

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

25th January 2024

Application No:	SMD/2022/0568	
Location	Land adjacent to the orchard, Ostlers Lane, Cheddleton,	
Proposal	Outline Planning Permission with some matters reserved, appearance, landscaping, layout & scale for a farm workers dwelling.	
Applicant	Mr J Carr	
Agent	Teresa Critchlow- Sammons Architectural	
Parish/ward	Cheddleton	Date registered: 9 th November 2022
If you have a question about this report please contact: Rebecca Bowers email: Rebecca.Bowers@highpeak.gov.uk		

REFERRAL

The application is before committee as Cllr Worthington requested that it be called-in.

1. SUMMARY OF RECOMMENDATION

REFUSE

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The application relates to an irregular shaped parcel of land which forms part of a larger parcel of land within the applicants agricultural holding. The agricultural holding includes grass fields and a number of agricultural buildings. An existing building is located on the parcel of land.

2.2 The site is located within a semi rural area located close to the settlement of Cheddleton and in the immediate area the land is agricultural in character.

2.3 The site benefits from an existing access off Ostlers Lane and this access is proposed to be retained to serve the farm and the development site.

2.4 The site is located on designated Green Belt land and is located close to Heath House a grade II listed building.

3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL

3.1 Outline planning permission is sought with all matters reserved expect for access for the erection of an agricultural workers dwelling. The dwelling is proposed to be served by an existing access off Ostlers Lane which currently serves the agricultural buildings. A new driveway is proposed running alongside Ostlers Lane

3.2 The application is supported by an indicative site plan showing the siting of the dwelling. At the time of the site visit an existing building was positioned on the site and therefore it has been assumed that the development will involve the demolition of this building.

3.3 Details of the application scheme can be viewed at:

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=165687>

RELEVANT PLANNING HISTORY

None relevant

4. PLANNING POLICIES RELEVANT TO THE DECISION

Staffordshire Moorland Borough Council Local Plan

SS1 Development Principles
SS2 Settlement Hierarchy
SS10 Other Rural Areas Strategy
DC1 Design Considerations
H1 New Housing Development
DC2 The Historic Environment
DC3 Landscape and Settlement Setting
NE1 Biodiversity and Geological Resources
T1 Development and Sustainable Transport

National Planning Policy Framework

Section 12,13,15 and 16

Guidance

Staffordshire Moorlands Design Guide
Space About Dwellings.

5. CONSULTATIONS

Public response to consultation

5.1 No comments received.

Parish Council

5.2 Cheddleton Parish Council object to the application as the site is greenbelt and the application is not the first application in the area which is not necessary.

Environmental Health

5.3 Objects as there is insufficient information provided for Environmental Health to properly assess the application specifically in regards to current noise environment and suitability for residential use.

Conservation

5.4 Objection due to lack of information submitted assessing impact of development on adjacent heritage asset.

Staffordshire County Council Highways

5.5 No objections subject to conditions

5.6 **Site Visit Conducted on:** 23-Nov-2022

CONDITIONS

1. Before the proposed development is brought into use, the gates shall be set back a minimum of 5m rear of the highway boundary and shall open away from the highway.
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 5m back from the carriageway edge.
3. The development hereby permitted shall not be brought into use until the damaged kerbs at the access have been replaced in accordance with details to be first submitted to and approved in writing by the local planning authority.
4. The development hereby permitted shall not be brought into use until details of the 2.4mx43m visibility splays have been submitted to and approved in writing by the Local Planning Authority. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level and be provided in accordance with the approved plan prior to the development being brought into use.

NOTES TO PLANNING OFFICER

- Application is for an agricultural workers dwelling using an existing access to an existing farmyard.
- Visibility at the access is slightly restricted by the hedge immediately adjacent to the access in both directions. Due to the location of the access and the alignment of the road, recommended visibility improvement can be achieved by cutting back of the hedge for approximately 1m each side of the access. No hedge needs to be removed.
- The kerbs at the access can only have been damaged by the use of the access for its existing permitted use. As part of the site is to be changed to a residential dwelling, it is reasonable that the kerbs be replaced.
- Similarly, the access may be acceptable for agricultural use, but should be resurfaced for residential use. It has previously been surfaced, but is breaking up and has areas missing. It would at least benefit from maintenance.
- Current records show that there were no Personal Injury Collisions on Ostlers Lane within 50m either side of the property access in the previous five years.

