

<b>Agenda Item:</b>	
<b>Site:</b>	Sweetmore Meadow, Chebsey Bank, Church Leigh, Stoke on Trent,
<b>Proposal:</b>	Use of agricultural land as Outdoor Education Area, erection of a detached barn/classroom and formation of new vehicular access

### Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by Penelope James

### [Hyperlink to Application Details](#)

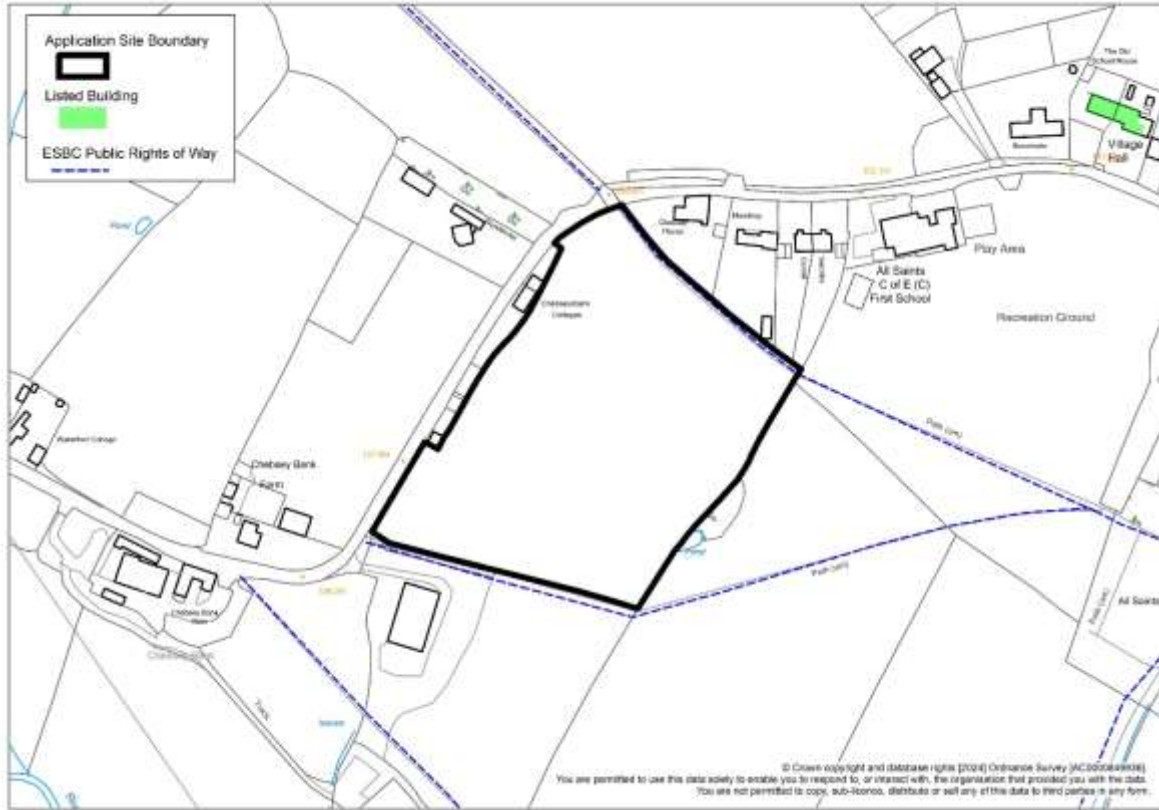
<b>Application Number:</b>	P/2023/01290	
<b>Planning Officer:</b>	Lisa Bird	
<b>Type of Application:</b>	Detailed Planning Application	
<b>Applicant:</b>	Dr Judith Darnell	
<b>Ward:</b>	Blythe	
<b>Ward Member (s):</b>	Councillor C V Whittaker	
<b>Date Registered:</b>	20/12/2023	
<b>Date Expires:</b>	14/03/2024 Extension of time agreed until 27/11/2024	
<b>Reason for being on Agenda</b>	Significant number of local representations	

## 1. Executive Summary

- 1.1 The site forms a parcel of land situated on School Lane in Church Leigh which is located outside of settlement boundaries. There are residential properties to the north and west boundaries of the site and a school and recreation ground to the east. The site is sloped downwards in a north to south and east to west direction. There is a public right of way adjacent to the northern boundary and there are Grade II and II\* listed buildings within 235m of the application site.
- 1.2 The application seeks full planning permission for use of the site as an outdoor education facility, including the erection of a barn to the eastern boundary, formation of a new access and parking area and use of the site. The barn would provide storage space for a tractor, hay bales and equipment, space for eco toilets and provide a sheltering area when necessary. An amended site layout has been provided during the course of the application.

- 1.3 Statutory consultees have raised no technical objections that cannot be overcome by way of planning conditions.
- 1.4 There have been 14 objections received and 25 letters of support during the first consultation and following a re-consultation 13 objections and 13 letters of support were received. The main grounds of objection being in relation to the principle of the development, highways impacts, visual amenities, residential amenities, impact on ecology and drainage/flooding impacts.
- 1.5 Leigh Parish Council have objected with their main objections being highways impacts, impacts on residential amenities and visual impacts.
- 1.6 The principle of the development is considered to be acceptable as the nature of the use is such that a rural location is fundamental to its operation, and the proposals would not impact on high quality agricultural land.
- 1.7 The visual impacts of the development are acceptable with the barn being sunk into the ground with retaining walls and screening, the barn is considered to be commensurate in scale with the proposed land use. The parking area would be offset from the access and therefore not highly visible from public vantage points. There would be no significant adverse impact to the setting of nearby listed buildings given the separation distances involved and topography of the surroundings.
- 1.8 There would be no significant impact to residential amenity subject to conditions in respect of hours of operation, the number of children visiting the site at any one time and a restriction in relation to lighting. Nor would there be any significant impact to highway safety subject to conditions in relation to the provision of the access and parking area and visibility splays.
- 1.9 There will be no significant flooding and drainage impacts nor any significant impact to biodiversity with the use of the land encouraging further planting in the future.
- 1.10 A precautionary condition is recommended in relation to contaminated land, and an informative is recommended in respect of the footpath crossing the site.
- 1.11 Accordingly, it is considered that the scheme complies with the aims and criteria of the relevant policies from the East Staffordshire Local Plan, the Borough Council's Supplementary Planning Documents (SPDs) and the National Planning Policy Framework.
- 1.12 In light of the above conclusions on the planning merits of the case the application is recommended for **approval** subject to the necessary conditions.

