

Agenda Item:	5.1
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Site:	Banks Farm (Mince Pie Hall) Hollington Road Rocester Staffordshire ST14 5HY
Proposal:	Retention of building used as a central construction office/compound and as part of a green keeping and maintenance hub, and the relocation of a flue which is currently positioned externally to be within the application building

Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by Sherrie Grant

[Hyperlink to Application Details](#)

Application Numbers:	P/2020/01409
Planning Officer:	Lisa Bird/Naomi Perry
Type of Application:	Detailed Planning Application
Applicant:	JCB (Excavators) Ltd
Ward:	Churnet
Ward Member:	Councillor S Sankey
Date Registered:	11-01-2021
Date Expires:	An extension of time has been agreed with the applicant until Friday 28 th May to allow the application be determined by Planning Committee
Reason for being on Agenda	In the public interest due to the impact on a Grade II* heritage asset.
Officer Recommendation	REFUSAL

1. Executive Summary

- 1.1 The application site at Banks Farm (also known as Mince Pie Hall), a Grade II* listed building sits at the eastern perimeter of the JCB golf course which lies to the south west of the village of Rocester, and the JCB World Headquarters, to the south of the hamlet of Stubwood, and to the north of the hamlet of Combridge. The site lies outside any settlement boundary.
- 1.2 This full application relates to the proposed retention of a building used as a central construction office/compound and as part of a green keeping and maintenance hub (to the JCB Golf Course), including the relocation of a flue which is currently positioned externally to be within the application building.

- 1.3 Rocester Parish Council states it wishes to make no comment on the application.
- 1.4 Local residents were notified of the application, a press notice published and a site notice posted. One local resident who comments that it is believed that 22 No. additional personnel will be entering and exiting the site, probably daily and objection is raised unless all this extra traffic, at all times, uses the Station Road Access adjacent to the defunct JCB Club opposite the Factory entrance/exit.
- 1.5 In terms of the acceptability of such a development in (solely) sustainable locational terms, the scheme is considered in principle to comply with the criteria set out in Policies SP1, SP8 and SP15 of the Local Plan for development outside settlement limits. The scheme is also considered to be acceptable in highway safety terms and not to have any significant detrimental impacts on residential amenities in the locality in terms of physical effects or in respect of noise and disturbance. It is also considered that the application scheme does not give rise to any detrimental impacts on biodiversity or materially impacts on flood risk or drainage.
- 1.6 With regard to visual impacts, it is considered that the building does not have a sufficiently detrimental impact on the wider rural locality to warrant a refusal of planning permission on this ground however as outlined in strongly worded terms by Historic England and the Councils Conservation Officer the scheme would negatively impact on the setting of the Grade II* Banks Farm/Mince Pie Hall.
- 1.7 These conclusions are wholly consistent with the justification of this Councils previously instigated actions to serve an enforcement notice to require the removal of the building; which the applicants have appealed against and is to be subject to public inquiry schedule to take place in early June.
- 1.8 The application is therefore recommended for **REFUSAL** of planning permission.
- 1.9 **Members are advised that the above is a brief summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**

Map of the site



2. The site description

2.1 The application site at Banks Farm/Mince Pie Hall sits at the eastern perimeter of the JCB golf course which lies to the south west of the village of Rocester, and the JCB World Headquarters, to the south of the hamlet of Stubwood, and to the north of the hamlet of Combridge.

2.2 The site, which has vehicular access via off Hollington Road, lies outside settlement limits as defined by the adopted Local Plan.

2.3 The immediate vicinity of the site includes other buildings listed below:

- Banks Farmhouse is an early 18th century red brick property with an octagonal three storey crenelated tower (with the appearance of a mince pie from overhead) and is a Grade II* listed building.
- Two single storey brick barns, one of which is “L” shaped which together form a “U” shaped courtyard.
- A Dutch barn building which is located to the east of the courtyard.
- A building to the north of Mince Pie Hall which provides staff accommodation constructed in 2015/2016 pursuant to planning permission P/2015/01035 to replace a former barn building which was demolished.

2.4 The site also includes external areas.

The application site is situated in Flood Zone 1.

3. Planning History

3.1 There is a detailed planning history for the site set out below:

Golf Course Site

3.2 In July 2014 an application for full planning permission ref: **P/2014/00228** was approved for the JCB golf course which comprised the following main elements:

- Construction of an 18 hole course and associated practice facilities on the site including attenuation/irrigation lakes and associated landscape, earth works and drainage works
- Restoration of the former Woodseat Hall ruins and extension to infill between the former hall to accommodate the clubhouse and leisure facilities and stewards' accommodation;
- Provision of associated car parking on the site
- Demolition of the steel framed JCB International Training Centre and single storey steel framed storage shed associated with the scrap yard
- Provision of two single storey steel framed agricultural barns in relation to course upkeep.
- Construction of two rain shelters adjacent to golf holes 7 and 17
- Access and egress arrangements to serve the proposed golf course including the formation of a right hand turning lane on the B5030 adjacent to the existing Woodseat Lodge access and improvements to the existing scrap yard entrance/egress on to Hollington Road (C10) together with the extension of the current private access road serving the JCB Arena to link it to the current Hollington Road access.

3.3 Subsequently, separate applications have been submitted for the following proposals related to the development of the golf course site:-

Application ref: P/2016/00423 - Erection of New Gatehouse/Gates off Hollington Road with associated alteration to the internal access road. The application was approved in September 2016.

Application ref: P/2016/00434 - Application under Section 73 for the construction of the golf course and associated facilities without complying with Condition 19 of planning permission ref: P/2014/00228 relating to amended access arrangements; namely that all vehicular access to and from the golf course would be from Hollington Road. The application was approved in September 2016 and included an additional condition requiring a Traffic Management and Monitoring Plan to be put in place for a period of at least five years after the golf course opening (with provision for mitigation if necessary).

Application ref: P/2017/00256 - Erection of golf practice range building (the 'Academy'). Approved in May 2017 (and superseding an original approval in May 2016 under **application ref: P/2016/00166**). The 'Academy' has now been constructed. A condition of the approval requires that the building be used as an ancillary facility to the golf course and not as an independent use.

