

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

October 17th 2024

Application No:	SMD/2024/0321	
Location	Ruelow Cottage, Hermitage Farm, Froghall Road, Froghall	
Proposal	Application to remove Condition 3 of SM92-1066.	
Applicant	Mr Christopher Cooke	
Agent	N/A	
Parish/ward	Ipstones	Date registered: 11 th July 2024
If you have a question about this report please contact: Reuben Berriman email: reuben.berriman@highpeak.gov.uk		

REFERRAL

The application has been called into Committee by Cllr Linda Malyon.

1. SUMMARY OF RECOMMENDATION

Refuse

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The site is in the open countryside between Froghall to the South and Ipstones to the North and is on the West side of the B5053 main road (Froghall Road). It comprises a detached stone bungalow in an existing farm complex accessed off Froghall Road. The bungalow faces the farmyard which is flanked by a Grade II Listed farmhouse and Grade II Listed barns, now holiday lets. The farm is surrounded by open agricultural land, which is still farmed by the neighbouring Hermitage Farm, however is in separate ownership. The farm is also within the Churnet Valley.

2.2 The site currently operates as a provider of short-term holiday lets, and the accompanying planning statement confirms that the business is now solely tourism based. However, it is worth noting that the applicants are also applying to remove short-stay occupancy condition from the holiday lets, and the whole site, including the main farmhouse, the holiday lets and Ruelow Cottage, is for sale.

3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL

3.1 This is a "Removal or Variation of Condition" planning application which seeks to remove the following condition from the planning permission for Ruelow Cottage (SM92-1066):

3.2 *Condition 3: "The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in*

Section 336 of the Town and Country Planning Act, 1990, or in forestry, or a dependent of such a person residing with him or her, or a widow or widower of such a person.

Reason: *The site is in an area where housing other than for agricultural purposes is not normally allowed.”*

3.3 Section 336 of the Town and Country Planning Act 1990 defines agriculture as the following:

3.4 *“Agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly.*

3.5 The reason for the condition is that the site is in an area where housing other than for agricultural purposes is not normally allowed.

3.6 The intention of the owner is to lift the condition to allow elderly dependents to move into the property as to better care for them. On a site visit to the property, the applicant also mentioned his children continuing residing in the property, as they are currently.

4. RELEVANT PLANNING HISTORY

- SMD/2024/0272. DESCRIPTION: Application for the removal of Condition 2 in relation to application SMD/1999/0944. DECISION: PENDING
- SMD/2022/0469. DESCRIPTION: Demolition of a poultry unit and the erection of a holiday unit ancillary to Hermitage Farm. DECISION: REFUSED
- SM92-1066. DESCRIPTION: Farm Workers Dwelling. DECISION: APPROVED.

5. RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan (Adopted 2020)

SS1 Development Principles
SS2 Settlement Hierarchy
SS10 Other Rural Areas Strategy
SS11 Churnet Valley Strategy
H1 New Housing Development
DC1 Design Considerations
DC2 The Historic Environment
T1 Development and Sustainable Transport

National Planning Policy Framework

Paragraph(s) 1 -14, 47, 131, 135, 200 – 214.

Section(s) 4 – Decision making, 12 – Achieving well designed and beautiful places, 16 – Conserving and enhancing the historic environment.

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Design Principles for Development in the Staffordshire Moorlands
- Staffordshire Moorlands Design Guide SPD
- Space About Dwellings SPD

6. CONSULTATIONS

Neighbour letters	Expiry date for comments: 05/08/24
Site Notice Posted	03/09/24
Press Notice	14/08/24

Public Comments

6.1 No public comments have been received

Ipstones Parish Council Comments

6.2 Ipstones Parish Council considered the above application at the latest meeting on 21st August 2024 and decided to support approval of the development. Further noting that the property had been built over thirty years ago and that the property was no longer viable for an agricultural property.

7. OFFICER COMMENT AND PLANNING BALANCE

7.1 The main issues relate to:

- Restrictive occupancy condition
- The principle of allowing bungalow to be used as an independent dwelling in terms of the location of the site and sustainability
- The loss of an agricultural workers dwelling and the impact of this on the local economy and the farming community in the Churnet Valley
- Other Matters

Restrictive Occupancy Condition

7.2 The application seeks to remove the restrictive occupancy condition for the property known as Ruelow Cottage, which limits occupation of the property to a person solely or mainly employed, or last employed, in the locality in agriculture

7.3 This condition was imposed as the principle of development would otherwise be unacceptable for a new house in this rural locality. The idea being that a restrictive occupancy condition would ensure adequate and affordable housing stock in the open countryside for workers employed in agriculture.

