

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

12th November 2024

Application No:	SMD/2024/0330	
Location	Wayfields Farm, Rownall Road, Wetley Rocks, ST9 0BP	
Proposal	Retrospective change of use of an agricultural building into mixed use comprising storage with associated office.	
Applicant	JCM Group Holdings	
Agent	Wharfe Rural Planning Ltd	
Parish/ward	Cheddleton	Date registered: 15.07.2024
If you have a question about this report please contact: Chris Johnston tel: 01538 395400 ext. 4123 christopher.johnston@staffsmoorlands.gov.uk		

REFERRAL

The application is before committee because SMDC Councillor Oliver Pointon is the son of the Director of the company applying for the permission.

1. SUMMARY OF RECOMMENDATION

APPROVE with Conditions

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The site is in the countryside between Werrington (to the south-west) and Wetley Rocks (to the north-east) and is also in the Green Belt. It comprises a large metal-sheeted warehouse-type building on a former farm. It was built as an agricultural storage building under a 2013 planning permission but was never used for this purpose is now used by a storage and distribution company. It is shown in the application as "Building A". It is on the west side of Rownall Road which also provides the access to the site, the access of which also leads to two other similar warehouse buildings in employment use but which are smaller than the one on the application site. These lie to the north ("Building B", the second largest after Building A) and to the east ("Building C", the smallest of the three) and all three buildings face a large central yard area used for vehicle parking. The other buildings are within the same ownership as the application site. Also to the east of the yard and to the south of one of the industrial buildings, is a traditional farmhouse and brick and stone barns or stables now used as dwellings. These are also shown to be within the same ownership as the application site. These have their own accesses off Rownall Road. To the south of the site lies a number of old and modern farm (or former farm) buildings and dwellings in separate ownership. To the west of the site lies open fields. The industrial building on the application site has a footprint of 66.0m x 16.3m.

3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL

3.1 This is a full retrospective planning application to retain the new storage and distribution use (Use Class “B8”), an unauthorised use of the 2013 approved agricultural building. The tenant of the building is Hallgruppen Ltd, a construction company. The building is used as for storage and distribution of aluminium demountable structures. One of the front corners of the building, about 15% of the footprint of the building, is used as offices, toilets and staff facilities associated with the company (and regarded by the applicant’s agent as being within a “Class E(g)(i)” (an office to carry out any operational or administrative functions) Use. External alterations have been undertaken to provide the offices in the form of new ground and first floor windows and an entrance door on the front and side elevations and also new brick over the concrete panels at ground floor level, only for the part of the building where the offices are located. The upper part of the building remains with the dark green metal cladding, the same as the other two buildings. A mezzanine first floor of about 90 sq.m has been provided for the offices. In front of the building in the central yard area, a row of 20 parking spaces is shown, separated by gaps in front of the two full-height vehicular access roller shutter doors which have been retained.

3.2 The application includes a Noise Report and a Planning Statement which includes some background information to the application, such as the following:

“The farm was previously owned by John Pointon and Sons who were a farming family best known for their successful animal by-product and protein business. However, this business was developed alongside its traditional farming activities. The protein arm of the company was sold to ABP Food Group in early 2020. The estate is made up of several holdings, with the vast majority being owner-occupied. In more recent years, the land associated with the farms has been split into different ownership, meaning many buildings are no longer related to surrounding agricultural land.”

3.3 The application files including the drawings, report and other details of the proposal together with consultation and notification responses can be viewed on the Council website at:

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=179470>

4. RELEVANT PLANNING HISTORY

13/00448: New agricultural storage building. Approved and built. “Building A”.

SMD/2015/0765: Change of use of Building A and Building C to B1 (Light Industrial) and B8 (Storage and Distribution) uses. Refused.

SMD/2021/0483: Change of use of Building B and Building C to industrial uses. Approved on 12th April 2022.

SMD/2022/0329: Removal of Condition 4 of permission 13/00448 (Building A).
Approved.

SMD/2024/0055: Erection of a Flexible Energy Facility, associated works, landscaping and habitat creation. Building B included in a wider application site.
Pending.