Application ref: P/2018/00232 - Erection (respectively) of interim golf clubhouse building as an extension to the 'Academy.' Approved in February 2019 subject to

a Unilateral Undertaking. A condition of the approval requires that the building be used as an ancillary facility to the golf course and not as an independent use.

- 3.4 Further to the 2014 approval for the golf course, various applications have also been approved under officer delegated powers to discharge pre-commencement conditions of the original golf course scheme (approved under application ref: P/2014/00228). These applications include the access/egress arrangements in respect of the Hollington Road junction (under condition 13) and the construction details in relation to the formation of the new access road off B5030 road (under condition 19); although this provision no longer forms part of scheme having been superseded by the approval of application ref: P/2016/00434. An application has been approved for the division of footpaths which run across the new golf course including the public right of way (Footpath 27) running south from Hollington Road (adjacent to the new access/aggress road to serve the golf course).
- 3.5 The discharge of condition submissions reflected the timings of the four stage phasing plan for the construction the golf course envisage and agreed in 2014. Phases 1 – 3 have been completed with the construction and opening of the golf course (also now complete).
- 3.6 Phase 4 comprised the proposed provision of the club house/hotel/leisure facilities at Woodseat Hall, although given that it has not been progressed to date and an interim golf course clubhouse was constructed (under planning permission **ref: P/2018/00232**) to serve the course upon its opening. In turn full planning permission was approved in April 2019 (under application **ref: P/2018/00846**) scheme the erection of 10 No. four. bedroomed Golf Lodges to provide (overnight) visitor accommodation and the conversion and alterations to front elevation of Pinewood Cottage to provide golf course related office accommodation, meeting room, locker rooms and store along with the provision of associated vehicular access, parking facilities and landscaping.

Application Site (Banks Farm/Mince Pie Hall)

- 3.7 In 2012, applications for planning permission and listed building consent (**refs: P/2012/00023 and LBC 2012/00024**) were submitted for the conversion of Banks Farm(house)/Mince Pie Hall and for an the extension of an outbuilding to provide 25 No. accommodation units along with the demolition of two steel agricultural outbuildings. Subsequently, in 2015 approvals (under refs: P/2015/01034 and P/2015/01035) were given which revised the 2012 scheme with the repairs and conversion work to the principal listed building being under taken and completed.
- 3.8 In 2015 applications for planning permission and listed building consent (refs: 2015/01324 and P/2015/01325) were approved for the demolition of the barn and fuel store to facilitate the erection of a replacement accommodation block. This outbuilding was formerly to have been extended and converted as part of the previous 2012 permission. These works have been completed.
- 3.9 In 2016 applications for planning permission and listed building consent (refs: **P/2016/00436** and **P/2016/00368** respectively) were submitted for the provision of a greenkeeper's barn within the courtyard area to Banks Farm/Mince Pie Hall and for the associated alteration and part demolition of the adjacent outbuildings. The applications were withdrawn by the applicants further to them

being advised that Historic England had raise objection to both the principle of the loss of existing curtilage buildings, and the detrimental impact the proposed new structure within the courtyard would have on the Grade II* listed building and its setting.

- 3.10 In 2018 it came to light that the building the subject of this current application had been erected at the site without the benefit of planning permission. The applicant indicated that the building works were undertaken in 2017.
- 3.11 An Enforcement Notice was served on 28 May 2019 to require the removal of the building on the basis that it caused substantial harm to the heritage asset. The notice was to have come into effect on 1 July 2019, however, in June 2019 an appeal was submitted by the applicants against the enforcement notice.
- 3.12 The Enforcement inquiry was originally scheduled to take place in January 2021 but was postponed to early June 2021 to allow for the required number of hearing days.

4. The proposal

- 4.1 This full application relates to the proposed retention of building used as a central construction office/compound and as part of a green keeping and maintenance hub associated with the JCB Golf Course, including the relocation of a flue which is currently positioned externally to be within the application building. The applicant has specified that the role of the Building is both temporary in terms the construction of the remaining phases of the golf course and country club and permanent as part of the green keeping and maintenance hub at the Site.
- 4.2 The building comprises a steel portal frame, single span workshop and project office, with concrete floors and clad in Kingspan metal sheeting.
- 4.3 The building is 5.6 high, 18.0m by 19.5m and accessed via a roller shutter door and a pedestrian door to the south-west elevation together with a further pedestrian door to the east elevation.
- 4.4 Since the submission of this application officers became aware of an unauthorised flue or extract system which had been attached to both the application building and one of the protected historic agricultural buildings, linking the two together via this equipment. Whilst the applicants did offer to add the equipment into this application it was highlighted that listed building consent would also be required owing to the connection with the protected agricultural buildings. No such application was forthcoming and following further discussion with the applicant the application description was amended to refer to the relocation of the flue. It therefore should be noted that the assessment of the proposal, including responses of consultees set out in this report is made on the basis that the retention of flue on the outside of the building does not form part of the proposal.

List of supporting documentation

- 4.5 The following documents have been provided as part of the application:
 - Location Plan

- Site Layout Plan
- Elevations of building
- Roof Plan of building
- Plan showing Existing Flue Location
- Plan showing Proposed Flue Location
- Planning Statement
- Design and Access Statement
- Planning Statement
- Heritage Assessment
- Archaeological Heritage Statement
- Site Location and Landscape Character Classification

4.6 The relevant findings of these documents are also dealt with in section 8 onwards below.

5. Consultation responses and representations

5.1 A summary of the consultation responses on the submissions are set out below:

Statutory and non statutory consultees		Response to Submissions
5.2	Rocester Parish Council	State they “have no comments to make on the submissions.”
5.3	Historic England	<p>Comment as follows:</p> <p>Summary</p> <p>In 2016, Historic England and your authority, advised the applicant that the erection of a large building within the courtyard area would cause harm to the significance of this nationally important Grade II* listed building and its setting. We are therefore deeply disappointed that such a structure was subsequently erected without the necessary consents.</p> <p>Having considered the current application, in our view no clear and convincing justification has been provided for the need for this building in this specific location, or that a less harmful solution could not be found. Furthermore, it is unclear how this scheme would deliver public benefits that would outweigh the harm caused to this extremely important heritage asset.</p> <p>Historic England therefore considers that the proposals do not satisfy national guidance, and objects to this application. We would urge that all action be undertaken to ensure the removal of the current unauthorized structure as a matter of urgency.</p> <p>Historic England Advice</p>

