

**RED LION FARM, HIGH STREET, HARRISEAHEAD**  
**SCG UTILITY SUPPORT LTD**

**23/00542/FUL**

The development comprises a replacement cow shed building and ancillary hay storage building at Red Lion Farm, Harriseahead.

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. A Public Right of Way (No. 66 Kidsgrove) also runs through the site.

**The 13 week period for the determination of this application expired on 19<sup>th</sup> October 2023 however an extension of time has been agreed until 19<sup>th</sup> July 2024.**

**RECOMMENDATIONS**

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

1. Time limit
2. Approved plans
3. Materials
4. Scheme of investigation to establish Coal Mining Risk Assessment
5. Contaminated land Condition
6. Lighting scheme
7. Approved Surface Water Drainage Plan
8. Access drive to be surfaced and bound in a suitable material

**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 appropriate form of development within the Green Belt. In all other 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 implications. 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 that 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. A Public Right of Way (No. 66 Kidsgrove) also runs through the site. There are no parking related or highway safety matters relevant to the proposal and subject to the drainage conditions requested by the Lead Local Flood Authority, the proposal would not result in any increase to surface water drainage flooding.

The key matters for consideration are therefore as follows:

- The principle of development
- Design and impact on the character and form of the area
- Impact on residential amenity levels of neighbouring occupiers
- Impact on Public Right of Way

- Coal Mining Risk

### **Principle of Development**

In the context of Paragraph 152 of the NPPF, a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. Nevertheless, an exception to this includes buildings for agriculture.

The proposed barns will provide new, purpose-built replacement sheds to allow for increased internal space to accommodate an increase in herd numbers and an associated improvement in animal welfare and management conditions. The hay storage building would also allow for associated hay feed to be covered in an appropriate building. The development would therefore allow for 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. The proposal will also help to support and diversify the rural economy as encouraged by paragraph 88 of the NPPF.

Considering the above, it is considered that siting of the agricultural buildings within the Green Belt represents appropriate development that is justified, however the visual impacts of the proposal must still be considered to see whether these would adversely impact the openness of the Green Belt.

### **Design and impact on the character and form of the area**

Paragraph 131 of the National Planning Policy 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. Furthermore, 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 two new barns. The larger unit will be used as a new cow shed whilst the smaller unit will be used for straw storage shed.

The proposed cattle shed would measure 32m x 47m in length and would feature a dual pitched roof arrangement which would have an eaves height of 3.5m with a total ridge height of 6.85m. The straw storage building would be more modest in scale, measuring 15m x 19m in plan but it would also feature a dual pitched roof arrangement which would have an eaves height of 3.85 and a total ridge height of 6.1m.

Both barns would be constructed of concrete panels and timber cladding which are materials commonly used on agricultural buildings of this type. The cattle shed would contain three large openings on its front elevation which would provide it with 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 the nearby countryside, however the proposed buildings would be largely screened from view when seen from the north, east and south due the existing buildings which surround the site. The views from the nearby Public Right of Way (PROW) would also change as a result of the proposed development given the proximity of the PROW to the proposed new agricultural unit.

Although the combined visual impacts of the proposed buildings would result in a clear visual change to the application site, including from the nearby PROW, the proposed barns will be of a similar height to the existing structures on the site, which will ensure they do not appear overly dominant when seen within context of the wider landscape. Whilst there would be some loss to the openness of this part of the Green Belt, there is an accepted precedent for agricultural buildings within the Green Belt and

## Classification: NULBC UNCLASSIFIED

agricultural buildings of the scale are not uncommon within the Borough.

With regards to the existing barns which are to be removed from the site to facilitate the development, these older structures are somewhat dated and do not have any architectural or historic character and there are no objections to their demolition.

To conclude, it is considered that the design of the proposal is acceptable and will not result in an adverse impact to the Green Belt or the Area of Landscape Restoration 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 an increase to the numbers of cattle being kept at the site from 125 to approximately 180 over a 2-year period, however it is important to note that the LPA has no control over the amount of livestock that can be kept on sites, as this is controlled through other legislation. Consideration must still however be given to whether the proposal would result in any adverse impact to the residential amenity of nearby properties.

It must be recognised that the site has a historic use for agricultural purposes and has been used a cattle farm for a number of years. Although the new barns will likely lead to an increase of the number of cattle within the site, the proposed structures will be of a higher standard than the existing buildings, which in turn will help to better contain noise levels within the barns themselves. Some associated noise nuisance could be generated from outside the barns from the increase of cattle, however a certain level of noise could already be expected from this site.

A condition to control external lighting is considered necessary to ensure nearby properties are not adversely impacted by light nuisance.

No objections have been received from local residents and in the absence of any objections from the Council's Environmental Protection team, 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 and therefore meets the requirements of the NPPF.

### **Impact on Public Right of Way**

Paragraph 104 of the NPPF states that planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

Public Footpath No. 66 Kidsgrove Parish runs across the application site, through the proposed site of the smaller cow shed and will need to be rerouted in order to comply with the requirements of the NPPF.

The granting of planning permission does not constitute authority for any interference with the public right of way and associated items - or its obstruction (temporary or permanent). As the footpath needs diverting as part of these proposals the developer must apply under section 257 of the Town and Country Planning Act 1990 to divert the public right of way to allow the development to commence, and the applicant will be notified of this requirement through the use of an informative on any permission given.

### **Coal Mining Risk**

Paragraph 189 of the NPPF states that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation).

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The application site falls within a high risk coal mining area, and a Coal Mining Risk Assessment was submitted in support of the proposal. The Coal Authority (CA) reviewed this assessment but raised concerns and so requested further specific information regarding deeper foundations or ground works required in the construction of the proposed agricultural buildings, given their large scale.

To address this concern the applicant entered negotiations with the CA and submitted an amended Coal Mining Risk Assessment. The CA have since reviewed this additional information and have confirmed that they are happy in principle with the proposed development, subject to a scheme of intrusive site investigations to be completed prior to the start of development to ensure that further mining legacy risks are addressed. Subject to this condition and in the absence of any further objections from the CA, the coal mining risk associated with the development can be safely mitigated.

### **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 (2019 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

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 granting of planning permission does not constitute authority for any interference with the public rights of way and associated items - or obstruction (temporary or permanent). If any public right of way needs diverting as part of these proposals the developer must apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the public rights of way to allow the development to commence.

The **County Archaeologist** raises no objections to the proposal.

The **Environmental Health Team** have raised no objections to the proposal subject to a condition relating to unsuspected contamination.

The **Lead Local Flood Authority** raise no objections to the application subject to a condition requiring that the development is carried out in accordance with the Staffordshire SuDS handbook and approved surface water drainage plan.

The **Highway Authority** raises no objections to the proposal subject to a condition requiring that the access drive is surfaced in a suitable material for a minimum of 10m from the site boundary.

No comments have been received from the **Landscape Development Team** or **Kidsgrove Town Council** and given that the period for comment has ended, it must be assumed that they have no comments to make.

Representations

None received.

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/23/00542/FUL>

Background papers

Planning files referred to  
Planning Documents referred to

Date report prepared

22<sup>nd</sup> July 2024