

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

Date 22nd March 2021

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| Application No: | HPK/2020/0388 | |
| Location | Lowfoot Farm, Redgap Lane, Buxton | |
| Proposal | <i>Extension of stable block and part change of use to form cattery</i> | |
| Applicant | Laura Perkins | |
| Agent | Andy Smith, AJS Architecture | |
| Parish/ward | N/A/Stone Bench | Date registered 16th September 2020 |
| If you have a question about this report please contact: James Stannard, Tel. 01298 28400 extension 4298, james.stannard@highpeak.gov.uk | | |

1. SUMMARY OF RECOMMENDATION

Refuse

1. REASON FOR COMMITTEE DETERMINATION

- 1.1 This application has been brought before the Development Control Committee because the applicant is related to a High Peak Councillor.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 The application site relates to a cluster of building and surrounding land that form Lowfoot Farm. The site is accessed via a poorly maintained agricultural track which extends some 300m south west from the public highway, which is a defined public right of way, and serves the farmhouse building and a larger agricultural building to the rear. The agricultural building has consent for the parking of six heavy goods vehicles (HGV's) and two trailers.
- 2.2 The site access forms a junction with Redgap Lane, a poorly maintained adopted, but un-classified single track rural lane that has an average width of approximately 4.2m. It provides access to the site from the nearest classified road Waterswallows Road, that lies approximately 1km to the north.
- 2.3 The cluster of buildings that complete the Lowfoot Farm complex is a detached residential dwelling at the top of the access track, an ancillary detached garage, a single storey stable block, an adjacent agricultural building, and a larger more substantial agricultural building beyond referenced above.

- 2.4 The application relates specifically to the existing stable block and the wider area of hard standing that surrounds it. The stable block is constructed of stone with a tiled roof and eight individual stables in a rectangular form, spanning a width of approximately 5.2m and a length of approximately 32.5m, reaching a height of 3.2m.
- 2.5 For the purposes of the Local Plan, the site lies outside of the built-up area boundary in the open countryside and in the Plateau Pastures Landscape Character Area (LCA).

3. DESCRIPTION OF THE PROPOSAL

- 3.1 The application seeks consent to retain 4 x stable compartments within the existing stable block building, and to change the use of the remaining part of the existing structure, together with creating a new adjoining structure to house a cattery business.
- 3.2 Following a request for additional information, the applicant's agent has confirmed that the applicant currently operates an independent dog walking business from the site, and that the existing stable block is solely in personal use. The information also confirms that CTPerkins haulage company has an operating licence for 6 x vehicles with 5 drivers employed, parking for staff provided in an area beyond the stable block building to the rear of the larger agricultural building.
- 3.3 The floor plans submitted shows the provision of 2 x staff parking spaces together with 7 x visitor spaces. However, this contradicts the further information provided by the agent, which states that the sole member of staff would be the applicant.
- 3.5 The business will be run on an appointment basis which will be controlled by the applicant for the 'dropping off' and 'picking up' of animals in order to minimise vehicle movements at particular times of day. It is stated that appointment times would never be at a time when a HGV is moving along the line, with this existing operation taking place in early mornings and late evenings.
- 3.6 The proposed cattery would see the creation of 20 x cattery 'pens' which are supplemented by a Reception Room; Services Room; Office; and 2 x Cattery Care Rooms, connected via a corridor that links the existing stable block with the newly constructed building of similar scale, height, massing and materials.
- 3.7 The applicant's agent has confirmed that the Care Rooms would facilitate cats when they are ill and require isolation. Soft Landscaping is shown to be intermittent between the car parking provided.
- 3.8 The application can be viewed online using the following link <http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=242531>

4. RELEVANT PLANNING HISTORY

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

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| HPK/0002/5491 | 7 x Holiday Cottages (Approved 26/08/1987) |
| HPK/0003/1972 | Renewal consent for HPK/0002/5491 (Approved 28/10/1992) |
| HPK/2001/0590 | Conversion of redundant farm house and diary buildings to form 7 x Holiday Cottages (Refused 07/02/2002) |
| HPK/2006/0036 | Conversion of redundant farm house and diary buildings to form 7 x Holiday Cottages (Refused 06/03/2006) – Appeal Dismissed 16/05/2006 |
| HPK/2006/0092 | Two storey side extension to form garaging and family room over (Refused 27/03/2006) |
| HPK/2006/0530 | Detached Garage (Approved 18/08/2006) |
| HPK/2013/0095 | Proposed Change of Use to Goods Vehicles and Trailer Operating Centre (Refused 07/06/2013) |
| HPK/2013/0343 | Change of Use of agricultural building to storage of wagons (Approved 22/08/2013) |
| HPK/2013/0516 | Variation of Condition relating to HPK/2013/0343 (Approved 12/12/2013) |
| HPK/2015/0577 | Variation of Condition relating to HPK/2013/0516 to park 6 x HGV's and 2 x trailers (Approved 04/05/2016) |
| HPK/2020/0483 | Rear Single Storey Extension with Flat Roof (Approved 19/01/2021) |