	<p>As you will be aware Banks Farm, (also known as Mince Pie Hall), is a nationally designated Grade II* listed building. Only 5.8% of all listed buildings in England are considered worthy of such a high grading, and this reflects its considerable historic importance.</p> <p>Whilst its original purpose is unclear, this eye-catching property with its unusual design and bold octagonal three storey tower, would have been a commanding presence since the early 18th century set above the surrounding countryside</p> <p>However, in addition to its obvious architectural interest, the site also retains the layout and outbuildings of its use as a historic farmstead. Traditionally arranged around a central courtyard or foldyard, despite some alterations, these 19th century structures retain much of their historic fabric and character. As such they contribute strongly to our understanding and appreciation of the development and evolution of this important Grade II* listed complex of buildings.</p> <p>Policy Guidance: As you are aware, the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that local authorities have special regard to the preservation of listed buildings or their settings or any features of special architectural or historic interest which it possesses.</p> <p>The National Planning Policy Framework emphasises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Furthermore, when determining applications local authorities should identify and assess the significance of a heritage asset in order to assess the impact of the proposals, to avoid or minimise any conflict.</p> <p>The NPPF also requires that any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting), be clearly and convincingly justified. Where harm would occur the NPPF states clearly that this should be weighed against public benefits.</p> <p>In addition, the Framework highlights that considerable importance should be attached to good design, stating that developments should be visually attractive as a result of good architecture; sympathetic to local character and history, including the surrounding built environment; and establish and maintain a strong sense of place. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.</p>
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Background:

As you will be aware, in 2016 Historic England was consulted on proposals for the creation of a greenkeeper's barn within the courtyard of Banks Farm (Application Nos P/2016/00436 & P/2016/00368), and the associated alteration and part demolition of the adjacent outbuildings. In order to better understand the impact of the proposals on the significance of the listed building and its setting, we attended a site meeting with the applicant and the local authority. During those discussions, and our subsequent consultation response to the local authority (dated 14 April 2016 our ref: L00506114), we stated that we were greatly concerned by both the principle of the loss of existing curtilage buildings, and the detrimental impact such a large new structure within the courtyard would have on the Grade II* listed building and its setting.

We are therefore greatly disappointed that despite being aware of Historic England, and the local authority's fundamental concerns, the applicant chose to erect a building within the courtyard without the necessary planning consent.

Current Application:

We note that the Heritage Statement indicates that limited information is available regarding the original ownership and function of Banks Farm. We also note the observation that the building's unusual design, and strong architectural relationship with the surrounding landscape, may indicate that it was not originally built as a farm. There is also the suggestion that the greatest interest of the building is in its architecture.

Whilst we would agree that this is certainly a very important element, in our view the significance of Banks Farm is not solely dependent on its architectural interest; rather it is the way the buildings and site have collectively been shaped over time by the people and activities that have taken place.

With regard to its use as a farm, although unfortunately not included in the current submission, we are aware of an Estate Map of 1853 included with the previous application reference: P/2014/00228. That map not only refers to the application site as Banks *Farm*, but also clearly shows several outbuildings arranged around a central courtyard or foldyard. As such the site has been used for farming purposes from at least the middle, and potentially the early, 19th century.

It is therefore clear that whilst the principal building may, or

	<p>may not, have originally been constructed as a farm, it was used as such from a relatively early date. Furthermore, this historic plan form and the associated agricultural buildings are still largely present today. As such this is an integral part of the site's historic development and makes a considerable positive contribution to its overall significance.</p> <p>As would be expected of traditional working farm buildings, the existing structures are relatively modest architecturally. However, this in no way diminishes their historic value. Furthermore, this simplicity of design, narrow footprint and the use of traditional materials produces a harmonious unity, that complements and sits comfortably alongside the principal house.</p> <p>Impact of the Proposals</p> <p>In our view the new building is a harmful intrusion into this historic complex of buildings. By occupying the majority of the courtyard it obscures the 19th century layout and, as identified within the Heritage Statement, disrupts the appreciation of the existing historic buildings and spaces.</p> <p>This harmful impact is further compounded by the excessive bulk and unsympathetic materials of the new structure. Unduly strident and jarringly incongruous it dominates and overwhelms the surrounding more modest traditional outbuildings. Whilst we note that various images have been provided looking towards the site from the surrounding landscape, few show the impact of the new building from within the farmstead. As you are aware the main entrance to the house is from the north, as such the new structure is an extremely prominent and highly visible addition to this modest complex of buildings.</p> <p>In our view the new structure undoubtedly causes serious harm to the significance of this Grade II* listed heritage asset. As such there is a requirement within the NPPF that this harm should be weighed against public benefits. We would emphasise that this is a high bar.</p> <p>Clearly it is the role of the local authority to determine whether a clear and convincing case has been made. However, having considered the submitted Planning Statement, whilst we note the benefits to the applicant's business, we are unclear as to the extent of the wider public benefits of this building.</p> <p>Finally, the Planning Statement repeatedly asserts that no alternative locations exist for such a building. However, it does not in our view thoroughly explain why the alternative locations suggested by your authority are not appropriate. Nor does it clearly demonstrate why, even if somewhat</p>
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		<p>less efficient, the use could not realistically be separated across two or more sites.</p> <p>In our discussions in 2016 we highlighted the areas to the north and north east of the application site (outside the courtyard) where there is the potential for additional, carefully designed structures well screened by landscaping. These areas are still available for development. We also understand from your authority that the JCB archive is still in situ at the application site. In our previous discussions we advocated its relocation to one of JCB's numerous other sites, in order to provide additional space within the existing buildings. It is unclear from the Planning Statement why this has not been pursued further.</p> <p>Recommendation</p> <p>Historic England objects to the application on heritage grounds.</p> <p>Having considered the submitted information Historic England is of the view that the construction office/green keeping/maintenance hub causes serious harm to the significance of the Grade II* listed Banks Farm and its setting. In our view no clear and convincing justification has been provided for the need for this building in this specific location, or that a less harmful solution could not be found. Furthermore, the public benefits put forward are unclear, when weighed against the obvious harm caused to this extremely important, highly graded, heritage asset.</p> <p>We are therefore of the view that the proposals do not satisfy the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act, or the National Planning Policy Framework.</p> <p>Historic England therefore objects to the proposals, and requests that all action be undertaken to ensure the removal of this building as a matter of urgency.</p>
5.4	ESBC Conservation Officer	<p>Comments as follows:-</p> <p>Without prejudicing my judgement in considering this application the council has already considered this building to be sufficiently objectionable in terms of its impacts upon the setting of nearby listed buildings that it has undertaken formal enforcement action requiring the building to be removed. The application has been submitted partway through an appeal process against the enforcement notice made by the appellant.</p>

