
10. FULL APPLICATION - ERECTION OF AGRICULTURAL BUILDING – SHUTTLE HOUSE, CALVER (NP/DDD/0416/0300, P.4038, 07/04/16, 424411/ 375289, MN)

APPLICANT: MR R JOWITT

Site and Surroundings

Shuttle House is situated to the east of the A.625 and Froggatt New Bridge , some 800m north-east of Calver Sough, approximately 25m to the south of the River Derwent and just to the east of Calver weir. The house is adjacent to the river and the application site is on the opposite (southern) side of the track which serves the house and other property, otherwise the area is largely undeveloped and wooded.

Historically a small quarry, the application site is separated from the river by a well-use public footpath that follows the line of the river. To the south the site is flanked by a tall rock face, and to the east it adjoins an area of woodland. To the west of the site is an open fronted portal-framed storage building of some age. This is currently in use for a mix of vehicular and firewood storage. To the west of this building are two neighbouring bungalow properties, and opposite these on the other side of the footpath is the applicant's property, Shuttle House (also known as Shuttle Cottage).

Shuttle House is a curtilage listed building by virtue of its historic and functional association with the listed Calver Mill. It is sited immediately adjacent to the river and to Froggatt New Bridge. Historically it housed the sluice for controlling the water supply to Calver Mill and was a therefore a fundamental part of the water management system at this location.

Calver Weir is located in the river to the north of the site, and the water management system, including the goyt and sluices, is located between the river and the application site. The weir itself is Grade II Listed, whilst it and the associated water management system are a Scheduled Ancient Monument (SAM). The site is outside of any conservation area.

Immediately to the north of the site is an area that has been in an unauthorised storage use for several years and is currently the subject of enforcement action by the Authority. Until recently the application site itself was clear other than rubble and vegetation, but is now also subject to some unauthorised storage, including a firewood store and trailers.

Proposal

To erect a steel-framed agricultural building of approximately 23m long by a maximum width of just under 14m; it would narrow at one end due to the topography of the site. The building would be timber clad with a green profile sheet roof and timber-clad doors to the front and western gable.

RECOMMENDATION:

It is recommended that the application be REFUSED for the following reasons:

- 1. By virtue of its siting, size, design, and materials the development would result in substantial harm to the setting of the Scheduled Ancient Monument of Calver Weir, contrary to Development Plan policies L3, LC15, LC16, and the NPPF.**

2. **By virtue of its siting, size, design, and materials the development would result in less than substantial harm to the setting of the listed Shuttle House, contrary to Development Plan policies L3, LC15, LC16, and the NPPF.**
3. **There is insufficient information available to be able to assess direct harm that could be caused to the adjacent Scheduled Ancient Monument by the construction or use of the building, contrary to Development Plan policies L3, LC15, LC16, and the NPPF.**

Key Issues

The key issues in assessing this proposal are:

- The acceptability of the principle of the development
- The impact of the development on the character and appearance of the landscape
- The impact of the development on the setting of the adjacent Scheduled Ancient Monument of Calver Weir and water management system.

History

1994: Planning permission granted for extension to dwelling and erection of garage at Shuttle Cottage. Not implemented.

2008: Planning permission granted for demolition of existing conservatory and creation of subterranean extension to Shuttle Cottage. Not implemented.

2009: Planning permission granted for restoration of Calver Weir.

2012 – Present: There is an ongoing enforcement case relating to unauthorised general storage on land to the immediate north of the application site. An enforcement notice has been served requiring the use to cease but at time of writing has yet to be complied with.

2014: Officers provided informal pre-application advice to the applicant that the site now proposed for an agricultural building would be acceptable in principle, subject to the demonstration of an agricultural need and to matters of design, size, and landscape impact being satisfactorily addressed.

Consultations

Highway Authority: The proposals will be unlikely to result in any significant increase in traffic movements over and above existing, after the initial construction period. Do not wish to raise objections and would ask that a condition to cover that the building is ancillary to Shuttle House and used in conjunction with surrounding controlled land.

