11 is acceptable in planning terms and will not give rise to any conflict with policy T1 of the Local Plan or the provisions of the National Planning Policy Framework.

7.12 Whilst much of the farm site and the developments are within the Staffordshire Moorlands, where the correct Highway Authority consultee would be Staffordshire County Council, the access is onto a road under the responsibility of Stoke on Trent City Council, very close to the border. Staffordshire County Council Highway Authority confirm that they have no objection to the proposal particularly as it was Stoke on Trent Highway Authority that requested the condition. Stoke on Trent City Highway Authority consider that because the use of the access would continue to be limited, they can accept the submissions of the applicant, and have no objection to the varying of condition 11 as proposed.

7.13 Therefore, taking the above into account, and in the absence of any other evidence that might contradict the applicant's account, it is concluded that there would be no adverse, or 'severe', impact on the local road network and the proposals thereby comply with the provisions of the NPPF and Core Strategy policies. By virtue of striking condition 3 and 4 from a revised permission, varied condition 11 of the existing permission would become condition 9 of the new permission to read:

9. The existing access with the highway from Gorse Bank at the northwestern end of the site shall only be used for the purposes of transporting sileage to the site on no more than a maximum of 30 days per calendar year. Within 6 months from the date of this permission a new farm gate shall be erected and installed across this access in a position that is to be set back a minimum of 10m from the carriageway edge.

Reason:- To limit the use of a highway access with a narrow residential lane opposite dwellings.

CONCLUSION / PLANNING BALANCE

7.14 The proposed variations would support and regularise the agricultural needs of the established farm enterprise, with benefit to the rural economy in those regards. The proposed variations therefore would not cause conflict with Policies SS10, DC1, DC3 or T1 of the Staffordshire Moorlands Local Plan or the terms of the NPPF. It is not considered that there would be any harm that would outweigh the benefits or

indeed justify enforcement action, and the application is therefore recommended for approval.

8. RECOMMENDATION

A. That the grant of a differing planning permission be APPROVED for the development to include the proposed variations, subject to the following condition(s):

1. The development hereby permitted shall have begun before the expiration of three years from the 16th July 2021, the date of the existing permission SMD/2021/0179.

Reason:- To comply with Section 91(1) of the Town and Country Planning Act 1990 (As Amended)

2. The developments hereby permitted shall only be carried out, retained or completed in accordance with the drawn and written detail shown on the following approved plans referenced and numbered 1702-AL01B, 1702-AL02B, 1702-AL03B, 1702-AL04B, and 1702-AL05A that were submitted with the application.

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

3. No fill material, used in connection with the above development or associated farm track, is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development. A methodology for demonstrating the material is suitable for its proposed use, should be submitted too and agreed by the Local Planning Authority prior to the material being imported.

Reason:- 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.

4. 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 exists 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 produced, and is subject to the approval in writing of the Local Planning Authority.

Reason:- 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.

5. There shall be no artificial lighting incorporated into, installed or used at this application site that increases the pre-existing illuminance at the adjoining light sensitive locations when they are in operation.

Reason:- To protect the local amenities of the local residents by reason of excess of illuminance

6. The rating level of sound emitted from any fixed plant and/or machinery associated with the development at the use hereby approved shall not exceed background sound levels by more than 5dB(A) between the hours of 0700 - 2300 (taken as a 15 minute LA90 at the nearest sound-sensitive premises) and shall not exceed the background sound level between 2300 - 0700 (taken as a 15 minute LA90 at the nearest/any sound-sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Where access to the nearest sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound-sensitive property. Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.

Reason:- To protect the amenities of nearby residents and comply with policies list specific policies.

7. No deliveries including movement of animals shall be received or dispatched from the site using the access road hereby permitted outside the hours of 07:00 and 19:00 nor at any time on Sundays, Bank or Public Holidays.

Reason:- To protect the amenity of the locality, especially for people living and/or working nearby.

8. The terms of the 'odour management plan' that was submitted on the 27th May 2021, shall at all times be observed and complied with throughout the life of the developments and for the duration of their use.

Reason:- To ensure that any concentration of odour in the vicinity is minimised and to protect the amenity of the locality, especially for people living and working nearby, and/or a nuisance is not caused.

9. The existing access with the highway from Gorsey Bank at the northwestern end of the site shall only be used for the purposes of transporting silage to the site on no more than a maximum of 30 days per calendar year. Within 6 months from the date of this permission a new farm gate shall be erected and installed across this access in a position that is to be set back a minimum of 10m from the carriageway edge.

Reason:- To limit the use of a highway access with a narrow residential lane opposite dwellings.

10. Within the first available planting season following the date of this planning permission, the planting and landscaping detailed in the scheme shown on plan numbered 1702-AL07A that was submitted under application ref. DOC/2022/0085 shall be carried out and implemented. The landscaping and planting shall thereafter be retained and maintained, in accordance with the detail of the approved scheme, throughout the life of the development.

Reason:- To ensure a satisfactory appearance within the landscape setting and to provide some screening between the development and residential neighbours.

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.

