

**PLANNING APPLICATIONS COMMITTEE**

**Late Representations – 15<sup>th</sup> August 2024**

FILE REF.	SITE AND DETAILS	PAGE NO.
<b><u>SMD/2023/0555</u></b>	<p><b><u>The Grange, Clay Lake, Endon, ST9 9DD</u></b></p> <p><u>Erratum</u> Please note that the correct reference for the application is SMD/2023/0555 and not SMD/2024/0103 as referenced in the report</p> <p>The application and associated documents can be found at this link: <a href="http://staffsmoorlands.gov.uk">Planning Applications - Staffordshire Moorlands District Council (staffsmoorlands.gov.uk)</a></p> <p><u>Statement from Councillor Joe Porter</u> <i>While we do need housing in appropriate places across the country to meet national housing needs, I am personally very against SMD/2023/0555. There have been enough housing developments in our community and we do not have the local infrastructure in place to cope with the extra housing specifically on Clay Lake. Many local residents who have contacted me share these same concerns.</i></p> <p><i>We need to stop urban sprawl and the destruction of our green spaces. The proposal for 22 dwellings would represent an overdevelopment of the site. It is disappointing that the historic Grange House is not incorporated into the proposed scheme.</i></p> <p><i>The current proposals would have a detrimental impact on the storm drainage infrastructure in place at the moment. Flooding is already a major issue within the wider Endon community and at the bottom of Clay Lake. These proposals offer nothing to alleviate flooding problems and the increased surface run-off would make the issues worse.</i></p> <p><i>From an ecological point of view, the application conflicts with standing advice on Ancient Woodland and could lead to deterioration of Ancient Semi-Natural Woodland adjacent to the site. Ancient Woodland is regarded as an irreplaceable, priority habitat.</i></p> <p><i>There are longstanding Highways issues on Clay Lake and the A53 Leek Road and the proposals will have a negative impact on them. The crossing of pedestrians in and out of the site at this location, including school children, is of particular concern. It will prove difficult for vehicles manoeuvring off the site due to the angle of the bend not having clear visibility, especially considering that the site will provide for 59 residential parking</i></p>	

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**Late Representations – 15<sup>th</sup> August 2024**

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	<p><i>spaces, and visitor parking too.</i></p> <p><i>Local residents and the local Community Speed Watch group have been campaigning on road safety issues for many years and these issues need addressing with urgency. As a District Councillor and Community Speed Watch volunteer, I am very concerned that this development will make our road safety issues even worse.</i></p> <p><i>I hope that the members of the Planning Applications Committee will strongly consider the comments outlined above and the large number of views expressed by the wider community.</i></p> <p><u>Staffordshire Wildlife Trust</u> Holding objection. Require the Biodiversity metric to demonstrate net gain</p>	
<b><u>SMD/2024/0094</u></b>	<p><b>Sylvester/Rownall Farm, Land off Rownall Road, Wetley Rocks</b></p> <p>Further comments from local residents</p> <p>A local resident that describes himself as a retired Chartered Minerals and Building Surveyor (MRICS) with experience of dealing with structural damage claims for British Coal from 1983 and latterly (from 1996 to 2020) for many insurance companies, and of inspecting and repairing many farm buildings, similar metal framed warehouse and factory structures, submits the following statement:</p> <p><i>I make the following observations: The invoice 0566 dated 30th April 2017 refers to “Sylvester’s 5 bay extension”. I particularly note the use of the word “extension” in the description rather than open store or implement shed.</i></p> <p><i>I note the Officers comment at 6.14 that the “cross struts provide structural support”. I make the observation that it is usual for steel framed buildings to incorporate diagonal bracing to stiffen the structure rather than horizontal cross struts. If it is the case that the structure just relies on cross struts to stabilise the uprights then I would anticipate that they would then be placed at the same height forming a continuous “beam” around the building. It is noted that one cross beam just happens to have been placed at a higher level and this bay is now to be used as a roller shutter door. I</i></p>	