Parish Council: Object to the proposal on grounds of:

- the harmful landscape impact of the building
- the harmful impact on the heritage site of Calver Weir and the water management system
- inappropriate size and design for its location
- the harmful impact on neighbouring amenity due to noise and odours, and being overbearing
- siting - the proposed building has no direct connection to any farm land or farm buildings, and siting it in an otherwise largely residential setting is inappropriate

- unsustainable – The buildings justification is based on the farming of short-term leased farmland elsewhere, meaning that it could quickly become redundant
- the applicant states that this development will improve the condition of the adjacent site currently subject to enforcement action, but that the volume of paraphernalia stored on that site means this could not be achieved.

The Parish Council have made further comments relating to the ongoing enforcement issues on the adjacent site, and to issues of land ownership. These are not material to the determination of this application. The full comments of the Parish Council can be read on the Authority's website.

PDNPA – Archaeology: Recommends that the application is refused as it results in substantial harm to the setting of the SAM of Calver Weir and water management system, and because harm to the SAM itself through the construction and use of the building cannot be ruled out due to insufficient information being submitted in relation to these matters. The Archaeologist's full response can be viewed on the Authority's website.

PDNPA – Conservation: Recommends that the application is refused as it results in less than substantial harm to the setting of the listed Shuttle House, harming its significance and that of Calver Mill and Wheel House, to which it is curtilage listed. The Conservation Officer's full response can be viewed on the Authority's website.

PDNPA – Ecology: Notes that the meadows that the applicant manages have had excellent ecological interest in the past but have unfortunately degraded as a result of inappropriate management. Advises that it would be useful to explore whether it would be possible to improve their management as a condition of any permission.

PDNPA – Rights of Way: Notes that the development abuts Public Footpath 20 'Parish of Calver'. The line of this path must not be affected in any way by the development, this is also true during construction work – the developer should contact the County Council Rights of way team to advise them of works and discuss if a temporary closure of the right of way may be appropriate.

Historic England: Recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation and archaeological advice. The full Historic England response can be viewed on the Authority's website.

District Council: No response at time of writing.

Representations

17 representations have been received – some people have written more than once and their complete comments have been considered, but counted as a single representation. In total, 5 representations object to the proposal, whilst 12 support it.

The planning grounds for objection are:

- The harmful landscape impact of the building
- The impact on the heritage site of Calver Weir and the water management system
- The buildings inappropriate size and design for its location
- The impact of the building on neighbouring amenity due to noise and odours, and being overbearing
- The siting of the building - the proposed building has no direct connection to any farm land or farm buildings, and siting it in an otherwise largely residential setting is inappropriate

- The proposal represents unsustainable development – its justification is based on the farming of short-term leased farmland elsewhere, meaning that it could quickly become redundant
- The applicant states that this development will improve the condition of the adjacent site currently subject to enforcement action, but that the volume of paraphernalia stored on that site means this could not be achieved.
- The use of the building would affect the safety of those using the footpath
- Potential pollution from the use of the building affecting groundwater and watercourses
- Increased traffic would increase chances of an accident on a dangerous corner

The planning grounds for support are:

- The building would have an acceptable landscape impact
- The building would be built on agricultural land
- The building would conserve the setting of Calver Weir
- The development would support a young local farmer, farming in the area, and the local economy
- The proposed siting is necessary for management of livestock and security of equipment
- The building would not result in pollution of the river

Some representations – both supporting and objecting to the proposal – also make reference to the unauthorised storage use on the adjacent site. This matter is not material to the determination of the current application.

Main Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, L3.

Relevant Local Plan policies: LC4, LC6, LC13, LC15, LC16, LC21.

Core Strategy policy GSP1 reiterates that the Authority has a statutory duty to foster the social and economic welfare of local communities in the National Park whilst GSP2 states opportunities to enhance the National Park should be acted upon. Core Strategy policy GSP3 seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Core Strategy policies DS1 details the development strategy for the National Park. This permits, in principle, development required for agricultural purposes in the countryside.