Map of site



## 2. Site and Surroundings

- 2.1 The application site comprises a parcel of land situated to the east of School Lane in Church Leigh which has historically been used for agricultural purposes.
- 2.2 Beyond the northern boundary of the site are four dwellings, one of which is within the ownership of the applicant, and All Saints Primary School is situated to the north-east. There are a further three dwellings situated beyond the western boundary of the site. All of these dwellings separate the application site from School Lane. A recreation ground is located beyond the school to the north-east.
- 2.3 There are some other dwellings interspersed on the opposite side of School Lane, otherwise, the area is predominantly rural in character with open fields and agricultural uses in all directions. The main settlement of Church Leigh is situated to the east of the site and the settlement of Dodsleigh is situated to the west of the site beyond the agricultural fields.
- 2.4 The site has an existing access point and field gate to the south-western corner off School Lane.
- 2.5 The land levels vary across the site, with the land sloping downwards both from north to south and from east to west.
- 2.6 The boundaries of the site are made up of well-established hedgerows interspersed with mature trees, with a wooded area of trees situated to the western boundary to the south of the existing dwellings.
- 2.7 A Public Right of Way runs across the northern boundary of the application site, this is known as Leigh 28 and continues to the east of the site following the southern boundary of the nearby recreation ground. A further Public Right of Way, known as Leigh 29 runs parallel with the southern boundary of the application site, turning at an angle to join with Leigh 28 in the east.
- 2.8 There is no conservation area present and the nearest listed buildings are:
  - Grade II – Village Hall – approx. 195m to north-east
  - Grade II – The Old Rectory – approx. 200m to the east
  - Grade II\* - All Saints Church – approx. 230m to the east
  - Grade II – Memorial – approx. 235m to the east
- 2.9 A Beech tree is situated to the north of the site in the grounds of Chebsey House, which is protected by TPO No. 7.
- 2.10 The site is located within Flood Zone 1 which is at the lowest risk of flooding.
- 2.11 The site is situated outside of settlement boundaries as defined in the Local Plan.

## 3. Planning History

3.1 The planning history relating to the application site is as follows:

OU/23139/001 – To develop 0.09ha of land by the erection of a 2 bedroom bungalow and construction of a vehicular access – Withdrawn 25/04/1997

OU/23139/002 – To develop 0.09ha of land by the erection of an agricultural workers dwelling, installation of septic tank and construction of vehicular access – Refused 24/06/1998

OU/23139/003 – Outline to develop land by the erection of an agricultural workers dwelling and construction of vehicular access – Refused 14/10/1998

PA/23139/004 – Siting of a mobile home for use as an agricultural worker's dwelling for a temporary period of twelve months – Approved 21/06/2000

PA/23139/005 – Siting of a mobile home for use as an agricultural workers dwelling for a temporary period of two years – Approved 07/11/2001

#### 4. The Proposal

4.1 Full planning permission is sought for the use of agricultural land as an Outdoor Education Area, erection of a detached barn/classroom and formation of a new vehicular access.

4.2 Negotiations have taken place during the course of the application and the siting of the barn has been amended along with alterations to the car parking layout and visibility splay and clearer information in respect of the use of the land.

4.3 Therefore the amended site layout indicates the use of the existing access, with gates set back approx. 11m within the application site, formation of a parking area to the southern end of the site and a den building area with planting to the south-eastern corner of the site. Vegetable patch growing areas are to be provided to the north of the den building area, to the north of this a wildflower area is proposed, with the proposed barn situated to the north of the wildflower area to the eastern boundary of the site. The remainder of the site is proposed to remain in its existing form and used for hay baling.

4.4 The barn itself is proposed to be sunk into the slope of the ground and screened to the northern elevation and the western elevation by additional tree planting. Retaining gabion walls are proposed to the north and west sides to provide access to the barn for maintenance purposes. The main access doors to the barn are proposed to be situated to the southern corner.

4.5 The barn would provide storage space for a tractor to maintain the remaining agricultural land, and for eco toilets and storage of hay bales and resources for the proposed nature area, and would provide a sheltering area in a case of inclement weather.

4.6 The barn is proposed to be of timber portal frame construction and is proposed to measure approx. 18m in length by approx. 9m wide and would have an

eaves height of approx. 3m and a ridge height of approx. 4m. The barn is proposed to be finished in timber cladding with profile sheet roofing.

