

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**25th April 2024**

Application No:	SMD/2024/0041	
Location	Bradda Farm, Barrage Road, Biddulph Moor	
Proposal	Agricultural building to house & feed livestock with underfloor slurry store	
Applicant	Mr W James	
Agent	JC Harrison	
Parish/ward	Biddulph Moor	Date registered: 25 <sup>th</sup> Jan 2024
If you have a question about this report please contact: Benjamin Hurst tel: 07738506367 <a href="mailto:benjamin.hurst@staffs Moorlands.gov.uk">benjamin.hurst@staffs Moorlands.gov.uk</a>		

## **REFERRAL**

The application is referred to Committee at the request of Cllr John Jones who wishes to support the applicant's farm enterprise.

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

**REFUSE**

### **2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 This agricultural holding is located to the south of Biddulph Moor in the 'other rural area' and Green Belt that surround the village. Bradda Farm is set back from Barrage Road to the east, behind mature hedgerow and garden. The working farm sheds of the farmstead are to the rear of the stone farmhouse and outbuildings that front the road. The working farmstead takes a linear form with north/south orientation across the top, eastern, edge of a large field parcel that slopes down to the west toward

Public Footpath Biddulph Town No. 50 and the Head of Trent. Footpath Biddulph Town No. 49 runs at right angles across the northern edge of the farm stead and field parcel.

2.2 The applicant is a recent purchaser of the farmstead that, without planning permission or prior approval, had, between 2006 and 2011, been extended considerably to the south, doubling in size, with a new range of farm sheds, farm yard and silage clamp. The old silage clamp at the north of the site is now used as a slurry store. With the introduction of the additional buildings, a landscaped edge, planted with Hybrid Black Poplar trees, was provided along the side of the building and the site's western boundary. Those trees have now reached early maturity with a

height of 12-15m, the boundary contains and encloses the linear form of the farmstead to the west, where it would otherwise be exposed and open to the landscape beyond. The wider holding extends to approximately 250 acres of which 200 acres are owned.

2.3 There are numerous residential dwellings that have no association with farming within 400m of the farmstead and application site. This means that livestock housing and slurry stores will always require planning permission. Bradda Cottage on the other side of Barrage Road is just 40m from the site, the residential estates to the southern edge of the village are 270m from the northern edge of the farmstead.

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

3.1 The applicant proposes to erect a steel framed agricultural building to house and feed cattle with an under floor slurry store. The livestock building and slurry store require planning permission because they would be within 400m of dwellings that have no connection with agriculture. They are not, therefore, permitted by the terms of the General Permitted Development Order. The building would be 32m by 13.7m and provide approximately 438m<sup>2</sup> of additional floor space with an under floor slurry storage capacity of 6 months. The floor area of the building would be split into cubicles and slatted passageways.

3.2 The holding is a recent purchase and the applicant wants to increase capacity to improve viability. The building would allow the applicant to expand the herd and meet the quotas required as part of his milking contract. The building would meet animal welfare standards and be designed accordingly - open fronted to the east facing elevation, faced with concrete panels to the slurry store base, with Yorkshire board and profile cladding above to provide ventilation.

3.3 The building would be located outside of the site's existing landscaped boundary, in the field to the west. The long side of its front, eastern elevation, would open onto the edge of the farm yard. A narrow passage way between the side of the existing shed and the front of the proposed shed would be provided by removing a section of the landscaped bund and the Poplar trees. The sides and rear of the proposed building would extend into the field to the west. Where the floor level of the building would line up with the level of the yard at the front, toward the rear, the fall in ground level and the under floor slurry store would give the building an additional 3m of height above its 4.6m floor to eaves height, on its more exposed elevations. A submitted plan details the removed trees to be replanted, if possible, or replaced with new planting, it shows a band of newly planted or replanted trees around the proposed building's rear and side elevation.

3.4 Throughout the course of the application officers, in line with paragraph 38 of the NPPF, attempted to work proactively with the applicants to explore a rationalisation of the existing farm development, that has expanded over the years without the input of planning control, and the possibility of locating the development within the form of the existing farmyard. The applicant suggested an alternative location to the north west of the site, to make use of and extend the existing slurry store, where the development would have an improved association with existing building form and better alignment with the existing boundary line, albeit some

replacement landscape planting would still be required. The suggested alternative location was eventually taken off the table when the application was called into planning committee, with the applicant making the following statement:

*The alternative location involves removing the existing slurry store on the northern part of the farm yard. This wouldn't be practically possible as the slurry store is needed 365 days of the year and has to contain the daily parlour washings and cow manure from the shed adjacent. We wouldn't be able to contain or store slurry while we build the shed, which could take months. By removing the existing slurry lagoon we would then not be compliant with the NVZ slurry regulations, that requires us to have 6 months storage and it would prevent us from reaching the objective of the initial proposed development to allow us to become compliant with 6 months storage required. There is also a water course very close to the existing slurry hole and I am concerned that any new development in place of it would not meet the now stricter regulation (come in force since this existing one was built) from the environment agency from potentially leaching or runoff.*

3.5 Details of the application scheme can be viewed at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=177324>

#### **4. RELEVANT PLANNING HISTORY**

01/00854/NOT\_AG (SMD/2001/0477) Erection of agricultural building (Application as to whether prior approval was required).