Core Strategy policy L1 states that development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan and other valued characteristics.

Core Strategy policy L3 requires development to conserve historic assets.

Local Plan policy LC4 states that where development is acceptable in principle it will be permitted provided it is of a high standard of design that respects and conserves the landscape, built environment and characteristics of the area.

Listed buildings are addressed by Local Plan policy LC6, which states that any applications for development must clearly demonstrate how listed buildings and their settings will be preserved and enhanced and why the development is desirable or necessary.

Local Plan policy LC13 is also relevant, stating that any agricultural buildings should be close to the main group of buildings wherever possible and in all cases relate well to and make best use of existing buildings, trees, walls and other landscape features; respect the design, scale, mass and colouring of existing buildings and building traditions characteristic of the area, reflecting this as far as possible in their own design; avoid harm to the area's valued characteristics including important local views, making use of the least obtrusive or otherwise damaging possible location And not require obtrusive access tracks, roads or services.

Local Plan policy LC15 states, amongst other things, that when considering development proposals affecting heritage sites the protection, enhancement and preservation of the sites and their settings will be taken in to account.

Local Plan policy LC16 states, amongst other things, that when considering development proposals that could affect archaeological sites or features the protection, enhancement and preservation of the sites or features and their settings will be taken in to account.

Local Plan policy LC21 states, amongst other things, that development that presents a risk of pollution or disturbance that could adversely affect water supply, groundwater resources and the water environment will not be permitted unless adequate measures to control emissions within acceptable limits are put in place and (when the permitted use finishes) appropriate removal of any pollutants from the site is assured.

It is considered that these policies are consistent with the core planning principles set out in paragraph 17 of the National Planning Policy Framework and the policies in the Framework when taken as a whole because both documents seek to support rural economies, seek to secure high quality design, and promote the importance of landscape and heritage protection within the National Park.

Paragraphs 132, 133, and 134 are of particular relevance to this application, relating to development affecting heritage assets. These describe how 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. It notes that the more important the asset, the greater the weight should be and that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

It goes on to state that Scheduled Monuments – of which Calver Weir is one – have the highest levels of significance, and that any harm to them should be wholly exceptional. Harm is categorised as 'substantial' or 'less than substantial' by the Framework; in either case development causing harm should be refused unless there are public benefits that outweigh that harm, with those benefits needing to be substantial to justify substantial harm to a designated heritage asset.

Assessment

Principle

Several representations and the Parish Council have made reference to issues relating to the ongoing enforcement case on the adjacent site, which is in the applicant's ownership, as well as other business activities of the applicant. These matters are separate from this application, which must be assessed on its own merits. Unauthorised storage of items on the adjacent site, agricultural or otherwise, does not provide justification for the construction of this building, nor does it preclude it.

The applicant has advised that the building subject of this application is required for the storage of machinery and hay in association with his agricultural business. It was originally also proposed to house livestock at some times of year, but this has now been omitted from the proposal following concerns relating to neighbouring amenity and groundwater pollution.

The proposed development is acceptable as agricultural development in the countryside outside of the Natural Zone is permitted under the terms of Development Plan policies DS1 and LC13. The adopted supplementary guidance document 'Agricultural Developments in the Peak District National Park' makes clear that such development is permitted on an exceptional basis and that if you do not supply adequate information to justify your proposal your application may be refused.

The applicant has advised that in addition to the application site, he rents 69 acres of agricultural land. He has 3 cows, 20 ewes, and 2 rams. None of the animals are kept at the application site. It is noted that the applicant proposes to increase the number of sheep to 100 if this application is successful. The building is proposed to house a tractor, topper, muck spreader, baler, general farm implements, 500 small hay bales, and 80 Heston (large) bales of hay/straw.

