

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**Date 15 August 2024**

<b>Application No:</b>	SMD/2023/0595	
<b>Location</b>	FAR LAKES FARM, SHAW WALL LANE, WHISTON, STAFFORDSHIRE, ST10 2HT	
<b>Proposal</b>	PROPOSED TEMPORARY AGRICULTURAL WORKERS DWELLING	
<b>Applicant</b>	Mr A Byatt	
<b>Agent</b>	Rob Duncan Planning	
<b>Parish/ward</b>	Ipstones	<b>Date registered</b> 5 <sup>th</sup> December 2023
<b>If you have a question about this report please contact: Declan Cleary, dcplanningconsultancy@gmail.com</b>		

**REFERRAL**

This application has been brought before the Development Control Committee as it involves development which has previously been determined by members of the Planning Committee.

**1. SUMMARY OF RECOMMENDATION**

<b>Refuse</b>
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**2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 The application site relates to an agricultural enterprise which is located within the open countryside as defined by the Local Plan Proposals Map. The site is accessed from Shaw Wall Lane. There are a number of agricultural buildings located on site, along with a mobile home. The surrounding area is predominantly in agricultural use. The nearest dwelling to the site is located immediately to the east of the enterprise boundary. Public Rights of Way Ipstones 50 cross and Ipstones 51 are adjacent to/cross the site.

2.2 A mobile home was sited under temporary permission on 8<sup>th</sup> November 2019 for a three year period under planning permission SMD/2018/0427. That approval was in connection with the agricultural enterprise at the site. That three year temporary consent has subsequently expired. A further temporary permission for a mobile home was approved under planning permission SMD/2022/0617. That permission was for 6 months and has also expired.

2.3 The mobile home to which previous permissions were granted has recently been removed from the site. This has been replaced by a smaller static caravan in the same location.

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

3.1 This application proposes the retention of a temporary agricultural workers dwelling for a further 3-year period. The application proposes the retention of the static caravan in connection with a rural enterprise occurring at the site. It is advanced that the suggested three year period is justified on the basis that it would allow time for the application for the permanent dwelling to be considered, and if refused, that decision appealed; to allow time for the dwelling to be constructed (in the event of an approval); to allow time for the applicant to seek alternative arrangement (in the event of a refusal or appeal dismissed); and, in the interest of animal welfare.

3.2 The temporary dwelling is accessed via the farm access, and is sited to the north of the agricultural buildings being sited closer to the public highway. The temporary dwelling is a single storey structure and the retention of use includes amenity space to serve the unit and dedicated parking. Accommodation comprises 2 bedrooms, lounge, kitchen and bathroom.

3.3 The application initially proposed the retention of a larger mobile home. However, as identified above, this has been removed and replaced with a smaller static caravan. The application, and 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:-

[Planning Applications - Staffordshire Moorlands District Council \(staffsmoorlands.gov.uk\)](http://staffsmoorlands.gov.uk)

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

4.1 The following is a summary of the relevant planning applications relating to the site.

SMD/2023/0011 – Erection of Agricultural Workers Dwelling – Under consideration

SMD/2022/0617 – Proposed Temporary Agricultural Workers Dwelling – Temporary Approval – 17/02/23

SMD/2020/0713 - Proposed Construction of Lambing Shed and Hay Store – Approved – 18/06/21

SMD/2020/0170 - Proposed construction of dwelling – withdrawn - 21/07/20

SMD/2019/0051 - Proposed construction of cattle store and extension to existing hay store – Approved 11/04/2019.

SMD/2018/0427 - Proposed Temporary agricultural workers accommodation – Approved – 08/11/2019.

SMD/2017/0575 – Proposed construction of farm workers dwelling – Withdrawn 25/07/2018.

SMD/2015/0618 – Proposed menage – Approved 08/02/2016.

SMD/2009/0683 (old ref. 09/00600/FUL) – Construction of agricultural stock and implement shed – Approved 04/08/2009

## **5. PLANNING POLICIES RELEVANT TO THE DECISION**

### **Staffordshire Moorlands Local Plan (Adopted 2020)**

SS1 - Development Principles  
SS1a - Presumption in favour of sustainable development  
SS10 - Other Rural Areas Strategy  
SS11 – Churnet Valley Masterplan Area  
DC1 - Design Considerations  
DC3 - Landscape and Settlement Setting  
SD1 – Sustainable Use of Resources  
SD3 – Sustainability measures in development  
SD4 - Pollution and Flood Risk  
H1 – New Housing Development  
NE1 - Biodiversity and Geological Resources  
T1 - Development and Sustainable Transport