5. PLANNING POLICIES RELEVANT TO THE DECISION

5.1 The Development Plan comprises:

Adopted Staffordshire Moorlands Local Plan - Sep 2020

5.2 The following Local Plan policies are relevant to the application:-

- SS1 Development Principles
- SS10 Other Rural Areas Strategy
- E1 New Employment Development
- DC1 Design Considerations
- T1 Development and Sustainable Transport

National Planning Policy Framework (NPPF).- December 2023

Section 6: Building a Strong and Competitive Economy

Section 12: Achieving Well Designed and Beautiful Places

Section 13: Protecting Green Belt Land

6. CONSULTATIONS

6.1 A site notice was posted and displayed on Rownall Road close to the site access, inviting comments within 21 days from the date it was posted. Letters were also sent out to adjacent properties shortly after the new application was received and 21 days was given for comments in response.

Public response to consultation

6.2 One local resident, on behalf of the “Rownall & Bagnall Save the Green Belt Campaign”, has objected to the application on the grounds of the proposal, along with previous approvals, representing the formation of “an exceptionally large commercial business operating centre with full time resident employee workforce and dedicated industrial warehousing” which is considered to be harmful to the Green Belt. The objector also raises the issue of the impact of the health and safety of the current workers at Building A if approval is given for the use of Building B for “volatile energy storage components” in connection with the major battery storage application SMD 2024 0055.

Cheddleton Parish Council

6.3 Objection as previous applications objected to and refused by SMDC being

SMD/2015/0765 already contravening its use and should not be applying retrospectively when it has already been refused. No Highways report.

SCC Highways Authority

6.4 Recommendation Summary: Conditional

Site Visit Conducted on: 29-Aug-2024

Personal Injury Records;

Current records show that there were not any Personal Injury Collisions on Rownall Road within 215 metres of the site from 30/12/2019 from 29/12/2022.

Background;

The site is located on Rownall Road (Road No. C0083) a C classified road with a speed limit of 60 mph.

There is a streetlight but no system of streetlights or footways along this section of Rownall Road.

Previous Applications;

SMD/2022/0329 - Removal of condition 4 relating to 13/00448/FUL- Staffordshire Moorlands District Council – Approved.

SMD/2021/0483 - Change of use of land and buildings from agricultural to business uses falling within use Classes E and B8 including the associated development for new openings in the existing buildings – Highway Authority - Refusal – Staffordshire Moorlands District Council – Approved.

SMD/2015/0765 - Change of use of redundant agricultural buildings to industrial and storage use (B1 and B8) – Highway Authority – Conditioned - Staffordshire Moorlands District Council – Refused.

Proposal;

Retrospective change of use of an agricultural building into mixed use comprising storage with associated office.

Comment;

The proposal is for a retrospective change of use of an agricultural building into mixed use storage and associated office.

The building measures 66m x 16.3m and will provide a total of 1076m² floor space. The storage distribution section of the building (use class B8) has a total floor space of 980.8m² and the office space (use class B1) a total floor space of 95.2m².

Staffordshire Moorlands Parking Standards state: B8 - Storage or distribution -1 space per 80m² of gross floor area. Use Class B1 Offices requires 1 space per 25m² gross floor area up to 250m², then 1 space per 30 square metres thereafter. A total requirement of 17 spaces for the entire floor area to meet the Parking Standards, Drawing Number 3552-SP01 demonstrates parking for 20 vehicles.

The Application Form states there are no existing employees on the site.

Turning for lorries are provided as demonstrated in submitted Drawing Number

3552-SP01.

The proposal will not have a detrimental impact on the adopted highway. I have no objection subject to the proposal (SMD/2024/0330) subject to the following condition.

The development hereby permitted shall not be brought into use until the parking spaces and artic turning area have been provided as detailed in submitted Drawing Number 3552-SP01 and kept free from obstruction and as intended for the lifetime of the development.

REASONS

To comply with NPPF; to comply with SMDC Local Plan policy DC1; in the interests of highway safety.

