

**20/00461/FUL
NON MAJOR**

Mr Michael Roberts

**ENVILLE
Cllr Victoria Wilson**

Highgate Farm Crab Lane Bobbington STOURBRIDGE DY7 5BS

The proposal is to reuse a former potato store as a cafe, following partial replacement of the existing building, with an outdoor eating area, dog washing area, children's play area and parking area.

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1.1 Highgate Farm is located close to the junction of Crab Lane and Gospel Ash Road and is a farmhouse and collection of utilitarian barns, with a single neighbour at Highgate House, to the east of the buildings.

1.1.2 This application relates to the parcel of land south of the existing farm buildings [approx. 1.7 acres], under Highgate Farm ownership, where there is a former potato store and a Christmas tree retail area. It is bounded on two sides by roads and is immediately west of Highgate Common.

1.1.3 There is a public right of way [Staffordshire Way] which runs along the eastern boundary of the site, through to Highgate Common, Enville and Kinver Edge. There are numerous trees on the site, with an ancient Chestnut Tree on the western boundary to Crab Lane.

1.1.4 The main farm enterprises are arable cropping, including wheat and barley, and haymaking. The farm extends to 166 acres. The farm operates a Christmas tree farm enterprise alongside the arable enterprise, on 6 acres of land, together with a Christmas event for the last few years.

1.2 Planning History

1979, extension to farmhouse, approved (79/00763).

1995, agricultural building, approved (95/00209).

2006, Radio broadband equipment, approved (06/01223/FUL)

2009, Change of use from agricultural land to equestrian, planning permission not required (09/00720/COU)

2. APPLICATION DETAILS

2.1 The Proposal

2.1.1 The proposal is to turn the former potato store into a high-quality and eco-friendly café, with an outdoor eating area, dog washing area, children's play area and parking area. The Café will cater for tourists and local people while visiting the area and walking locally on Highgate common or the Staffordshire Way.

2.1.2 The former potato store occupies a floor area of 95sqm and will require some re-building and new structural elements to facilitate the conversion. The existing tin curved roof will be replaced with a grey barrel-vaulted standing seam roof, made out of

aluminium/zinc. New aluminium framed window and doors will be inserted into the structure. There will be no increase to the floor area or volume of the building.

2.1.3 There will be an external seating area immediately adjacent to the front of the building [facing west] and a small wooden play area to the South.

2.1.4 A new access will be created onto Crab Lane and new internal road provided to lead to the existing hardstanding area by the existing potato store. The existing hardstanding area will be increased to provide the parking bays.

2.1.5 It is anticipated that the proposal will create 4 new jobs.

2.1.6 Throughout the course of the application, additional information has been submitted [tree report, statement of very special circumstances and commercial information] and the play area has been re-positioned further South.

2.2 Agents Submission

2.2.1 The agent has provided the following documents:

- Supporting statement including design and access statement
- A business case for business diversification
- Statement of very special circumstances
- Commercial information [confidential]
- Arboricultural impact assessment
- Preliminary ecological appraisal
- Structural report