5. PLANNING POLICIES RELEVANT TO THE DECISION

High Peak Local Plan 2016

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| S1 | Sustainable Development Principles |
| S1a | Presumption in Favour of Sustainable Development |
| S2 | Settlement Hierarchy |
| S7 | Buxton Sub-area Strategy |
| EQ3 | Rural Development |
| EQ6 | Design and Place Making |
| E1 | New Employment Development |
| CF6 | Accessibility and Transport |

National Planning Policy Framework 2019

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| Achieving Sustainable Development | Chapter 2 |
| Building a Strong Competitive Economy | Chapter 6 |
| Promoting Sustainable Transport | Chapter 9 |
| Achieving Well Designed Places | Chapter 12 |
| Conserving and Enhancing the Natural Environment | Chapter 15 |

6. CONSULTATIONS CARRIED OUT

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| Site notice | Expiry date for comments: 23rd October 2020 |
| Neighbour letters | Expiry date for comments: 9 th October 2020 |
| Press Notice | Expiry date for comments: N/A |

Neighbours

- 6.1 Neighbours were contacted to by way of written letters. No responses have been received from neighbours or any other member of the general public

| Consultee | Comment |
|----------------------------------|---|
| AES Waste | No objection. |
| HPBC Environmental Health | No objections |
| HPBC Tree/Landscape | No objections subject to condition |
| DCC Highways | <p>I note that the stables have not been used for livery and, as a consequence, won't have had regular visits by other owners etc.</p> <p>It's stated that Goods vehicle Operators license is in place for 6no. HGV's and movement of these is restricted to start and finish of the day.</p> <p>I note that there are to be no employees for the cattery business, other than the owner living on site, and that it will be run on an appointment basis only. Whilst this would be likely to reduce the likelihood of vehicles associated with the development</p> |

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| | <p>proposals travelling in opposite directions on Redgap Lane, it's not clear if the appointments will be timed in order that those arriving for an appointment will be clear of those leaving from the previous one. Obviously, trip generations will be significantly lower if the cattery is for caring for extended overnight periods when owners are away rather than, say, hourly pamper periods.</p> <p>Unfortunately, there are no Street-View images available for Redgap Lane, however, my recollections of this road from my limited visits in the past are that it's generally of single vehicle width with few formal passing opportunities. I trust that you will have visited more recently and if it's considered that there is 'width for vehicles to pass without concern' then there would be no highway objection. On the other hand, if intervisible passing opportunities are restricted, I'd recommend that any Consent requires a Condition for submission of details for approval for operation of the development restricting employment to those living on site (in accordance with the further information provided) and clarifying how the appointments are to be timed in order to reduce the likelihood of owners vehicles approaching/ leaving the site at the same time</p> |
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4. 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 High Peak Local Plan Policies Adopted April 2016.

- 7.3 Other material considerations include the National Planning Policy Framework (NPPF), Supplementary Design Guidance, 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

- 7.4 The application seeks consent for the extension of an existing stable block and the change of use for part of the stable block and the newly created extension building to a cattery business (i.e. a building that facilitates the accommodation of members of the public pets for a designated period of time).
- 7.5 Whilst there are some inconsistencies with regards to the amount of staff that would manage the operation, it nevertheless appears to be commercial enterprise. Local Plan (LP) Policy S1 seeks to support the local economy and businesses by providing a range of economic development that provide employment opportunities suitable for local people in sustainable locations.
- 7.6 LP Policy E1 supports the creation of new employment premises in the open countryside subject to compliance with LP Policy EQ3.
- 7.7 LP Policy EQ3 aims to strictly control development in the open countryside to preserve the intrinsic character of the rural landscape. The policy supports rural employment in the form of home working, commercial enterprises and live-work units where a rural location can be justified.
- 7.8 The site lies in the open countryside accessed via a single relatively poorly maintained farm track which is also a public footpath from Redgap Lane, an adopted but non-classified single track. Redgap lane is poorly maintained in places with few passing places, approximately 1km south of the nearest classified road, Waterswallows Road.
- 7.9 The agricultural building to the south west of the existing stable block was granted planning permission for the storage of HGV's under

