

**HIGH PEAK BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE**

**Date 22<sup>nd</sup> February 2021**

<b>Application No:</b>	HPK/2020/0437	
<b>Location</b>	Sweet Water Cottages, Longridge Lane, Peak Dale	
<b>Proposal</b>	Erection of general-purpose agricultural building	
<b>Applicant</b>	Mr Steven Wardle	
<b>Agent</b>	Mr Howard Elliott – Reading Agricultural Consultants Ltd	
<b>Parish/ward</b>	Wormhill Green and Fairfield	<b>Date registered</b> 19 <sup>th</sup> Oct 2020
<b>If you have a question about this report please contact</b> James Stannard, Tel. 01298 28400 extension 4298, james.stannard@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 due to the Committee's previous involvement with earlier planning applications on this site.

**2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 2.1 The site relates to a small parcel of land to the south west of Sweet Water Cottages, Longridge Lane, Fairfield, approximately 2 miles north east of Buxton which is made up of an area of hard standing which accommodates two shipping containers.
- 2.2 Sweet Water Cottages is a residential dwelling that was converted in February 2013 under HPK/2012/0722. In addition to the shipping containers, the area of hard standing to the west of the dwelling is home to a cluster of small agricultural buildings that have been subject to previous applications determined by the Committee.
- 2.3 Surrounding this parcel of land to the north and south are approximately 1.8ha of agricultural land that was found at the time of a site visit to be home to a small number of livestock and cattle.
- 2.4 The applicant operates a small agricultural enterprise from this site which is supplemented by parcels of rented land at Tideswell, Batham Gate, Sterndale Moor, Buxton and Chinley which when taken together comprises some 19.8ha of land.

- 2.5 The site is accessed via a single farm track that extends eastwards from Longridge Lane that also serves the neighbouring property to the east of Sweet Water Cottages, Broadlow Farm. This neighbouring property has a principal elevation that faces southwards onto a front garden.

### **3. DESCRIPTION OF THE PROPOSAL**

- 3.1 The application as originally submitted sought consent for a general-purpose agricultural building which had a portal frame structure with walls formed of concrete panels and green profile sheeting above.
- 3.2 However it confirmed that the building would be used to house livestock and be sited in place of the existing shipping containers and as originally submitted was shown to have a rectangular form which measured 7.5m by 18.2m, having an eaves height of 3.6m and an overall ridge height of 4.2m.
- 3.3 Further to concerns raised by Officers with regards to the scale, height and massing of the building, revised plans and documentation have been submitted. The revised dimensions show the building to span a width of 7.5m, a length of 16.0m, an eaves height of 3.4m and ridge height of 4.0m.
- 3.4 The plans that have been subject to assessment within this report are thus set out as follows:
- Location Plan RAC 1 (Rev 1)
  - Site Plan RAC 2 Rev A
  - Elevations RAC 3a Rev A
  - Floor and Roof Plans RAC 3b Rev A
  - Existing and Proposed Landscaping RAC 4
  - Location of Occupied Land
  - Planning Statement
  - Additional Information received 18<sup>th</sup> December 2020
  - Additional Information received 11<sup>th</sup> January 2021

### **4. RELEVANT PLANNING HISTORY**

- 4.1 The site has been subject to the following planning history:

HPK/0003/3352	Conversion of barn and store to 2 holiday cottages (Approved 13/04/1994)
HPK/2012/0027	Removal or variation of condition 1 to change from holiday cottages to residential (Refused 16/04/2012)
HPK/2012/0358	Certificate Of Lawful Development For Retention Of Use As A Dwelling (Refused 16/08/2012)

- HPK/2012/0722 Proposed Change of Use And The Conversion Of Two Holiday Cottages To Form A Single Dwelling Including Reducing The Curtilage Area (Approved 12/02/2013)
- DET/2014/0010 Proposed General Purpose Agricultural Building (Prior Approval Required and Refused 20/10/2014)
- HPK/2017/0269 Two agricultural buildings & hardstanding (Approved 05/09/2017)
- DET/2019/0004 Proposed agricultural building (Prior Approval Required and Refused 24/04/2019)

## 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
- S7 Buxton Sub-area Strategy
- EQ2 Landscape Character
- EQ3 Rural Development
- EQ6 Design and Place Making
- EQ10 Pollution and Land Stability
- CF6 Accessibility and Transport

### Adopted Supplementary Planning Documents

Landscape Character Supplementary Planning Document (2006)  
Design Guide SPD (2018)

### Revised National Planning Policy Framework 2019

Achieving Sustainable Development	Chapter 2
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed Places	Chapter 12
Conserving and Enhancing the Natural Environment	Chapter 15

## 6. CONSULTATIONS CARRIED OUT

<b>Site notice</b>	Expiry date for comments: 19 <sup>th</sup> November 2020
<b>Neighbour letters</b>	Expiry date for comments: 9 <sup>th</sup> November 2020
<b>Re-consultation letters</b>	Expiry date for comments: 2 <sup>nd</sup> February 2021
<b>Press Notice</b>	N/A

## **Neighbours**

6.1 Two objections have been received from both occupiers of the neighbouring property Broadlow Farm. A summary of the grounds of objection are set out as follows:

- Questions justification for the building
- Intensification and over-development of the site (small agricultural holding) and shared access not within applicants control
- Impact of development upon residential amenity, including smells
- Makes reference to reasons for refusal under DET/2019/0004

6.2 Further to receiving amended plans, a full 21-day public re-consultation was undertaken. The objections received in relation to the original plans were reiterated by the neighbours of Broadlow Farm, a summary of which is set out below:

- Proposals still visible from the public highway
- Levels of activity and vehicular movements will increase
- Continues to question extent of agricultural business on site
- Reference to dispute over ownership of private access track and responsibility for maintaining it
- Impact on amenity and enjoyment of property

## **Consultees**

6.3 The following table shows the comments received from relevant statutory consultees in connection with the application in its revised form for two industrial units

<b>Consultee</b>	<b>Comments</b>
<b>DCC Highways Authority</b>	No objection subject to the development remaining ancillary to the agricultural operations of the existing premises and surrounding tied land with no future sub-letting or selling-off.
<b>Wormhill Parish Council</b>	OBJECT – Not aware that this is a working farm because of the small acreage and as this type of building is associated with farming and livestock – the Parish Council question the need for it and what other purposes it could be used for

<b>HPBC Environmental Health</b>	No objection. The applicant should be advised, however, if the proposal results in any amendment to a private water supply, the provisions of The Private Water Supplies (England) Regulations 2016 (as amended) shall apply, in particular to the use of products and substances.

## **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 consists of the 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.

### Principle of Development/Agricultural Need

- 7.4 The application site lies outside of the built-up area boundary in the open countryside and is therefore subject to Local Plan (LP) Policy EQ3. This policy seeks to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and

distinctiveness. The Policy supports proposals for agriculture and related development which help sustain existing agricultural enterprises including new agricultural buildings.

7.5 Paragraph 83 of the NPPF supports the development and diversification of agricultural and other land-based rural businesses.

7.6 The application has been supported by a Planning Statement, which submits the following justification for the building:

- *The agricultural business operates from Sweet Water Cottages and in addition to the 1.8ha at the site, involves rented land at Batham Gate, Buxton, Tideswell, Sterndale Moor and Chinley (as shown on the 'Location of Occupied Land' Plan)*
- *The land supports the following:*
  - *3 x suckler cows*
  - *2 x store cattle*
  - *115 x ewes*
  - *42 x store sheep*
- *Further to agricultural buildings which were granted retrospectively in 2017 it is submitted that the applicant is wishing to consolidate his sheep and cattle rearing activity, and as such requires additional space to handle sheep under cover, particularly at lambing time*
- *The applicant is also wishing to extend his cattle rearing activity by the introduction of a small scale calving rearing operations and due to the limitations of the existing buildings, it has not been possible to maintain the number of store cattle, as the space was required for lambing the sheep flock*
- *The introduction of the calf rearing activity would enable a larger throughput of stock from a lesser area of building*

7.7 At the request of Officers, further additional information has been submitted by the applicant's agent that provides clarification on what each parcel of land at various locations is used for, together with further clarification on the current operations and justification for the proposed building:

- *Details of the use of each parcel of land*
- *Since acquiring the land and dwelling at Sweet Water Cottages, the applicant has been developing the farming enterprise in parallel with his other occupation as an agricultural engineer. The agent submits that the applicant is operating in the margins of the agricultural land market where there is a continuous turnover of small areas of land.*

- *The areas of land occupied by the applicant is used for grazing by sheep and cattle on a rotational basis, with grazing at Sweet Water Cottages safeguarded for use in conjunction with the buildings in that location (e.g. pregnant ewes are returned prior to lambing)*
- *It is submitted that no buildings are available on the off-lying land units to meet these functions and that logistically, it would be impracticable to meet these requirements over the dispersed pattern of units. The Sweet Water Cottages unit benefits from the availability of an on-site dwelling from which Mr Wardle is able to deliver the necessary level of animal welfare supervision in the above circumstances.*
- *The application submits that the proposed building would compliment the operational regime and provide capacity in the event that the applicant gains access to additional land (being on the waiting list for tenancy opportunities at the nearby Tarmac land estate).*
- *The proposed building also offers opportunities to provide storage capacity for equipment and materials stored externally or in the cargo containers currently occupying the footprint of the building, – the use of the building is flexible which can be readily adjusted to accommodate changes in the base livestock activity, given the short-term cyclical nature of the calf rearing.*

7.8 The objection received from the current occupiers of the neighbouring property make reference to the Council's previous decision under DET/2019/004 which refused consent for an agricultural building on a similar site under the prior approval process under Part 6 of the General Permitted Development Order 2015 (as amended) for the following reason:

*“The erection of the building, due to its bulky appearance and siting would adversely affect the landscape and the character and appearance of the countryside. Accordingly, the development fails to comply with Policy EQ2 and EQ6 of the High Peak Local Plan 2016, the Councils Landscape Character Assessment SPD, and the National Planning Policy Framework 2019.”*

7.9 The informative that accompanies the above decision states the following:

*“Notwithstanding any ability to overcome the above reason for refusal the proposed development would be positioned on an agricultural unit of less than 5 hectares, whereby under Schedule 2, Part 6, Class B of the GPDO, new buildings are not permitted development. Moreover, the building would be sited within 400m of the curtilage of a protected building and it is questioned whether the development is reasonably*

*necessary for the purposes of agricultural within the unit. Accordingly, it is not considered to be permitted development and planning permission is required for the development.”*

- 7.10 This application has therefore been submitted in light of the proposed building not being compliant with the relevant parts of the General Permitted Development Order 2015 and thus requires planning permission.
- 7.11 There is no doubt that the site is used for agricultural activities in conjunction with an established agricultural unit, as previously assessed within the committee report when considering the retrospective applications for the two agricultural buildings under HPK/2017/0269.
- 7.12 Unlike the previous application, the applicant's agent has submitted an extensive detailed explanation of the current operations on site, on those sites elsewhere in the Borough and a detailed justification for the agricultural building. Overall, the applicant utilises nearly 20 hectares of land for agricultural purposes.
- 7.13 Given that there is an established agricultural enterprise operating from the site, and that the agricultural need of such a building has been satisfactorily demonstrated, the principle of the development is considered to be acceptable, meeting the requirements of Policy EQ3. However, this is subject to the application demonstrating that the proposed building would preserve the intrinsic character of the rural area, would not result in any adverse harm to residential amenity and would not lead to any adverse impacts to highway safety.
- 7.14 Concerns have been raised from occupiers of the adjacent property with regards to the intensification of and potential overdevelopment of the site. Whilst these matters are relevant in so far as the overall impact on landscape character, residential amenity and highway safety, they do not alter the fact that local and national planning policies support the expansion of existing agricultural enterprises and thus the principle of development is supported.

#### Design, Landscape and Visual Impact

- 7.15 LP Policy EQ2 requires new development in the open countryside to preserve or enhance the character of the rural landscape having regard to the adopted Landscape Character Assessment SPD (2006). LP Policy EQ3 supports rural development including agricultural buildings provided they preserve landscape character.
- 7.16 LP Policy EQ6 requires all development to be well designed to respect and contribute positively to the character, identity and context of High Peak's townscapes, in terms of scale, height, density, and layout.

- 7.17 The Design Guide SPD highlights that in the countryside, buildings should sit comfortably in the landscape. With regards to larger buildings, the guidance goes on to state that these need to be handled carefully, and that their appearance is usually driven by their use and their importance to the local economy, and may not sit comfortably within a more traditional context. Impacts can be softened by giving buildings a low profile.
- 7.18 Paragraph 127 of the NPPF states amongst other matters that new development should add to the overall quality of the area, be visually attractive as a result of good architecture and sympathetic to the surrounding built environment.
- 7.19 The site is located within the Plateau Pastures Landscape Character Area (LCA) as defined within the Landscape Character SPD, which is described as a gently rolling, upland plateau characterised by nucleated limestone villages, dry stone walls, a pastoral land-use and open and expansive views. Development principles for larger scale development, including agricultural buildings, include incorporating materials that weather well and are sympathetic to the landscape including colour and to reflect the scale, proportions and form of existing traditional farm-outbuildings.
- 7.20 A previous application submitted for an agricultural building of a similar scale, height and visual appearance under the prior notification procedure (DET/2019/0004) was refused on ground of its adverse harm to landscape character – which is referred to by the objection from occupiers of the neighbouring dwelling.
- 7.21 The reason for refusal issued by the Council in relation to the previous prior notification application was as follows:
1. *The erection of the building, due to its bulky appearance and siting would adversely affect the landscape and the character and appearance of the countryside. Accordingly, the development fails to comply with Policies EQ2 and EQ6 of the High Peak Local Plan 2016, the Council's adopted Landscape Character SPD (2006) and the NPPF*
- 7.22 The dimensions of the building refused under this previous prior notification application were consistent with the plans originally submitted with this application. Notwithstanding the above, the agricultural building did not comply with relevant parameters contained under Part 6 of the General Permitted Development Order (GPDO).
- 7.23 Officers have acknowledged the objection from the neighbouring property and would agree that the building in its original form could not realistically be supported, given the Council's previous conclusions having regard to the same Local Plan policies.

- 7.24 The applicant was invited to submit revised plans to reduce the overall scale, height and massing. Such revisions have been received together with a supporting statement. Moreover, in comparison to the earlier application in 2019, the agent has submitted commentary on the impact on the which did not form part of the previous application.
- 7.25 In its revised form, the proposed building is of a relatively modest scale and height that has a reduced footprint, height and mass comparable to the building originally proposed and is considered to be reasonable for its proposed function, which incorporates elements set out within the Landscape Character SPD.
- 7.26 The revised plans incorporate an area of soft landscaping to the east of the building, which would help to minimise any immediate visual impacts experienced from the front garden of the neighbouring property. The details of the soft landscaping can be secured by way of condition.
- 7.27 The nearest public right of way lies nearly 200m to the north of the site. As such, it is considered that the proposed building would at this distance be read in conjunction with the existing agricultural buildings on the site of a similar scale, height and visual appearance. As such it would not amount to a prominent addition in the landscape.
- 7.28 At the time of a site visit, the overall appearance of the site was found to be cluttered and untidy, emphasised by the presence of the two shipping containers which are not considered to be appropriate for this rural location. The proposed agricultural building would replace these structures which would result in a modest visual enhancement of the site.
- 7.29 For the reasons outlined above, it is concluded that the proposed agricultural building in its revised form has addressed the previous reason for refusal and would be of a scale, height and visual appearance that aligns with the functionality and practicalities of its use and preserves the overall character of the immediate and wider rural landscape, in line with LP Policies EQ2, EQ3 and EQ6, Supplementary Planning Guidance and paragraph 127 of the NPPF.

#### Public and Residential Amenity

- 7.30 LP Policy EQ6 requires all new development to have a satisfactory relationship with existing land and buildings to protect the amenity of the area, which includes the residential amenity of neighbouring properties. Aspects of residential amenity include loss of sunlight, overshadowing and overbearing impacts, loss of outlook and loss of privacy.
- 7.31 LP Policy EQ10 requires new developments to ensure that public amenity is preserved having regard to issues including noise, odour, air

pollution and land stability amongst other matter and that to mitigate these impacts, suitable conditions should be attached to decision notices where appropriate.

- 7.32 Paragraph 127 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.
- 7.33 The objections received from the occupiers of the neighbouring property cite potentially adverse impacts to their enjoyment and living conditions, specifically in relation to the intensification of the use of the site, the increase in plant and machinery utilising the shared access track and smells.
- 7.34 Reference is made to the decision taken by the Council in considering an application for an agricultural building under the Prior Notification process under Part 6 of the General Permitted Development Order (GPDO) 2015 (as amended). The application was refused on grounds of landscape and visual impact. However, notwithstanding this reason for refusal, the informative accompanying this decision confirms that this previous proposal failed to comply with relevant parts of the GPDO and thus was not permitted development.
- 7.35 The garden area associated with the neighbouring property Broadlow Farm is situated to the east of the principal elevation approximately 10m from the nearest point of the shared access track and 27m from the proposed building.
- 7.36 Responding to these objections, the applicant has stated the

*“The use of the building to house livestock would not generate any adverse environmental effects. As with the existing buildings, the proposed building would have adequate ventilation and the animals would be bedded on straw. Soiled bedding is removed from the buildings for use on the land and none is currently stored on-site. This would continue, but should the need arise planning permission has been granted for the construction of an on-site midden which is in the course of implementation.”*

*“Reference has been made to the proximity of the farmstead and the proposed building to the residential property of Broadlow Farm and to the 400m safeguarding prescription associated with agricultural permitted development rights. That prescription is not an embargo to all circumstances of livestock housing and was introduced following concerns arising from particular forms of intensive livestock production, notably pigs and poultry, highlighted by the Royal Commission on Environmental Pollution (7th Report). These and slurry storage systems present potential environmental issues which are not replicated in the uses made of the existing or proposed buildings at Sweet Water Cottages.”*

- 7.37 The previous prior notification application for an agricultural building was determined in line with the parameters set out under Part 6 of the GPDO. In order for a building to be permitted under this procedure, a building for the accommodation of livestock must be located in excess of 400m from a neighbouring residential property to benefit from permitted development rights.
- 7.38 The application, which includes the applicant's commentary sited in paragraph 7.37 above has been reviewed by the Council's Environmental Health Officer who has raised no objection to the application. Whilst it is acknowledged that the building will result in more animal being housed within close proximity to the neighbouring property, it is not considered that this would unduly harm the amenities of this property.
- 7.39 As such, it is concluded that the proposed building and its proposed use would not result in any adverse harm to public or residential amenity, in line with LP Policies EQ6, EQ10, and paragraph 127 of the NPPF.

#### Highway Safety

- 7.40 LP Policy CF6 seeks to ensure that development can be safely accessed in a sustainable manner and that all new development is located where it can be satisfactorily accommodated within the existing highway network.
- 7.41 Paragraph 108 of the NPPF states that in assessing applications for development, a safe and suitable access to the site should be achieved for all users. Paragraph 109 goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.42 The site is served by an existing farm access track that leads into an open area of hard standing that provides suitable turning and manoeuvring provision to serve the existing and proposed buildings on site.
- 7.43 The Highways Authority have raised no objection to the proposed building subject to the development remaining ancillary to the agricultural operations of the existing premises and surrounding tiled land with no future sub-letting or selling off. It is noted that the objector raises concerns about the impact on the private track from Longridge Lane, which serves both properties. Whilst any additional use may well result in a further decline in the condition of the track, this is a civil matter for both parties to resolve.
- 7.44 The application is not considered to result in any significant increase in vehicular movements and therefore subject to an appropriate condition

that ties the building to the agricultural unit without any sub-letting or selling off, there are not considered to be any adverse impacts to highway safety, in line with LP Policy CF6 and paragraph 108 of the NPPF.

### Conclusions/Planning Balance

- 7.45 LP Policy S1a reflects the presumption in favour of sustainable development set out within paragraph 11 of the NPPF. For decision taking this means approving development proposals that accord with an up-to-date development without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission, unless:
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.46 The application seeks permission for an agricultural building that would support an established agricultural business, and thus the principle of development is supported in line with LP Policy EQ3.
- 7.47 Further to concerns raised by Officers relating to the scale, height, and mass of the building, having regard to the earlier decision taken by the Authority, the applicant has submitted revised plans together with supporting information and show a reduction in the scale, height and mass of development which is supplemented by an area of soft landscaping.
- 7.48 The plans and documentation subject to the assessment within this report are found to be of a scale, height, mass and visual appearance that is both appropriate for the functionality of the building and preserves the character and appearance of the building, the site, and the immediate and wider rural landscape character.
- 7.49 The application is not considered to result in any adverse harm to public or residential amenity, or highway safety.
- 7.50 In conclusion, the application, in its revised form, is considered to comply with all relevant local development plan policies, relevant supplementary planning documents, and the NPPF.
- 7.51 The application thus constitutes sustainable development and in line with LP Policy S1a and paragraph 11 of the NPPF is recommended for approval subject to appropriate conditions.

## 8. RECOMMENDATIONS

### A. That planning permission be granted subject the following conditions:

1. Development to begin within 3 years
2. Approved Plans
3. Materials to accord with details submitted
4. Soft Landscaping Scheme to be submitted and approved prior to construction of external walls, and implementation.
5. Building to remain ancillary to agricultural unit for the lifetime of development and will not be sub-let or sold off separately
6. Removal of the building from the land if it ceases to be used for agricultural purposes.
7. Removal of the shipping containers from the land.

**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 187 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