3. POLICY CONTEXT

3.1 The site is in the Green Belt

3.2 Core Strategy

NP1: The Presumption in Favour of Sustainable Development

CP1: The Spatial Strategy

GB1: Development in the Green Belt

EQ1: Protecting, Enhancing and Expanding Natural Assets

EQ3: Conservation, Preservation and Protection of Heritage Assets

EQ4: Protecting and Enhancing the Character and Appearance of the Landscape

EQ7: Water Quality

EQ9 Protecting Residential Amenity

Core Policy 4: Promoting High Quality Design

EQ11: Wider Design Considerations

EQ12: Landscaping

CP9: Rural Diversification

EV5: Rural Development

EV6: Re-Use of Redundant Rural Buildings

EV12: Parking Provision

Appendix 5 Car parking standards

Appendix 6 Space about Dwellings

3.3 National Planning Policy Framework

3.4 Green Belt and Open Countryside Supplementary Planning Document

4. CONSULTATION RESPONSES

Councillor: No comments received, expired 05/02/2021

Parish Council: No comments received, expired 05/02/2021

County Ecologist [11/02/2021]: *An updated arboricultural report has now been submitted which recommends a fenced protection area for the tree, as does the Arboricultural Impact Assessment Planning Statement. This is welcomed. The site plans have now been amended accordingly - the play area is not situated within the Root Protection Area (RPA) of the tree. The permanent exclusion fence should be designed to prevent access by adults and children and any gate should be locked.*

There are currently no details of how bluebells will be protected from picking or trampling; these could include careful siting of the route, plus interpretation. Details can be provided via a condition. Conditions recommended.

Arboricultural Officer [11/02/2021]: *All trees on the site are protected by TPO No.207/2003. I have no objection to the application on tree grounds subject to conditions.*

Open Spaces Society: No comments received, expired 05/02/2021

Staffordshire Wildlife: No comments received, expired 05/02/2021

Severn Trent Water: No comments received, expired 05/02/2021

Ramblers Association [13/08/2020]: *The Staffordshire Way long distance path which is a bridleway No 0.47 of Enville Parish passes close by the east side of Highgate Farm. This bridlepath must not be obstructed if development takes place and must be respected at all times. The Ramblers' Association has no objections to the proposal.*

County Highways [31/07/2020]: *No objections subject to conditions. There have been no recorded accidents within the limits of the proposed visibility splay in the last 5 years.*

Neighbours [06-08-2020 - 30/09/2020] - *One letter received in support and comments from a neighbouring property expressing the following concerns:*

- *Inappropriate development in the Green Belt*
- *Pedestrian safety / dangerous access, visibility*
- *Impact on residential amenity*
- *Impact on property values*

A **site notice** was displayed on the 23/07/2020.

5. APPRAISAL

5.1 The application is to be heard at Planning Committee as part of the proposal is contrary to Policies GB1 and EV6 of the Core Strategy.

5.2 Key Issues

- Principle of Development
 - Re-use of the existing building
 - Play area
 - Car park

- Rural development
- Very Special Circumstances
- Design and impact on landscape
- Impact on neighbouring amenity
- Access/parking

5.3 Principle of Development

5.3.1 The site is located within the Green Belt. Policy GB1 of the adopted Core Strategy advises that development acceptable within the terms of national planning policy set out in the NPPF will normally be permitted.

- Re-use of the existing building

5.3.2 Paragraph 146 of the NPPF sets out forms of development that are not inappropriate in the Green Belt, and this includes the re-use of buildings provided that the buildings are of permanent and substantial construction.

5.3.3 Core Strategy policy EV6 states that proposals must demonstrate that the building is in a condition capable of conversion without demolition and rebuilding or substantial reconstruction.

5.3.4 The structural report provides that whilst the front elevation is capable of being retained and repaired there is a concern that the rear elevation, given the soil bank adjoining, is at risk of partial collapse once the soil bank is removed. The existing roof would also need to be replaced. As it is likely that the proposal would require significant re-building/rec-construction to bring the building to its intended use, the proposal would not be compliant with Paragraph 146 of the NPPF or policies GB1 and EV6 of the Core Strategy.

5.3.5 As such this part of the proposed development would represent inappropriate development in the Green Belt harmful by definition and contrary to policy and should not be approved except in very special circumstances, as noted in paragraph 143 of the National Planning Policy Framework.

- Play area

5.3.6 The installation of an outdoor play area would be an appropriate facility for outdoor recreation in accordance with policy GB1 of the Core Strategy and Paragraph 144 of the NPPF. The play area is to be of a wooden design, and as it is small-scale, it is not considered that the proposal [if suitably designed] will harm the openness of the Green Belt or conflict with its purposes.