SMDC Environmental Health (EH)

6.5 No objection subject conditions requiring details of lighting, a restriction on outdoor storage, hours of operation, sound/noise levels from the operation of the business and from forklift truck noise. EH initially recommended refusal due to the exacerbation of noise from current outdoor wood cutting/workings next to Building C but as this was later found to be an unauthorised operation, amended their comments as follows:

Noise: A noise assessment has been submitted to support this application (Philip Dunbavin Acoustics Ltd ref. no. J004939-7903-TD-02 10th July 2024). The report determines the background noise level at the site during normal operational hours is La90 37dBA, the rating level for the purposes of compliance with the existing planning condition should be 39dBA. These levels are relatively low for this type of site and the previous use as an agricultural yard. The report determines this development should not adversely affect residential neighbours.

But during a visit made by Environmental Health to assess the application it was observed that a tree surgery/gardening company was operating a wood pulping/log splitting machine in the outside yard adjacent to units 6 and 7. The noise rating levels being emitted and impacting residential neighbours would have clearly exceeded background sound levels. This compromises our consideration of the noise assessment as being representative of normal operational noise levels at the site.

The proposal to intensify commercial/light industrial use at the site is a concern given the existing use will already be causing adverse impacts to residential amenity. We would advise prior to any further permission being granted at this site that clarification is obtained on the current operations on the site and their impact to neighbouring properties i.e confirm external storage and noisy operations. If the gardening company is a permanent occupier and will be conducting external noisy workings in the existing units and external areas then a revised noise assessment should be conducted.

Noise Updated 9th October 2024: It is understood the units 6 and 7 are subject to ongoing planning enforcement investigation and so should be considered as a separate operation to this application. Based on this advice our objection can be

withdrawn subject to conditions.

SMDC Waste Collection Service

6.6 No issues regarding waste collections.

7. OFFICER COMMENT AND PLANNING BALANCE

Introduction

7.1 The main issues with the proposal are as follows:

- The principle of the recent change of use of the site including whether or not this amounts to inappropriate development in the Green Belt.
- The impact on the character and appearance of the area.
- The impact on residential amenity.
- The impact on traffic and highway safety.

The principle of development.

7.2 The site is in the countryside and also in the Green Belt. The strategy for the countryside, Policy SS10, aims to sustain the rural economy by supporting the diversification of existing farm enterprises. It also requires strict control over inappropriate development in the Green Belt.

7.3 Policy E1 states that schemes involving the re-use of rural buildings for commercial enterprise, including tourism uses, will be considered favourably where the proposed use does not harm the building's character and/or the character of its surroundings.

7.4 The new use would appear to accord with the above policies. However, the building on site was a "new build" following the grant of permission for an agricultural building and not a commercial building in 2013 in conjunction with the agricultural use of the site and surrounding farmland at the time and a condition was applied requiring the building to be removed when no longer used for the purposes of agriculture.

7.5 With regard to Green Belt policy, paras 154 and 155 of the NPPF list the exceptional forms of development which are not deemed to be inappropriate development in the Green Belt and therefore which are not deemed to be harmful to its openness. New agricultural development is listed which is part of the reason why approval was given for the building in 2013. At the time of the application it was demonstrated that an agricultural need on the land existed. New commercial or industrial buildings are not listed in paras 154 and 155 and are therefore deemed to be inappropriate development and harmful to its openness and the 2013 approval with conditions was imposed to restrict the use of the building for agricultural purposes only to protect the Green Belt.

7.6 However, the building was a replacement for existing agricultural buildings that

were present at the former farm. In 2022, a planning application was submitted to remove Condition 4 of the planning permission for the building which required the building to be removed in the event of it not being used for agricultural purposes. The applicants stated that such a condition should not have been imposed as it did not meet the tests in the planning legislation for imposing conditions. For example, conditions should only be imposed where they are “reasonable” and “necessary”. Furthermore, para 14 of the National Planning Policy Guidance (NPPG) states that conditions requiring the demolition after a stated period of a building that is clearly intended to be permanent are unlikely to pass the test of “reasonableness.”

7.7 Such conditions are commonly applied to, for example, brand new agricultural buildings on open land. But the building in question was merely a replacement of existing long established farm buildings that had deteriorated over time and which were deemed to have no less impact on the Green Belt than the new replacement.

