



Appeal Decision

Site visit made on 20 February 2024

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2024

Appeal Ref: APP/B3438/W/23/3324687

Crossways Farm, Blakelow Road, Onecote, ST13 7SF

- 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 Mark Flanders (Flanders Fallen Stock) against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2022/0662, dated 19 December 2022, was refused by notice dated 10 March 2023.
 - The development proposed is construction of a portal frame agricultural style building and change of use to B2 general industrial, B8 Storage and Distribution / Sui Generis to use the proposed buildings for handling and storage plant of animal by-products and derived products.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken into account the revised version of the National Planning Policy Framework ('the Framework') published in December 2023. While there have been changes to paragraph numbers since the previous iteration, the parts of the Framework most relevant in this case have not significantly changed. I am satisfied, therefore, that the revised version of the Framework does not raise new considerations necessitating further submissions from the parties.

Main Issues

3. The main issues are:
 - the effect of the development on the character and appearance of the area, including the setting of the Peak District National Park;
 - the effect of odours generated by the development on local tourism; and
 - whether the proposal accords with development plan policies relating to the location of employment development in the district.

Reasons

Character and appearance

4. The appeal site is located in the open countryside and is accessed off Blakelow Road to the north of the site. The site currently includes a range of agricultural buildings located towards the southwestern corner of the site. Those buildings are surrounded by an area of hardstanding to their north and

east. The site forms part of an open, expansive landscape that includes sporadically located agricultural buildings and clusters of farm buildings associated with farm holdings, particularly to the south / southeast. The surrounding upland landscape is predominantly agricultural, with many fields enclosed with traditional gritstone walls, and long-distance panoramic views provided from nearby public highways. The site is readily visible in these panoramic landscape views from Blakelow Road to the north / northeast, the B5053 to the east / southeast, and the A523 to the south.

5. The Council's Landscape Character Assessment (LCA) identifies the site and surrounding area as of the Gritstone Highland Fringe Landscape Character Type (LCT). The landscape surrounding the site strongly displays many of the key characteristics of this LCT, including through its upland agricultural fields enclosed with traditional gritstone walls, and its skyline ridges with long distance panoramic views. In this LCT, The LCA advises that the open skyline should be maintained and that the grouping and form of new buildings should reflect the juxtaposition, scale, form, enclosure and materials of traditional stone buildings characteristic of the area.
6. Whilst farms and agricultural buildings are common within the wider landscape surrounding the site, there is a clear distinction between the harmonious relationship that the traditional rural buildings have with the landscape and the effect of much larger modern agricultural buildings. The proposed building would appear visually intrusive and would detract from the wider rural landscape character due to its large scale and modern utilitarian appearance. The existing buildings on the site would not shield the proposed building from public views given its significantly greater scale and prominent location. In views on approach from the southeast / east of the site, the building would be harmfully prominent in the skyline. The grouping of the proposed building with the existing large modern agricultural building would, therefore, have a detrimental cumulative effect on the distinctiveness of the wider landscape character.
7. I acknowledge that additional planting to soften the visual impact of the building is proposed and that haulage vehicles would not be parked externally. I am not persuaded, however, that these measures would significantly mitigate the identified landscape and visual harms given the scale and conspicuous position of the building. Whilst there are other nearby visual detractors, such as the telegraph line, the proposed building would still draw the eye as a particular focal point within the wider landscape by reason of its scale and utilitarian design appearing obtrusive and dominant.
8. The site lies close to, but not within, the Peak District National Park (the National Park). Blakelow Road from where access to the appeal site is taken forms the boundary with the National Park. National Parks are landscape designations of national importance and paragraph 182 of the Framework requires that great weight should be given to conserving landscape and scenic beauty in such areas. The Planning Practice Guidance advises that land within the setting of National Parks often makes an important contribution to maintaining their natural beauty. Given the building would result in landscape character harm that is in close proximity to, and readily perceived from, the National Park, it would inevitably harm the setting of the National Park.

9. As such, for the reasons identified above, the development would result in harm to the character and appearance of the area, and to the setting of the National Park. The proposal is, therefore, contrary to Policies SS10, SS11 and DC3 of the Staffordshire Moorlands Local Plan (2020) (the Local Plan). These policies seek, amongst other things, to resist development that would lead to a prominent intrusion into the countryside, or that which would adversely affect the wider setting of the Peak District National Park, whilst supporting development that respects and enhances local landscape character. Furthermore, the development would fail to recognise the intrinsic character and beauty of the countryside as required under paragraph 180(b) of the Framework.