- Car park/External seating area

5.3.7 Policy GB1 provides that the carrying out of engineering or other operations or the making of a material change of use of land is acceptable, where the works or use proposed would have no material effect on the openness of the Green Belt or the fulfilment of its purposes.

5.3.8 The new access road would be of a limited depth and the parking areas would be predominantly positioned on the existing hardstanding with only a minor increase required. The external seating area would be positioned adjacent to the building and would occupy an area of around 30sqm. The parking of vehicles and use of the external seating area would be transitional in nature and given the small increase in hardstanding that would be required to

carry out of the proposal, it is not considered that there would be a material effect on the openness of the Green Belt or the fulfilment of its purposes.

- Rural development

5.3.9 Core Policy 9 (Rural Diversification) and Policy EV8 (agriculture) supports appropriate diversification of the agricultural economy. CP9 provides that the Council will support the sustainable re-use of rural buildings for appropriate uses which support the rural economy and communities.

5.3.10 Policy EV5 [Rural Employment] identifies the circumstances in which proposals for employment development outside of development boundaries will be supported. On this occasion the application generally complies with the criteria which are noted below.

- a) It is small-scale;
- b) It comprises the conversion and reuse of appropriately located and suitable constructed existing rural buildings;
- c) the development is not capable of being located within the development boundaries of a village, by reason of the nature of the operation or the absence of suitable sites;
- d) it is supported by an appropriate business case which demonstrates that the proposal will support the local economy which in turn would help sustain rural communities. The Council will adopt the approach set out in Core Policy 7 for the redevelopment, modernisation and expansion of businesses;
- e) the development would not adversely impact on the economy of the service villages;
- f) the development is accessible by a choice of means of transport including walking, cycling and public transport;
- g) the local highway network is capable of accommodating the traffic generated by the proposed development.

5.4 Very Special Circumstances

5.4.1 As noted above there is a policy conflict with the proposal likely requiring significant re-building/reconstruction to bring the building to its intended use, the proposal would not be compliant with Paragraph 146 of the NPPF or policies GB1 and EV6 of the Core Strategy and very special circumstances need to be demonstrated.

5.4.2 Paragraph 144 of the NPPF states that when considering any planning application, local planning authorities should ensure substantial weight is given to any harm in the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

5.4.3 The applicant has submitted a statement of very special circumstances and confidential commercial information to support their case for the need to diversify the farm income.

5.4.4 The key points from the statement submitted are below:

- The farm has experienced a reduction in contracting work. In 2020, the farming business lost its long-term potato harvesting contracting work and experienced a reduction in arable combining contracting work, which both represented 23% of the turnover for year ended 31st March 2019. This has put additional pressure on the farming business.
- The Phasing out of agricultural subsidies - The Basic Payment Scheme (BPS). In 2021, BPS will start being phased out until being completely phased out in 2028. BPS represented 7% of the business turnover for year-end 31st March 2019, when contracting was still going on. Since the contracting work has come to an end, the subsidies now represent 15% of the business turnover and around 67% of the farming business profit as there are little to no costs associated with getting them. This means that the removal of subsidy will have a great negative impact on the profit made by the business.
- Uncertainty of Brexit and the impacts of future tariffs on the business
- The combination of the three factors; decrease of contracting work, loss of subsidy and the impact of Brexit; combined with increasing fixed costs year on year, all of the above are going to have a negative impact of c.30% on the arable enterprise turnover year on year. This is the reason why the café enterprise will help the farming business stay afloat, by providing a steadier source of income.
- The café is a rural diversification proposal that involves the sustainable reuse of a rural building into an appropriate use, which will support the rural economy and the appropriate diversification of the agricultural economy. The proposal will also create full-time jobs.
- There is a demand for a café in this location [Highgate common] and it will participate in improving the profile of South Staffs as a visitor destination.
- The café will enable the farm business to diversify by being a complementary enterprise. It will therefore help to sustain the existing agricultural business and the local social and environmental benefits that brings to the local area.