### **Supplementary Planning Guidance/Documents**

Staffordshire Moorlands Design Guide (2018)

### **National Planning Policy Framework**

Section 5: Delivering a sufficient supply of homes  
Section 6: Building a strong, competitive economy  
Section 12: Achieving Well-designed and beautiful Places  
Section 15: Conserving and enhancing the natural environment

## **6. CONSULTATIONS CARRIED OUT**

<b>Site notice</b>	Expiry date for comments: 26/01/2024
<b>Neighbour letters</b>	Expiry date for comments: 02/01/2024

<b>Press notice</b>	N/A
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**Public Comments:**

4 letters of objection received on following grounds:

- No need for a dwelling at the site;
- Site in open countryside;
- Dramatic change in character;
- Could have purchased a property nearby to manage land;
- Many farms operate without a dwelling next to their stock;
- Can use remote cameras;
- Most land rented;
- Precedent;
- No longer quiet location;
- Temporary dwelling too close to neighbour and affects privacy and enjoyment;
- Applicants have an alternative home;
- Temporary dwelling should have been removed;
- Noise and disturbance from activities;
- Impact on wildlife;
- Agricultural land has recently been split;
- Land not sufficient to sustain livestock;
- Queries over profit margins and cashflow;
- Average dwelling price in area is lower than suggested;
- Significant concern over effect of development on watercourses and surrounding environment;
- Recent flooding in area

<b>Consultee</b>	<b>Comment</b>
Ipstones Parish Council	Ipstones Parish Council considered the above application at the latest meeting on 24th January 2024 and decided by majority vote to support approval of the development.
AES Waste	No issues regarding waste collections
SCC Highways	The proposal is for a temporary agricultural worker dwelling within Far Lakes Farm. The dwelling has 2 bedrooms and 3 parking spaces as detailed in the application form. The Proposed Site Layout Plan Drg. No. 5422-001 Rev B shows 3 spaces scaled at 2.4m x 4.8m which are not annotated however it is assumed these are parking spaces for the proposed dwelling. Access to the dwelling will be via an existing access and will be shared with the farmyard, field, and various agricultural buildings. The access is to remain unchanged by the proposal. I have no objection to the

	proposal (application number SMD/2023/0595) subject to a condition requiring the delivery of parking prior to first occupation.
Environmental Health	<p><b><u>Potential Areas of Environmental Concern.</u></b></p> <ol style="list-style-type: none"> <li>1. Construction Impacts (Condition)</li> <li>2. Lighting (condition)</li> <li>3. Land Contamination (Condition)</li> <li>4. Drainage (Building regulations)</li> </ol> <p><b><u>Recommendation and Conditions</u></b></p> <p>The Environmental Health Department have no objection subject to the following conditions being applied to any permission granted.</p> <p><b><u>Construction &amp; Demolition</u></b></p> <p><b>1. Time of operations (Noise)</b></p> <p>Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities shall be restricted to the following times of operations.</p> <ul style="list-style-type: none"> <li>• 08:00 - 18:00 hours (Monday to Friday);</li> <li>• 08:00 - 13:00 hours (Saturday)</li> <li>• No working is permitted on Sundays or Bank Holidays.</li> </ul> <p>In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.</p> <p><b>Reason:</b> To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.</p> <p><b><u>2. Construction &amp; Demolition: Pollution Control</u></b></p> <ol style="list-style-type: none"> <li>I. Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment. All waste transfer records should be retained for inspection by officers of the Local Planning Authority;</li> </ol>

II. No activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely affect adjacent residential properties and/or other sensitive uses and/or the local environment. In the event dust is caused to escape the site boundary the activity shall be stopped until sufficient dust suppression has been undertaken to prevent further escape. There shall always be the appropriate means and sufficient water resources on site for dust suppression. These should be made available for inspection when required by officers of the Local Planning Authority

**Reason:** *To protect the amenities of the area during construction*

### **3. Unexpected Contamination**

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 exist 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.

### **4. Soil and Fill Importation**

No soil or fill material is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material should be submitted to and agreed by the Local Planning

	<p>Authority prior to the soils or fill material being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validatory evidence submitted to and approved in writing to by the Local Planning Authority.</p> <p><b>Reason (common to 3-4):</b> - <i>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.</i></p> <p><b>5. Lighting</b>  The artificial lighting incorporated into this site in connection to this application shall not increase the pre-existing illuminance at the adjoining light sensitive locations when the light (s) is (are) in operation. Details of all artificial lighting to be installed under this permission should be submitted to and approved by the Local Planning Authority prior to development commencing.</p> <p><b>Reason:</b> <i>To protect the local amenities of the local residents by reason of excess of illuminance</i></p>
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**7. POLICY AND MATERIAL CONSIDERATIONS AND PLANNING BALANCE**

**Planning Policies**

7.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.

