

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

14th January 2019

Application No:	HPK/2018/0352	
Location	Broadlow Farm, Longridge Lane, Peak Dale, SK17 8AE	
Proposal	Retrospective permission for erection of precast concrete sectional garden tool shed and timber stable/animal field shelter.	
Applicant	Mr Bentley	
Agent	N/A	
Parish/ward	Limestone Peak	Date registered 17.08.2018
If you have a question about this report please contact: Lisa Howard, Tel. 01538 395400 extension 4923, lisa.howard@highpeak.gov.uk		

1. SUMMARY OF RECOMMENDATION

APPROVE with conditions

1. REASON FOR COMMITTEE DETERMINATION

- 1.1 This application has been brought before the Development Control Committee as a result of an enforcement investigation.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 Broadlow Farm is found to the north east of Longridge Lane and forms one of two dwellings that are accessed via a shared driveway / track. The site occupies an elevated position and comprises a semi detached two storey dwellinghouse with an enclosed garden to the front, side and rear. The neighbouring property, Sweet Water Cottages, adjoins the application site to the west. Open grazing land is found to the north, east and south.
- 2.2 The application site is located within Countryside.

3. DESCRIPTION OF THE PROPOSAL

- 3.1 This application has been submitted following an investigation by the enforcement team. Planning approval is sought retrospectively for the erection of a precast concrete sectional tool shed and a timber stable / animal shelter. The tool shed is positioned to the east of the dwellinghouse and measures 3m in depth, 2.6m in width and 2.1m in height. The stable / animal shelter is positioned adjacent to the tool shed, perpendicular to it. The stable / animal shelter comprises of two separate shelters one being slightly larger than the other. Cumulatively the structure measures 3.8m in depth, 6.2m in width and 2.3m in height.

- 3.2 The animal shelter lies wholly outside of the residential curtilage of the property, whereas the garden tool shed lies partly within the residential curtilage. Both structures are closely associated with the dwelling.
- 3.3 The application, the details attached to it including the plans and the responses of the consultees can be found on the Council's website at:

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=225569>

4. RELEVANT PLANNING HISTORY

There is no planning history relevant to the determination of this application.

5. PLANNING POLICIES RELEVANT TO THE DECISION

High Peak local Plan 2016

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- EQ2 Landscape Character
- EQ3 Rural Development
- EQ6 – Design and Place Making
- CF6 – Accessibility and Transport

National Planning Policy Framework

Paragraph 1 - 14

6. CONSULTATIONS CARRIED OUT

Site notice	Expiry date for comments: 08 November 2018
Neighbour letters	Expiry date for comments: 18 September 2018
Press Notice	N/A

Neighbours

Two representations raising objection have been received from the neighbouring property. The comments raised are detailed as follows:

I object to the positioning of the stables and feed shed as they are unsightly and not in keeping with other agricultural buildings in the area. They are also too close to their septic tank which is frequently overflowing adding a risk to animal welfare. A midden they formed six foot from our back door created excessive smell and horseflies to hover around the door.

Matthew Rhodes from the Environmental Health visited and served a notice to remove the manure which they only moved a few feet away which didn't resolve the problem of the flies. There needs to be a dedicated area made to place manure away from our property, in the feed store which is a precast shed which we have seen vermin around it. The view down the valley has been ruined as we only see the back of these buildings.

I object to the position of the two stables as they are too close to my back door and windows of my house. There is a risk of rats and mince coming out of their stables and precast shed which stores there animal feed.

There is no dedicated area for the manure from the stables.

The stables need to be relocated away from the house with a new area to store animal feed in.

After the hot summer we have had this year the smell and infestation of flies coming from the stables and surrounding area prevented use from having any doors or windows open for ventilation, I consider this a health hazard. This has spoilt the view from our lounge window, as all we can see is the unsightly sheds/stables.

Consultee	Comment	Officer response
Environmental Health	No objection, subject to the following condition: 1. Manure Storage – Animal manure associated with the use of the development shall not be stored within 25 meters of any residential property, or within 50 meters of any private water supply source (spring, borehole head works, etc). Reason:- To protect amenity, with regard to flies and odour; and to protect public health.	
Wormhill and Green Fairfield Parish Council	No objection.	
DCC Highways Authority	No objection subject to the development remaining ancillary to agricultural operations of Broadlow Farm and surrounding tied land only with no future sub-letting or selling off.	

7. POLICY AND PLANNING BALANCE

Planning Policies

7.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.

7.2 Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan currently consists of the High Peak Local Plan Policies Adopted April 2016.

7.3 Other material considerations include the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). Paragraph 11 of the NPPF explains that at the heart of the Framework is the presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the development plan, they should be approved without delay, but where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

7.4 Local Plan policy S1a establishes a presumption in favour of sustainable development as contained within the NPPF.

Principle of Development

7.5 The National Planning Policy Framework outlines the importance of the conservation and enhancement of the natural environment; and, the built and historic environment, including landscapes.

7.6 Local Plan policy EQ3 relates to rural development outside the settlement boundaries and sites allocated for development as defined on the Policies Map. Within these areas the Council will seek to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character, appearance and integrity of the historic and cultural environment and the setting of the Peak District National Park whilst also facilitating sustainable rural community needs, tourism and economic development. Policy EQ3 supports the provision of equestrian development where it does not have an adverse impact upon the character and appearance of the area. Proposals for agricultural related development will also be supported.

7.7 Local plan policy EQ2 relates to landscape character and seeks to protect, enhance and restore the landscape character of the Plan Area for its

own intrinsic beauty and for its benefit to the economic, environmental and social well-being of the Plan Area. This will be achieved by, amongst others, requiring that development proposals are informed by, and are sympathetic to, the distinctive landscape character areas identified in the Landscape Character Supplementary Planning Document (SPD); and, resisting development which would harm or be detrimental to the character of the local and wider landscape or setting.