A plan showing the other rented land has been provided. The applicant has advised that he cannot erect a building on any of this other rented land as he only has twelve month rolling tenancies on them, leaving any investment in a building unsecured. In contrast, he has just under 7 years left on the lease of the application site. The submitted supporting statement also notes that none of the other rented land includes existing buildings that could meet the needs of the applicant.

Based upon the information above it is accepted that there is a justification for an agricultural building, and that this site is the only one reasonably available to the applicant.

Landscape impact and design

Revised plans have been received during the course of the application that lower the height of the building by around 70cm, bringing it to just over 6m in total height, and just under 5m to the eaves.

The design of the building follows that typical of modern agricultural buildings, being portal framed and clad with a mix of timber to the walls and profile sheeting to the roof. The adopted supplementary planning guidance document for Agricultural Developments in the Peak District National Park (SPD) is clear that large new agricultural buildings are not expected to replicate traditional building forms or materials, as their function does not lend itself to such design. The materials and form adopted do follow the advice of that adopted guidance and the building is considered to be appropriately designed for its purpose.

The lack of alternative sites available to the applicant does leave the proposed building isolated from the associated farmland and policy LC13 does seek to avoid this. However, both this policy and the SPD acknowledge that this will not always be possible, and note that buildings that make the best use of existing landscape features can be supported in other locations. By being sited against and beneath the former quarry rock face and adjacent to woodland and trees, the building is considered to achieve this and to have a low impact in the wider landscape.

When approaching along the popular riverside footpath from the east, the building would be mostly screened from view by trees and banking in all but very close views. From the west, it would be visible when close to the site, and from the road bridge, but would not be seen in any longer views. Where visible, it would be seen backed by rising ground and flanked by trees. Given the timber finish it would not be a dominant feature at any distance.

When passing it on the adjacent footpath the building would be more dominant by virtue of its size. It would be set back by around 6m from the footpath however, and would be quickly passed. Additionally, the presence of the adjacent portal framed building and three nearby dwellings mean it would be viewed in the context of other buildings, albeit as a relatively large building, rather than as an isolated building in the countryside.

From across the river to the north views of the building would be partial. Mature trees along both the north and south riverbanks and the presence of a tall beech hedgerow between the southern riverbank and the application site screen much of the site. The top of the building would be seen above the hedgerow, but would have a recessive timber finish and dark green roof, which would not be prominent in the context of the adjacent woodland and other tree cover.

It is not considered that the building would be prominent in views from Froggatt Edge, given the distance away, cladding of the building, and intervening tree cover.

Overall, the design of the building is considered appropriate to its purpose and to have an acceptable impact within the general landscape.

Impact on the Scheduled Monument and curtilage listed building

The Authority's Senior Archaeologist and Conservation Officer have been consulted on the application due to the site being adjacent to the scheduled weir and water management system, and close to the curtilage listed Shuttle House. They requested that a Heritage Assessment was undertaken to assess the impacts of the development on the setting of the heritage assets.

This has been provided and concludes that the proposed agricultural building has the potential to cause harm to the setting of Calver weir, Shuttle House and Froggatt New Bridge due to the scale of the building and the industrialising effect that this could have on this setting. It balances this with what is described as the potential enhancement of removing the equipment and materials stored on top of the SAM to within the proposed building. As the current storage on the SAM is unauthorised and subject to enforcement action by the Authority Officers can give no weight to this in terms of its potential to offset any harm caused by the proposed building.

Having reviewed the report, the Authority's Senior Archaeologist has provided a detailed consultation response, concluding that the development would result in substantial harm because the scale, size and materials of proposed development will change the character of a visually dramatic, enclosed riverine setting and it will dominate the area. She considers that this would harm both the aesthetic and historical value of the SAM because at the moment the weir is a large and visually dramatic feature in an important river-scape location, which would become dominated by the building. This would also change how the group of assets (weir, bridge, and cottage) are experienced together in the landscape and how they are understood in terms of their wider group function and value.