7.8 The Council considered that the condition did not pass the tests of being reasonable or necessary (i.e. such a restriction would never be imposed on existing long established farm buildings in use for agricultural purposes at the time) and therefore approved the removal of the condition requiring the removal of the building. Its current existence on the site therefore now does not breach the 2013 planning permission for the building.

7.9 It is not uncommon for agricultural buildings to become vacant over time or for farm businesses to either completely cease or relocate to other areas as the nature of farming changes over time. This appears to be what has happened at this particular site. The situation at this relatively new building is no different to agricultural uses ceasing at older long established farm buildings over time. It is important to remember that this is not a brand new build on an open site but a replacement of existing farm buildings on the same site.

7.10 Such changes to agricultural business and enterprise are recognised in the Local Plan such as in policies SS10 which supports farm diversification and which allows appropriate new uses of suitable existing rural buildings in order to support the rural economy. Green Belt policy in the NPPF also allows the change of use of buildings where they are permanent and stable, as listed in paras 154 and 155. There is no doubt the building on site, with its typical warehouse design with steel frames and concrete foundations and base and solid walls, is permanent and stable.

7.11 The principle of the change of use from agricultural to other uses is therefore acceptable.

7.12 With regard to the particular storage and distribution use now occurring at the premises, this is an employment use which would have significant benefits to the local economy including the rural economy. There is support for such uses in policies SS10 and E1. Therefore subject to the particular impacts of the new use and development on the visual and residential amenities of the area, highway safety and the environment in general, which will be addressed in this report below, the overall principle of the change of use applied for in this application is acceptable.

The impact on the character and appearance of the area

7.13 Policy DC1 aims to protect the visual amenities of the area and ensure new development harmonises with its surroundings.

7.14 There have been some external alterations to the building in order to accommodate the new use but no extensions. These affect the area of the building used as offices in connection with the new storage and distribution business. This area is the north-east corner of the building and involves new windows and a front door which are of modern design that is typical of office windows and doors seen on modern warehouses and are not out of keeping with the particular modern warehouse form and design of the building. An area of concrete lower wall has been bricked over, contrasting with the rest of the building but this is not out of keeping with the area where there are nearby traditional red brick buildings. Overall the changes do not have a significant impact on the character and appearance of the area and there is no conflict with Policy DC1.

The impact on residential amenity

7.15 Policy DC1 also aims to protect the residential amenities and living conditions of residents of the area from new development which can include changes of use.

7.16 The new windows do not directly overlook any of the nearby residential properties and so there are no negative impacts on the levels of privacy enjoyed by local residents.

7.17 Noise and disturbance is the main issue affecting nearby residents when a new industrial or commercial occupier moves into the area. The Environmental Health Section of the Council was consulted to determine the impacts of noise on the residential amenities of the area and have assessed the applicant's submitted Noise Report. The recent change of use of the building falls under a "B8 Storage and Distribution" use in the Town and Country Planning (Use Classes) Order. It is not a general industrial use such as manufacturing which is a more intensively noisy use. The Environmental Health Section (EH) is not concerned about the levels of noise generation from the new use in relation to the former agricultural uses of the site in terms of the impact on the adjacent residents to the south-east which are occupying barn conversions and a farmhouse which in any case are within the same ownership as the application site.

7.18 A concern was raised by EH about noise levels from the new occupants in conjunction with wood cutting operations that were occurring inside and outside of part of Building C opposite. EH had commented that this was a significantly noisy operation affecting residential amenity and had not been taken into account in the Noise Report. This is deemed to be a "B2 General Industrial" use. However, planning permissions relating to the use of this building are restricted to light industrial or storage/distribution uses. The current woodcutting or wood operations is unauthorised and is being investigated by the Council. This involves a separate unit from the application site and is a separate matter from this planning application and should not be taken into account in determining the impact on residential amenities from the current retrospective storage/distribution use applied for. The noise impacts solely from the new storage/distribution related firm are not considered

significantly harmful to nearby residents. The Environmental Health Section has amended its response and does not object to the application providing that conditions to restrict noise that were imposed on the planning permission for the light industrial and storage uses of the other two units (Buildings B and C) are imposed on any approval for the change of use of Building A.

7.19 Overall, with the safeguard of conditions, the new use is not significantly harmful to the residential amenities of the area and complies with Policy DC1.