**PLANNING APPLICATIONS COMMITTEE**

**Late Representations – 15<sup>th</sup> August 2024**

FILE REF.	SITE AND DETAILS	PAGE NO.
	<p><i>consider that this placing alone (to facilitate the later fitting of a door) would confirm the applicants original intent. Taking account of the roof lights (not normally found in hay barns and the like) it would suggest that there always was an intention to close in the sides at a later date.</i></p> <p>Four local residents have provided affidavits sworn in the presence of a solicitor contesting that a dated photograph taken on an iPhone by one of those residents is truthful and correct evidence. The evidence in question is a photograph taken of an iPhone displaying a photograph dated 30<sup>th</sup> Aug 2021, 07:52 hrs. It is said that the photograph was taken on the day the concrete floor was laid and polished and that this means that a photograph provided by the applicant in their original submission that shows a red harvester in the open shed standing on a finished polished concrete floor could not have been taken, as claimed, in 2018.</p> <p>One of the objectors makes the following submission:</p> <p><i>The Planning Committee recommendation reports dated 14 September 2023 and now 15 August 2024 based on exactly the same facts and evidence, reach entirely opposite conclusions, veering first from outright refusal to now a recommendation to grant this Certificate of Lawfulness. This demands answers to some important questions:</i></p> <p><i>Why is this case now considered unambiguous when it has proved not only highly complex and ambiguous, but extremely time and cost consuming, occupying so much of scant Council resources and rate payers money?</i></p> <p><i>Why accept the applicants account of events and timeline as being most probable, when its full of their own contradictions, compromised by conflicted employee declarations and accepting of a letter statement from the commercial tenant business who had no right to operate on this site?</i></p> <p><i>Why disregard the undisputable independent corroborated residents timeline photography and ignore our recorded offer to submit affidavits despite the evidence already proving before the extension was completed, that the applicants changed their intent in 2021 in favour of exiting wheat farming to pursue the massively?</i></p> <p><i>greater financial profits from sustainable energy generation?</i></p> <p><i>Why, disregard the vast increase in the number of residential nuisance complaints from 2022, as an objection to the</i></p>	

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	<p><i>Rownall Solar Farm application when, the level and nature residential nuisance at that time dramatically increased after the site was industrially sub-let, almost 2 years before the Rownall Solar Farm application?</i></p> <p><i>Why accept the applicants claim of a continuous 10 year breach when independent evidence proves it wasn't and the applicant's own admittance that usage varied from agricultural bone meal storage, back to hay and grain storage before being rented out industrially in 2022?</i></p> <p><i>Why, allow numerous frequent daily HGV vehicles, to and from this site over inappropriate single track lanes, when the Council had already imposed a condition limiting truck deliveries to only 2 vehicles per day?</i></p> <p><i>Why, since 12th of September 2023 following the withdrawal of the retrospective application SMD/2023/0231 has the Council not taken enforcement action against the unlawful building of a welfare extension on this site?</i></p> <p><i>Why now, have high intensity far reaching HD surveillance cameras been fitted to this agricultural shed which activate a loud arresting audible warning against trespass, even when walking along the neighbouring public footpath?</i></p> <p>Additionally, 4 more objections have been received after the report was published, comments summarised below:</p> <ul style="list-style-type: none"> <li>• Application should not be considered in isolation it relates to the pending solar farm application and there will be harm to the Green Belt and ecology.</li> <li>• Substantial expansion of hardstanding into the Green Belt</li> </ul> <p><u>Officer Comment and Response to Objector Submission</u></p> <p>The claimed credentials and experience of the objector describing himself as a retired building surveyor appear credible, they are professionally stated and a copy of his CV is offered. He makes relevant observations relative to the building's physical features and design, apparent when the structure was an open sided roof only structure, that he suggests indicate that completing the building, at a later date, as a walled storage building with a shutter door, was contemplated when construction commenced. The objector suggests that structural</p>	