4.7 The application is supported by a Planning Statement and a Supporting Statement has also been provided by the applicant, the applicant has also provided additional information during the course of the application. This Supporting Statement and additional information confirms that the applicant intends the site to operate as follows:

- Predominantly for children from local schools
- Activities will include searching for worms, bugs and insects, building dens, playing and creating with mud and water, learning about biodiversity, making bug hotels, planting wildflower seeds, making natural art, learning how to respect and care for nature and listening to stories outdoors. Children will contribute to creating habitats.
- The age range of children will span from early years to primary (3-11 years old)
- Children will be supervised at all times
- The maximum size group of children in any one session would be 30 children.
- No one else will be employed by the applicant, rather school staff will be expected to attend with children to form correct ratios. The applicant is a qualified teacher and therefore 2 other school staff members would be required to be present with a class size of 30 children.
- A specialist contractor will empty the proposed eco toilets (to be situated inside the barn). There is not expected to be much other waste generated, any that is would be included in the usual dustbin collections from the applicant's property.
- Hours of operation are expected to be between the hours of 9am and 3pm Monday to Friday. The applicant intends to run the outdoor education facility on a part time basis.
- The use of the site would strongly align with forest school philosophy and principles which support children's development of a lifelong relationship with the natural world. The applicant has confirmed that this includes *'building other lifelong skills such as resilience, confidence, creativity and independence in healthy risk taking such as climbing trees and building dens'*.

#### List of supporting documentation

4.8 The following documents have been provided as part of the application:

- Application Form
- Location Plan
- Existing Site Plan
- Proposed Site Plan and Cross Section
- Proposed Barn Floor Plan
- Proposed Barn Elevations
- 3D Barn Drawing including dimensions
- Barn Frame Details
- Flood Risk Assessment
- Planning Statement
- Supporting Statement
- Additional supporting information
- 5 letters of support were submitted with the application

4.9 The relevant findings are dealt with in section 8 onwards below.

## 5. Consultation responses and representations

5.1 A summary of the consultation responses is set out below:

Statutory and non statutory consultee		Response
5.2	Leigh Parish Council	<p>Object on the following grounds:</p> <ul style="list-style-type: none"> <li>• The access would need to be constructed in hard core as the ground becomes boggy during rainfall.</li> <li>• The plans show the building in a different location to that provided to the Parish Council during a Parish Council meeting in October 2023</li> <li>• The position of the proposed building is adjacent to a well used footpath and within 4 metres of the boundary of neighbouring dwellings, this is not considered to be appropriate</li> <li>• The size of the building proposed is disproportionate to the proposed use of the site</li> <li>• Health and safety risk from items stored in the barn which may also pose a fire risk</li> <li>• The use of the field is agricultural, however, it is no longer associated with any agricultural holding</li> <li>• Excavations would be required to site the building due to the land levels.</li> </ul>

		<ul style="list-style-type: none"> <li>• Access to construct the building would likely be at the top of the site where there is a TPO'd tree which would be affected</li> <li>• The floor layout is vague and detailed drawings of the internal layout, including toilets, handwashing facilities and utilities should be provided</li> <li>• No objection to the principle of the use subject to the building being smaller and scale and situated to the other end of the site.</li> </ul> <p><u>Response to Reconsultation following the receipt of amended plans:</u></p> <ul style="list-style-type: none"> <li>• <u>The amended drawings do not address the concerns originally raised.</u></li> <li>• <u>The barn should be sited to the lower end of the field near to the access, instead of creating a new access route from the top of the site. This would still allow the applicant to achieve what they require, whilst allowing a larger proportion of the field to remain intact as agricultural land and have little impact on neighbouring dwellings.</u></li> </ul>
5.3	SCC Highways	No objection subject to conditions in relation to the operation of the education centre, the construction of the access and visibility splays.
5.4	SCC Public Rights of Way	No objection subject to an informative to draw the existence of the right of way to the applicant's attention and ensure that they are aware of their responsibilities.
5.5	SCC Lead Local Flood Authority	No objection
5.6	Forestry Commission	No objection, there is no ancient woodland affected
5.7	Nature Space	No objection, subject to an informative in respect of Great Crested Newts
5.8	Peak and Northern Footpath Society	No objection, subject to an informative to ensure that the public right of way is not affected.
5.9	Architectural Liaison Officer	No objection
5.10	Historic England	No objection subject to a condition in respect of landscaping/screening



Internal Consultees		Response
5.11	Environmental Health	No objection subject to a precautionary condition in respect of contaminated land.
5.12	Conservation Officer	No objection subject to a condition in respect of landscaping/screening

## 6. Neighbour Responses

6.1 During the first consultation a total of 39 representations were received, 14 objecting to the proposals and 25 in support of the proposals. Following reconsultation a further 26 representations were received, 13 objecting to the proposals and 13 in support of the proposals; it is noted that 8 of the 13 objections were from people who had previously commented and 1 of the 13 letters of support were from people who had previously commented. No representations were received from the Ward Member. The representations are summarised below:

Neighbour responses (Objections to first consultation):	
Principle	<ul style="list-style-type: none"> <li>• There is no agricultural justification for the proposed barn</li> <li>• There is no need for a facility of this kind locally, there are many similar centres in close proximity (Sherratts Wood Farm, Middleton Green 3.2 miles – the Valley Forest School, Oakamoor 9 miles – Federation Talbot First School Kingstone 6.3 miles - Be Wild Forest School Stowe by Chartley 9 miles – The Croft on the Heath, Uttoxeter 6.3 miles)</li> <li>• Term time use only feels like an unsustainable commercial business model.</li> <li>• Loss of agricultural land</li> <li>• There is a large recreational area nearby.</li> <li>• The submission incorrectly states that the paddock is used for haymaking, it is predominantly equestrian in use</li> </ul>
Impacts on Visual Amenity	<ul style="list-style-type: none"> <li>• The barn is disproportionate in size for the group size proposed</li> <li>• It is not clear if there are any permanent structures or play equipment proposed</li> <li>• The site will require significant engineering works as it is not level</li> </ul>
Impacts on Residential Amenity	<ul style="list-style-type: none"> <li>• Impact of the proposed barn on the neighbouring properties within approx. 4m of the boundary, given its location and size</li> <li>• The statement indicates that the premises will only be used in term time and during the working day, a</li> </ul>