The Impact on traffic and highway safety

7.20 Based on the floorspace provided, including new and additional office floorspace provided by the new first-floor mezzanine, the parking provision for the new use is acceptable. Twenty parking spaces are shown to the front of the building and exceeds the seventeen spaces required under the Council's parking standards. There is also ample space on the yard area for vehicles to turn and leave the site. The section of Rownall Road leading to the A road network a short distance to the south, is wide enough and able to accommodate the predicted traffic/vehicle movements safely without detriment to highway safety. The access onto Rownall Lane, a straight section of road, is also deemed to be safe in terms of the visibility splays provided. Overall, there is no detriment to highway safety or any conflict with Policy T1 of the Local Plan.

Other Matters

7.21 Local residents raise the issue of the impact of the health and safety of the current workers at Building A if approval is given for the use of Building B for "volatile energy storage components" in connection with the major battery storage application SMD/2024/0055. However, this would be a matter for consideration as part of application SMD/2024/005. Notwithstanding this, the storage of hazardous substances is regulated under other legislation and is thus not a material consideration in this application.

Conclusion and Planning Balance

7.22 The unauthorised change of use and new external works do not constitute inappropriate development in the Green Belt and are not harmful to its openness. The new use is acceptable in principle and the development also does not harm the visual or residential amenities of the area or affect highway safety. With the safeguard of conditions, the use and works would comply with the Council's Local Plan and the NPPF and therefore the retrospective application is recommended to be approved and regularise the unauthorised new change of use and works.

8. RECOMMENDATION

A. Approve subject to the following conditions:

- 1. The development hereby approved shall be maintained in complete accordance with the details as shown in the following drawings:**

**3552 SP01
2015 2104 12 Rev D**

Reason: To ensure that the development is carried out/maintained in accordance with the submitted details and approved plans, in the interests of good planning, for clarity and the avoidance of doubt.

- 2. The ground floor and first floor office floorspace shall be used entirely ancillary to the main “B8 Storage and Distribution use” of the site and shall not be used for any purpose other than as offices or staff facilities for the current occupier of the site or sold off or let out to another user.**
Reason:-
In the interests of the character and amenities of the area and to protect town centres.
- 3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the use of the application site shall be limited to uses within Use Class Use Class B8 (Storage and Distribution) within the Town and Country Planning (Use Classes) Order 2015 (as amended) or agricultural uses.**
Reason:-
In the interests of the character and amenities of the area and highway safety.
- 4. The parking and turning areas shown in the approved plans shall be maintained and unobstructed as parking and turning areas for the life of the development.**
Reason:-
In the interests of highway safety.
- 5. No outside storage, repair or maintenance processes shall be carried on outside the building. All doors and windows, apart from windows to offices and staff facility floorspace, shall be kept closed except for access and egress.**
Reason:-
To protect the amenities of nearby residents
- 6. Details of any floodlighting of the site shall be submitted to and approved in writing by the Local Planning Authority. The artificial lighting incorporated into this site in connection to this application shall not increase the pre-existing illuminance or cause glare at the adjoining light sensitive locations (residential) when the light (s) is (are) in operation and shall be installed in accordance with the approved details.**
Reason:-
To protect the local amenities of the local residents by reason of excess of luminance.
- 7. The rating level of sound emitted from the commercial and industrial activities at the use hereby approved shall not exceed 39dB(A) between the hours of 07.00–23.00 (taken as a 15 minute LA90 at the nearest**

sound-sensitive premises) and shall not exceed 39db (A) (taken as a 15 minute LA90 at the nearest/any sound-sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014 + A1:2019) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Where access to the nearest sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound-sensitive property.

Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.

Reason:-

To protect the amenities of nearby residents.

8. The premises shall not be used except between 08:00 and 18:00 hours Mondays to Fridays, 08:00 to 13:00 on Saturdays and at no time on Sundays and Bank Holidays. No vehicles may arrive, depart, be loaded or unloaded within the general site except between the hours of 08.00 and 18.00 Mondays to Fridays and 08.00 and 13.00 hours on Saturday. And at no time Sundays and Bank Holidays.