	<p>I have carefully considered the information submitted in support of the application.</p> <p>The site consists of a grade II* listed building and associated agricultural complex. The heritage statement concedes that the agricultural outbuildings on 3 sides of the courtyard are protected as 'part of' the grade II* listed farmhouse via the provision within section 1(5)b of the Planning (Listed Buildings and Conservation Areas) Act 1990 (described as 'curtilage listed' within the heritage statement). The site sits towards the eastern edge of land developed as a golf course by JCB partly as a perk for visiting clients but also with intentions to host international golf events and gain advertising from doing so. The investment in the site made by JCB is substantial, but is made as an investment with anticipation of return. The 4th side of the courtyard - that to the north of the house on the west side of the yard was previously made up of a series of pigstyes and more modern lightweight metal clad barn structures, these were replaced c. 2015 by a new range providing accommodation for greenkeepers, this detached structure is not protected via listing owing to its post 1948 construction, however it does serve to continue to provide the space of the yard with a sense of enclosure on 4 sides, retaining its character and scale.</p> <p>The structure subject of the application is positioned within the previously open space of the yard, occupying much of the previously open space. Images provided within the design and access statement show the space of the courtyard prior to the construction of the application building showing how it was possible to appreciate the various buildings and their relationships across the yard, and how even the c. 2015 accommodation building achieves a character reasonably in keeping with the wider complex, certainly avoiding any directly harmful impacts on their character, setting and relationship back to the principal listed building.</p> <p>The new structure sits within the yard c. 1.5 metres from its northern, eastern and southern ranges, allowing a relatively narrow access way to be maintained around 3 sides of the building. On the west side there is a larger open area addressing towards the modern accommodation range. It is no longer possible to experience these buildings in the way in which they could be experienced previously and as is shown in the images provided within the design and access statements. The appearance of the buildings allows some functions to be readily identified. One barn has a large opening, now part infilled suggesting a threshing barn, other areas show a repetitive door/window pattern typical of stables. Appreciating the functions of these various buildings, their arrangement and</p>
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	<p>the potential use of the yard which they enclose and shelter is a substantial component of understanding the significance of Banks Farm as a former farmhouse.</p> <p>It has been suggested that the outer elevations remain accessible and visible, however as is often with agricultural courtyards these buildings are inward looking, addressing and making functional use of the partly enclosed open space of the yard. Their other elevations lack the patterns of openings and features which allow such easy consideration of their former functions. Whilst the courtyard elevations can be seen up close via the narrow walkways around the new building this does not amount to the same experience as being able to appreciate the buildings together as part of a composition.</p> <p>In the heritage statement Dr Barker-Mills confirms his view (2.11) that this complex has a formal courtyard arrangement, both as a result of its form and the narrow date range across which its buildings were constructed. More formal arrangements tend to be the result of at least some degree of planning rather than an amalgamation of structures which grows up over time. The house itself is earlier than the agricultural buildings, possibly by as little as 50 years. There is no known construction date for Banks Farmhouse but its style would not preclude a date as late as 1750, and as explained below there is little about the agricultural buildings which obliges them to be later than 1800. There is also nothing to demonstrate that the current agricultural buildings did not replace earlier agricultural buildings on the site.</p> <p>The heritage statement suggests that the agricultural buildings are mid-19th century in date. The archaeological assessment is produced by the same author as previous archaeological assessments submitted for developments on this site, but omits an 1853 Estate Map which had been included in previous documents. This map shows that Banks Farm and its courtyard already existed at that date. The arguments relating to construction demonstrating a mid-19th century date are elaborated upon in Dr Barker-Mills appeal evidence in which he highlights use of iron reinforcement and machine sawn timbers as clear evidence in support of this. However I would highlight that this site is located just 20 miles or so from the heart of the early Industrial Revolution in the Derwent Valley, where the Arkwright family had established water driven mechanical sawmills as early as the 1760's (https://historicengland.org.uk/listing/the-list/list-entry/1277985) as well as incorporating iron into mill construction as a fire precaution measure (c. 1796 for Ditherington Flax Mill, Shrewsbury, as a fully metal framed construction, Belper North Mill 1804). The presence of</p>
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	<p>machine sawn timber and iron reinforcement in an area surrounded by the heartlands of the early industrial revolution in no way precludes an early 19th century date for these buildings, although the presence of ridge beams does make dates pre 1800 increasingly unlikely.</p> <p>Banks farm has, effectively, two characters. It has an architecturally grand appearance in the wider landscape on its outward facing elevations, but it also has a functional character as a historic farming complex at the rear and within the inward looking buildings enclosing its former open yard. These elements are both substantial parts of the special significance of the building - effectively "how it was used" and "how it looks", neither one can be fully appreciated and understood without the other.</p> <p>The construction of a building almost filling the yard has fundamentally changed the nature of that space from a sheltered, but open, space which could be used for agricultural activities linked to the buildings enclosing it, to a space dominated by a large modern metal clad building which prohibits views between the historic buildings and prevents appreciation of the yard as a functional open space in its own right. The structure is not only incongruous in and of itself but it also prevents appreciation of the inter-relationship of the buildings around it and the nature of the space which it occupies.</p> <p>Design and materials reference a universal (nay 'global') corporate standard (D&A page 7/9). I am uncertain as to whether any other JCB sites play host so intimately (literally less than 2 metres away from historic fabric, and physically intervening in space between parts of the listed building) to a grade II* listed structure, or whatever similar designations may exist in foreign examples, but it would be my view that any corporate standard approach is highly unlikely to be inherently compatible with a highly significant heritage context - the need to consider specific site sensitivities appears to have been overlooked in favour of a standardised approach and mention of a corporate standard approach seems only to highlight that there was no special consideration given in developing this structure when it was being planned.</p> <p>The heritage statement ultimately concludes that the construction of this building is harmful to the special architectural and historic significance of Banks Farm as a grade II* listed building. This represents a failure to preserve that special significance and engages a 'strong and statutory' presumption against granting planning permission via section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>
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	<p>In addition since the submission of this application ESBC has become aware of an unauthorised flue or extract system which has been attached to both the application building and one of the protected historic agricultural buildings, linking the two together via this equipment. Whilst the applicants did offer to add the equipment into this application it was highlighted that listed building consent would also be required owing to the connection with the protected agricultural buildings. No such application has been forthcoming and we have had no explanation, to my knowledge, as to what this piece of equipment is, why it is necessary or why it was installed on a listed building without the necessary consents in place in advance.</p> <p>In considering proposals which result in harm to the settings of listed buildings it is legitimate to consider whether any benefits which a proposal brings might be secured via alternative means which either avoid harm, or result in less harm. It should be noted that 'curtilage listed buildings' and protected as 'part of' the principal listed building as worded in the 1990 Act. The previously open courtyard in not simply part of the wider landscape surroundings within which the listed building is experienced, it is a historic working space surround by parts of the listed building which address inwards towards it.</p> <p>I have considered briefly the landscape assessment presented. I am not a landscape expert but the conclusion ultimately appears to be simply than alternative locations would have a greater impact on the landscape than the existing building does. The existing building is in a location reasonably well (but not entirely) hidden from external viewpoints outside of the yard itself. As such the conclusion states that alternatives are less well hidden and as such would have more impact, but without ever quantifying what that harm would amount to. Whilst I do not question the logic of this position it does not amount to a demonstration that the harm on landscape ground from alternative sites would be of similar significance to the very real harm to the significance of a highly graded listed building arising from the current building. Perhaps the important point here is that none of the surrounding landscape is subject to any formal protection as designated landscape.</p> <p>To the extent that the building has a functional character typical of the kind seen in agricultural contexts, and as there are locations where existing similar buildings are already visible I am not at all convinced that this suggested increased impact would amount to something catastrophic in landscape terms, again the important point is that</p>
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		<p>although 'modern' agricultural buildings appear to support Banks Farm in its agricultural role in the 20th century these were exclusively outside of the courtyard area to the east and north, and examples such as the Dutch barn to the east and the building now used as an 'archive' to the north still exist.</p> <p>The threshold for 'substantial harm' is deliberately set high, however the NPPF does confirm that harm to setting alone can be substantial. In this case I am minded to conclude that, although a case can be made for substantial harm I would be more comfortable in concluding that the proposal results in a high degree of 'less than substantial harm', and at that harm which it has not been adequately demonstrated could be entirely avoided, or very significantly reduced, via delivery on alternative sites.</p>
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Neighbour response(s)

