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# Appeal Decision

Site visit made on 20 December 2022

**by G Bayliss BA (Hons) MA MA MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 January 2023**

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**Appeal Ref: APP/Y3425/W/22/3304658**

**Fielden House, Stowe Lane, Stowe-By-Chartley, Stafford, Staffordshire  
ST18 0NA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Robert & Felicity Harris against the decision of Stafford Borough Council.
  - The application Ref 21/34892/FUL, dated 28 September 2021, was refused by notice dated 27 May 2022.
  - The development proposed is described as a proposed steel framed agricultural type (timber clad) storage unit.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The application was originally made on a Householder Application form, dated 2 July 2021. However, at the request of the Council, an application for Full Planning Permission was made as in its view the site lies outside the domestic curtilage. I have considered the appeal on this basis and used the date of the Full application in the banner heading above.
3. Since the determination of the planning application, the appellants have secured a lease on an additional 0.45 hectares of agricultural land adjoining the appeal site. In addition, the appellants state that they now have 11 sheep, and that it is their intention to increase numbers further and to supply meat to local businesses. Although these matters did not form part of the planning application, under the 'Wheatcroft Principles' established under *Bernard Wheatcroft Ltd v SSE* 1982, this additional information does not fundamentally change the nature of the proposal. For this reason, as well as noting that the Council were able to consider this additional information before the submission of their appeal statement, I consider that no other interests would be prejudiced by my accepting of this information.

## Main Issues

4. The main issues are:
  - Whether the proposed development would be essential to meet an agricultural need; and
  - The effect of the proposed development on the character and appearance of the surrounding area.

## Reasons

### *Agricultural need*

5. Fielden House lies on the edge of the settlement of Stowe-by-Chartley. The appeal site comprises an agricultural field of just over half a hectare adjoining the southern curtilage of Fielden House, in the appellants' ownership, and the additional leased agricultural land which extends up to Drointon Lane. The total area of agricultural land subject to this appeal is just over 1 hectare.
6. The proposed storage building would be located within the agricultural field owned by the applicants. It is described as a hobby farming storage building intended to provide secure storage for machinery, tools, lambing pens, feed and bedding associated with the maintenance of the land and keeping of sheep. At the time of my visit, there were 4 sheep on the land, a timber field shelter adjoined one of the field boundaries and a concrete base had been constructed on the site of the proposed building. A block-paved area of hardstanding connected the concrete base to a drive within the residential curtilage.
7. The site lies outside of the domestic curtilage of Fielden House and any established settlement boundaries and is therefore considered to be in open countryside. Policy SP7 of the Plan for Stafford Borough (2014) (PSB) states that in the countryside the proposed development must be consistent with the objectives of Policies SP6 and E2.
8. PSB Policy SP6 seeks to support rural sustainability by protecting and enhancing its environmental assets and character whilst sustaining the social and economic fabric of its communities. This can include promoting the rural economy. PSB Policy E2 relates to new development in rural areas and whilst generally a restrictive policy, it encourages, amongst other things, provision for the essential operational needs of agriculture or rural businesses.
9. Although the appellants intend to build up the number of sheep over a period of time and to supply meat to local businesses, this is currently a small-scale activity which is described by the appellants as a hobby; and they accept that they have minimal experience of livestock farming. The statement of agricultural need confirms that the building would support recreational sheeping, together with the storage of land maintenance equipment, and there would be no employment associated with this activity. No evidence of an agricultural holding number has been submitted or to demonstrate the operation of an agricultural business. The small number of sheep seen on site and referred to in the documentation demonstrates the small scale of the activity.
10. The appellants may well have aspirational ambitions to grow the scale of the operation, but there is currently no evidence of an agricultural business operating and no details before me to demonstrate how and when any scaling up would occur. The appellants comment that limiting growth of rural livestock enterprise farming would be to the detriment of the local community and failing to support the proposal offers no scope for the farming activity to expand. However, this is currently a hobby/recreational activity and the proposed building in this location would not be essential for the operational needs of agriculture or to support a rural business. Instead, it would be an activity ancillary to the residential use and would not therefore be supported in this location. It would also result in the loss of agricultural land.