6. OFFICER COMMENT

Principle of Development

Policy Context

6.1 The application site is located on designated Green Belt Land outside of any defined settlement boundary. The development proposes the erection of an agricultural workers dwelling and the applicant considers that the development has an essential need to be located within the Green Belt.

6.2 Policy SS10 states that the LPA will meet housing requirements and specific needs by:

- Restricting new build housing development in the countryside to that which has an essential need to be located in the countryside in accordance with Policy H 1;

6.3 Policy SS10 states that the LPA will Maintain the Green Belt within Staffordshire Moorlands. Strict control will continue to be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by Government policy.

6.4 The Government attaches great importance to Green Belts and the construction of new buildings is inappropriate in the Green Belt. Exceptions to this are set out in the Framework and these include buildings for agriculture and forestry.

6.5 It is the applicant's case that the proposed dwelling is to fulfil an essential agricultural need for a worker to live on the site. This is considered in more detail below.

6.6 The Framework details that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

6.7 The Framework states that an essential characteristic of Green Belts is their openness, and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Furthermore, one of the purposes of the Green Belt is to assist in safeguarding the countryside from encroachment.

6.8 The Framework sets out at paragraph 84 that planning decisions should avoid the development of isolated homes in the countryside unless, amongst other things, there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.

6.9 Policy SS10 states that the LPA will meet housing requirements and specific needs by:

- Restricting new build housing development in the countryside to that which has an essential need to be located in the countryside in accordance with Policy H 1;

6.10 H1 Subsection 5 states that in other rural areas in the open countryside, only the following forms of development will be permitted (inter alia).

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

Is there a clearly established existing essential functional need?

6.11 The applicant's agent has submitted a planning statement and an agricultural appraisal supporting the applicants case requiring the need for a dwelling for the owner of the farm to live on site on a permanent basis.

6.12 As such the Council have commissioned an independent agricultural adviser to assess the submitted functional information in relation to the above, and provide a substantive response reaching the following conclusions:

- *In my opinion the list of tasks as set out in paragraph 2.3 of the appraisal are mainly routine stock duties and do not require the rural worker to live close enough to the stock to be able to provide quick effective intervention to problems that occur at short notice. The livestock subject to this application are beefing cattle and as such do not have a need for a period of critical care.*
- *The lambing 50 ewes do not demonstrate a need for a rural worker to live on site permanently. This short window of critical care could be provided by a seasonal worker.*
- *Although livestock do require daily supervision in my opinion the probably of instances occurring outside of the normal working period are low and as such do not necessitate a rural working living on site.*
- *In conclusion the agricultural unit known as Land and Buildings formally associated with Heath House Farm Cottage in my opinion hasn't demonstrated that it is essential for the rural worker to live on site to be able to provide effective operation of the enterprise.*
- *The category of livestock on the holding being Beef fattening cattle in my opinion do not require a rural worker to live in close proximity of the livestock as the probability of instances occurring outside of the normal working day is low.*
- *In my professional opinion the application has failed to comply with the relevant local planning polices (H1) as set out in the Staffordshire Moorlands Local Plan (2020) and the national policy guidance as set out in the NPPF and PPG.*

6.12 Consequently, in light of the consultants conclusions officers do not find that this essential functional need to live onsite is, as yet, clearly established or existing in order to meet the policy test for a permanent dwelling.

Is the unit and agricultural activity well established, financially sound and has a clear prospect of remaining so?

6.13 The independent agricultural adviser has also assessed the submitted financial information in relation to the above, and provide a substantive response reaching the following conclusions:

- *From the information that I have been provided within in my opinion the business has not demonstrated a sufficiently level of profitability has been achieved to ensure that the business is viable in the future.*
- *Consequently, having considered all matters raised, there is insufficient justification for a rural worker to live permanently at the site and the proposal fails to comply with Policy H1 of the Staffordshire Moorlands Local Plan.*

Can the need be met elsewhere?