The Archaeologist also points out that the application does not include details of how the SAM would be protected from damage during both the construction of the proposed building and during use, and so it is not possible to rule out direct impacts on the SAM itself, in addition to the harm to setting that is detailed above.

The comments of the Authority's Conservation Officer focus primarily on the impacts of the development on the setting of Shuttle House. The Officer concludes that by virtue of its size and materials the development would be prominent and have an industrialising effect on the area adjacent to the listed house, appearing out of context, detracting from its setting and resulting in less than substantial harm. It is also argued that due to the close functional relationship of Shuttle House with the listed Calver Mill and Wheel House, harm to the significance of the setting of the house also adversely affects the significance of these other designated heritage assets, despite

their physical separation from the application site.

On the basis of these comments, from an independent professional assessment and the Authority's own experts in these fields, Officers conclude that the setting of the SAM and the curtilage listed building will be harmed by the proposed development.

The NPPF is clear that any harm to a designated heritage asset requires clear and convincing justification. The harm to the setting of the SAM has been found to be substantial, and so approval of the development should only be on a wholly exceptional basis to accord with the NPPF. No basis for such an exception is considered to be present in this case, and there are no significant public benefits which could outweigh harm to the assets. The development is therefore contrary to both the NPPF and Development Plan policies L3, LC6, LC15 and LC16.

Officers therefore consider that the application should be refused on these grounds.

Other matters

Amenity

Due to the separation of the building from the neighbouring properties it would not be overbearing or oppressive upon them. The proposed use of the building would not lead to unacceptable levels of noise or disturbance to these neighbours either; there may be some minor increase in vehicle movements but this track already serves several properties and the increase is not considered likely to be significant.

The proposal is therefore considered to conserve neighbouring amenity in accordance with policy LC4.

Pollution

The use of the building for storage of hay and machinery is not considered to result in significant risk of pollution, and the development therefore accords with policy LC21.

Highways

The site can already be accessed by vehicles and no new road or driveway is proposed. Whilst the development would introduce new traffic to the site visibility along the path or at the junction with the road is not such that it is considered to reduce highway or pedestrian safety. Officers have consulted Rights of Way Officers and the Highway Authority who agree, neither objecting to the proposal on highway related grounds, subject to the use of the development remaining ancillary to Shuttle House. It is not considered that such a condition would be appropriate if permission was to be granted; the house does not form part of a farm holding and the use of the proposed building for farming separate from it would give rise to no additional planning impacts.

Site area

The application site area includes an area of land around the proposed building. Given the site's rural location and the proximity of designated heritage assets outdoor storage of farming equipment would appear untidy and out of keeping, and would detract from the setting of the heritage assets. If Members are minded to approve the application it is therefore recommended that the development is restricted to the footprint of the building only.

Ecology

The Authority's Ecologist has noted that the meadows that the applicant manages have had excellent ecological interest in the past but have unfortunately degraded as a result of inappropriate management. They query if improvement of these meadows could be a condition of any permission. As the applicant only rents the parcels of farmland on a rolling yearly basis he would be unable to secure any long-term enhancement however, and such a condition would therefore not be reasonable.

Conclusion

Officers have assessed the application against all relevant planning policy and all other material considerations. In less sensitive locations agricultural buildings of this type and size are regularly supported by the Authority where an identified agricultural need has been established. Whilst such a need has been accepted in this case, the proposed siting of the building has been found to be harmful to the setting of the curtilage listed Shuttle House and the SAM of Calver Weir and the water management system. SAMs carry the highest level of protection afforded by planning policy, and any harm to listed buildings must also be found to be outweighed by wider public benefit before developments causing it should be supported. No such benefits are present in this case.

All other material matters have been considered and found to be acceptable, but this cannot offset the harm to the heritage assets. The application is therefore recommended for refusal, because approval would be contrary to the NPPF and Development Plan policies L3, LC6, LC15 and LC16.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil