

7. FULL APPLICATION: ERECTION OF MOBILE TIMBER HEN-HOUSE ON SKIDS, ROCKLANDS, THE BENT, CURBAR (NP/DDD/1217/1282 P.3469 425112/374853 02/01/2018 DH)

APPLICANT: THOMAS COOPER

1. Site and Surroundings

- 1.1. The application site is a two hectare area of rough grazing land to the north-east of Rocklands, which is a bungalow situated on the east side of The Bent. It is one of a number of dwellings built on the hillside to the northern edge of the village of Curbar with the land to the rear rising toward Curbar Edge. The land is accessed via the private driveway to the side of the bungalow and at its closest point is approximately 100m north of the Curbar Conservation Area boundary. Curbar Edge is open access land under the CROW Act.
- 1.2. The nearest neighbouring properties to the land which is the subject of the application are the houses on the north side of The Green, which stand at a distance of just over 100m from the boundary of the land. There is a public right of way (PROW) which is approximately 125m south of the land which runs from The Green eastwards up to Curbar Edge, and two others which run south to north below and parallel with Curbar Edge, the closest of which is 50m north of the site.
- 1.3. The applicant has an established small scale free range egg business, Peak Pure Ltd, and is a registered egg producer. He has owns the bungalow 'Rocklands' along with the adjacent agricultural land to the north-east of it.

2. Proposal

- 2.1. The application seeks retrospective planning permission for the siting of a pitched roof timber hen-house on the land. The hen house is 5.4m long by 2.4m wide and 2.1m to the ridge of the roof which is covered in corrugated black sheets. The hen-house has not yet been taken into use. It is the applicants intention that the hen-house would be moved at regular intervals around various locations within the application site area to mitigate the impact of ground poaching.

3. RECOMMENDATION

That the application be APPROVED subject to the following conditions:

1. **The development shall be in complete accordance with the submitted plans and specifications received by the Authority 18 December 2017.**
2. **Prior to the building being brought into use or within three months of consent, whichever is the earliest, the external timberwork shall be given an initial stain in a 'warm grey colour' and thereafter, other than the use of a clear timber preservative, shall be left to weather naturally.**
3. **There shall be no external lighting of the site.**
4. **There shall be no egg sales directly from the site.**
5. **Within three months of the decision a landscaping plan shall be submitted for written approval by the Authority and implemented within the next tree planting season.**

6. Within three months of the decision a plan shall be submitted for written approval by the Authority and implemented showing all locations in which the hen house will be located within the field, these locations will be adjacent to boundary walls or other features and the hen house shall not be situated other than in accordance with the scheme.

7. The use of the hen house shall be ancillary to Rocklands

Key Issues

- Landscape impact. Whether the proposed development would detract from the character, appearance or amenity of the site, or its wider landscape setting.
- Whether the development would adversely affect the amenities of the property, neighbouring properties, or the wider area.

4. Relevant Planning History

4.1. Enforcement case number 17/0168 – Erection of timber building on skids

5. Consultations

- 5.1. Derbyshire County Council (Highway Authority): No objections subject to recommended conditions covering limitation on no of hens to a max of 150, no sales and ancillary to the Rocklands.
- 5.2. Derbyshire Dales District Council (Environmental Health Officer): No objections
- 5.3. PDNPA Landscape Architect: Approve subject to conditions covering tree planting, initial dark staining until building weathers and no siting in the topmost field.
- 5.4. Curbar Parish Council: Object. The reasons for objection are:
- Visual and environmental impact on landscape and neighbourhood
 - Practicality of moving the hen-house

6. Representations

- 6.1. The Authority has received five representations regarding the application, four of which are objections and one is a general comment. The concerns which are material planning considerations are:
- Landscape/visual impact
 - Impact on the character of the village location
 - Noise and smell
 - Waste and vermin being attracted to the site
 - Amount/extent of fencing and effectiveness of fencing
 - Commercial use of the site
 - Potential future intensification of business

- Generation of extra traffic movements
- Difficulty of moving the structure

7. **Policies**

7.1. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales:

- Conserve and enhance the natural beauty, wildlife and cultural heritage
- Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public

When national parks carry out these purposes they also have the duty to seek to foster the economic and social well-being of local communities within the national parks.

National Planning Policy Framework

7.2. The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.

7.3. Paragraph 115 of the NPPF states that *'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'*

7.4. The NPPF is supportive of building a prosperous rural economy. It states that local planning authorities should meet the development needs of their area, and support the sustainable growth and expansion of all types of business and enterprise in rural areas. Planning policies should promote the development and diversification of agricultural and other land based rural business.

