

**12. FULL APPLICATION - RETENTION OF AGRICULTURAL BUILDING AT CHESTERFIELD HOUSE, BANK TOP, WINSTER (NP/DDD/1014/1096, P.8779, 423794/360265 2/1/2015/CF)**

**APPLICANT: MR J A ROPER**

**Site and Surroundings**

The building subject of the current application is a stone built structure with a slate roof. The existing structure was created through alterations to a pre-existing structure that were carried out without the benefit of planning permission. The building is sited at Bank Top off the B5056 to the south west of Winster, within the designated Winster Conservation Area and to the rear of Chesterfield House, where the applicant lives. The building is also to the immediate rear of the neighbouring property, Woodland View, which is a Grade II listed building in separate ownership. Access to the building from the B5056 is via a short length of track that passes between Chesterfield House and Woodland View.

The building is 1½ storey high now it is completed and details submitted with the application say retention of the building is required primarily for calving and the accommodation of young stock and for the storage of fodder in the roof void. The building backs onto open fields in the applicant's ownership and these fields are adjacent to a larger group of farm buildings and various other structures on land in the applicant's control at Bank Top Farm, which is located around 200 metres to the south of the building.

**Proposal**

The current application seeks planning permission for the retention of the stone-built building at the rear of Chesterfield House for the purposes of agriculture.

**RECOMMENDATION:**

**That the application be APPROVED subject to the following conditions / modifications:**

- 1. The building hereby permitted shall remain ancillary to farming operations carried out at Bank Top Farm, and the building hereby permitted, the land within the red-edging on the submitted plans and the land and buildings shown within the blue edging on the submitted plans shall all be maintained as a single planning unit.**
- 2. The building hereby permitted shall be used solely for agricultural purposes ancillary to farming activities carried out at Bank Top Farm and for no other purpose.**

**Key Issues**

- whether retention of the building would have any harmful impacts on the valued characteristics of its landscape setting; and
- whether the benefits of granting planning permission for the retention of the building would be significantly and demonstrably outweighed by any adverse impacts of doing so.

**History**

The following planning history all relates to the building that is subject of the current application:

2010 – Application for lawful development certificate for existing development not granted for erection of the agricultural building including workshop and office.

2007 - Permission refused for the retention of the building for agricultural use.

2005 - Permission refused for the retention of the building for use as a store, workshop and office in connection with farming operation.

2005 – Unauthorised works to the agricultural building first reported to and investigated by the Authority.

### **Consultations**

County Council (Highway Authority) - No objection subject to ancillary use.

District Council – No response to date

Parish Council - Resolved to recommend refusal of the current application for the following reasons:

- no proper agricultural justification for the retention of the building;
- substandard access to the building from the B5056;
- the building is not purpose designed or suitable for agricultural use; and
- the use of the building to accommodate livestock would be unneighbourly.

Notably, the Parish Council say they could see little or no change from the previous planning application made in 2007 for the retention of this building and have cited the same reasons for refusal in this case as their objections to the previous application. However, the Parish Council also say that if the farm business needs to expand, in principle, they would prefer to see new suitable development at the main farm to replace existing non-conforming buildings at the Bank Top Farm site.

### **Representations**

The Authority has not received any further representations on this application to date.

### **Main Policies**

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

Relevant Local Plan policies: LC4, LC5, LC6 & LC13

Policies GSP1, GSP2, GSP3 and L1 of the Core Strategy seek to conserve and enhance the special character of the National Park, including its landscape and scenic beauty which has the highest status of protection. Saved Local Plan policies LC4 and LC13 set out the detailed considerations for proposals for agricultural development and require new farm buildings to respect the scale and mass of existing buildings and building traditions characteristic of the area and avoid harm to important local views and their wider landscape setting.

Policy L3 of the Core Strategy and saved Local Plan policies LC5 and LC6 are also relevant to the current application because the building lies within the designated Winster Conservation Area and to the rear of a Grade II listed building. Policy L3 is only permissive of development that does not harm the significance of a designated heritage asset. LC5 seeks to protect the special qualities of the National Park's Conservation Areas whilst LC6 seeks to safeguard the special architectural and historic interest of listed buildings and their settings within the National Park.

These policies are consistent with national policies in the National Planning Policy Framework ('the Framework') which afford great weight to the conservation and enhancement of the Park's natural beauty, wildlife and cultural heritage. Policy DS1 of the Core Strategy and the Framework otherwise acknowledge agriculture development can be accepted in rural locations provided the proposals would be sensitive to the locally distinctive characteristics of their landscape setting within a National Park.

### **Assessment**

In this case, the retention of the building is in accordance with saved Local Plan policy LC13, which deals specifically with agricultural development in the National Park, and saved Local Plan policy LC4, which sets out specific design criteria for all new development in the National Park. This is because the building relates reasonably well to Chesterfield House and the neighbouring property, it is of a similar design to many rural outbuildings typical of the local area, and is also constructed from traditional building materials characteristic of the local area. Moreover, whilst the building is sited in a relatively elevated position and can be seen from the B5056, for example, it does not have a significant adverse visual impact on the surrounding landscape.

In these respects, the building is not especially obtrusive in its landscape setting or conspicuous in views in to and out of the surrounding Conservation Area mainly because intervening landscape features, including mature trees, the topography of the surrounding landscape and other buildings tend to foil views into the site.

Similarly, the building only has a limited impact on the setting of the nearby listed building because of the orientation of the two buildings in relation to each other, intervening boundary treatments, and the general topography of the surrounding land. These factors also help to diminish the potential impacts of the building, and its use for livestock accommodation, upon the residential amenities of the neighbouring property to an acceptable level. Notably, the neighbourliness of the building and its use for livestock accommodation has been a repeated concern of the Parish Council, but no representations have been made on amenity grounds by the owner/occupier of this property.

In terms of safe access to the building, the County Council have no objections to the proposals on highway safety grounds providing the building remains ancillary to the farming operations taking place on the surrounding land in the applicant's ownership at Bank Top Farm. There are also no concerns that the retention of the building would harm any nature conservation interest or that the alterations to the pre-existing structure to create the building subject of the current application have damaged a structure that had any special historic or architectural interest.

It is therefore considered that the retention of the building would not conflict with the specific criteria of LC13 or the wider range of design conservation policies set out in national planning policies and the Development Plan including policies GSP1, GSP2, GSP3, L1 and L3 of the Core Strategy and saved Local Plan policies LC4, LC5 and LC6.

However, these conclusions are different to those reached by the Authority in 2005 and 2007 when planning permission was refused for retention of the building. Previously, permission has been refused for retention of the building on design and landscape grounds, highway safety grounds, and lack of agricultural justification. Notwithstanding these issues, it is clear from pre-application advice offered in 2013 that an application to retain the building could be supported if it was accompanied by 'sufficient justification' that the building was required for agricultural purposes associated with the existing farming activities carried out at Bank Top Farm.

In the pre-application advice offered in 2013, officers did not indicate that landscape impacts associated with the building or highway safety concerns would weigh heavily against any resubmission. In this respect, the more recent pre-application advice is closer to the conclusions made in the consideration of this application than the reasons for refusal of the previous applications. However, it was accepted in 2005 and 2007 that the building was broadly of

traditional appearance and over time the building has become more assimilated in its landscape setting partly because building works have been completed, newer materials used in its construction have weathered, and trees in and around the local area have grown or matured. It is also clear that the Highway Authority are less concerned that the use of the building would intensify the use of a substandard access than they may have been previously.

Therefore, the remaining issue in the determination of this application is whether there is 'sufficient justification' for retention of the building for agricultural purposes if it is now accepted that retention of the building would not in itself harm the valued characteristics of the National Park. As noted above, the question of agricultural need was raised in the reasons for refusal of permission for retention of the building in 2005 and 2007 and in pre-application advice offered in 2013. The Parish Council also raises the question of agricultural need and raise further objections to the proposals on these grounds, not least because stone-built buildings are no longer suited to the needs of modern farming.

However, whereas the former Structure Plan (deleted in 2009) contained policies that did require a 'functional test' for new agricultural buildings in open countryside neither policy Local Plan LC13 nor any other policy in the Development Plan or the Framework require that it is demonstrated that the building is reasonably necessary for the purposes of agriculture before permission is granted for the current application. This test would be applicable to a farm building proposed under the prior notification procedures, but the current application is for planning permission.

Therefore, the more appropriate approach to take in this case derives from Paragraph 14 of the Framework and requires consideration to be given to whether the benefits arising from granting permission for retention of the building would be significantly and demonstrably outweighed by any adverse impacts of doing so. This balancing exercise also reflects the approach taken by Inspectors on recent appeal decisions concerning agricultural buildings in the National Park.

In this case, for the reasons set out above, it is considered retention of the building would result in limited adverse impacts but it is also acknowledged that retention of the building would provide limited benefits to the applicant's holding compared to a modern purpose-built farm building closer to the main group of buildings on the applicant's holding at Bank Top Farm, for example. Nonetheless, it is also recognised that it is intended to use the building in circumstances where it is necessary to keep individual animals or a small number of livestock within 'sight and sound' of the applicant's house and away from other stock on the holding.

Although these uses would be relatively modest, the building is of a size and scale that is commensurate with these requirements and it is not uncommon for farmers to use stone outbuildings for the purposes suggested by the applicant. Even though many buildings of this type do not meet typical welfare standards applicable to modern farm buildings, they are useful for isolating animals where it is inappropriate or not possible to keep them with other animals or in larger sheds. It is therefore considered that the building would be useful for agricultural purposes and its retention would help support the farming activities carried out on the applicant's wider holding. In these respects, it is considered that the benefits of granting permission for the current application would outweigh the adverse impacts of doing so.

Finally, it is also relevant to the planning merits of the current application that the nature of the vehicular access to the building from the B5056 means that the use of the building for any other purpose other than for farming activities ancillary to the wider holding would be unacceptable on highway safety grounds. In turn, this means that there is a greater degree of certainty that the building would be retained in use for agriculture and there are good planning reasons to resist a change of use of the building if the building is no longer required for the purposes of agriculture in the future.

In these respects, it would also be reasonable and necessary to remove permitted development rights for a change of use of the building to any other use including the flexible uses allowed for

by the General Permitted Development Order and to place an ancillary tie on the building so it remains associated with the farm activities carried out on the wider holding if permission were to be granted for the current application. These conditions would not only reflect the County Council's recommendations on highway safety grounds but also ensure that the building is used for the farming activities that would otherwise 'justify' its retention as far as it is practicable to do so.

### **Conclusion**

The current application is therefore recommended for conditional approval taking into account the retention of the building would not result in any unduly adverse impacts on the valued characteristics of the local area but would benefit the subsiding farm business operated by the applicant at Bank Top.

### **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