	<p>condition is requested to limit the use to between the hours of 08.30 and 17.00 and will not be used during weekends or on bank holidays</p> <ul style="list-style-type: none"> <li>• Noise and disturbance to residents</li> <li>• Acoustic fencing should be considered to protect neighbours</li> </ul>
Highways Impacts	<ul style="list-style-type: none"> <li>• The vehicular access is close to a blind bend where there have been a number of accidents and near misses historically</li> <li>• Additional traffic will increase the risk of accident</li> <li>• The car park is disproportionate in size to the proposals with two mini buses</li> <li>• No access track appears to be shown to the barn.</li> <li>• Vehicles will have to wait on a blind bend to turn in and then drive up an incline.</li> <li>• The application is not supported by a traffic management plan.</li> <li>• The parking area is large enough to accommodate approx. 35 cars or 16 minibuses and is disproportionate with the intended use of the site.</li> <li>• There is no mention of staff parking.</li> <li>• Children walk to school along the road and there are no footpaths</li> <li>• Access has historically been refused to this site due to lack of visibility.</li> <li>• School Lane is subject to the National Speed Limit</li> </ul>
Flooding and Pollution	<ul style="list-style-type: none"> <li>• Does not include the fact that the site is within a Drinking Water Safeguard Zone, or a Nitrate Vulnerable Zone for the River Trent and Blithfield Reservoir Eutrophic lake</li> <li>• Hardcore for the parking area will cause drainage and run-off issues</li> <li>• Potential fuel and oil spills to the safeguarded zones.</li> <li>• No details of waste removal</li> </ul>
Ecological Impacts	<ul style="list-style-type: none"> <li>• Has a survey been carried out for protected species?</li> <li>• It is understood that bats roost in the trees and there are other protected species in close proximity</li> <li>• The bottom of the field is wet and could support newts</li> <li>• Detrimental impact to the eco-system</li> <li>• The applicant claims to protect the environment but is removing grassland from farming systems in the area</li> <li>• Any lighting could impact on protected species.</li> </ul>

Impact on Trees	<ul style="list-style-type: none"> <li>• There are a number of trees adjacent to the proposal and along the field boundaries which could be affected.</li> <li>• There are no mature trees within the site as stated in the submission, and does not have a woodland feel</li> <li>• The majority of the trees within the site have been planted by the applicant</li> <li>• Impact on TPO'd Beech tree</li> </ul>
Public Right of Way	<ul style="list-style-type: none"> <li>• No protection of the public right of way</li> <li>• Dangerous broken stiles</li> <li>• The drawing shows the right of way in a straight line, however, it is currently necessary to divert around a large area of undergrowth.</li> </ul>
Other Matters	<ul style="list-style-type: none"> <li>• The location of the barn is not commensurate with access from the car park or access to the toilets and safety equipment etc.</li> <li>• Application differs to that presented at the Parish Council meeting</li> <li>• The topper is used to cut the grass only and not for haymaking as suggested</li> <li>• The applicant has no livestock and the land use is to change therefore the applicant is not only making hay as suggested</li> <li>• Due to the poor land management the site is overgrown with nettles</li> <li>• The cost of hay making machinery in comparison with the size of the site is not considered to be proportionate, most small farms outsource haymaking.</li> <li>• During the Parish Council meeting it was indicated that the outdoor education facility would be used by pre-school and primary school children only, however, this is not indicated in the submission.</li> <li>• There is no mention of overnight or camping stays typical at this type of centre</li> </ul>
Other Issues (Not Material Planning Considerations)	<ul style="list-style-type: none"> <li>• Have fire risk assessments been provided? Storage of hay and machinery in the same wooden building would be a potential fire hazard. These schools are prone to arson attacks and it is also mentioned that children will be taught how to light and manage fires.</li> <li>• Have child safety assessments, and safeguarding exercises been carried out?</li> <li>• Impact on house prices</li> <li>• Why is the applicant allowed to continue adding names in support of the application who are not directly impacted.</li> <li>• No mention is made of the fabric construction</li> </ul>

	<ul style="list-style-type: none"> <li>• The proposal seems to be a stepping stone to a larger development on the land.</li> <li>• Loss of views</li> </ul>
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**Neighbour responses** (objections following re-consultation):

All original concerns were reiterated along with the following additional comments:

Impacts on Residential Amenity	<ul style="list-style-type: none"> <li>• The amended location of the building would still impact on neighbouring properties and the barn should be at the other end of the field.</li> <li>• The barn appears to have increased in size so the movement down the field is negligible.</li> <li>• Once the use ceases then the land should be restored to its former condition and use (agriculture)</li> </ul>
Amount of Development	<ul style="list-style-type: none"> <li>• The envelope for the barn complex is now shown as 6m tall rather than the 4m previously shown.</li> <li>• The area changed from agricultural use has increased by approx. 29%</li> <li>• The car parking area has increase by approx. 46% (for about 50 cars)</li> <li>• New areas have been introduced to provide vegetable growing areas, this should not be for commercial reasons</li> </ul>
Other Matters	<ul style="list-style-type: none"> <li>• The amended location of the building would be difficult for the initial construction in access terms and operational convenience.</li> <li>• Over 150 cubic metres of soil will need to be removed, which will destroy the area surrounding the proposed barn.</li> <li>• Many of the letters of support are from families with children at the school and not by neighbours who will be directly affected</li> <li>• The school already put on ‘nature nutz’ activities, nature trails, mini beast hunts and a gardening club.</li> <li>• The bottom area of the plot was possibly used for Home Guard training and some years ago a deactivated grenade was found, this raises concerns that other ordnance may be found.</li> <li>• The supporting letters are dated before the application was made, are these still valid?</li> </ul>