7.4 The argument that the agricultural occupancy is now redundant as the site has been separated from the agricultural land has been put forward by the applicant, however the agricultural land may be under separate ownership, but there could still be a need for a worker to live nearby. There has been no marketing separate exercise, (which would normally be expected and required) to ascertain whether there is a need for a workers dwelling in this locality. It is important to maintain an adequate level of housing stock in the open countryside for agricultural workers. Unless the property has been tested on the open market it is simply not possible to state with any level of certainty whether there is demand for accommodation for an agricultural worker in the locality.

7.5 The removal of this condition would create a property which can be rented to any occupant for full market rate, which is likely to both price out local agricultural workers, and encourage unsustainable journeys in the open countryside as the occupants commute to the larger towns to work, which is contrary to Policy T1.

7.6 Paragraph 7 of the National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

7.7 Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:

a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

7.8 Paragraph 11 of the National Planning Policy Framework (NPPF) promotes a 'presumption in favour of sustainable development'. For decision takers this means (c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies which are more important for determining the application are out-of-date, granting permission, unless: i) the application of policies in the Framework that

protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

7.9 The application site is located in the Open Countryside whereby Policy SS10 of the Local Plan (2020) is applicable. Policy SS10 states that these rural areas will provide only for development that 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.

7.10 Policy H1 part (5) states that in the other rural areas in the open countryside, only the following forms of housing development will be permitted;

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. There is no policy provision for an independent, full market value property in this rural location.

7.11 In light of all of the above, the proposal for the removal of the occupancy condition goes against both National and Local Policy. The NPPF aims to safeguard against unsustainable development by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations, and minimising pollution which align with SMDC Policies H1, SS10 and T1. It is vital for there to be a suitable range of homes in the Open Countryside, including those catering specifically to agricultural workers. The removal of this condition would decrease the variety of housing available, and the availability of agricultural dwellings. This would not represent a public benefit, and therefore would not comply with policy. While it would add one housing unit to the local housing stock, it would remove housing availability for agricultural workers who tend to earn less than average, and are therefore more vulnerable when it comes to being able to source adequate housing in the right locations.

7.12 The core tenet to achieving sustainable development is ensuring decisions made today do not negatively impact the needs of tomorrow. In this case, while there may be a demonstrable need for accommodation for dependants, private circumstances are generally not planning considerations. The removal of the occupation condition would forever remove the ability for rural workers to occupy the without outside competition, and at a reasonable rate which reflects the occupancy condition.

7.13 A marketing exercise at a fair market rate reflecting the restrictive occupancy condition would need to be undertaken to justify the removal of the condition. As it stands, there is no justifiable reason for removing the condition and there is conflict with Policy SS10, H1 and T1

Amenity

7.14 Paragraph 135 f) of the NPPF seeks to secure a high standard of amenity for all existing and future occupants. Local Plan Policy DC1 requires development to

achieve a satisfactory relationship to adjacent development and to not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

7.15 The removal of Condition 3 would have no amenity impact as the property is would stay in the same use, however with different occupants. The proposal is therefore compliant with Policy DC1.

Highway Safety

7.16 Paragraph 104 of the NPPF states that patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places. Policy T1 seeks to provide safe and sustainable access and ensure that development does not lead to an increase in on street parking. The property does not have its own designated parking, however the site as a whole under single ownership has ample off-street parking to accommodate the parking requirements for Ruelow Cottage. The proposal is therefore acceptable in terms of highway safety.

Heritage

7.17 Policy DC2 seeks to preserve and enhance heritage assets and their setting, and ensure that proposals contribute positively to the to the character of the built and historic environment. All applications likely to affect a heritage asset will need to be accompanied by a heritage statement. The proposal would not involve any building works or material change to the appearance of the property, and therefore is acceptable in terms of Heritage.

Other Matters

7.18 An argument has been made by the applicants that Ruelow Cottage is not an independent building, as it shares sewage, electricity, water, heating oil and access with the main farmhouse, and that the property is essentially an annex, yet is still liable for council tax. Annexes are still liable for council tax, however the fact that the property has been paying tax as a dwelling since at least 2005 is evidence that the property has been used as a dwelling for agricultural workers as it was intended under the previous ownership prior to 2021. The unauthorised and in effect therefore unlawful occupancy of the property as an annex by non-agricultural workers under its current ownership does not justify the removal of Condition 3.

7.19 Separate meters and oil tanks can be retrofitted to properties, and it is not uncommon for rural buildings to share septic tanks, especially where the site remains under sole ownership. The issues raised by the applicants in terms of the independence of Ruelow Cottage are wholly resolvable by the applicants.