**PLANNING APPLICATIONS COMMITTEE**

**Late Representations – 15<sup>th</sup> August 2024**

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	<p>support is more likely to be provided with diagonal bracing to stiffen the structure rather than the horizontal cross struts that were apparent on this structure and that if it the structure had only relied on cross struts to stabilise the uprights they would have been placed at the same height forming a continuous “beam” around the building. He notes that one cross beam happened to have been placed at a higher level and this bay is now where the roller shutter door is installed and suggests that this placing alone (to facilitate the later fitting of a door) would confirm the applicant’s original intent. The objector provides relevant evidence that should be considered relative to the applicant’s original intent and contemplations. There appears to be a level of experience and expertise under pinning the objectors comment while the evidence submitted by the applicant is in letter form from the contractor that designed and built the building, neither statement is provided in the form of a sworn affidavit nor supported with engineers drawings or calculations. All of the available evidence should be considered on the balance of probability.</p> <p>The objectors that provide the four affidavits and make statements relative to an iPhone photograph and the date that a concrete floor was installed, all agree that the concrete floor was installed on the 30th August 2021. That date is after the end of the four year period from when the applicant says he had substantially completed the building as an open sided hay barn. Nothing turns on this evidence, it is simply another alteration and additional work, such as the installation of walls and a door, that the applicant says occurred with a change of circumstance, after the pre-existing open barn building had become lawful. Even if the photograph of the red harvester was actually taken after this date and not in 2018, as stated by the applicant, there are other photographs available and provided that demonstrate that, during the 4 year period, the open sided structure was used, to varying degrees, for agricultural storage.</p> <p>The officers report that had been prepared for last April’s planning committee, was ultimately not presented because the application was deferred after the applicant submitted additional evidence the day before committee. That report had arrived at a particular conclusion and recommendation because after scrutiny of the original submission, there remained unanswered question that meant the applicant had not met the required tests of clarity and precision. The additional evidence essentially answers those questions by expanding and providing points of explanation and clarification as summarised in the officer’s report prepared for the August meeting. In preparation for the</p>	

**PLANNING APPLICATIONS COMMITTEE**

**Late Representations – 15<sup>th</sup> August 2024**

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	<p>meeting legal advice has been sought and received internally from the Council's solicitor.</p> <p>When an applicant has provided suitably clear and precise evidence and explanation, the Council must accept it on its face unless there is contradictory evidence available. It is an offence for an applicant to knowingly provide false or misleading evidence. The copy of a letter therefore, said to be from a prospective tenant of the building after it had been used as a hay barn for four years should be accepted as valid evidence to be weighed in the balance of probability. Comments that conflate this application with pending proposals to provide solar farm development, relate to the planning merits of proposed development, complain of nuisance suffered as result of recent uses on the site, or refer to matters associated with the adjacent building do not assist in reaching a conclusion on the lawfulness of the building and are not relevant to the legal assessment required to determine this application. Any outstanding complaint relating to matters of alleged planning breach can be investigated separately and appropriately.</p> <p>The comments raised by the other four objectors relate to the planning merits of development and are not relevant to the legal assessment that is required to determine this application.</p>	
<p><b><u>SMD/2023/0310 &amp; SMD/2023/0311</u></b></p>	<p><b><u>Farm House, Booths Hall Farm, Belmont Road, Ipstones</u></b></p> <p>None</p>	
<p><b><u>SMD/2023/0011 &amp; SMD/2023/0595</u></b></p>	<p><b><u>Far Lakes Farm, Shaw Wall Lane, Whiston, ST10 2H</u></b></p> <p>One representation raised including photographs which can be viewed on the application website, highlighting flooding issues at the site</p> <p>Another representation stating: Please check on the planning statement appraisal as this is no longer accurate as the implements are incorrect the amount of animals are incorrect as most have been sold Mr Byatt has evicted his daughter off site and excluded her from the farm business .</p>	
<p><b><u>SMD/2023/0539</u></b></p>	<p><b><u>Clough House, Carr Bank, Oakamoor</u></b></p> <p>None</p>	
<p><b><u>SMD/2024/0326</u></b></p>	<p><b><u>John Hall Gardens, Fowlchurch Road, Leek</u></b></p>	

**PLANNING APPLICATIONS COMMITTEE**

**Late Representations – 15<sup>th</sup> August 2024**

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	Details of materials were provided by the agent. Facing materials are to be Redwood cladding and roof will be torch-on mineral felt. A condition requiring submission of details is therefore no longer required.	
<b><u>DET/2024/2024</u></b>	<b><u>Biddulph Valley Leisure Centre, Thames Drive, Biddulph</u></b>  None	