Reason:-

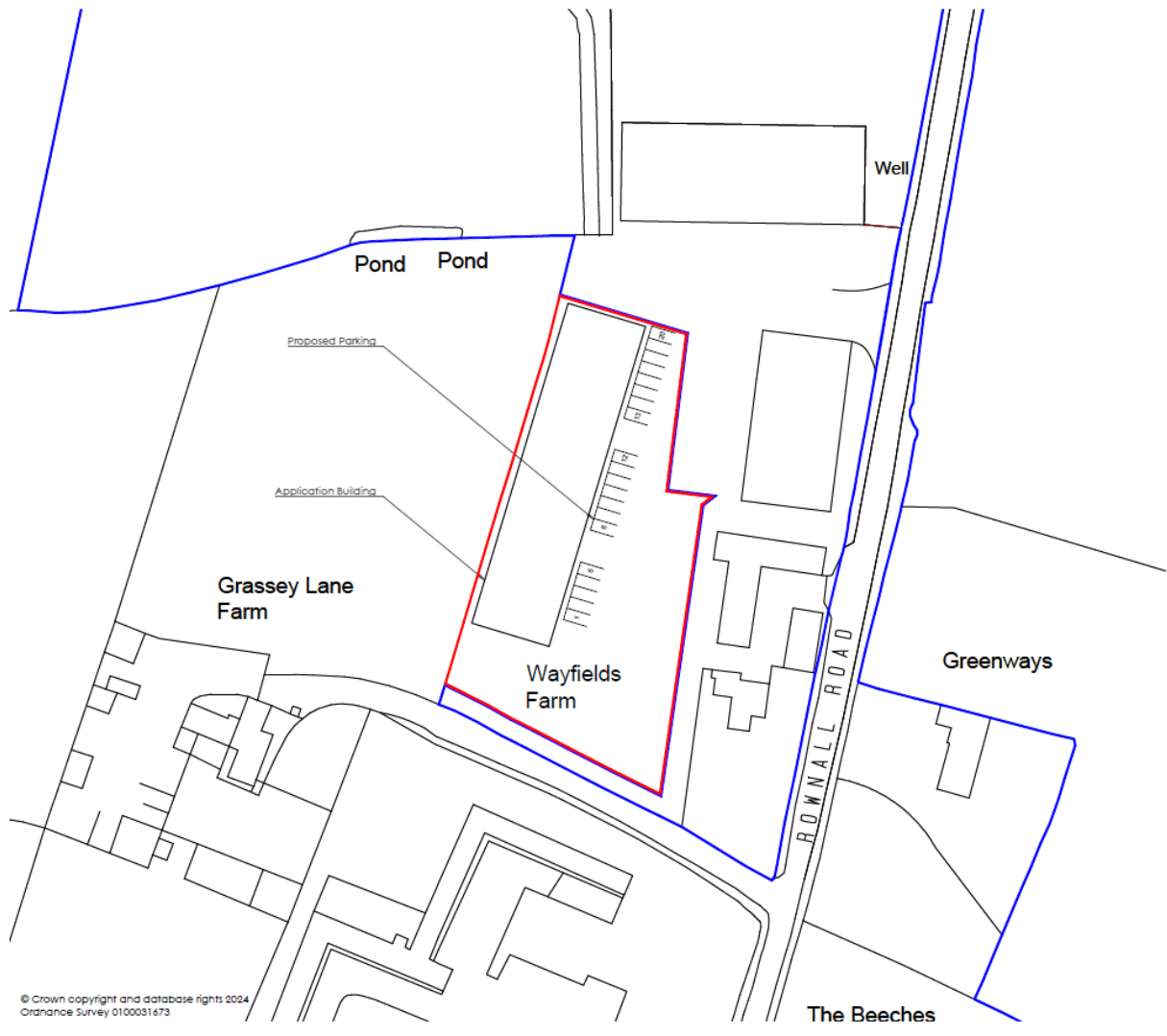
To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with local planning policy.

9. Any forklift trucks used on the application site shall be fitted with noise-attenuated reversing alarms. All such alarms are to be kept in working condition and operable wherever a forklift truck is used on the site.

Reason:-

To protect the amenity of the locality, especially for people living and working nearby.

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.



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