**Neighbour responses** (In support of first consultation)

Principle	<ul style="list-style-type: none"> <li>• The proposal will enhance the local community</li> </ul>
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Impacts on Residential Amenity	<ul style="list-style-type: none"> <li>The siting of the barn and use of the land would have no detrimental effect to the village or residents</li> </ul>
Highways Impacts	<ul style="list-style-type: none"> <li>The location is ideal being close to the village school</li> </ul>
Ecological Impacts	<ul style="list-style-type: none"> <li>The proposal would benefit children learning about nature</li> <li>Educating children about nature will bring ecological benefits in the future</li> </ul>
Other Matters	<ul style="list-style-type: none"> <li>The proposal would have educational physical and emotional benefits for children</li> <li>Positive impact on mental health</li> <li>The learning environment will help children with communication skills, team building, problem solving, resilience and confidence.</li> <li>The space within the school grounds is limited and access to nature is small</li> </ul>

### **Neighbour responses** (In support following re-consultation)

All original reasons for support were reiterated along with the following additional comments:

Principle	<ul style="list-style-type: none"> <li>The land is low grade agricultural land cut once a year for animal feed.</li> </ul>
Impacts on Visual Amenity	<ul style="list-style-type: none"> <li>The change of use will have little visual impact but will enhance local facilities for outdoor learning.</li> </ul>

## **7. Policy Framework**

### National Policy

National Planning Policy Framework  
National Planning Policy Guidance

### Local Plan

SP1: East Staffordshire Approach to Sustainable Development  
SP2 Settlement Hierarchy  
SP8 Development Outside Settlement Boundaries  
SP14 Rural Economy  
SP24 High Quality Design  
SP27 Climate Change, Water Body Management and Flooding  
SP29 Biodiversity and Geodiversity

SP34 Health and Wellbeing  
SP35 Accessibility and Sustainable Transport  
DP1 Design of New Development  
DP7 Pollution and Contamination  
DP8 Tree Protection

### 'Made' Neighbourhood Plans

None

## **8. Principle of Development**

- 8.1 Policy SP8 of the Local Plan provides criteria for development outside of settlement boundaries, this includes 'the creation of a new business appropriate in the countryside in terms of type of operation, size and impact and supported by relevant justification for a rural location' and 'providing facilities for the use of the general public or local community close to an existing settlement which is reasonably accessible on foot, by bicycle or by public transport', or 'otherwise appropriate in the countryside'.
- 8.2 The proposals would create a new outdoor educational area in the countryside, and the nature of the use is such that a rural location is fundamental to its operation. It is therefore considered that the proposals comply with the first part of Policy SP8. The building is not agricultural in nature and therefore an agricultural justification for the barn is not required.
- 8.3 For proposals that fall within the first set of criteria within SP8, there are a further set of criteria that the proposals will need to comply with. These include impact on residential amenity, proposals not introducing considerable urban form, proximity to settlements, the development being compatible with the character of the surrounding area, the visual impacts, landscaping, transport impacts and the need to maintain land of high agricultural value for food production.
- 8.4 In terms of the agricultural value of the land this is classified by DEFRA as poor/good to moderate in terms of food production value. The proposals therefore do not impact on land which is of high agricultural value for food production.
- 8.5 The remaining criteria are dealt with in the following sections of the report, however, it is noted that the proposals would not introduce considerable urban form, with the erection of a barn on the land which would be inherently agricultural in appearance.
- 8.6 In response to representations received the application site, as existing, is agricultural in nature, with no planning history to suggest otherwise, although it is acknowledged that representations submitted indicate that the field has been used for equestrian purposes. It is also noted that there are other, similar ventures, situated within 9 miles of the application site, however, this in itself is not a reason to refuse planning permission. The recreational field nearby is open to the public and is used for sports and recreation, this would not include outdoor education purposes as detailed in this application. The majority of the

field would remain in agricultural use with this being cut for haybaling, and therefore the term time use of the site is considered to be acceptable.

- 8.7 It is therefore considered that the proposed use of the land as an Outdoor Education Facility is acceptable and in compliance with Policies SP8 and SP14 of the East Staffordshire Local Plan and the NPPF.

## **9. Design and Impact on the character and appearance of the area**

- 9.1 The proposals would result in the erection of a barn adjacent to the eastern boundary of the application site. The barn is proposed to measure approx. 18m long by 9m wide and would have a maximum height of 4m. Given that the land slopes in a southerly direction, it is proposed to sink the barn into the land levels with the creation of retaining gabion walls and planting to screen the barn from nearby dwellings.
- 9.2 The proposed barn, which is proposed to be constructed in timber framing, with timber cladding and a profile sheet roofing is considered to be acceptable and appropriate in this rural location, being similar in scale and design to other barns in the locality. The size of the barn is considered to be commensurate with the proposed use and size of the application site. The re-grading of the land and provision of retaining walls, would further limit the visibility of the barn by sinking it into the ground and thereby reducing its height from certain vantage points. No other parts of the land, other than that where the barn and retaining walls are proposed, are to be regraded.
- 9.3 The proposed use of the land as an Outdoor Education facility would not necessitate the siting of any other permanent structures or buildings. The remaining land within the site would remain agricultural in use, with the grass being cut for haymaking. The den building area would remain in its current form, with dens being created during education sessions and taken down after each session. The wildflower area and vegetable patches proposed are considered to be appropriate in this rural location.
- 9.4 The car parking area would be constructed of compacted limestone and would not be particularly visible from public vantage points due to the tree planting within the site and the access being off-set.
- 9.5 In light of the above it is considered that the proposals will not adversely affect the visual amenities of the area in accordance with Policies SP1, SP24 and DP1 of the East Staffordshire Local Plan, the East Staffordshire Design Guide and the NPPF.

