

DIGLAKE FARM, BIGNALL END ROAD, BIGNALL END
ROBIN WARD - GRAHAM WARD FARMS LTD

23/00505/FUL

The development comprises four new agricultural buildings, a silage clamp and a slurry lagoon with associated access and hardstanding which would form a new dairy unit at land off Bignall End Road.

The application site falls within the rural area of the Borough in an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map. The site also falls within the Green Belt and is within a High Coal Risk Mining area.

The 13-week period for the determination of this application expired on 10th November last year however an extension of time has been agreed until 19th July 2024.

RECOMMENDATIONS

Permit, subject to conditions relating to the following matters: -

1. Time limit
2. Approved plans
3. Materials
4. Tree protection
5. Planting scheme
6. Scheme of investigation to establish Coal Mining Risk Assessment
7. Contaminated land
8. Construction and Environmental Management Plan
9. Surface water drainage scheme
10. Lighting scheme
11. Drainage, surfacing and retention of proposed parking, turning and circulation areas
12. Dust management plan
13. Details of a scheme of works to improve the vehicle access and access track
14. Visibility splays
15. Recommendations of ecological appraisal

Reason for Recommendation

The location of the application site represents a sustainable location for new agricultural development within the Borough and is considered to be an accepted form of development within the Green Belt. In all respects it has been demonstrated that the proposed development, subject to appropriate planning conditions, represents a sustainable form of development that would not harm the character of the area, the amenity of nearby properties or cause any drainage or highway safety impact. The proposals accord with development plan policies and the guidance and requirements of the NPPF.

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

Additional information has been provided in support of the application and the development is now considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

Key Issues

The application site falls within the rural area of the Borough in an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map. The site also falls within the Green Belt and is within a High Coal Risk Mining area. Although a Public Right of Way (Audley 80) runs adjacent to the western edge of the application, it will not be affected by the proposal.

Subject to conditions there are not considered to be any coal mining issues or drainage matters which are relevant to the proposal, and therefore the key issues for consideration are: -

- The principle of development within the Green Belt,
- Design and impact on the character and form of the area,
- Impact on residential amenity levels of neighbouring occupiers,
- Parking and impact on highway safety,
- Impact on trees and ecology

Principle of Development within the Green Belt

In the context of Paragraph 152 of the NPPF, a Local Planning Authority should regard the construction of new buildings as inappropriate development in the Green Belt unless for one of a number of exceptions. One such exception is buildings for agriculture. Paragraph 154 identifies other forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes engineering operations. The silage clamp and slurry lagoon would preserve the openness of the Green Belt.

The proposed dairy farm will provide additional functions required for the diversification and expansion of an existing agricultural business and the requirement for the proposed development is therefore considered to be both justifiable and reasonable and would clearly be classed as agricultural development as required by the NPPF.

On the basis of the above, the proposal is considered to represent appropriate development within the Green Belt.

Design and impact on the character and form of the area

Paragraph 131 of the National Planning Policy Framework (the Framework) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 135 of the framework lists 6 criteria, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

Policy CSP1 of the Core Spatial Strategy seeks to ensure that new development is well designed to respect the character, identity and context of Newcastle's unique townscape and landscape including its rural setting and the settlement pattern created by the hierarchy of centres. Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document provides further detailed guidance on design matters in tandem with CSP1.

The proposal consists of four new barns, two of which will be used for the housing of cattle whilst the others will provide space for a milking parlour and general-purpose unit. The application also seeks permission for the creation of a slurry lagoon and silage clamp.

Each of the four proposed barns would measure 66m in length and would range from 15 to 30 metres in width. All barns would feature typical dual pitched roof arrangements which would have eaves height of 4.4m, with overall ridge height of 7.2m. The barns would be constructed of blockwork and Yorkshire Board timber cladding with profiled sheet roofs which are materials commonly used on agricultural buildings of this type. It should be noted that the livestock buildings would have open side elevations which would give them some visual permeability.

The visual impacts of the proposal would be most noticeable from the west of the application site due to the open nature of surrounding landscape. However, the proposed buildings would be largely screened from view from the east due to the sloping topography of the surrounding area and due to an existing tree belt which would provide a backdrop of a greater height than the proposed buildings.

The combined visual impacts of all the proposed buildings would result in a clear visual change to the application site, however the proposed barns would be sited within a small dip in the landscape and will be partially screened by the extensive planting scheme, which will ensure that the proposals do not

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appear overly dominant when seen within context of the wider landscape. Agricultural buildings of this scale are not uncommon within rural areas.

Subject to appropriate planting, it is considered that the design of the proposal is acceptable and will not result in an adverse impact on the Area of Landscape Enhancement and is therefore in accordance with development plan policies and the guidance and requirements of the NPPF.

Impact on residential amenity

Paragraph 135 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The proposed works would see large numbers of cattle being kept at the site and would also involve the creation of a silage clamp and slurry lagoon. Therefore, consideration must be given to whether the proposal would result in any adverse impact on the residential amenity of nearby properties. Two objections have been received from the occupants of properties to the north of the site, raising concerns relating to noise and odour.