5.4.5 Core Policy 9 (Rural Diversification) and Policy EV8 (agriculture) supports appropriate diversification of the agricultural economy. CP9 provides that the Council will support the sustainable re-use of rural buildings for appropriate uses which support the rural economy and communities. The proposal is also compliant with Policy EV5 for rural development outside of the development boundary. A detailed case has been put forward by the applicant detailing the existing pressure on their agricultural business and why it is considered necessary for further farm diversification. The re-use of the building would not result in an increase to the size of the existing structure and the proposal would only require a minor amount of additional hardstanding. The natural vegetation and the mature trees on the site will partially screen the proposal, and a landscape scheme for additional hedge planting can be conditioned.

5.4.6 Overall, on balance, I consider that the support and inward of investment of a tourism business which will ensure the long term survival of the agricultural business and the associated local economy benefits, clearly outweighs the potential harm to the Green Belt in this instance by reason of inappropriateness.

5.5 Design and Impact on landscape

5.5.1 Core Policy 2 and Development policies EQ4 and EQ12 of the Core Strategy all seek to protect, conserve and enhance the District's natural assets. CP2 goes on to state that particular support will be given to initiatives to improve the natural environment where it is poor and increase the overall biodiversity of the District. This is echoed in part 15 of the NPPF. Throughout the District, the design and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings and should not have a detrimental effect on the immediate environment and on any medium and long-distance views.

5.5.2 The proposal would make use of an existing building, repaired with similar materials, with no increase to its size. A small amount of additional hardstanding would be laid to create the access road, parking bays and external seating area. The small wooden play area has been re-positioned to avoid the root protection area of the ancient Chestnut Tree, and measures have been included to fence off the tree for its protection. There are several mature trees near the building which will partially screen the proposal, particularly in the summer months, and the parking of vehicles would be transitional in nature. The site would be read in connection with the farm buildings, immediately to the north and it is not considered that the proposal would have any harmful effect on any medium or long distance views. Conditions will be attached requiring a landscape scheme for new hedgerow planting and details of the play area that is to be installed.

5.5.3 There have been no concerns raised to the amended proposal by the Councils Arboricultural or Ecology Officer subject to appropriate conditions being imposed to protect the existing trees and the bluebells on site.

The proposal is compliant with policies EQ1 and EQ4 of the Core Strategy.

5.6 Impact on Residential Amenity

5.6.1 Policy EQ9 of the Local Plan protects the amenity of existing and future occupants.

5.6.2 The application site is located in a relatively isolated location, however there are a couple of dwellings within close proximity. A concern has been expressed by one of the nearby neighbours over possible noise and disturbance from the use of the site. Whilst I appreciate the use of the site for a café will increase the noise emanating from the current use, the proposal is small-scale and if opening hours are conditioned to reasonable times of the day and permitted development rights are removed, it is not considered that there would be a significant impact on the neighbours amenity to warrant a refusal. The proposal is compliant with Policy EQ9.

5.7 Access/parking

5.7.1 Whilst I appreciate the neighbours comment with regards to the safety of pedestrians and the visibility issues, the access, parking and turning areas for the proposal have been provided to the satisfaction of the Highways Department and have raised no concerns. For an A3 use the Council parking standards [EV12] advise 1 space per 85sqm of floor space for staff parking and 1 space for 5sqm for customers. This application proposes 16 customer parking spaces adjacent to the building and there is an option of an overflow car park if required. There are no concerns with policy EV12.

5.8 Representations

5.8.1 Most of the neighbour comments have been addressed in the main body of the report. With regards to the potential devaluation of residential properties this is not a material planning consideration.

6. CONCLUSIONS

6.1 The site is within the Green Belt, where there is a presumption against inappropriate development. Whilst I have found that part of the proposal would be inappropriate, there would in fact be limited harm to the openness of the Green Belt, given the re-use of an existing structure and the small amount of additional works. The proposal would support

and enhance the existing agricultural business and in turn support the rural economy and bring about social and environmental benefits. These factors amount to the very special circumstances needed to clearly outweigh any potential Green Belt harm caused by reason of inappropriateness. There are no landscape, highways or neighbour concerns and I therefore recommend the application for approval.