6.14 The applicants have previously tried to address this need through the conversion of a modern portal framed building under a Class Q prior approval application. However this has been refused on three occasions under applications DET/2018/0043, DET/2020/0002 and DET/2020/0025 and subsequently refused at appeal twice under appeal references APP/B3438/W/20/3230017 and APP/B3438/W/20/3257859. Therefore, in the absence of any buildings suitable for conversion the applicant considers that there is no alternative accommodation that could meet the functional need associated with the holding in this instance.

6.15 At the time of the site visit an existing building is situated on the site.. The planning statement submitted with the application makes no reference to this building. Nor is there any information submitted to demonstrate why this building is not capable as providing the needed accommodation.

6.16 Whilst the plans are indicative the planning statement refers to the erection of a two storey dwelling. The existing building on site is a small single storey building and therefore the development would reduce openness and would ultimately encroach into the countryside. The effect upon openness and the purposes of the Green Belt would be in conflict with Policy SS10 and the NPPF.

Other Matters

6.17 The Framework places an emphasis upon the minimisation of waste and pollution. Living on site would mean the applicants travelled less, but given this is 2 or so vehicle movements per day, the reduction in pollution would be very modest.

Conclusion

6.18 Overall, having considered the independent assessment by the Council's consultant officers conclude that the Applicant has failed to demonstrate an essential functional need for the proposed dwelling or that the enterprise is sufficiently financially viable to support the dwelling and has therefore failed to comply with local planning policies (H1) as set out in the Staffordshire Moorlands Local Plan (2020) and the national policy guidance as set out in the NPPF and PPG. Accordingly the proposal is considered to be inappropriate development in the Green Belt, which would be harmful to openness and harmful by definition. In the absence of any very special circumstances the proposal is deemed contrary to policy SS10 and the NPPF in this regard.

Design and impact on Visual Amenity of the Area

6.19 The Landscape Character Assessment (LCA) identifies Cheddleton as lying within the Dissected Sandstone Cloughs and Valleys character area. This document describes Cheddleton as having an "old village core which sits on a steep rocky spur overlooking the valley of the River Churnet.

6.20 The old village is centred on Hollow Lane, a heavily shaded sunken lane with houses on either side of the road around the church". It notes that "Cheddleton has expanded to become a large village with substantial modern residential development to the south and south east of the old village core, on both sides of the A520". The main document describes the key characteristics as being "deeply incised wooded valleys with narrow winding watercourses, historic parkland, stone buildings and walls, sheep and cattle farming with smallholdings, large broadleaf woodlands with newer conifer plantations, narrow sunken lanes with hedge banks and tall hedges that limit views, dominant views to higher ground and lowland heath".

6.21 The application site will be located close to the existing farm buildings and on the footprint of an existing building and therefore in terms of its siting is considered to be the most acceptable location as the site will relate well to the existing agricultural buildings and other residential dwellings and buildings to the west of the site. However considering the site is located within the Green Belt as previously mentioned it is considered that the erection of a two storey dwelling referred to within the planning statement would reduce the openness of the Green Belt.

6.23 The visual amenity impacts of the development would be more critically assessed at reserved matters stage when the final design of the scheme is determined against the provisions of the existing development plan and National Planning Policy Framework, the latter of which now further emphasises and elevates the importance of achieving high quality, sympathetic and well-designed development following its revision in 2021.

Neighbour Amenity

6.24 The application is supported by an indicative plan showing the siting of the proposed dwelling. Although specific details have been reserved it is not considered that based on the indicative plan that the development will have a detrimental impact on the neighbouring dwellings. The applicant's agent shall be aware of separation distances during the design stage of the proposed dwelling.

Amenity of future occupier

6.25 The application is supported by an indicative plan showing the siting of the proposed dwelling. This indicative plan shows the dwelling having a yard area to front that is assumed to be for parking with a private garden to the side and rear. Based on the indicative plan the development would provide an acceptable amount of private amenity space considering the proposed use as an agricultural workers dwelling.

6.26 The Council Environmental Health Officer has commented on the application and required that a noise assessment should have been undertaken. Whilst their comments have been taken into consideration as the dwelling is for an agricultural workers dwelling the disturbance from farming activities would be expected by the occupier as they are working on the farm. As such the application would not be refused for this reason.