## **10. Historic Environment**

- 10.1 Whilst there are a number of listed buildings to the north and east of the site, given the separation distances involved (195m+) and the intervening built form and land levels, the proposals will not be sufficiently visible from these heritage assets to have any adverse impact on their settings.
- 10.2 Historic England and the ESBC Conservation Officer have raised no objections to the proposals, subject to a condition in respect of landscaping/screening to

the eastern boundary. Furthermore, the use of the land as an outdoor educational facility would have a wider public benefit by virtue of its educational use.

- 10.3 It is noted that neighbours have raised concerns in terms of archaeology, however, the application site is not within an area of archaeological interest.
- 10.4 In light of the above the proposals are considered to comply with Policies SP1, SP25, DP5 and DP6 of the East Staffordshire Local Plan and the NPPF.

## **11. Residential Amenity**

- 11.1 The proposals would result in the application site being used as an Outdoor Education facility with the erection of a barn to the eastern boundary of the application site. The proposed barn would measure a maximum of 4m in height to the ridge and is proposed to be sunk into the ground to the northern end. The barn would be situated approx. 40m from the rear boundary of the dwellings to the north (approx. 80m from the rear elevations of the dwellings), and therefore is considered to have no significant adverse impact on occupiers of those dwellings by way of loss of light or privacy or overbearing impact.
- 11.2 The proposed use of the land as an Outdoor Education facility would not result in itself in any significant adverse impact on occupiers of neighbouring dwellings in terms of noise and disturbance, given that the land closest to the residential dwellings is proposed to remain in its current form, with the proposed education uses being situated to the western and southern boundaries of the site. Furthermore the ESBC Environmental Health Team have raised no concerns in respect of noise and disturbance.
- 11.3 The applicant has confirmed that the site will be used between the hours of 09.00 and 15.00 on weekdays. A condition is recommended to limit the number of children present at any one time at the site and to limit the hours of operation to between 08:30 and 17:00 on weekdays, with no operation taking place on weekends and bank holidays. A further condition is recommended to restrict lighting on the application site.
- 11.4 It is therefore considered that the use of the land and the erection of a barn will not result in any significant adverse impact on neighbouring occupiers in terms of loss of light, privacy or outlook, or overbearing impact, in accordance with Policies SP1, SP8, SP24 and DP1 of the East Staffordshire Local Plan and the NPPF.

## **12. Highway Matters**

- 12.1 There is an existing agricultural gated access to the site situated to the western boundary to the south of the existing dwellings, however, this access is not sufficiently wide to serve the proposed use and therefore a new access is proposed to be created immediately to the north of the existing gate. The access gates would be set back from the road by approx. 11m and visibility splays would be created on land within the applicants' ownership. An access track is not proposed to be created between the parking area and the barn.



- 12.2 It is noted that the majority of objections received are in relation to the highways safety, access to the site, lack of pavements in the locality, the national speed limit along School Lane, the road network including blind bends and parking.
- 12.3 The County Highway Authority have been consulted on the amended proposals and have raised no objections subject to conditions in respect of the provision of the car parking area and the maintenance of the visibility splays.
- 12.4 It is noted that concerns are raised in terms of the size of the parking area, whilst this is large enough to accommodate a large number of cars, the submission states that minibuses would be used by schools to access the site, and as such a large space is required in order to allow for the manoeuvring of those vehicles in order to exit the site in a forward gear. The applicant has confirmed that there would be no staff employed at the site, with school staff accompanying children. In respect of other comments the size of the proposed venture is such that a Transport Assessment was not required to support the application.
- 12.5 The Highway Authority have commented that whilst the development would be located in an unsustainable location in transport terms, it would cater for small groups of children, principally from local schools, who would arrive by minibus and will not be open to the general public, and is therefore considered to be acceptable.
- 12.6 In terms of the access and visibility the Highway Authority have commented that the revised access layout is acceptable and there will be 34m of visibility. This would require the 85<sup>th</sup> percentile speed to be less than 27mph which is considered to be reasonably accurate and would not represent a reduction in highway safety. Therefore there are no objections (subject to the abovementioned conditions) given the level and type of traffic proposed to use the site.
- 12.7 It is therefore considered that the proposals would result in no significant impact on highway safety in compliance with Policies SP1 and SP35 of the East Staffordshire Local Plan, the Parking Standards SPD and the NPPF.

### **13. Flood Risk and Drainage**

- 13.1 The site lies within Flood Zone 1 (which has the lowest risk of flooding) as defined on the Environment Agency's Flood Maps. As the site is within Flood Zone 1 there is not requirement to consult with the Environment Agency.
- 13.2 The application is accompanied by a Flood Risk Assessment (FRA) as the site area of the use covers over 1ha (measuring at approx. 2.23ha), however, the development area itself is significantly smaller than this, limited to the car parking area and access and the proposed barn and retaining walls.
- 13.3 The built form within the site is limited to a footprint of 200sqm, with associated paths around the building and retaining walls, and the car park would be finished with compacted limestone. The FRA confirms the above and states that the rest of the land will remain as grassland and therefore there will be no significant impact on flood risk.