- 5.5 Neighbours were notified of the application as originally submitted and a press notice published and a site notice posted. One local resident made representations and comments that it is believed that 22 No. additional personnel will be entering and exiting the site, probably daily and objection is raised unless all this extra traffic, at all times, uses the Station Road Access adjacent to the defunct JCB Club opposite the Factory entrance/exit.

6. Policy Framework

National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

Local Plan

- SP1: East Staffordshire Approach to Sustainable Development
- SP8 Development Outside Settlement Boundaries
- SP14 Rural Economy
- SP15 Tourism, culture and leisure development
- SP24 High Quality Design
- SP25 Historic Environment
- SP27 Climate Change, Water Body Management and Flooding
- SP29 Biodiversity and Geodiversity
- SP35 Accessibility and Sustainable Transport
- DP1 Design of New Development
- DP5 Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and archaeology
- DP6: Protecting the Historic Environment
- DP7 Pollution and Contamination

Supplementary Planning Documents/Guidance

- East Staffordshire Design Guide
- Car Parking Guide SPD

7. Assessment

7.1 It is considered that the key issues relevant to the determination of this application are as follows:-

- Principle of the Development
- Highway Safety Implications
- Impact on Residential Amenities
- Impact on Heritage Assets/Impacts on Visual Amenities

8. Principle of Development

8.1 Paragraph 11 of the National Planning Policy Framework (in the updated version of February 2019) states that the starting point for determining planning applications is the Development Plan.

8.2 Annex 1 of the NPPF goes on to state that 'existing policies should not be considered out of date simply because they were adopted or made prior to the publication of the Framework (February 2019). Due weight should be given to them, according their degree of consistency with the NPPF. The closer the policies in the plan to policies in the framework, the greater the weight that may be given'.

9. Local Plan

9.1 The policies in the plan provide a clear framework to guide sustainable growth and the management of change, thereby following the Government's presumption in favour of sustainable development.

9.2 Strategic Policy 1 sets out the East Staffordshire Approach to Sustainable Development. Principles listed in the policy include social, environmental and economic considerations to be taken into account in all decision making where relevant. The principles are:

- located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of open countryside;
- it is convenient and safe to walk, cycle and travel by public transport between (and for larger sites, around) the site and existing homes, workplaces, shops, education, health, recreation, leisure, and community facilities and between any new on-site provision;
- retains, enhances, expands and connects existing green infrastructure assets into networks within the site and within the wider landscape;
- re-uses existing buildings where this is practicable and desirable in terms of the contribution the buildings make to their setting
- integrated with the character of the landscape and townscape, provides for archaeological investigation where this is appropriate and conserves and

- enhances buildings of heritage importance, setting and historic landscape character;
 - designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping;
 - high quality design which incorporates energy efficient considerations and renewable energy technologies;
 - developed without incurring unacceptable flood risk or drainage problems and uses Sustainable Drainage Systems (SUDS) where appropriate;
 - does not harm biodiversity, but rather enhances it wherever possible, including increasing tree-cover, especially as part of the National Forest;
 - creates well designed and located publicly accessible open space;
 - would demonstrably help to support the viability of local facilities, businesses and the local community or where new development attracts new businesses and facilities to an area this does not harm the viability of existing local facilities or businesses;
 - would contribute towards the creation of sustainable communities through the provision of a mix of housing types and tenures;
 - uses locally sourced, sustainable or recycled construction materials (including wood products from the National Forest where this is appropriate), sustainable waste management practices and minimises construction waste;
 - safeguards the long term capability of best and most versatile agricultural land (Grade 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future; and
 - would result in the removal of contamination and other environmental problems associated with the site.
- 9.3 Strategic Policy 8 provides guidance and criteria on how to deal with development in the countryside and is relevant in this case. This policy states that outside development boundaries, which applies in this case, that planning permission will not be granted unless:
- essential to the support and viability of an existing lawful business or the relation 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; or
 - providing facilities for the use of the general public or local community close to an existing settlement which is reasonably accessible on foot, by bicycles or by public transport; or
 - in accordance with a 'made' Neighbourhood Plan; or
 - development under the Rural Exception Sites policy
 - Appropriate re-use of Rural Buildings following guidance set out in the Rural Buildings SPD; or
 - Infrastructure development where an overriding need for the development to be located in the countryside can be demonstrated; or
 - Development necessary to secure a significant improvement to the landscape or the conservation of a feature of acknowledged importance; or
 - Provision for renewable energy generation, of a scale and design appropriate to its location
 - Otherwise appropriate in the countryside

- 9.4 Where any scheme is considered acceptable in principle by the initial set of criteria in Policy SP8, it must meet the supplementary criteria for assessment amongst which are the visual impacts (see Section 13 below).
- 9.5 Policy SP14 relates to employment development in rural areas and provides that “Permission will be given for new employment development outside strategic or local service villages and rural industrial estates if it meets the criteria of Strategic Policy 8, or there are exceptional reasons why it cannot be located in these villages or in established urban employment locations.” SP14 also requires the applicants to “investigate the viability and suitability of re-using redundant buildings on-site and demonstrate to the Council that none are viable or suitable”.
- 9.6 Policy SP15 of the Local Plan relates to Tourism, Culture and Leisure Development and advises that the Borough Council will support new tourism and cultural developments providing they respect the character and quality of the landscape, champion exemplar design, make positive use of the natural assets of the Borough, and do not affect local transport infrastructure or residential amenity.
- 9.7 The applicant has provided supporting information to justify the building and demonstrate the public benefits of the scheme, summarised below:
- *The golf course and country club is attracting recognition as a top class golf course already being ranked in the top 50 golf courses in England. As the remaining phases of the golf course and country club are completed and the course matures it is anticipated that it will become one of the very top facilities in the country.*
 - *JCB are seeking to secure a leading professional tour event at the course within the next few years bringing economic and tourism benefits for the wider area and economy through job creation, the supply chain and through tourism. As a necessary component of the golf course and country club, the application building contributes to the delivery of wider economic and tourist benefits.*
 - *The siting of the green keeping and maintenance facilities at the Site is not only the only feasible location, it is also the optimum location for the golf course and country club as it provides all the green keeping and maintenance facilities (including the staff accommodation) in one location which is in close proximity to the golf course and therefore easily accessible and is sited away from the “customer facing” aspects of the golf course thereby not detracting from the golf facility and customer experience through the noise and associated disturbance involved in the day to day green keeping and maintenance operations;*
 - *The application building is visually contained and relocating it elsewhere within the golf course would have a greater impact on landscape character and appearance. From a landscape and visual impact perspective the siting of the Subject Building represents a preferred option.*
 - *JCB has invested significantly in repairing the former agricultural buildings at the Site to enable them to be brought back into a beneficial and sustainable use as part of the green keeping and maintenance hub. The beneficial and sustainable use of those buildings is a benefit which results from the green keeping and maintenance hub being located at the Site.*

- *Without the application building, the required green keeping and maintenance facilities could not be accommodated at the Site as the outbuildings are not large enough to accommodate the maintenance/storage and repair facilities in the Subject Building.*
 - *Should it be necessary for the building to be relocated that would also mean the other elements of the green keeping and maintenance facilities at the Site would need to be relocated as splitting the operations would be wholly inefficient and operationally unacceptable. The consequence of relocation would mean that the outbuildings would again become vacant and would raise doubts over their long term maintenance.*
- 9.8 *If the green keeping and maintenance facilities were required to be relocated the only land within the golf course which is not currently developed and necessary for the functioning of the course is the area of phase 4 which is to be developed as the principal clubhouse/hotel/leisure and spa facility and is not available. Further, locating the green keeping and maintenance facilities in that area would occupy a significant proportion of that area and would mean that the principal clubhouse/hotel/leisure and spa facilities could not be delivered.*
- 9.9 The applicant has also set out that the surrounding outbuildings and areas are used for the following:
- *Courtyard buildings are used to store materials and hand tool storage as well as staff meeting/welfare facilities;*
 - *the Dutch Barn stores maintenance equipment, outfield granular fertiliser, an 800 litre brewer*
 - *the large area behind the Dutch Barn is used to store large tractors and trailers as well as storage of stockpiles of sand and gravel as part of the hub;*

Assessment

- 9.10 The application scheme involves the retention of a building which is used as a central construction office/compound and as part of a green keeping and maintenance hub. As the building is used in connection to the existing golf course it is considered that in principle the proposal could comply with adopted Local Plan Policies SP1, SP8 and SP15 and the economic and social arms of sustainability as defined by the NPPF. However for reasons set out later in the report the building would cause harm to a Grade II* Listed Building and as such does not promote the distinctive character and quality of the Borough or respect the character of heritage assets. The application is not therefore supported by SP1, SP8 or SP15.
- 9.11 The requirements of SP14 in terms of fully investigating the viability and suitability of re-using redundant buildings on-site have also not been met and the application is therefore not supported by SP15.