#### **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
- NE2 Trees, Woodland and Hedgerow

Supplementary Planning Document (SPD)

Staffordshire Moorlands Design Guide 2018

National Planning Policy Framework (NPPF) revised.

## **6. CONSULTATIONS**

### **Public response to consultation**

6.1 A notification letter was sent to the near neighbour at Bradda Cottage. A site notice was posted on the 29<sup>th</sup> Feb 2024, all periods of consultation expired on the 15<sup>th</sup> April 2024.

6.2 No Comments Received.

### **Biddulph Town Council**

6.3 Recommended Approval with the suggestion that any trees removed should be replaced with trees and a hedgerow elsewhere on the site, and that there is a clear management plan for the slurry store. All agreed.

### **Environmental Health**

6.4 Awaited

### **Environment Agency**

6.5 Awaited

### **Tree Officer**

6.6 The existing boundary trees are Hybrid Black Poplars, of well established “early mature” age class and could be around 12-15m in height. They are too big/old to uproot and replant elsewhere successfully – the substantial amount of root damage inevitably arising in attempts to dig them up (even using a large bucket excavator) would be likely to send them into terminal decline. Replacement new trees (of the same relatively quick-growing species) would be anticipated to take around 25 years from sapling to achieve a similar size/landscape presence. Different but perhaps more desirable native species would almost certainly take longer to achieve the same height/maturity.

## **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 154 and 155 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 The first exception at paragraph 154 of the NPPF makes a provision for 'buildings for agriculture'. The application, in this case, clearly proposes the erection of a building for agriculture. The development therefore, would not be inappropriate and there would be no harm to the Green Belt in those regards.

### **Sustainability and Local Plan Approach to Development within Rural Areas**

7.3 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. Local Plan Strategy for the 'Other Rural Areas', SS10, provides for development which has an essential need to be located in the countryside and supports sustainability of the rural areas. The Local Plan policy therefore, is obviously, in principle, supportive of proposals for agricultural development. However, the rural area strategy also requires development to enhance and conserve the quality of the countryside by prioritising the need to protect the quality and character of the area and requiring all development proposals to respect and respond sensitively to the distinctive qualities of the surrounding landscape.

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

7.4 As a portal frame shed the building would essentially be agrarian in character and appearance. However, of particular note, in this case, the building would jut out to the side of a linearly arranged farmstead and breach its landscaped western boundary. The building would extend out intrusively into the open field to the side, its impact and prominence exacerbated by the fall in ground levels to the west and the additional height imposed by the 3m deep, under floor slurry store. This would give considerable height to its most exposed side and rear elevations that would occupy high ground within the landscape and be prominent when viewed from Public Footpath No. 49 to the north and No. 50 on the lower ground to the west. The building would not relate well to the existing form of buildings and farmstead.

7.5 The development would take out a significant row of 'early mature' Hybrid Black Poplar trees that have taken more than 15 years to reach their current height of 12-15m. The Council's tree officer advises that these trees could not survive replanting and that new trees from sapling would take a similar amount of time to establish at the same height. The existing tree line provides continuous landscaped boundary to the side of the existing buildings and contains the edge of the farmstead to the western boundary. A new line of planting would take a contrived line to step out into the field and around the building. New planting would do little to screen the 9m high building elevation or to assimilate it into the landscape, taking many years to approach that height.

7.6 In these respects the development would make a prominent intrusion into the countryside and fail to enhance and conserve the quality of the countryside. 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.

7.7 It is not necessary to identify an alternative location or means of carrying out the development to find that the current proposal is unacceptable. However, in this case an alternative location was offered and suggested by the applicant. To the northwest corner of the site the building would have occupied, extended and covered an existing open slurry store. Here the building would have infilled a corner to the north west of the site adjacent to existing sheds to the east and south, with a closer association and alignment with the existing building form and boundary alignment. There would indeed be some displacement of trees and landscaping but replacement planting would not need to take such an obvious deviation into the field, and could take, instead, a gently angled alignment with existing boundary. Where the building would be positioned closer to the footpath to the north, it would be experienced, for a short distance, as a continuation of existing building form rather than a protrusion from it.

7.8 The applicant offered a statement to explain why he is no longer willing to revise the application. Essentially, there would be a period when the existing slurry store would be unavailable while it is replaced and rebuilt as part of the new building. Originally, when the alternative location was suggested, the applicant's planning agent had promoted the merits of such an amendment – it would keep the livestock buildings (especially the dairy herd) close to the parlour, the existing slurry would be rebuilt and it would mean the existing store is then covered which will then conform to new regulations requiring slurry stores to be covered. It may be that for a temporary period slurry could be managed in an alternative manner, either removed from site, spread on land outside of a nitrate vulnerable zone, or stored in temporary facility provided in other areas of the farmstead. Essentially, the difficulties that might be associated with the delivery of good or the best form of development, that would ultimately benefit the applicant's enterprise with increased capacity, should not amount to reasons or circumstances to justify alternatively harmful development.

### **Impact on Amenity**

7.9 There have not been any objections to the proposal. There are dwellings, not associated with agriculture, that would be within proximity of the proposed building and slurry store. The closest is Bradda Cottage some 100m on the opposite side of Barrage Road, the property was sent a letter of notification directly. The consultation response from Environmental Health is yet to be received. However, the site is already an established working farm that provides animal housing and slurry store. The farm is operating without complaint, it is not considered that the additional animal and slurry capacity would cause unreasonable harm to the living conditions of dwellings located to the edge of or within rural farmland. Covering slurry stores or having underground slurry stores can keep the rain out and odours and gasses like ammonia in. Ammonia and odorous gases are produced by microbial activity. These gases rise to the surface and are released at varying rates depending on the air speed over the surface. By covering a slurry store, emissions can be significantly reduced. Underground slurry stores or covers on conventional slurry stores are not airtight like those on anaerobic digesters. Therefore, gas can escape, but at a much-reduced rate compared to an open store. The development is not expected to cause conflict with policies DC1 or SD4 of the Staffordshire Moorlands Local Plan in those regards.

## **Impact on Ground Water Quality**

7.10 There are water courses and issues within proximity of the application site. Ground water falls from the west alongside the farm and follows field boundaries that feed into the Head of the Trent. The Council has not yet received any comments from the Environment Agency or the Council's Environmental Health service. The proposed slurry store would be constructed of 250mm thick sealed shuttered concrete walls. The applicant says that by having the ability to store approximately 6 months of slurry this would enable him to spread this back onto the land at the appropriate times and significantly reduce the use of inorganic fertilisers, further helping to reduce emissions and the harmful effects of ammonia on the natural habitat. It is assumed, that the slurry store is capable of complying with Environment Agency regulations and that in those respects it would not cause effluent to pollute the ground water conditions. The development is not expected to cause conflict with policies NE1 or SD4 of the Staffordshire Moorlands Local Plan in those regards.

## **CONCLUSION / PLANNING BALANCE**

7.11 In principle, the policies of the Local Plan are supportive of agricultural development to assist agricultural enterprise. However, the policies also require a priority to be attached to the protection of the quality and character of the area to enhance and conserve the quality of the countryside. Here, the development proposed would instead prioritise the provision of additional floor space and capacity at the expense of the character and appearance of the area and landscape. The applicant has abandoned attempts to rationalise and provide development within the form of the existing farmstead in favour of extending out into the open field to the west where the land falls and slopes away. Within proximity of public footpaths the development would remove established tree line of significant maturity, breach a contiguous boundary to the edge of the farmstead, and jut out into the open field with considerable height to exposed elevations.

7.12 The proposed development would be harmful to the character and appearance of the rural area and landscape by leading to prominent intrusion into the countryside. The development would cause harmful visual intrusion that would be apparent when viewed from the adjacent Biddulph Town Public Footpaths No. 49 and 50. 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.

## **8. RECOMMENDATION**

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

**1. The proposed development would fail to enhance and conserve the quality of the countryside. Where Local Plan policy SS10 requires the need to protect the quality and character of the area to be a priority, the development**

proposal would not respect and respond sensitively to the distinctive qualities of the surrounding landscape. The proposed development would be harmful to the character and appearance of the rural area and landscape by leading to prominent intrusion into the countryside because it would remove established tree line of significant maturity, breach a contiguous boundary with the edge of the farmstead, and jut out into the open field with considerable height to exposed elevations. The development would cause harmful visual intrusion that would be apparent when viewed from the adjacent Biddulph Town Public Footpaths No. 49 and 50. 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.

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.

