

THE OLD HALL FARM, MAIN ROAD, BETLEY
MR AND MRS MCDOWELL

18/00927/FUL & 18/00929/FUL

These two applications are for full planning permission for the erection of an agricultural building (amounting to two buildings in total).

The site lies within the Green Belt, in the Rural Area, and within an Area of Active Landscape Conservation, as indicated on the Local Development Framework Proposals Map.

The application has been called in to Committee by two Councillors due to insufficient detail of the rationale demonstrating the need for the development and the proximity listed building, namely Betley Old Hall.

The 8 week period for the determination of the applications expired on the 14th January but the applicant has agreed an extension of the statutory determination period in both cases to the 1st March 2019

RECOMMENDATION

Permit both applications with the following conditions;

- 1. Standard Time limit for commencement of development**
- 2. Approved plans**
- 3. External materials**
- 4. Soft landscaping proposals**
- 5. Arboricultural Impact Assessment**
- 6. Storage and disposal of waste**

Reason for Recommendation

The proposed buildings are an appropriate form of development within the Green Belt and the appearance of the scheme and the impact on the landscape are considered acceptable. There would be no significant adverse impact on the residential amenity of occupiers of nearby properties. On this basis, the proposals therefore accord with policies of the Development Plan and the guidance and requirements of the National Planning Policy Framework 2018.

Statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this application

The development is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework. Therefore, no amendments or further negotiation were necessary.

KEY ISSUES

The applications are each for full planning permission for the erection of a single agricultural building amounting to two buildings in total.

The positioning of the two proposed buildings is directly adjacent to two existing agricultural buildings. The existing buildings and the two proposed buildings are sited away from the original farmstead.

The building proposed in application 18/00927/FUL measures approximately 9.1m by 30.5m with a maximum height of approximately 15m.

The building proposed in application 18/00929/FUL measures approximately 12.2m by 36.5m with a maximum height of approximately 6m.

The agricultural unit is over two parcels of land to the east and west of Main Road and is approximately 85 hectares in size.

The site is located within the Green Belt, the Rural Area and within an Area of Active Landscape Conservation, as indicated on the Local Development Framework Proposals Map.

The Council's Urban Design and Conservation Officer have raised no objections to the proposed two buildings considering that they will not result in any harm to Betley Conservation Area or to the nearby listed buildings if Betley Old Hall (Grade II*), the Smithy (Grade II), Model Farm buildings (Grade II*) and the dovecote (Grade II).

It is therefore considered that the main issues for to be addressed are as follows:

- Is the development appropriate within the Green Belt?
- Impact on the character and appearance of the landscape
- Impact on nearby residential properties
- If inappropriate development in Green Belt terms, do the required very special circumstances exist to justify acceptance of the use?

Is the development appropriate within the Green Belt?

Paragraph 134 of the NPPF indicates that the Green Belt serves five purposes, one of which is to assist in safeguarding the countryside from encroachment.

Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 145 states that other than in the case of a number of specified exceptions the construction of new buildings should be regarded as inappropriate in the Green Belt. One of the exceptions listed is buildings for agriculture and forestry.

The proposed building is to be used to house livestock and the rearing of calves during the winter months. The buildings are designed for agricultural purposes and are to be associated with an existing 85 hectare agricultural unit, in close proximity to existing agricultural buildings. There is therefore no basis upon which it could be concluded that they are not buildings for agriculture. In the absence of any requirement to demonstrate that an agricultural building is needed for the continued operation of an agricultural holding it is concluded that the proposed buildings are appropriate development in the Green Belt in as far as paragraph 145 of the NPPF is concerned. It is not necessary, therefore, to demonstrate very special circumstances to justify the granting of planning permission in this case.

Impact on the character and appearance of the landscape

Policy N17 of the Local Plan (NLP) states that development should be informed by and be sympathetic to landscape character and quality and should contribute, as appropriate, to the regeneration, restoration, enhancement, maintenance or active conservation of the landscape likely to be affected. The site is within an Area of Active Conservation and NLP Policy N18 states that;

“Within these areas the Council will support, subject to other plan policies, proposals that will help to conserve the high quality and distinctive character of the area's landscape. Development that will harm the quality and character of the landscape will not be permitted. Within these areas particular consideration will be given to the siting, design, scale, materials and landscaping of all development to ensure that it is appropriate to the character of the area.”

The design of the buildings are of a traditional modern portal framed construction.

As discussed, the two buildings would be adjacent to the existing agricultural buildings and would be of a similar size and appearance. There would be limited views from any main vantage points and the

design is considered acceptable. Therefore, it is considered that the proposed buildings would not erode the character or quality of the landscape.

LDS have requested an Arboricultural Impact Assessment due to the proximity of the building proposed in application 18/00927/FUL to a tree. It is considered that this can be secured via condition, along with landscaping proposals. No significant concerns are raised in this respect.

The development therefore accords with policies N17 and N18 of the local plan and the requirements of the NPPF.

Impact on nearby residential properties

Paragraph 180 of the NPPF sets out that “Planning policies and decisions should also 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.”

The proposed buildings would be located adjacent to two existing agricultural buildings which are approximately 170 metres from the nearest residential property.

The Environmental Health Division has raised no objections to the proposals and has not requested further information to be submitted via conditions. It is, however, considered appropriate to impose a condition require the prior approval of details for the storage and disposal of waste to ensure that it is done in a way that minimises the impact on residential amenity.

On this basis there are no significant concerns regarding the proposals for two buildings to be used for agricultural purposes in this rural setting away from residential properties.

APPENDIX

Policies and Proposals in the approved Development Plan relevant to this decision:-

[Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Policy ASP6: Rural area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy S3: Development in the Green Belt
Policy N17: Landscape Character – General Considerations
Policy N18: Areas of Active Landscape Conservation

Other Material Considerations

[National Planning Policy Framework](#) (July 2018)

[Planning Practice Guidance](#) (March 2014, as updated)

Relevant Planning History

12/00759/AGR Erection of an agricultural storage Permitted

16/00132/FUL Proposed portal frame agricultural building Permitted

18/00884/FUL Erection of farm managers dwelling Pending determination

Views of Consultees (comments relate to both applications unless indicated otherwise)

Betley, Balterley and Wrinehill Parish Council request that the following points are considered;

- whether the proposed buildings are necessary for the farming system proposed and it appears that not all of the buildings are fully utilised;
- ensure that the siting of the buildings is appropriate within the landscape setting, close to Listed Buildings and the Conservation Area;
- the applications adequately considers issues relating to the 400m amenity distance between agricultural buildings and residential properties as indicated in the Town & Country Planning Act (GPDR) requirements;
- ensure there is no adverse impact on nearby properties;
- to ensure adequate provision to address slurry, effluent and other potential waste issues arising from the significantly more intensive operation proposed and to work with relevant statutory bodies (e.g. Natural England) to ensure protection of the Betley Mere NNR and Ramsar Site.

The **Landscape Development Section** (commenting upon 18/00927/FUL) raises no objections subject to the submission of an Arboricultural Impact Assessment and landscaping proposals.

The **Environmental Health Division** raises no objections.

The **Highway Authority** raises no objections.

Staffordshire Public Rights of Way indicates that the planning application does not recognise the existence of Public Footpath Nos 12 and 11 Betley Parish. Footpath 12 which runs along the private track which gives access to the proposed development and Footpath 11 which runs east of the development site. Notwithstanding this point the development does not appear to affect the public right of way.

The **Councils Urban Design and Conservation Officer** raises no objections to the two agricultural building applications.

The **Conservation Advisory Working Party (CAWP)** raises no objections to the two agricultural building applications.

Representations

Three letters of representation have been received in respect of both of the applications which include letters from **Councillors Gary** and **Simon White**.

The letters of representation highlight the following points in relation to these two planning applications;

- There have been a number of buildings erected in recent years, these do not appear to be utilised sufficiently to warrant further expansion,
- The proposals fall close to the curtilage of a grade 2* listed building, namely Betley Old Hall and also close to Betley conservation area,
- The current agricultural business case does not make a sufficient case to warrant the expansion and demonstrate exceptional circumstance,
- The storage of manure is a concern and should be stored away from neighbours,
- 400 cattle will create a large amount of noise, day and night.

Applicant/agent's submission

The applications are supported by a short covering letter which sets out the proposed development.

These documents are available for inspection by following this link

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00927/FUL>

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00929/FUL>

Background Papers

Planning files referred to

Planning Documents referred to

Date report prepared

12th February 2019