Detailed lighting, ammonia and noise assessments have been provided in support of the application which conclude that the proposed development, subject to the use of conditions relating to lighting restrictions, would not give rise to any significant issues relating to these matters. These reports have been reviewed by the Council's Environmental Health Division (EHD) who have raised no objections to the proposal subject to conditions. Whilst the concerns of the nearby residents are noted, in light of the evidence provided within the submitted reports and in the absence of any objections from EHD, it is concluded that subject to appropriate conditions the proposal would not result in any significant or harmful impacts to the residential amenity of nearby properties.

Parking and impact on highway safety

Paragraph 115 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

Whilst the proposal would likely see some intensification of traffic movements to and from the site, the proposal will be served by the existing access track off Bignall End Road where a certain level of traffic to and from the site could already be expected from the existing agricultural business.

The Highway Authority initially raised concerns to the proposal requesting information regarding the proposed number of vehicles into and out of the site, the proposed access arrangement into the site along with visibility details, surface treatment details and a swept path analysis.

Additional information has been provided and the Highway Authority have subsequently removed their objections to the proposal. A number of conditions are however requested which relate to the provision of turning/parking areas, details of works to improve the existing vehicle access track, the provision of visibility splays and the submission of a Construction and Environmental Management Plan.

Subject to the conditions set out above and in the absence of any objections from the Highways Authority, it is considered that the proposed development is acceptable in highway safety terms and is in accordance with the guidance and requirements of the NPPF.

Impact on trees and ecology

An Arboricultural Assessment has been submitted in support of the application which identifies a total of 18 individual trees, three groups of trees and two hedges on and adjacent the site. The trees identified included two individual trees graded Category A (trees of high value), seven individual trees and one group of trees graded Category B (trees of moderate value), seven individual trees, two groups and two hedges graded Category C (trees of low value). Two individual trees were graded Category U (trees unsuitable for retention).

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The proposal will require the removal of two individual 'B' category trees, one group of trees and the partial removal of two hedges graded 'C' category to form the new access opening to site. Remaining hedgerows are to be retained and protected throughout development.

To offset the loss of these trees a large area of approximately 5137m² is to be dedicated for new tree planting. The planting area will be located adjacent to Bignall End Road and will help to provide a good level of screening for the proposed agricultural units. The proposed trees would be a mixture of species including oak, maple, birch and hazel. The scale of planting will result in a net gain in the number of trees within the site and will bring with it several ecological and visual benefits.

Subject to the proposal being completed in accordance with the tree protection methods and tree planting details, the impact on trees and hedgerows is considered to be acceptable.

In respect of the impact on ecology, a preliminary ecological assessment was submitted in support of the application which concluded that the vast majority of the site was comprised of arable land which lacks floristic diversity required to support notable invertebrate and reptile, however it was recognised that common bird and amphibian species are anticipated to use the site. The trees to be removed from the site were considered to have low roosting potential for bats.

The assessment recommends that a number of mitigation methods and additional surveys are undertaken prior to the start of works on site, and subject to these requirements it is considered that the impact on ecology would be acceptable.

Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The **public sector equality duty** requires **public authorities** to consider or think about how their policies or decisions affect people who are **protected** under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions. People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

With regard to this proposal it is considered that it will not have a differential impact on those with protected characteristics

APPENDIX

Policies and proposals in the Development Plan relevant to this decision:

Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 - 2026 (Adopted 2009)

Policy CSP1: Design Quality
Policy ASP6: Rural Spatial Policy

Newcastle under Lyme Local Plan 2011

Policy N17: Landscape Character: General Considerations
Policy N20: Areas of Landscape Enhancement
Policy S3: Development within the Green Belt
Policy T16: Development – General Parking Requirements

Other Material Considerations include:

National Planning Policy

National Planning Policy Framework (July 2023)

Planning Practice Guidance (as updated)

Supplementary Planning Guidance/Documents

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)

Relevant Planning History

None.

Views of Consultees

Audley Rural Parish Council support the application

The **Coal Authority** raise no objections to the proposal subject to a condition requiring the submission of a scheme of intrusive investigations.

The **Public Rights of Way Officer** notes that the Definitive Map of Public Rights of Way for Staffordshire shows a public right of way running along the access track and a public right of way running adjacent to the proposed development and states that from the information submitted it would appear that public rights of way are directly impacted by the proposals. It should be brought to the attention of the applicant that the granting of planning permission does not constitute authority for any interference with the public rights of way and associated items - or obstruction.

The **County Minerals Officer** has no comments on the proposal.

The **Highway Authority** raise no objections subject to conditions relating to the submitted Travel Plan, visibility splays, CEMP and revised access details.

The **Environmental Health Division** raises no objections to the proposal subject to a dust management plan and contamination conditions.

Cadent Gas note that they have a deed of easement on a pipeline close to the site which prevents the erection of permanent buildings/structures.

The **Lead Local Flood Authority** raises no objections to the proposal subject to the submission of a surface water drainage strategy.

The **Environment Agency** have no comments on the proposal and refer to standing advice.

No comments have been received from the Council's **Landscape Development Section**, **Natural England** or **Staffordshire Wildlife Trust**. Given that the period for comment has ended, it must be assumed that they have no comments to make.

Representations

Two (2) objection letters have been received which raise the following concerns:

- Visual impact
- Noise and odour
- Highway safety

Applicant's/Agent's submission

All of the application documents can be viewed on the Council's website using the following link:
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/23/00505/FUL>

Background papers

Planning files referred to

Planning Documents referred to

Date report prepared

1st July 2024