8. PLANNING BALANCE & CONCLUSIONS

8.1 On balance, it is recommended that the application is refused. There is little public benefit to the application and the benefit would not outweigh the harm caused

by removing housing availability for rural agricultural workers. The proposed development also conflicts with local and national planning policies, which are in place to preserve and enhance rural areas by resisting inappropriate and unsustainable development.

8.2 There has been no evidence presented by the applicants as to why the use is obsolete and unviable. A marketing exercise for the property as an agricultural workers dwelling has not been carried out to justify the removal of the condition.

8.3 In light of these reasons, the application is recommended for refusal.

9. RECOMMENDATION

A That planning permission be refused for the following reason:-

It has not been demonstrated that it is no longer necessary to restrict occupation of this property to a person who is employed or was last employed in agriculture within the locality. The property is situated within the open countryside where both Policies SS10 and H1 restrict development only to that which has an essential need to be located in the countryside, including accommodation for an agricultural worker and it was on that basis that permission was granted in 1992.

Furthermore the site is not within a sustainable location and unrestricted housing here would also conflict with national and local planning policy which seeks to concentrate new residential development within the main towns and villages where services and facilities are available.

For these reasons and in the absence of any marketing evidence to clearly support the application there is conflict with Policies SS1, SS10 and H1 of the Staffordshire Moorlands Local Plan and the NPPF.

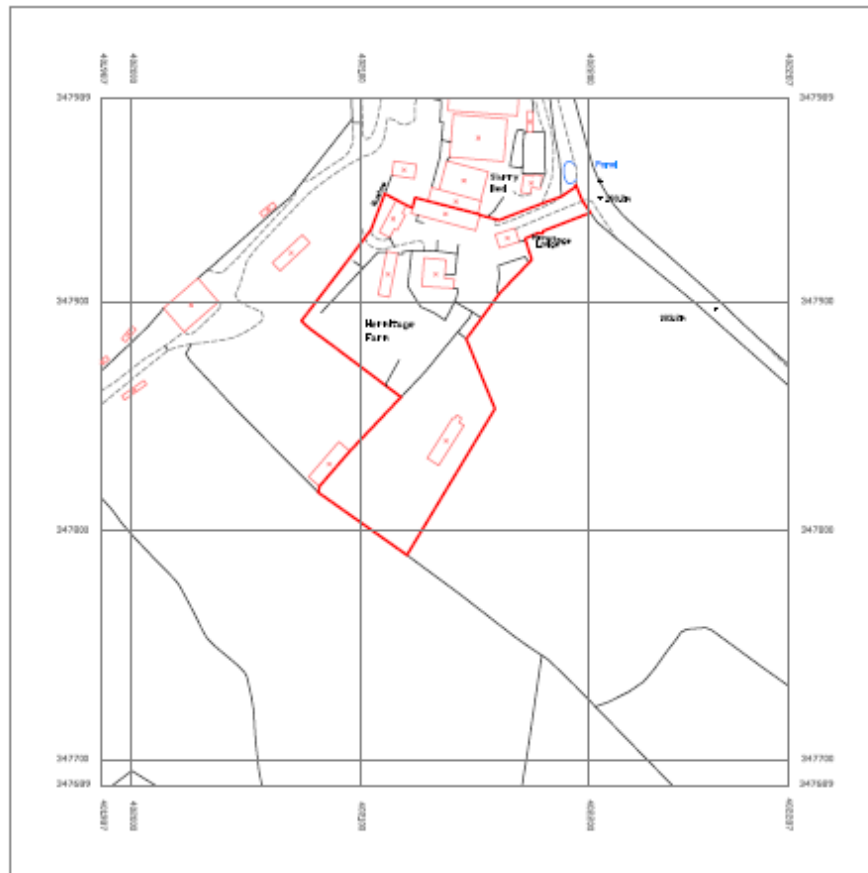
Informative

1. The Local Planning Authority has acted positively and proactively in determining this application, in accordance with paragraph 38 of the National Planning Policy Framework, by assessing the proposal against relevant planning policies and all material considerations and identifying matters of concern with the application. In this instance, the nature of the planning issues were considered to be so fundamental that no further negotiation was sought with the applicant.

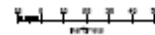
B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's Decision.

RevNo	Revision note	Date	Signature	Checked
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Itemref	Quantity	Title/Name, designation, material, dimension etc		Article No./Reference	
Designed by A W Newby	Checked by Name	Approved by - date C Cook xx/06/2022	File name Location.dwg	Date 20/06/2022	Scale 1:2500
PME Planning Services			Site Location Plan		