- 13.4 In terms of surface water runoff the SCC Lead Local Flood Authority have been consulted on the proposals and have confirmed that they have no objections to the development.
- 13.5 The comments received in respect of the FRA not referring to the site as a Drinking Water Safeguard Zone, or a Nitrate Vulnerable Zone are noted, however, these details are not required to be contained within an FRA and are subject to controls outside of planning legislation.
- 13.6 It is therefore considered that the proposals are acceptable and in compliance with Policies SP1 and SP27 of the East Staffordshire Local Plan and the NPPF.

#### **14. Biodiversity and Trees**

- 14.1 The application was submitted prior to February 2024 when Biodiversity Net Gain (BNG) came into force and therefore is exempt.
- 14.2 Concerns have been raised in respect of the presence of Protected Species on the site and lack of surveys in respect of this. The proposals would not result in the loss of any habitat in respect of bats and birds as all trees to the site boundaries along with the small tree whips within the site are proposed to be retained. The loss of grassland to make way for the barn and parking area would not significantly impact on any other protected species.
- 14.3 The applicant has agreed to provide additional planting within the site, which would create additional habitat, in the form of tree planting to screen the proposed barn from the north and west, wildflower planting and living retaining gabion wall. The tree planting mix would consist of an equal mix of rowan, cherry, oak, silver birch and field maple. Planting would also continue over the lifetime of the development due to the nature of the proposals.
- 14.4 Details of the living gabion wall have not been submitted as part of the application but are recommended to be secured via a suitably worded condition.
- 14.5 It is noted that there is a mature Beech tree to the north of the application site, in the grounds of Chebsey House (TPO 7). This is situated outside of the application site and none of the works proposed would adversely impact on the tree.
- 14.6 The Forestry Commission have confirmed that no ancient woodland would be affected by the proposals. Nature Space have commented in respect of Great Crested Newts and have recommended an informative to the applicant.
- 14.7 A condition is recommended to restrict lighting on the site in order to safeguard protected species.
- 14.8 In light of the above it is considered that the proposals would result in no significant impact on protected species or their habitats in compliance with Policies SP1 and SP29 of the East Staffordshire Local Plan and the NPPF.

## 15. Pollution and Contamination

- 15.1 The Environmental Health Team have commented on the application and given the historic agricultural use of the land have recommended a precautionary condition in respect of contaminated land. No other concerns are raised in respect of pollution.
- 15.2 The proposal is therefore considered to comply with Policy DP7 of the East Staffordshire Local Plan and the NPPF.

## 16. Public Right of Way

- 16.1 Public Right of Way Leigh 28 runs parallel with the northern boundary of the application site (within the site). The proposed change of use and associated development does not directly impact on the use of the public right of way.
- 16.2 Concerns have been raised in respect of safeguarding of children within the site, given that the Public Right of Way provides access to the site from members of the public. This is an issue that would need to be addressed separately by the applicant, and may necessitate the erection of some form of boundary treatment to separate the site from the Public Right of Way, however, this could be dealt with by utilising permitted development rights.
- 16.3 An informative is recommended to draw the applicants attention to their responsibilities in respect of the public right of way. The condition of the stiles to access the public right of way are not a material planning consideration.

## 17. Other Matters

- 17.1 The remaining issues raised by local residents in respect of the proposals are not material planning considerations and are dealt with by separate legislation. The comment in respect of potential ordnance being present on the site due to Home Guard training has been brought to the applicant's attention, and it was recommended that the applicant contact the Health and Safety Executive to determine a course of action.

## 18. Conclusions

- 18.1 Having due regard to the planning merits of the case set out in detail in this report, and as summarised in the Executive Summary – the application is recommended for **approval** subject to conditions.
- 18.2 **RECOMMENDATION**
- 18.3 It is therefore recommended that planning permission be approved subject to the following conditions and informatives:

### **Conditions**

#### **1 - Time Limit**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

## **2 - Approved Plans**

The development hereby permitted shall be carried out in accordance with the following approved plans and documents subject to compliance with other conditions of this permission:

Drawing No.s:

1:1250 Location Plan dated as received on 23<sup>rd</sup> November 2023

JD\_DR\_EX\_120923 Rev X, 1:500 Existing Site Plan dated as received on 23<sup>rd</sup> November 2023

Sweetmore Meadow Final 2024\_v6 Rev H, 1:500 Proposed Site Plan dated as received on 18<sup>th</sup> November 2024

1:100 Proposed Barn Elevations dated as received on 23<sup>rd</sup> November 2023

1:100 Proposed Barn Floor Plans dated as received on 23<sup>rd</sup> November 2023

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the rural locality, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highway in accordance with East Staffordshire Local Plan Policies SP1, SP2, SP8, SP14, SP24, SP27, SP29, SP34, SP35, DP1, DP7 and DP8, the East Staffordshire Design Guide, the Parking Standards SPD and the National Planning Policy Framework.

## **3 - Materials**

All external materials used in the development shall be as set out on the plans and documents listed under condition 2 above unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard the character and appearance of the building and its rural surroundings in accordance with East Staffordshire Local Plan Policies SP1, SP24 and DP1, the East Staffordshire Design Guide and the National Planning Policy Framework.

## **4- Details of landscaping**

Prior to the first use of the development hereby permitted a scheme of planting for the living gabion wall and to screen the Grade II\* listed church to the east shall be submitted to and approved in writing by the Local Planning Authority. The approved planting scheme shall be implemented prior to the first use of the site as an Outdoor Education Centre.

Reason: To ensure that a landscaping scheme to enhance the development and protect heritage assets is provided in accordance with East Staffordshire Local Plan Policies SP24, SP25, DP1 and DP5, the East Staffordshire Design Guide and the National Planning Policy Framework.