Development Plan policies

7.5. Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GPS1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.

7.6. Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the

National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.

- 7.7. Policy L1 identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.
- 7.8. Policy DS1 sets out what forms of development are acceptable in principle in the National Park. It states that development for agriculture in the countryside outside the Natural Zone will be acceptable in principle.
- 7.9. Policy E2 deals with proposals for business development in the countryside; E2 (D) states that proposals to accommodate growth or intensification of existing businesses need to be considered in terms of their impact on the appearance and character of the landscape.

Saved Local Plan policies

- 7.10 Policy LC4 requires a high standard of design that is sensitive to the locally distinctive character of the landscape setting, with particular attention paid to the proposals impact on the character and setting of buildings, the character and appearance of the National Park siting, landscaping and materials. It also states that consideration will be paid to amenity, privacy and security of the proposed development and neighbouring properties.
- 7.11 Policy LC13 deals specifically with agricultural development, which should respect the landscape and avoid harm to the areas characteristics.
- 7.12 Policy LE4 states that the expansion of existing (business) development must be of a modest scale in relation to the existing activity/use and must not harm the amenity and valued characteristics of the area and the appearance of the site.

Relevant Core Strategy (CS) policies: GSP1, 2, & 3, DS1, L1 & E2

Relevant Local Plan (LP) policies: LC4, LC13 & LE4

8. Assessment

Design/Use of the Buildings

- 8.1. The building is modest in scale, it has a simple rectangular footprint measuring 5.4m by 2.4m, and an asymmetrical dual pitch roof with a ridge height of 2.1m. There are nest boxes protruding from one side, and roosting space inside; as such the structure is clearly designed for agricultural use in connection with keeping hens on the agricultural land. The principle of an agricultural building is therefore acceptable under policy LC13.
- 8.2. The hen-house is built onto metal skids and is not fixed to the ground and does not require any ground preparation for its siting. The skids have towing loops so that the structure, which is smaller than the average touring caravan, can be towed to different locations around the land holding.
- 8.3. The hen house is constructed of tongue and groove timber with a profile sheet roof which is painted a matt black. The timber is tannalised and currently has an 'off the peg' reddish-orange coloured stain. If left untreated this will quickly weather naturally to a grey colour, however, the Authority's landscape architect has suggested a recessive coloured stain be applied to give an immediate mitigation of the visual impact. A suitable warm grey shade would therefore tone down the current colour and mitigate the current landscape impact, thereafter the building can be left untreated to allow to weather naturally. The modest size of the structure, its low profile, its clear agricultural purpose and siting on agricultural land,

along with the re-colouring that can be required by condition, means that the design and use of the building would be compliant with policies L1, LC4 and LC13.

Character/Landscape

- 8.4. The landscape character assessment states that the application site is within an area of valley farmland with villages. As noted the land is to the rear of the building line to the northern edge of the village of Curbar, the nearest houses are approximately 100m away from the nearest boundaries of the red line. The land is not readily visible from within the village due to the houses to the south and west, and therefore does not impact on the character of the village.
- 8.5. The land to the north of the site rises to Curbar Edge, which is Natural Zone and open access land. There is a belt of rough moorland fringe/grazing land, also in the applicants ownership, which mainly lies above the application site but also includes the small rectangular top paddock. There are a number of trees in this area above the application site which provide some screening from the Edge. The character of the small top paddock is reverting to moorland fringe and is in sharp contrast with the rest of the application site which is open and improved grassland. The site area has been amended to remove this top paddock from the application area.
- 8.6. At its eastern end, the application site tapers to where it adjoins the South Pennine Moors Special Area of Conservation and Special Protection Area, and the Eastern Peak District Moors Site of Special Scientific Interest for a short distance of approximately 22m. As such the land represents a buffer zone between the built environment of the village and the moorland to the north.
- 8.7. As the structure is already on site, the impact on the wider landscape has been carefully assessed, especially from the two closest PROW's. It should be noted however that this is only one of many possible locations. Due to the modest scale of the structure the current impact is negligible from this distance, further scattered tree planting within the site will soften the outline of the building and this can be secured through a condition requiring a landscaping scheme. However, if the building were to be sited within the centre of the open land its visual impact would be much greater than if sited close to boundary walling or existing landscaping. Traditionally buildings of all types were normally sited close to existing buildings or walls to make use of natural shelter. Policy LC13 expressly requires that siting makes best use of existing buildings, trees, walls and other landscape features and in order to comply with this policy provision and mitigate the impact down to an acceptable level a condition limiting siting locations close to such features and identified on a plan would be essential if permission were to be granted.
- 8.8. Subject to such a condition and one covering colouring and additional tree planting the development would not detract from the character and appearance of its landscape setting, and would therefore be in accordance with landscape conservation policies in the Development Plan including GSP1, GSP2, GSP3 and L1 of the Core Strategy and LC4, LC13 of the Local Plan.

