

**HIGH PEAK BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE**

**Date 4<sup>th</sup> October 2021**

<b>Application No:</b>	HPK/2021/0387	
<b>Location</b>	Lowfoot Farm, Redgap Lane, Buxton	
<b>Proposal</b>	<i>Variation of Condition 2 relating to HPK/2020/0388</i>	
<b>Applicant</b>	Laura Perkins	
<b>Agent</b>	Andy Smith, AJS Architecture	
<b>Parish/ward</b>	N/A/Stone Bench	<b>Date registered</b> 6 <sup>th</sup> July 2021
<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**

<b>Approve – subject to all conditions associated with HPK/2020/0388</b>
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**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 and because the applicant relates to a previous application determined contrary to Officer recommendation under HPK/2020/0388.

**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 of the site that has consent for the storage of 6 x Heavy Good Vehicles (HGV's) and 2 x 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 and provides access to the site from the nearest classified road Waterswallows Road, that lies approximately 1km to the north. The built-up area boundary of Buxton stands approximately 1.5km to the west at its nearest point.
- 2.3 The cluster of buildings that complete the Lowfoot Farm complex is a detached residential dwelling at 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 that contains 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).
- 2.6 The site has been previously subject to an application which was approved by Members contrary to Officer recommendation (HPK/202/0388) for the retention of 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 (i.e. a place for members of the public to accommodate their cats for varying periods of time).

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

- 3.1 The application seeks to vary Condition 2 associated with HPK/2020/0388 which stipulates the plans that should be followed when implementing the permission.
- 3.2 The variation seeks to alter the Proposed Block Plan, Floor Plans and Elevation Plans which shows the retention of the stable block which has a long rectangular form south-east of the proposed building adjacent to the garden area associated with the main farmhouse.
- 3.3 The newly proposed Block Plan shows a reduction in the length of the building and an increase in the width, showing the cattery to be separated from the existing stable block. The revised scheme shows the cattery building to have an increased depth of 9.5m (as opposed to approximately 5.5m within the original scheme) and a reduced length of approximately 18.8m (comparable to some 27m originally proposed).
- 3.4 The eastern elevation of the newly created building is shown to incorporate a 'curved' elevation which has been shown by the applicant's agent in a 3D visual image which accompanies the application submission.
- 3.8 The application can be viewed online using the following link

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=248970>

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

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

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 dairy buildings to form 7 x Holiday Cottages (Refused 07/02/2002)
HPK/2006/0036	Conversion of redundant farm house and dairy 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)
HPK/2020/0388	Extension of former stable building and part change of use to form cattery (Approved 30/03/2021)

#### **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
EQ3	Rural Development
EQ6	Design and Place Making
E1	New Employment Development

## National Planning Policy Framework 2019

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

<b>Site notice</b>	Expiry date for comments: 4 <sup>th</sup> August 2021
<b>Neighbour letters</b>	Expiry date for comments: 2 <sup>nd</sup> August 2021
<b>Press Notice</b>	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

<b>Consultee</b>	<b>Comment</b>
<b>AES Waste</b>	No comments received
<b>HPBC Environmental Health</b>	No comments received
<b>HPBC Tree/Landscape</b>	No comments received
<b>DCC Highways</b>	No highway safety objections in principle to the proposed modifications to the scheme, subject to the previously imposed conditions remaining.

### 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 In light of Members approving the original application submitted under HPK/2020/0388 the principle of development has been established and thus the assessment and determination of this application is solely associated with the key material considerations as set out below.

### **Key Material Considerations**

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

### **Design Character and Appearance**

- 7.6 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 in order to protect the landscape's intrinsic character and distinctiveness. The policy supports extensions and alterations to existing dwellings provided they are subsidiary to the building and do not have an adverse impact on the character of the landscape.

- 7.7 Paragraph 127 of the NPPF states amongst other things that decisions should ensure that developments will add to the overall quality of the area; are visually attractive as a result of good architecture; and are sympathetic to the surrounding built environment.
- 7.8 The revised proposed Block Plan shows a reduction in the length of the building and an increase in the width, showing the cattery to be separated from the existing stable block, with the appearance of the eastern elevation being modified to incorporate a curve which would front the entrance.
- 7.9 The changes set out on the accompanying revised plans are considered to be minor material amendments and given the principle of development has now been established by virtue of the previously approved application, the minor changes the scale layout and appearance of the building are considered to be of an acceptable design that preserves the immediate and wider rural landscape, in accordance with LP Policies S1, EQ3 and EQ6, and paragraph 130 of the NPPF.

#### **Public and Residential Amenity**

- 7.10 LP Policy EQ6 requires all new development to have a satisfactory relationship with existing land and buildings and protects the amenity of the area, which includes residential amenity of neighbouring properties. Aspects of residential amenity include impacts such as a loss of sunlight, overshadowing and overbearing impacts, loss of outlook, and loss of privacy.
- 7.11 Paragraph 127 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.
- 7.12 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 warrants a reason for refusal.
- 7.13 Given its isolated location, with the nearest residential dwelling standing in excess of 150m from the site it is not considered that the proposed use would result in any harm to the living conditions of any residential properties with regards to noise or any other impacts, which is was previously echoed by the Environmental Health Officer when commenting on the original application.
- 7.14 As such, the application complies with LP Policy EQ6 and paragraph 127 of the NPPF in this regard.

## **Access, Parking Provision and Highway Safety**

- 7.15 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.
- 7.16 Paragraph 108 of the NPPF states that in assessing applications for development, it should be ensured that safe and suitable access to the site can 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.
- 7.17 The previous application concluded that the level of parking provision was sufficient for the scale of the proposed use and that Redgap Lane was wide enough to accommodate the vehicle movements associated with the cattery. The proposed variation would see changes to the layout and visual appearance of the cattery with the overall scale of the business remaining broadly consistent.
- 7.18 The Highways Authority have no comments to make aside from all previous conditions relating to highway safety being applied to this application. As such, subject to these applications continuing to apply, the application is considered to accord with LP Policy CF6 and paragraph 110 of the NPPF.

## **Trees**

- 7.19 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.
- 7.20 Whilst there are trees within the wider site that are protected by a Tree Preservation Order (TPO), the Tree Officer was previously satisfied that a pre-cautionary condition could suitably 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**

- 7.21 LP Policy S1a reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF).

7.22 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.

7.23 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.

7.24 An assessment of the application has concluded that whilst in general terms, this nature of development is well suited to rural locations, due to the associated noise and potential impacts to neighbouring properties, it has been found that in this particular case, the scale of the proposed operation, further intensification of a site that is already home to noticeable vehicular movements, by virtue of a significant increase in vehicular movements, which is accessed via a poorly maintained unclassified road in a wholly remote and isolated rural location cannot be justified and is situated in an unsustainable location.

7.25 The application is therefore found to conflict with Local Plan Policies S1, EQ3 and E1 and is not supported as a matter of principle.

7.26 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. Approve varied plans subject to all conditions previously applied to HPK/2020/0388 continuing to apply**

**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 Head of 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**