7.2 Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material

considerations." The Development Plan currently consists of the High Peak Local Plan 2016.

7.3 Paragraph 11 of the National Planning Policy Framework (NPPF) explains that at the heart of the Framework is the presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the development plan they should be approved without delay; or where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

7.4 The NPPF seeks to proactively drive and support sustainable economic development through the delivery the homes, business and industrial units, infrastructure and thriving local places that the country needs. High quality design should be sought and a good standard of amenity provided for all existing and future occupants of land and buildings.

7.5 Section 5 of the NPPF relates to delivering a wide choice of high quality homes. Paragraph 60 identifies the need to boost significantly the supply of housing meeting the needs of groups with specific housing requirements. Planning policies should identify a sufficient supply and mis of sites and identify a five-year supply of housing land. The Council is considered to have a five-year housing land supply and therefore housing supply policies are up-to-date. The Development should therefore be considered in the accordance with the Development Plan, unless material considerations indicate otherwise.

### **Principle of Development and background**

7.6 The site is located within the Open Countryside, within such locations Policy SS10 states that these areas will provide only for development which has an essential need to be located in the countryside, supports the rural diversification and sustainability of the rural areas, promotes sustainable tourism or enhances the countryside. With regard to housing, SS10 states that new build housing development in the countryside will be restricted to that which has an essential need to be located in the countryside in accordance with Policy H1.

7.7 Policy H1 states that housing development within other rural areas will be restricted to certain criteria, which includes the construction of a new dwelling that meets an essential local need, such as accommodation for an agricultural, forestry or other rural enterprise worker. This is where the need for such accommodation has been satisfactorily demonstrated and that the need cannot be met elsewhere.



7.8 Planning permission had previously been granted for the erection of a temporary rural workers dwelling. That permission was granted exceptionally for a three-year period, which has now expired. In consideration of the previous temporary consent, the development was justified on the basis that the enterprise had planned commitments to develop, through additional planning consents, and land rental agreements which established a need for a worker to be located within site and sound of the operation.

7.9 Since the approval in 2019, the enterprise did expand further and planning permission was granted for an additional livestock building on the northern side of Shaw Wall Lane. However, this land no longer forms part of the holding and the erected building, and acreage of land can not be considered. The submitted revised agricultural justification for SMD/2023/0011 (the application for a permanent dwelling) suggests that the enterprise has expanded to 130 calves, 65 store cattle, 30 young bulls, and 40 ewes. It is suggested that they now farm 69.75 acres, of which 22.48 acres are owned. The remainder of land is understood to be rented on tenancy agreements. Based on the information provided, the operation exceeds that which previously justified an initial temporary dwelling on the site, albeit the nature of the operation has also changed.

7.10 The application has not been supported by any robust agricultural appraisal to justify the development. Nonetheless, a planning application for a permanent agricultural dwelling for the site has been submitted and is also to be considered at Committee, and is recommended for refusal.

7.11 It has been advanced by the Applicant that a three-year temporary permission be granted and that there is justification for allowing a three-year approval. This would allow time for the application for the permanent dwelling to be considered, and if refused, that decision to be appealed. Further, if approved it would allow time for the dwelling to be constructed and, in the event of a refusal and dismissed appeal, it would allow time for the applicant to seek alternative accommodation arrangements. While staying on site, during these times would be in the interest of animal welfare.

7.12 The proposed permanent dwelling has been recommended for refusal, which is subject to Committee decision. That application has been subject to independent advice from an agricultural consultancy. The crux of that recommendation is that the enterprise has changed from that which was originally proposed and there is very little functional need to live permanently on site. It is considered that any need could be satisfied by seasonal worker accommodation. Furthermore, the information does not show sufficient profit to demonstrate that the business is viable.

7.13 Planning Practice Guidance (Reference ID: 21a-014-20140306) states that *"It will rarely be justifiable to grant a second temporary*

*permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission will then be granted permanently*". Temporary consent has been granted on two previous occasions. The operation has not expanded in a manner which could justify a permanent agricultural dwelling and therefore, a further temporary consent is also not justified.

7.14 Indeed, as identified above the land on the opposite side of the road, which includes the lambing shed is no longer part of the agricultural enterprise. This additionally lessens the case for a further temporary consent.