10. Highway Safety Implications.

- 10.1 The NPPF sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives.

Decisions should ensure development proposals have taken the opportunities for sustainable transport modes and to ensure safe and suitable access to the site to be achieved for all people. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

- 10.2 Policies SP1 and SP35 of the East Staffordshire Local Plan indicate that new development must ensure appropriate infrastructure is provided to mitigate the adverse effects of development traffic and other environmental and safety impacts.
- 10.3 The Council's parking standards SPD sets out standards for different uses including space size, accessibility and the quantity of car parking spaces required for different uses.

Assessment

- 10.4 It is considered that the scheme would not give rise to any highway safety concerns given the development utilises an access drive off Hollington Lane. Furthermore, it is considered that sufficient parking facilities are provided to serve the development.
- 10.5 As such the scheme is considered to be compliant with Local Plan Policies SP1 and SP35 and the Council's parking standards SPD

11. Impact on Residential Amenities

- 11.1 Paragraph 127 of the National Planning Policy Framework seeks to ensure new development will not have an adverse impact on the amenities of the occupiers of nearby residential properties. Policy SP1 of the adopted Local Plan indicates that amongst other things that proposals should be designed to protect the amenity of the occupiers of residential properties. Policy DP7 of the adopted Local Plan *inter alia* requires new development not to give rise to unacceptable levels of noise and other pollution (including light pollution).
- 11.2 With regard to the building itself it is not considered there would be any overbearing, overshadowing or overlooking impacts arising.
- 11.3 In relation to potential noise and disturbance issues, it is also considered that the use of the building and the associated car parking facilities and site access would not give rise to levels of nuisance that would impact significantly on any existing residential amenities. It is also considered that the lighting associated with the building is unlikely to give rise to significant levels of light pollution. There would be no contaminated land implications.
- 11.4 Accordingly, it is considered that there would be no significantly detrimental impact to local residential amenities.

12. Impact on Visual Amenities and Heritage Assets

- 12.1 The NPPF expects the creation of high quality buildings and places, which are fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps to make development acceptable to communities. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision maker as a valid reason to object to development.
- 12.2 Policy SP24 of the East Staffordshire Local Plan states that development proposals must contribute positively to the area in which they are proposed and reinforce character and identity through local distinctiveness. Policy DP1 expands upon this aim with specific reference to the design of new development.
- 12.3 Policy SP8 of the Local Plan indicates that proposals falling within one of the categories (deemed as being acceptable in principle as set out previously) will also need to be judged against applicable criteria including the following :
- Proposals do not introduce considerable urban form
 - The detailed siting of the proposed development and its associated environmental impact are compatible with the character of the surrounding area,
 - The design of the buildings, structures and materials are visually well-related to the proposed site and its setting with careful choice of materials, landscaping, massing of buildings and attention to local architecture and roofscape design.
 - Landscaping associated with the proposal takes into account both the immediate impact and distant views of the development.
- 12.4 The Local Plan policies are supplemented by the East Staffordshire Design Guide.
- 12.5 Paragraph 184 of the NPPF states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 12.6 In determining planning applications with respect to any building or other land in a conservation area, local planning authorities are under a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 12.7 With regard to the Section 72 duty referred to above, case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning

authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

- 12.8 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 12.9 Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. The Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Again, as for the Section 72 duty referred to above, case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.
- 12.10 It should be noted that 'curtilage listed buildings' are protected as 'part of' the principal listed building as worded in the 1990 Act.
- 12.11 Policy DP5 of the Local Plan states that development which protects the character and setting of listed buildings and conservation areas will be permitted. Strategic Policy 25 of the Local Plan indicates amongst other things that development proposals should protect, conserve and enhance heritage assets and their settings, taking account of their significance, as well as the distinctive character of the Borough's townscapes and landscapes. Such heritage assets may consist of undesignated and designated assets including conservation areas, listed buildings, scheduled monuments, archaeological sites, registered parks and gardens and historic landscapes which contribute to the Borough's historic environment and local distinctiveness.

Assessment

- 12.12 The application site is not located within a statutory or non-statutory landscape designated area. In landscape visual impact terms the building is located within the courtyard of existing buildings and is reasonably well hidden, although not entirely, from external viewpoints outside the yard itself. As a result it is not considered that a refusal on landscape or visual impact terms would be justified.
- 12.13 However when determining landscape impacts in full the historic landscape setting must also be considered.
- 12.14 As set out Banks Farm is a grade II* Listed building. The grading of listed buildings leaves the vast majority – some 91.7% - listed at the lowest of the three grades (grade II). As such the fact of being grade II* listed immediately places Banks Farm into the top 10% of the buildings selected for listing by virtue of their special architectural and historic interest to the nation.

- 12.15 As set out in the Conservation Officer's response Banks Farm has an architecturally grand appearance in the wider landscape on its outward facing elevations as well as a functional character as a historic farming complex at the rear and within the inward looking buildings enclosing its former open yard. These elements are both substantial parts of the special significance of the building - effectively "how it was used" and "how it looks", neither one can be fully appreciated and understood without the other.
- 12.16 The construction of a building almost filling the yard has fundamentally changed the nature of that space from a sheltered, but open, space which could be used for agricultural activities linked to the buildings enclosing it, to a space dominated by a large modern metal clad building which prohibits views between the historic buildings and prevents appreciation of the yard as a functional open space in its own right. The structure is not only incongruous in and of itself but it also prevents appreciation of the inter-relationship of the buildings around it and the nature of the space which it occupies.
- 12.17 The previously open courtyard is not simply part of the wider landscape surroundings within which the listed building is experienced, it is a historic working space surround by parts of the listed building which address inwards towards it.
- 12.18 The building isn't dissimilar to modern portal framed agricultural buildings and is considered appropriate for its use however it should be noted that the way in which the farm complex had developed over time clearly avoided placing such buildings inside the courtyard, instead such modern structures were preferentially positioned outside of the yard and away from the farmhouse to the north and northeast, in areas free from development today and apparently still available for a building of this size. Scale, materials, form, bulk, massing, proximity all are alien to the intimate historic space formed by the yard of farmhouse and outbuildings with seemingly little effort to design a structure appropriate to this location even if the principle of a building within the yard was to be considered appropriate.
- 12.19 The building represents a significant intrusion into the intervening space between a listed building and outbuildings which make a strong positive contribution to its significance.
- 12.20 In conclusion, the building is located in a position such that it causes harm to the setting of a grade II* listed building by significantly diminishing the visual relationship between the principal listed building and other structures.
- 12.21 Whilst the concluding comments from the Conservation Officer regarding the level of harm are noted, it is clear from the full assessment of the proposal including the comments from Historic England and the high threshold set in the NPPF for which harm to the setting of a Listed Building alone can be substantial, there is a strong case for concluding the level of harm is substantial.
- 12.22 In considering proposals which result in harm to the settings of listed buildings it is legitimate to consider whether any benefits which a proposal brings might be secured via alternative means which either avoid harm, or result in less harm. It is also legitimate to consider whether the harm identified is necessary to achieve substantial public benefits.