HPK/2013/0343 which was subsequently varied under HPK/2015/0577 to store 6 x HGV's and two trailers. Officer Comments within the Delegated Report stated that *“any further expansion is unlikely to be supported as Red Gap Lane is a single width rural road and unsuitable for large scale HGV movements”*

- 7.10 Whilst the Council accept that the provision of a pet accommodation business such as a dog kennels or cattery should generally be located in rural or sparsely populated areas given the inevitable noise and odour impacts, it is nevertheless important to encourage and support such uses in sustainable rural locations on the edge of settlements, with excellent connections to adopted classified roads and the public transport network. In this case the site is located nearly 2.7km from the junction of Waterswallow Road and the A6, where public transport opportunities and footpaths can be found. In contrast, Redgap lane is an unlit and restricted width rural road with no footways, therefore any customers using the facilities would inevitably arrive by car. There are no alternative modes of transport which can access the site other than the private car.
- 7.11 It is considered that the provision of a commercial enterprise, particularly of the scale proposed, that could theoretically and realistically result in up to 40 x vehicle movements per day (20 x drop off journeys in a morning and 20 x pick up journeys in the evening) will lead to a significant intensification of the site in an unsustainable location. In addition to the existing lawful HGV storage facility, the proposed development would lead to a significant number of additional vehicle movements along Redgap Lane, a single track unclassified road with very few passing places and which is poorly maintained.
- 7.12 The applicant has suggested that conditions can be applied to allow vehicle movements to be controlled, by way of appointments. However, such conditions are not considered to be realistically enforceable (for example if customers are running late) and indeed, even if appointments are adhered to, it does not alter the fact that the proposal introduces a commercial business that relies on visitors, who will arrive by car, in a wholly remote, isolated and unsustainable location.
- 7.13 As such, it is concluded that whilst the proposed use can in general terms be justified in a rural location, the proposed use in this specific location cannot be justified, due to its remoteness from the built-up area, its poor relationship with the classified highway network, and the intensification of a site that is already the subject of HGV parking.
- 7.14 The application is therefore considered to be in conflict with LP Policies S1, E1 and EQ3 and is not supported as a matter of planning principle.

Key Material Considerations

- Design Character and Appearance

- Public and Residential Amenity
- Access, Parking Provision and Highway Safety
- Trees

Design Character and Appearance

- 7.15 LP Policy EQ3 refers to rural development proposals which lie outside of the defined built-up area boundaries and seeks to ensure that new development is strictly controlled to protect the landscape's intrinsic character and distinctiveness. The policy supports extensions and alterations to existing buildings provided they are subsidiary to the building and do not have an adverse impact on the character of the landscape.
- 7.16 Paragraph 127 of the NPPF states amongst other matters, that new developments 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.
- 7.17 The application includes the construction of a new building that would be connected to the existing stable block building, connected by a corridor, which displays many of the characteristics of the existing stable block. The proposed extension is of a similar height, massing, scale and visual appearance that relates well to the existing building and can be said to be subordinate and subsidiary.
- 7.18 Notwithstanding the fact that the application cannot be supported as a matter of principle given the nature of the proposed use and its isolated rural location, it is considered that proposed design of the extension would be in keeping with its immediate surroundings and would not result in any adverse harm to the immediate or wider rural landscape, in accordance with LP Policies S1, EQ3 and EQ6, and paragraph 127 of the NPPF.

Public and Residential Amenity

- 7.19 LP Policy EQ6 requires all new development to have a satisfactory relationship with existing land and buildings, to protect the amenity of the area. Aspects of residential amenity include impacts such as a loss of sunlight, overshadowing and overbearing impacts, loss of outlook, and loss of privacy.
- 7.20 Paragraph 127 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.
- 7.21 The site access from Redgap Lane is also designated as a public right of way. Whilst there would clearly be an increase in the amount of vehicle movements along this access track, it is not considered that the amenity or safety of users of this footpath would be adversely affected to the extent that would warrant a reason for refusal.