7. RECOMMENDATION - APPROVE

Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development shall be carried out in accordance with the approved drawings: 100, 300 received 9th of June 2020 and 011 Rev B received, 11th of February 2021.
3. The site shall only open between the hours of 9:00 to 18:00 Monday to Saturday and between 10:00 to 16:00 on Sundays and Bank Holidays.
4. Within 3 months of any development commencing on the site, the details of the play area that is to be installed shall be submitted to the Local Planning Authority for approval and shall be built and maintained in accordance with the approved details for the lifetime of the development.
5. The premises shall be used for a cafe and for no other purposes (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 [as amended], or any other subsequent equivalent order, no development within the following classes of development shall be carried out to the building(s), the subject of this approval, without the prior approval of the Local Planning Authority:
 - a. Schedule 2, Part 7, Class E - hardsurfacing
 - b. Schedule 2, Part 20, Class AA - new dwellinghouses on detached buildings in commercial or mixed use
7. Within 1 month of any development commencing on the site a landscape scheme shall be submitted to the Local Planning Authority for approval. The approved scheme shall be implemented concurrently with the development and completed within 12 months of the completion of the development. The Local Planning Authority shall be notified when the scheme has been completed. Any failures shall be replaced within the next available planting season and the scheme shall be maintained to the satisfaction of the Local Planning Authority. The planting shall be retained and maintained for a minimum period of 10 years by the property owner from the notified completion date of the scheme. Any plant failures that occur during the first 5 years of the notified completion date of the scheme shall be replaced with the same species within the next available planting season (after failure).

8. Prior to the commencement of the development, details shall be provided to the Council of how bluebells on nature trail will be protected from trampling and picking.
9. Prior to the commencement of the development, an arboricultural method statement is to be submitted to the Council for approval and shall include the following:
 - the construction/no-dig methods to be employed for the play area to minimise any detrimental effect on retained trees.
 - the details for and timing of erection of the permanent fencing around the veteran Sweet Chestnut T12 in order to prevent public access within the root protection area.
 - the installation, positions and timing/phasing of all tree protective fencing.
 - any pruning works required to facilitate any of the permitted development.The works shall be carried out in accordance with the approved details.
10. Works to buildings and removal of vegetation shall be undertaken outside of bird nesting season (1st March to end August.) If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present, then the vegetation or buildings shall not be removed until the fledglings have left the nest.
11. All works which include the creation of trenches or culverts or the presence of pipes shall comply with the following measures to protect badgers from being trapped:
 - a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
 - b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.
12. The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway has been completed.
13. The development hereby permitted shall not be brought into use until the visibility splays shown on drawing No. 013 have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.
14. The development hereby permitted shall not be brought into use until the access drive, parking and turning areas have been provided in accordance with the approved plans.

Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. To ensure that the use of the premises does not detract from the reasonable enjoyment of surrounding residential properties in accordance with policy EQ9 of the adopted Core Strategy.

4. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
5. To ensure that the use of the premises does not detract from the reasonable enjoyment of surrounding residential properties in accordance with policy EQ9 of the adopted Core Strategy.
6. The site is within the Green Belt within which, in accordance with the planning policies in the adopted Core Strategy, there is a presumption against inappropriate development
7. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
8. In order to comply with Policy EQ1.
9. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy
10. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
11. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
12. In the interest of highway safety.
13. In the interest of highway safety
14. In the interest of highway safety.

Informative

The new access shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application Form. Please complete and send to the address indicated on the application Form or email to (nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

<https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx>

Proactive Statement - In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2019.



Highgate Farm, Crab Lane, Bobbington, STOURBRIDGE, DY7 5BS