11. The building, with a floor area of 80 sqm and a ridge height of 4.2m, would be clad in timber with a metal pitched roof. No openings are identified on the drawings apart from a steel roller-shutter door and pedestrian access in one gable end, and rooflights.
12. The statement of agricultural need details the equipment and machinery to be stored within the proposed building and indicates that it would be used seasonally for lambing. However, this would be a large building and there is no floorplan to demonstrate how the items identified would be laid out to justify its size. From the evidence before me, its size would be excessive. Furthermore, although the design specifies natural inlet ventilation at high level, there is an apparent absence of meaningful ventilation to make it readily suitable for the storage of feed and bedding. Although I accept that additional ventilation could be provided, the building is not designed for this purpose and there are no details as to how it could be adapted. It would therefore be of excessive scale in relation to the proposed use and would not be designed for its purpose.
13. The storage of machinery within the building may well reduce the need for additional machinery to be brought on to the site, which may cause some disturbance to surrounding residents and have highway implications. However, there is little evidence as to what machinery this would be, why it would be disruptive or how often this would occur.
14. The appellants assert that the statement of agricultural need was not adequately considered by the Council or distributed to consultees. However, it is apparent that the Council and its consultees were fully aware of the nature of the proposal based on the Council officer's report and the comments submitted. The Council suggested relocating the proposed building to the residential curtilage of the dwelling. In this regard, whilst impacts on the surrounding area might be different, it may be subject to different planning policies which could be discussed with the Council.
15. To conclude, there is no essential agricultural need for the building with regard to its location, scale and appropriateness of design. It would therefore be in conflict with PSB Policies SP6, SP7 and E2. It would also conflict with the principles of sustainable development in the National Planning Policy Framework (2021) (the Framework).

#### *Character and appearance*

16. The proposed building would be viewed in conjunction with several 2-storey dwellings of modest size which front Stowe Lane, together with their associated outbuildings. The proposal would also be seen alongside Fielden House which is a large, detached dwelling with a range of outbuildings of varying scale and form within its landscaped grounds. Given the nature of the surrounding buildings, the proposed scale and form of the proposed building would not be discordant or out of keeping with them. Furthermore, there is insufficient evidence to demonstrate that the proposed building would be prominent within the streetscene of Stowe Lane. In my view, the dwellings and outbuildings fronting Stowe Lane would largely screen any direct views of the proposal and to either side of these dwellings, the hedgerows, planting and mature trees along the lane would effectively restrict longer-range views. Furthermore, the timber cladding and a green colour would help the proposed building assimilate within its context. In this regard, it would have no detrimental impact on the Stowe Lane streetscene.

17. Consequently, the proposed development would have no harmful effect on the character and appearance of the surrounding area, and it would accord with PSB Policy N1 and paragraph 130 of the Framework which require new development to be of a design which is considerate to its local context.

### **Other Matters**

18. The appeal site lies near to the Cannock Chase Special Area of Conservation (SAC), which is a European designated site. Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority have completed a Habitats Regulation Assessment which concludes that given the nature and scale of the proposal the development is not considered to have an adverse effect upon the integrity of the Cannock Chase SAC.
19. If the circumstances leading to a grant of permission had been present, I would have given further consideration to this in accordance with the Habitats Regulations. However, as I am dismissing the appeal on the main issues above, I have not found it necessary to consider this matter any further as it would not alter my decision.
20. The appellants question whether appropriate certificates were requested by the Council and whether it determined the application in a proper manner. However, this is a matter for the Council and has no bearing on my assessment of the planning merits of the case.

### **Conclusion**

21. Whilst I have found no harm to the character and appearance of the surrounding area, I have identified that there is no essential agricultural need for the building with regard to its location, scale and appropriateness of design.
22. For the reasons given above, the proposal would conflict with the development plan, when read as a whole. Material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised I therefore conclude that the appeal is dismissed.

*G Bayliss*

INSPECTOR