7.8 In accordance with the Landscape Character SPD the site falls within 'Plateau Pastures', which is characterised as a gently rolling limestone plateau. The landscape is settled, with small hamlets and villages that have historically evolved from agriculture and quarrying. There are also scattered individual buildings with trees around dwellings, separating them from work buildings. The dominant building material is limestone with gritstone detailing. Properties are enclosed by low drystone walls which are valuable in connecting the built form with the wider landscape which is characterised by stone wall field boundaries. In some parts of the area there are non-traditional buildings in the form of rural workers cottages and small scale industry, these are not sympathetic to the landscape or traditional building style.

7.9 The animal shelter is considered to be acceptable in principle being a form of development which Policy EQ3 supports. Although the garden tool shed lies partly outside of the residential curtilage of the dwelling, it is positioned in between the eastern elevation of the property and the animal shelter, having a close and direct association with the dwelling itself. Given the size and scale of the garden tool shed it is considered that it would not extend beyond the curtilage to such a degree as to be visually harmful addition in the countryside. Accordingly it is considered that the principle of development is acceptable subject to design and landscape considerations.

Design and Landscape Impact

7.10 In accordance with policy EQ6 all new development should be well designed and of a high quality that responds positively to the environment. Objection has been raised on the grounds that the buildings are unsightly and spoil views from across the valley.

7.11 The structures are positioned directly to the east of the dwellinghouse and are closely associated to it. Long range views of the structures are read in context of the site as whole, including the neighbouring site which itself comprises of a number of significantly larger agricultural buildings and sheds. In accordance with the identified landscape characteristics outlined in the Landscape Character SPD the site benefits from a small group of trees that are positioned east of the application dwelling and serve to mitigate against any landscape harm. Stabling is a common form of development found within rural areas owing to its purpose and it is therefore not considered that the development appears incongruous in nature.

7.12 The scale and nature of development is not considered to cause detrimental harm to landscape character, particularly when viewed in the

context of Broadlow Farm and Sweet Water Cottages as a whole. As such this application is considered to accord with the Local Plan policies EQ2, EQ3 and EQ6.

Amenity

7.13 Local Plan policy EQ6 requires that development achieves a satisfactory relationship to adjacent development and not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local amenity.

7.14 Objection has been raised in respect of the proximity of a midden relative to the door of the neighbouring property. Objection has also been raised on the grounds of the view from a neighbouring lounge window. Reference has also been made in respect of mice and rats (vermin).

7.15 The shed and animal shelter / stable are positioned no less than 20m to the north east of the affected elevation of the neighbouring dwellinghouse and lounge window. Land falls away to the north east and as such the structures sit on a lower ground level to that of Sweet Water Cottages. Taking this into account in addition to the modest scale of the structures it is not considered that the development leads to unacceptable effects by reason of visual intrusion or overbearing effect.

7.16 At the time of the case officer site visit there was no evidence of the midden referenced in the objection. However, Environmental Health officers have verbally confirmed that they did receive a complaint and the midden was subsequently removed following the issue of a Community Protection Warning Notice. The Environmental Health officer has raised no objection to this application, subject to a condition that requires all manure associated with the use to be stored 25m away from residential dwellings and 50m from a spring or bore hole. This is considered reasonable and in accordance with NPPF paragraph 55.

7.17 Reference has been made to sightings of mice and rats around the area of the structures. Broadlow Farm is a small holding and Sweet Water Cottages is an operational farm. It is not unusual to see mice or rats in such circumstances. Pest control is a matter for Environmental Health, who consider that there are no environmental health grounds to raise objection to the development.

7.18 For the reasons outlined. The impact upon the amenity of the neighbouring property is considered to accord with Local Plan policy EQ6 and the NPPF.

Highway Safety

7.19 The application site is accessed via a single lane shared access track that leads from Longridge Lane. There are no proposals to amend the means of access to the site. Derbyshire County Council Highway Authority has been

consulted on this application and raise no objection subject to a condition that prevents the structures being sub-let or sold off.

Planning Balance & Conclusion

7.20 At the heart of the NPPF is a presumption in favour of sustainable development. In accordance with paragraph 11 of the NPPF, this means that local planning authorities should positively seek opportunities to meet the development needs of their area and approve development proposals that accord with an up-to-date development plan without delay.

7.21 The shed and animal shelter are considered to be of an acceptable design, scale and siting to not lead to significant harm to landscape character. Furthermore, the development is not considered to lead to unacceptable impacts to residential amenity. Subject to appropriately worded conditions in respect of the positioning of the associated manure heap and the use of the structures being restricted to private use only, this application is considered to accord with the policies contained in the High Peak Local Plan 2016, the National Planning Policy Framework and Landscape Character SPD; accordingly it is recommended that planning permission be granted.

8. RECOMMENDATIONS

A. APPROVE, subject to the following conditions;

Condition number	Brief description	Comment
NSTD	Manure Storage – Animal manure associated with the use of the development shall not be stored within 25 meters of any residential property, or within 50 meters of any private water supply source	
NSTD	The development shall remain ancillary to the operations of Broadlow Farm and surrounding tied land only with no future sub-letting or selling off.	
AP01	Development in accordance with approved plans	

B. In the event of any changes being needed to the wording of the Committee’s decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Operations

Manager – Development Services has delegated authority to do so in consultation with the Chairman of the Committee, provided that the changes do not exceed the substantive nature of the Committee’s decision.

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 38 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.

Site plan