### **5 - Implementation of Landscaping**

The approved tree planting to screen the approved barn shall be provided as an equal mix of rowan, cherry, oak, silver birch and field maple and all planting, seeding or turfing (including the living gabion wall) comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first use of the site and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality and occupiers of adjacent buildings and in accordance with East Staffordshire Local Plan Policies SP1, SP24 and DP1, the East Staffordshire Design Guide and the National Planning Policy Framework.

### **6 - Surfacing of Access, Parking and Turning Areas**

Prior to the first use of the development hereby granted permission the access, parking and turning areas shall be provided in compacted limestone and thereafter shall be made available at all times for their designated purposes. No surface water shall run onto the highway from the access, parking and turning areas.

Reason: As recommended by the Highway Authority in the interests of highway safety, and to ensure porous materials are used where appropriate to reduce the risk of flooding in accordance with East Staffordshire Local Plan Policies SP1, SP27 and SP35, the Parking Standards Supplementary Planning Document and the National Planning Policy Framework.

### **7 - Visibility splays**

Prior to the first use of the development the visibility splays shown on the approved plans shall be cleared of all obstructions to visibility greater than 0.6m above the level of the carriageway and once maintained as such thereafter.

Reason: As recommended by the Highway Authority in the interests of the safe and efficient use of the highway network and in accordance with Policies SP1 and SP35 of the East Staffordshire Local Plan and the National Planning Policy Framework.

## **8 - Contaminated Land (During Construction)**

In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken by a competent person in accordance with the new Land Contamination Risk Management (LCRM) guidance. Where remediation is necessary a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risk to human health, buildings and other property and the natural and historic environment, which is subject to the approval in writing of the Local Planning Authority. The scheme must ensure that the site will not qualify as Contaminated Land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to bringing the development into first use.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

## **7 – Hours of Operation**

No operations authorised or required under this permission shall be carried on outside the following times:

08:30 until 17:00 Mondays to Fridays

nor at any time on Saturdays, Sundays, Bank or Public Holidays.

Reason: To protect the amenities of occupiers of adjoining properties and the locality in general in accordance with the National Planning Policy Framework and East Staffordshire Local Plan Policies SP1 and DP7.

## **8 - Restrict Use**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or any order revoking and re-enacting that Order, this permission shall relate to the use of the premises as an Outdoor Education Facility for a maximum of 35 children at any one time and for agricultural purposes, as described in the application and for no other purpose.

Reason: To ensure any future use of the premises does not adversely affect the amenities of occupiers of adjoining properties and locality in general in accordance with East Staffordshire Local Plan Policies SP1 and DP7 and the National Planning Policy Framework.

## **9 - Restrict Lighting**

No external lighting shall be installed within the application site unless planning permission has been first obtained from the Local Planning Authority.

Reason: To protect the amenities of occupiers of adjoining premises and protected species in accordance with East Staffordshire Local Plan Policies SP29 and DP1.

### **Informatives:**

#### **1 - Pre-commencement Conditions/During Development Conditions**

The condition identified below require details to be approved during the development.

Condition No. 4

This means that a lawful commencement of the approved development/works cannot be made until the particular requirements of these conditions have been met.

The fee chargeable by the authority is £145 per request. The fee must be paid when the request is made. Any number of conditions can be included for each request. Payment can be made online.

Although we will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows the Local Planning Authority a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.

#### **2 - Vehicle Access Crossings**

The applicant is advised that a Section 184 Notice of Approval from Staffordshire County Council is required prior to the new access being constructed. A vehicle access crossings information pack and an application form for a vehicle access crossing (dropped kerb) are available on the County Council's website at

[www.staffordshire.gov.uk/transport/staffshighways/licences/Vehicle-access/VehicleAccessCrossings](http://www.staffordshire.gov.uk/transport/staffshighways/licences/Vehicle-access/VehicleAccessCrossings). The application form can be completed online or downloaded, completed and sent to Network Management Unit, Staffordshire County Council, Staffordshire Place 1, Wedgewood Building, Tipping Street, Stafford, ST16 2DH or emailed to [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk).

#### **3 - Ecological Responsibilities**

The applicant is advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of bats is found during demolition all work should cease and the services of a licensed ecologist procured to ensure an offence is not committed.

#### **4 - Nature Space**

The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.

#### **5 - Public Footpaths**

The applicant is advised that Public Footpath No. Leigh 28 which crosses the site should not be obstructed or extinguished as a result of this development either during or after construction.

#### **6: Police Architectural Liaison Officer**

The applicant is advised to note and act upon as necessary the comments of the Police Architectural Liaison Officer. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.

#### **7 - Engagement (Proactive)**

During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.

#### **8 - Biodiversity Net Gain**

Unless an exception or a transitional arrangement applies, the effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be East Staffordshire Borough Council.



**This development has been considered as an exempt development in accordance with the submissions and the requirements set out in the following link: [Biodiversity net gain: exempt developments - GOV.UK \(www.gov.uk\)](https://www.gov.uk/biodiversity-net-gain-exempt-developments)**

## **19. Background papers**

19.1 The following papers were used in the preparation of this report:

- The Local and National Planning Policies and Supplementary Planning Documents, as outlined in the report above.

## **20. Human Rights Act 1998**

20.1 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

## **21. Crime and Disorder Implications**

21.1 It is considered that the proposal does not raise any crime and disorder implications.

## **22. Equalities Act 2010**

22.1 Due regard, where relevant, has been had to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.

For further information contact: Lisa Bird  
Telephone Number: 01283 508746  
Email: [lisa.bird@eaststaffsbc.gov.uk](mailto:lisa.bird@eaststaffsbc.gov.uk)