- 7.22 Given its isolated location, with the nearest residential dwelling being in excess of 150m from the site it is considered that the proposed use would not result in any harm to the living conditions of any neighbouring property with regards to noise or any other impacts. It is noted that the Environmental Health Officer raises no objection to the development proposals.
- 7.23 As such, notwithstanding the reason for refusal relating to the principle of development, the application complies with LP Policy EQ6 and paragraph 127 of the NPPF in this regard.

Access, Parking Provision and Highway Safety

- 7.24 LP Policy CF6 seeks to ensure that all development can be safely accessed in a sustainable manner and that new development is located where it can be satisfactorily accommodated within the existing highway network. Proposals should minimise the need to travel particularly by unsustainable modes of transport.
- 7.25 Paragraph 108 of the NPPF states that in assessing applications for development, a safe and suitable access 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.
- 7.26 The proposed use shows provision for 7 x visitor parking spaces and 2 x staff car parking spaces. This level of parking provision is considered to be acceptable to serve the proposed use, especially given that there is further capacity within the extensive area of hard standing that lies to the north of the proposed extension to accommodate further parking if required.
- 7.27 The Highways Officer has not been able to visit the site due to COVID-19 restrictions and has stated that there are no objections should it be considered that Redgap Lane has sufficient width for vehicles to pass 'without concern'. The comments then go on to suggest that if passing places are restricted, suitable conditions would be needed to be imposed to limit visits to the premises by appointment only with clarification on how these appointments would be timed/staggered to ensure appropriate vehicle flows can be maintained along the Redgap lane.
- 7.28 It is the case that Redgap Lane is largely a single track typically of a width of 4.2m with very few passing places. Whilst this width is not commensurate with a classified road, the entrance into the site has sufficient visibility splays to ensure that vehicles can safely access and exit the site. The conditions suggested by the Highways Authority are

considered to be unenforceable as the timing of individual vehicle trips in the event of customers running late cannot be controlled.

- 7.29 It is evident that the site lies in a remote location whereby Policy CF6 seeks to ensure that new development minimises the need to travel by unsustainable modes of transport. Whilst there would be no harm to highway safety, it remains that the site is positioned in an isolated location with poor accessibility, other than by the private car, to other modes of transport. Moreover, the site is remote from the classified highway network, with no opportunities to promote alternative and sustainable transport modes. Therefore, the development would fail to comply, in part, with the objectives of LP Policy CF6 and paragraph 108 of the NPPF.

Trees

- 7.30 LP Policy EQ9 seeks to protect existing trees, woodland and hedgerow and requires new development proposals where appropriate to provide tree planting and soft landscaping. Chapter 15 of the NPPF contains the relevant local plan policies relating to the conservation and enhancement of the natural environment.
- 7.31 Whilst there are trees within the wider site that are protected by a Tree Preservation Order (TPO), the Tree Officer is satisfied that a condition to control the method of construction of the car parking areas would mitigate any potential harm to any trees. As such, the proposed development, notwithstanding the reason for refusal relating to the principle of development, would not harm any trees in line with LP Policy EQ9 and Chapter 15 of the NPPF.

Planning balance & Conclusion

- 7.32 LP Policy S1a reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF).
- 7.33 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan 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 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.

- 7.34 Relevant strategic Local Plan policies for the distribution of employment land are considered to be up-to-date and as such can be given full weight in the determination of the application.
- 7.35 An assessment of the application has concluded that whilst in general terms, this type of development is well suited to a rural location, without any harm to the character of the area and residential amenity, its unsustainable location and poor accessibility to other sustainable modes of transport would result in an unsustainable form of development.
- 7.36 The application is therefore found to conflict with Local Plan Policies S1, EQ3, CF6 and E1 and is not supported as a matter of principle.
- 7.37 In line with LP Policy S1a and paragraph 11 of the NPPF, the application is considered to constitute an unsustainable form of development and is recommended for refusal for the reasons set out on the decision notice.

8. RECOMMENDATIONS

A. REFUSE for the following reason:

1. The proposed development, by virtue of its scale, its remote and isolated location along an unlit and single width rural road, with poor accessibility to sustainable modes of transport would result in an unsustainable form of development. The application is therefore found to conflict with Local Plan Policies S1, CF6, EQ3 and E1 and comprises an unsustainable form of development, contrary to Local Plan Policy S1a and paragraph 11 of the NPPF.

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/informative/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. However in this case, it is considered that the location and accessibility of the site is unsuitable for the development.

Site plan