7.15 For the reasons outlined above, it is considered that a further temporary permission is not justified in this instance. However, should members be minded to approve the corresponding application for a permanent dwelling, then they may wish to consider whether a further temporary consent can be justified to allow the permanent dwelling to be constructed.

### **Design Considerations**

7.16 Policy DC1 requires all development to be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area. Development should *"be of a high quality and add value to the local area"* and *"be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, height, density, layout, siting, landscaping, character and appearance"*.

7.17 Policy DC3 states that development should protect and where possible enhance local landscape. Development which would lead to a prominent intrusion into the countryside should be resisted, while development which respects and enhances local landscape character should be supported.

7.18 The application proposes the retention of the existing mobile home for an additional three year period. The mobile home is sited to the front of the premises and is clearly visible from the public highway and the public rights of way network.

7.19 Mobile homes, are not indicative of the countryside and cause some harm to the character and appearance of the countryside and landscape setting. The siting of the home adjacent to larger agricultural units, lessens the impact of the proposals to some degree. However it is considered that the development is not an appropriate form or design of development, in a prominent location to be retained long term.

7.20 In this instance, it is acknowledged case for the retention of the temporary dwelling has not been established. As such the use of land for the siting of the caravan would have a harmful effect on the character and appearance of the local landscape.

### **Amenity**

7.21 Policy DC1 requires development to “*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*”.

7.22 The proposed mobile home is sited an appropriate distance from neighbouring dwellings not to give rise to harm through loss of daylight, overbearing, or overshadowing. In addition, the spacing between the neighbouring dwellings ensures that there would be no loss of privacy or overlooking.

7.23 Concern has been raised with regard to noise from the site. However, this would relate to the operations of the enterprise rather than the retention of a dwelling on the land and as such are not directly relevant to this application.

7.24 It is also noted that Environmental Health have suggested a number of conditions to be attached to any permission. These conditions relate to a new development rather than the retention of the exist use and, as such, are not considered to be relevant in this instance.

### **Highway Safety**

7.25 The application site is appropriately serviced by off street parking which is sufficient to meet the demands of the development. SCC Highways have raised no objection to the proposals however they have recommended a condition for the parking to be retained. No highway safety issues are therefore apparent.

7.26 The PROW network would not be impacted by the retention of the development as proposed.

### **Other Matters**

7.27 Concerns have been raised by residents with regard to the impact on wildlife, light pollution, and noise from increasing activities at the site. These are all matters which relate to the agricultural operations and not the retention of a temporary dwelling on the site and, as such, are not relevant to the determination of this application. In any event all agricultural buildings appear to have been subject to the relevant planning approvals and the impacts of those buildings would have been

considered at that time. There may also be other legislation and guidance, outside of planning, to control the effects of the development on watercourses and how the farming enterprise should operate.

## **8. PLANNING BALANCE AND CONCLUSIONS**

8.1 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision making this means that amongst other things, that local planning authorities should positively seek opportunities to meet the development needs of their area unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits and to secure a development that improves the economic, social and environmental conditions of the area.

8.2 The proposed temporary dwelling would be occupied in association with the existing activities occurring at the site. However, the enterprise has not developed to such an extent which would justify a further temporary consent. A planning application for a permanent agricultural dwelling is before the Committee recommended for refusal. However, in the event of an approval being granted for a permanent dwelling by Committee, a further temporary consent for three years would align with this such and allow for its implementation.

8.3 Accordingly, the proposal is considered to comprise unsustainable development under the terms of the NPPF, and confirm with the Policies of the Staffordshire Moorlands Local Plan 2020.

## **9. RECOMMENDATIONS**

**That approval be REFUSED for the following reason(s):**

- 1. In the opinion of the Local Planning Authority, it has not been demonstrated that there is an essential need for a rural worker to reside within the temporary dwelling. While the agricultural enterprise remains operational this is not of such scale or nature to justify a further temporary permission. Therefore, the development conflicts with Policies SS1, SS2, SS10 and H1 of the Staffordshire Moorlands Local Plan (2020), and guidance contained within the National Planning Policy Framework 2023.**
- 2. The design of the static caravan is not appropriate to the rural landscape setting and is located within a prominent location. Therefore, the use of land would fail to respect the character and appearance of the surrounding area, causing unacceptable harm to the landscape setting of the site. Therefore, the development would be contrary to Policies SS1, SS10, DC1, and DC3 of the Staffordshire Moorlands**

**Local Plan (2020), and guidance contained within the National Planning Policy Framework 2023.**

**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.**