9. Amenity

- 9.1. Due to the intervening distance between the application site and the nearest neighbouring properties, being approximately 100m, it is not considered that the development would result in significant harm to the outlook, privacy or daylight of the nearest neighbouring properties.
- 9.2. However, other amenity concerns regarding straying hens, noise, smells, waste and vermin have been raised, and these have been carefully considered.

- 9.3. The registered egg producing business is small scale and strictly regulated. The hens are kept and managed in line with Defra guidelines 'Laying Hens: Code of recommendations for the welfare of livestock'. A poultry inspector will carry out visits to the site on a regular basis and if the conditions do not conform to the requirements set out by Defra the facility would be closed.
- 9.4. The hens will be kept around the vicinity of the hen house by means of electrified fencing; this is to deter predators and protect the land from becoming over-grazed, but will also safeguard the gardens of the nearest neighbouring properties. The fences are considered to be permitted development under Part 2, Class A of the Town & Country Planning (General Permitted Development) Order 2015, and therefore do not require express planning permission.
- 9.5. With regard to noise, the intervening distance between the nearest residential dwellings and the land is approximately 100m, it is therefore considered that any hen noise will not be so excessive over such a distance as to have a detrimental impact on the amenities of those neighbours.
- 9.6. The waste and smell from a small scale flock will be minimal, and again, the intervening distance means it is unlikely to have any detrimental effect. The hens are out on the land during the day, therefore the waste is scattered naturally, any waste from under the roosting perches in the hen house would be used as fertiliser on the land. Moving the house around the site as intended will also minimise any impacts.
- 9.7. Under the Defra regulations, vermin control is very strictly regulated. Hen food has to be kept in animal proof bins, feeders will be emptied and closed at night and any spilled food will be removed on a daily basis. The applicant intends to use traps located in the hen house and fenced enclosure. If any rodents are caught, they will be disposed of by a licensed agricultural pest contractor, who will also take appropriate remedial action.
- 9.8. It is therefore considered that the poultry business of this scale, and managed in accordance with the 'Laying Hens: Code of recommendations for the welfare of livestock' would not cause any significant harm to the amenities of any nearby properties.
- 9.9. The proposal will not have a detrimental effect on the character and appearance of the site, or its setting, in line with the requirements of GSP1 and GSP3, LC4 and LH4; nor would it result in any unacceptable impact on the amenities of the locality or the quiet enjoyment of the nearest neighbouring properties.

10. Highway Considerations

- 10.1. A traffic statement has been provided by the applicant regarding the traffic movements to and from the site which will arise from the proposal. As a registered egg producer the eggs produced must be graded and packed at a licensed packing station, the eggs must then be delivered from the packing station. The statement confirms that there would be no deliveries from the site. As the applicant works at the packing station he will be taking the eggs with him on a journey which he would be making to work in any case, therefore the egg production on site would not generate any additional traffic. The stock level of 150 hens would require one delivery of food, bedding and cleaning products per week, and the food etc. which the applicant intends to transport in one car. There will be the occasional visit by persons such as tradespeople, poultry inspectors and veterinarians.
- 10.2. The Highway Authority have assessed the information provided and state that they do not consider the proposals as submitted will lead to a significant increase in vehicle trips associated with the site. They recommend conditions be imposed if the application is approved as follows: restricting the use of the hen house to being ancillary to the dwelling at Rocklands; no sales from the site, and restricting the number of hens to 150.

- 10.3. It is considered that restricting the number of hens on the site is not reasonable as at certain times there will be point-to-lay poulets on site to replace the laying hens; nor is it necessary as the size of the hen flock is self-limiting as Defra welfare standards would demand a further hen house if the number exceeded 150 and a further planning application would be required.

11. Conclusion

- 11.1. It is concluded that the application meets the requirements of policies in the Development Plan and national planning policies in the Framework because the building is of an appropriate design and will not harm the valued characteristics of the National Park. The development would not detract from the character, appearance or amenity of the site, its setting or neighbouring properties. Accordingly, the application is recommended for conditional approval.

12. Human Rights

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

13. List of Background Papers (not previously published)

None