



Appeal Decision

Site visit made on 9 July 2024

by B Astley-Serougi BA(Hons) LLM MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th August 2024

Appeal Ref: APP/Y3425/W/24/3338788

Field to South of Blackhole Lane, Derrington, Stafford, Staffordshire, ST18 9LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Sharples against the decision of Stafford Borough Council.
 - The application Ref is 23/37580/FUL.
 - The development proposed is Erection of new barn. Construction of new hardstanding and new track from existing access.
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Decision

1. The appeal is allowed and planning permission is granted for erection of new barn, construction of new hardstanding and new track from existing access at Field to South of Blackhole Lane, Stafford, ST18 9LL in accordance with the terms of the application, Ref 23/37580/FUL, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos YBD17202-P-001, YBD17203-P-003 Rev B, YBD1720 P 011 Rev B, YBD1720 P 010 Rev B and YBD1720 P 012 Rev B.
 - 3) No development shall take place until either a NatureSpace Partnership Report, or Certificate to demonstrate that the impacts of the proposed development can be addressed through Stafford Borough Council's District Licence or a precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licensed Method Statement (NLMS) strategy documents completed by a suitably qualified ecologist has been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved documents.

Preliminary Matters

2. The appellants submitted a revised Agricultural Need Statement and letter from the National Sheep Association with their appeal. The Council has had the opportunity to consider these documents. There were no comments from interested parties as part of the application process and those interested parties who have now submitted comments were provided with a link to view the documents on the Council's website. Consequently, the parties would not

be prejudiced were I to consider these documents in the determination of the appeal.

Main Issue

3. The main issue is whether the appeal site would be a suitable location for the proposed development, having regard to local and national policy.

Reasons

4. The appeal site is located in an area that is predominantly agricultural land. The site is situated in close proximity to the small village of Derrington. The appeal site is approximately 3.43 Ha and has a boundary of mature hedgerows. The proposed development would provide a combination of hay and equipment storage as well as sheep housing.
5. Policy SP7 of the Plan for Stafford Borough (PSB) outlines the criteria against which development will be supported when it is in the countryside and not within a settlement boundary. SP7(ii) states that a development will be supported when *'it is consistent with the objectives of Spatial Principles SP6, Policies E2 and C5 in supporting rural sustainability.'* Policy SP6 provides support for development that will enhance and sustain a sustainable rural economy. Policy E2 establishes support for rural development and states that *'...support will be given to the achievement of rural sustainability by encouraging...provision for the essential operational needs of agriculture, forestry or rural businesses.'*
6. The proposed development would provide two areas in the new barn which would provide housing for lambing as well as sheep in the winter periods or to provide animal welfare. The appellant has demonstrated that the areas to be used for the sheep are slightly higher than the minimum requirement as per the National Sheep Association (NSA) recommendations. However, I do not consider the size of the space to be excessive and therefore, with regard to the animal housing areas of the barn the size is proportionate and necessary for the proposed use and therefore compliant with Policy E2.
7. The Council argues that there is no requirement for lambing to take place indoors and that sheep should where possible be kept outside resulting in the proposal not being essential to the rural business. However, the NSA does state that *'With weather patterns observed over the past few years, it might be necessary to utilise barns/sheds in locations where lambing had previously been undertaken outdoors.'* Consequently, the proposed development is compliant with Policy E2 of the PSB because the barn is necessary to ensure a high level of animal welfare for the sheep throughout the year and is essential to the operational need of the agricultural holding.
8. The appellant has provided a list of machinery that will be hired when needed as well as the machinery to be stored in the development for both the harvesting of crops and movement of livestock. This demonstrates that the development is proportionate in size for the essential operation of the rural business. The storage of the hay will allow the appellant to sell the crop in the winter when they can achieve a higher price. This in turn will help to ensure the sustainability of the rural business proposed. Therefore, I am satisfied that the proposed barn is proportionate and necessary to achieving the essential

operation of the rural business and consequently is compliant with Policy E2 of the Plan for Stafford Borough.

9. In conclusion, the appellant has demonstrated that the scale of the development is crucial to the essential operational needs of the agricultural enterprise proposed and thus deliver rural sustainability. Consequently, the development accords with Policies SP7, SP6 and E2 of the Plan for Stafford Borough all of which seek to ensure that developments are in accordance with its spatial strategy as well as supporting sustainability of rural enterprises. Policy C5 is in relation to residential development and therefore not determinative in this appeal.

Other Matters

10. Objections to the proposed development have been made by interested parties. These include concerns about the size of the development (including the storage of equipment) which I have already dealt with. The design of the appeal scheme is visually unobtrusive and not dissimilar to other development nearby considering the agricultural nature of the surrounding area. My attention has been drawn to developments close to the appeal site. However, the details of the developments are not before me and even if the schemes were comparable, for the reasons given above, the development before me is policy compliant.
11. There is no substantive evidence before me to indicate that further development on the holding will be necessary to ensure a viable rural business. It follows that it has not been shown that any urbanisation of the countryside would result from any other development or that an 'intensive factory farming operation' is planned.
12. Additionally, the hardstanding and new track are reasonable for the proposed use of the development and there is limited evidence before me which demonstrates that there would be a significant increase in traffic to the locality because of the development. Consequently, there is no substantive evidence that the development would result in harm to the living conditions of the occupiers of dwellings in close proximity to the appeal site.
13. There is limited evidence to demonstrate that the welfare of the animals would be compromised because the appellant does not live close to the site. The use of CCTV will help to ensure the welfare of the animals whilst the appellant is not on the appeal site. Furthermore, there is also limited substantive evidence to suggest that there would be a high amount of light or noise pollution because of the development. Concerns regarding the maintenance of the footpath and appeal scheme site are not a matter for me to determine in the context of this appeal.

Conditions

14. The Council have provided a list of suggested planning conditions, which I have considered against the National Planning Policy Framework, and advice contained in the Planning Practice Guidance.
15. In addition to the standard time limit condition (1), I have attached a condition specifying the approved plans to provide certainty (2).

16. The appeal site lies within a red zone for newts. Therefore, I have added a pre-commencement condition requiring a NatureSpace Report, Certificate or a precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licensed Method Statement (NLMS) strategy documents completed by a suitably qualified ecologist. This is based upon a precautionary approach and would be necessary and proportionate to the risk the development could pose to protected species (such as newts) within the appeal site. The condition needs to be pre-commencement so as to ensure no harm is caused to the protected species as a consequence of the development. I have in writing the agreement of the appellant to this pre-commencement condition (3).
17. The Council state that *'There are trees within close proximity to the proposed building however these will not be affected by the proposal.'* Therefore, a condition requiring the retention or replacement of the hedgerows, trees and bluebells on the appeal site as well as the protection of the mature oak tree is neither necessary nor proportionate when considered against paragraph 57 of the Framework and the advice contained in the Planning Practice Guidance.
18. Additionally, I have not included a condition regarding two Schwegler 1b bird boxes or bat boxes because the immediate area is of low value agricultural grassland. Therefore, there is limited substantive evidence before me to suggest that this is a necessary and proportionate condition. Furthermore, condition 3 will ensure the protection of any protected species and the preservation of the biodiversity value on the appeal site. I therefore consider this suggested condition to be unreasonable when considered against paragraph 57 of the Framework and the advice contained in the Planning Practice Guidance.

Conclusion

19. The material considerations do not indicate that a decision should be made other than in accordance with the development plan. For the reasons given above the appeal should be allowed.

B Astley-Serougi

INSPECTOR