- 12.23 Whilst there may be operational benefits to the maintenance and management of the golf course by locating the building in its current location these are not considered to be public benefits of significant weight.
- 12.24 The role of the golf course in relation to the business of JCB, a significant employer in the Borough is noted and the economic benefits this brings as a whole should be given some weight as a public benefit. However the value of the building in question is not quantified and therefore as a public benefit can only be given very limited weight. The building could be located elsewhere within the site to have the same economic benefits and no, or reduced, harm on the Listed Building.
- 12.25 The aspirations of the golf course are recognised as are the applicants narrative of the previous planning permissions, alterations and potential future planning submissions, however it is not considered these aspirations or intentions rely solely on the application building being retained.
- 12.26 The applicant considers that the beneficial and sustainable use of the surrounding buildings is a benefit which results from the green keeping and maintenance hub being located at the site. However the proposals for which planning permission exists always envisaged the greenkeeping store located remotely from these buildings and therefore it does not follow that the beneficial use hinges on the presence of this building.
- 12.27 The applicant has described why other buildings and locations (which do or not have planning permission) are not considered suitable and officers do not necessarily dispute these views however it remains the case that alternative locations for a building of this scale and design are likely to exist which would not have such a serious adverse impact upon the significance of a grade II* listed building.
- 12.28 In relation to the applicant's view that other locations would have more harmful visual impacts no assessment has been provided to support this view.
- 12.29 Finally the enjoyment of the golf course users is not considered to amount to a public benefit in itself.
- 12.30 Furthermore, it has not been demonstrated that the substantial harm is necessary to allow reasonable enjoyment of the golf course in any event.
- 12.31 It is concluded that very significant weight should be given to the harm caused by the application building to Banks Farm. This harm is not outweighed by the very limited public benefits provided by the building, neither is it convincingly demonstrated that the facility which the building provides could not be delivered elsewhere. The harm could not be overcome through the use of planning conditions.

13. Biodiversity Impacts/Impact on Protected Species

- 13.1 Paragraph 175 of the National Planning Policy Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.

- 13.2 The Natural Environment and Rural Communities Act 2006 states that public authorities in England have a duty to have regard to conserving biodiversity as part of policy or decision making
- 13.3 Strategic Policy 29 of the Local Plan lists criteria including development needing to retain features of biological interest to produce a net gain in biodiversity in line with Staffordshire biodiversity action plan species and supporting developments with multi-functional benefits.

Assessment

- 13.4 The building occupies the courtyard area of existing buildings which remain in situ. As such is concluded, that the issue of potential impacts on protected species and biodiversity on the scheme has been appropriately addressed.

14. Flood Risk and Drainage

- 14.1 Section 14 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.
- 14.2 Strategic Policy 27 expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground via infiltration techniques, limit surface water discharge to the greenfield run-off rate and protect and enhance wildlife habitats, heritage assets, existing open space, amenity areas and landscape value.

Assessment

- 14.3 The application site is situated in Flood Zone 1 and thus the scheme has no material impacts on flood risk. The foul and surface water systems are commensurate to serve the building erected.
- 14.4 It is therefore concluded that scheme would meet the necessary technical requirements in terms of flood risk and drainage.

15. Conclusions

- 15.1 **That PLANNING PERMISSION BE REFUSED on the following ground:**

The proposal causes substantial harm to the significance of the Grade II* listed Banks Farm and its setting. Given the importance of Banks Farm as a Grade II* listed building and the degree of harm caused the building fails to meet SP25's requirement to "protect, conserve and enhance heritage assets and their settings" and "demonstrate how harm can be effectively and justifiably mitigated". As such, the appeal building conflicts significantly with SP25 of the East Staffordshire Local Plan and Section 16 of the NPPF.

Informatives

1. Standard Engagement note to applicants.

Background papers

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

- The Local and National Planning policies outlined above in Section 7
- Banks Farm/Mince Pie Hall**
- Papers on the Planning Application file reference P/2012/00023/JPM
 - Papers on the Listed building consent Application file reference P/2012/00024/JPM
 - Papers on the Planning Application file reference P/2015/01034
 - Papers on the Listed building consent file reference P/2015/01035
 - Papers on the Planning Application file reference P/2015/01324
 - Papers on the Listed building consent file reference P/2015/01325
 - Papers on the Planning Application file reference P/2016/00368
 - Papers on the Listed building consent file reference P/201600436
 - Papers on the Planning Enforcement Notice file and associated appeal documents.

Golf Course Site

- Papers on the Planning Application file reference P/2018/00846
- Papers on the Planning Application file reference P/2018/00232
- Papers on the Planning Application file reference P/2017/00256
- Papers on the Planning Application file reference P/2016/00434 and the associated discharge of condition application files.
- Papers on the Planning Application file reference P/2016/00423
- Papers on the Planning Application file reference P/2016/00166
- Papers on the Planning Application file reference P/2014/00228 and the associated discharge of condition application files.

16. Human Rights Act 1998

16.1 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.

17. Crime and Disorder Implications

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

18. Equalities Act 2010

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

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