Odour

10. The development would involve the use of the site as a 'knacker's yard' premises to handle and store the by-products from fallen stock and casualty animals that require on farm slaughter and are not for human consumption. The appellant advises that the carcasses, fallen stock, animal parts and waste would be collected in 3.5-7.5 tonne trucks and brought to the site to be handled, tested for disease, cut up and then stored until they are loaded onto articulated lorries and taken to a rendering plant in Bradford. The appellant advises that the lorry for the waste removal would visit the site every 3-4 days. There would be no on-site rendering of the animal by products.
11. The proposed use of the site has the potential to generate offensive odours. The appellant has set out a range of measures that would manage the emission of odours to reduce any disturbance. The appellant advises that all loading / unloading of carcasses would be carried out within the proposed building, along with the washing out of the vehicles. No animals would be loaded / unloaded externally or with the doors of the building open. The large lorry taking the fallen stock to the rendering plant will furthermore comprise of a sealed unit, with roll over sheeting in the interests of minimising any odours being emitted. The appellant also proposes to utilise an odour suppression system to further reduce the potential for odours arising during hot weather.
12. The building will be located approximately 200 metres from the nearest publicly accessible place (Blakelow Road), and the nearest dwellings are over 400m away. The use would not generate significant numbers of vehicular movements carrying fallen stock, and those vehicles would represent only a fleeting presence in locations away from the site. The Council's Environmental Health Officer has not objected to the proposal subject to a condition securing submission and compliance with a detailed odour management plan. I am satisfied that such a condition could reasonably be used to enforce continuing compliance of the odour management measures suggested by the appellant.
13. Whilst the proposed use of the site will inevitably generate some odours, the evidence before me does not indicate that it would result in any significant odour issues. Consequently, the proposal would not adversely affect the experience and perception of visitors to the area and the tourism businesses that rely on their patronage. As such, in this regard, the proposal would not conflict with Local Plan Policies SS10, SS11 and SD4 which, taken together, amongst other things, seek to promote tourism as a strategic priority and to protect people from pollution. Neither would the proposal conflict with the Framework requirement for decisions to ensure that new development is

appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Location

14. Local Plan Policy SS10 confirms that the rural areas shall 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, and promotes sustainable tourism or enhances the countryside. The policy goes on to state that the Council will sustain the rural economy by enabling the limited expansion or development of business for employment uses where a rural location can be justified.
15. Policy E1 of the Local Plan relates to 'New Employment Development' and states that B2, B8 and commercial sui generis uses should be located in existing or proposed employment areas. The policy goes on to advise that new-build developments not on existing or proposed employment sites and outside of the settlement boundary may be supported where a rural location can be justified.
16. The appellant's business provides daily collections across a significant geographic area, including across Staffordshire, the Peak District National Park, South Derbyshire, Leicestershire and Warwickshire. The appellant advises that they are currently a tenant of a knacker's yard on the edge of Coalville in Leicestershire. There is much discussion within the submissions before me regarding the relative merits and disbenefits of relocating the existing business to the appeal site. There is no substantive evidence before me, however, to demonstrate that there is an essential need for the development to be located in the countryside. The appellant's business, and existing competitors, already serve the local area. The relocation of the business's operations to the site may well be of benefit to the appellant's business and customers, but that does not equate to an essential need for the development in the countryside location proposed.
17. There is no substantive evidence before me to demonstrate whether or not the development would represent a net reduction in harm from unsustainable transport journeys. The logistics strategy of any future business operating from the site represents a commercial decision and could change at any time. It is clear, however, that the isolated location of the site would prevent employees arriving at work by sustainable transport modes.
18. Overall, the development would conflict with the Council's strategy for employment sites in other rural areas and would therefore be contrary to Local Plan Policies SS1, SS10, SS11, E1, DC3, and T1. Taken together, amongst other things, these policies seek to limit development in other rural areas to that which has an essential need to be located in the countryside, to reduce the need to travel generally, and to protect the landscape character of the Churnet Valley. The development would, in these regards, conflict with the overarching objective of the Framework to promote a sustainable pattern of development.

Planning Balance

19. There is significant support within the Framework for development that supports a prosperous rural economy. I therefore give significant weight to the development's contribution to the rural economy, in terms of providing employment and supporting both livestock and equine land uses.
20. Whilst the Local Plan and the Framework promote economic development, they set this within the overarching objective of achieving sustainable development. The development would result in significant landscape character and visual harm, causing harm to the setting of the National Park. Furthermore, the proposal conflicts with the Council's spatial strategy for rural areas. I give great weight to the identified harms and find, overall, the development would not comply with the overarching aims of the Framework and would not constitute sustainable development.
21. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations, including the Framework, indicate otherwise. The proposal would conflict with the development plan when read as a whole and there are no other considerations that outweigh that identified conflict.

Conclusion

22. For the reasons above, the appeal is dismissed.

S D Castle

INSPECTOR