Highway Safety

6.27 The proposed dwelling would be accessed via an existing access off Ostlers Lane and a new access road would be provided along the side of Ostlers Road to serve the new dwelling. The highway authority has commented on the proposal and have no objection to the scheme subject to conditions. As such the development is considered to have an acceptable impact on highway safety.

Impact on setting of designated heritage asset

6.28 The proposed development would be located close to a grade II Listed Building, Heath House. Based on the submitted information the council's Conservation Officer considers it unlikely that the listed building will suffer any impact as a result of the proposal. However, Policy DC1 and paragraph 194 of the NPPF requires the submission of a heritage assessment which describes the significance of the heritage assets affected. The applicants agent has failed to provide a heritage statement. As such the development would also be refused on the basis of insufficient information has been submitted to fully assess the impact that the proposed development may have on the setting of the nearby Grade II Listed Building, Heath House.

Ecology

6.29 Policy NE1 requires that the biodiversity and geological resources of the District and neighbouring areas will be conserved and enhanced by positive management and strict control of development (and having regard to relevant ecological evidence) by:

- Expecting all development where possible seeks to deliver a net gain in biodiversity proportionate to the size and scale of the development. In circumstances where adverse impacts are demonstrated to be unavoidable, developers will be required to ensure that impacts are appropriately mitigated, with suitable compensation measures towards loss of habitat used only as a

last resort where there is no alternative. Where any mitigation and compensation measures are required, they should be appropriately scheduled and managed according to the nature, size and scale of the development so as to minimise impacts that may disturb protected or important habitats and species.

8.22 An existing building is currently present on the site and no information has been submitted relating to this building. As such the LPA is unable to fully assess the impact of the development on protected and priority species and protected or priority habitats as a result of the demolition of this building.

8.23 As such the proposed development should be refused on the grounds of insufficient information as the applicant has failed to demonstrate the ecological impact of the proposal and how it would protect and enhance ecology, contrary to Policy NE1 and Section 15 of the NPPF.

9 PLANNING BALANCE & CONCLUSIONS

9.1 The proposal is described as a rural worker's dwelling and is located within the Green Belt, where there is a presumption against new buildings, unless they fall into one of a number of categories including buildings for agriculture. The application has been assessed by an independent agricultural consultant on behalf of the Council who has concluded the applicant has failed to clearly establish a functional need for the proposed workers dwelling nor has the applicant demonstrated that the agricultural activity and unit is financially sound.

9.2 Therefore, there would be harm arising from inappropriateness. There would also be harm to the openness of the Green Belt and conflict with one of the purposes of including land within it. These matters attract substantial weight against the development. There would be a minor benefit in reduction in pollution from workers travelling to the site but this would not outweigh the harm above and does not constitute very special circumstances. As such the proposal is contrary in principle to local plan and NPPF policy concerning development in the Open Countryside and Green Belt.

9.3 Insufficient information has also been submitted to fully assess the impact of the development on the setting of the Grade II listed Heath House and the impact on ecology due to the proposed demolition of the existing building on the site.

9.4 Therefore, having considered all matters raised in support of the development, they collectively would not clearly outweigh the totality of harm. Consequently, very special circumstances necessary to justify the development do not exist and the development is contrary to the development plan and the NPPF.

10.RECOMMENDATION

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

1.The proposed development is deemed to be inappropriate development in the Green Belt which by definition, in paragraph 143, is harmful to the Green Belt and should not be approved except in very special circumstances. The Council finds that no very special circumstances have been demonstrated in the application that could be considered to outweigh the harm to the Green Belt or outweigh the operation of Green Belt policy and it is therefore found contrary policies SS 2, SS10 and H1 of the Staffordshire Moorlands District Local Plan and Section 13 of the NPPF.

2.Insufficient information has been provided by the applicant for officers to fully assess the impact that the proposed development may have on the setting of the nearby Grade II Listed Building, Heath House. The proposed development is therefore contrary to the relevant sections of the NPPF, Policies DC2 of the Staffordshire Moorlands District Council Local Plan and section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act.

3.Insufficient information has been submitted to demonstrate the ecological impact of the scheme failing to demonstrate that the proposal would protect and enhance ecology, contrary to Policy NE1 of the Staffordshire Moorlands District Local Plan and Section 15 of the NPPF.

- 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.**

Site Location Plan

