

8. FULL APPLICATION – USE OF YARD FOR PARKING TWO LORRIES FOR COMMERCIAL USE IN ADDITION TO EXISTING USE OF YARD FOR AGRICULTURAL PURPOSES, FIVE ACRES FARM, NARROW GATE LANE, WARDLOW (NP/DDD/0914/1014, P3714, 29/12/2014, 418126 / 374950/AM)

Applicant: MR STEPHEN CHARLES

Planning Committee resolved to defer the determination of this planning application in December to request additional information regarding the previous planning appeal decision, the connection between the proposed lorry business and the existing farm business, and the recommended planning conditions.

The agent has submitted additional supporting information and this report has been amended to include the requested information.

Site and Surroundings

The Five Acres Farm complex abuts the southern side of Narrow Gate Lane about 430m east of its junction with the main village street in Wardlow. Although close to the village of Wardlow the site is in open countryside. It comprises a farmhouse, built approximately nine years ago, with a complex of modern farm buildings arranged around a yard on lower ground to the west of the farmhouse. The red-edged application site encompasses the whole of the complex.

The farm holding extends to 93 hectares (230 acres) with typical stock levels of 600 ewes, 750-800 lambs and 70 cattle. Access to the application site is via Narrow Gate Lane; the farmhouse and yard have separate vehicle accesses. Public footpaths run through the fields to the north and south of the farm yard. The nearest neighbouring property is located approximately 400m to the west on the edge of Wardlow

The parish boundary between Wardlow and Great Longstone passes through the farm yard and therefore both Wardlow Parish Meeting and Great Longstone Parish Council have been consulted on this application.

Proposal

This application seeks planning permission for the parking of two lorries for commercial use on part of the existing farm yard. This is in addition to the existing agricultural use of the yard, so in effect a mixed use is proposed. The submitted application states that the two lorries would be owned and registered by the applicant and his wife and operated by the applicant and his son as part of a new business.

The submitted plans show that two lorries (two tractor units and two trailers) would be parked within the yard on its eastern side adjacent to an existing agricultural building.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions.

- 1. Statutory three year time limit for implementation.**
- 2. Development to be carried out in accordance with specified approved plans.**
- 3. The use hereby permitted shall be ancillary to Five Acres Farm only and the existing farmstead and the use of land for the parking of commercial lorries hereby permitted shall be retained within a single planning unit.**

4. **The parking of commercial lorries shall not take place other than in accordance with the specified approved plan.**
5. **No more than two commercial lorries (two tractor units and two trailers) shall be parked on the site at any one time.**

Key Issues

- Whether the proposed development is acceptable in principle.
- The visual and landscape impact of the proposed development.
- The impact of the proposed development upon access, parking and highway safety.

Relevant History

Since 1998 there have been a number of applications submitted for farm development at the site. The most relevant planning history for the current proposal are listed below.

2004: Reserved matters granted for the erection of agricultural dwelling.

2012: Planning permission granted for the erection of agricultural livestock building.

2012: Planning permission refused for amendments to agricultural building for agricultural office / canteen and first floor ancillary residential accommodation. A subsequent appeal was allowed the following year.

2013: Planning permission granted for agricultural building to house livestock.

2013: Enforcement Notice issued in respect of the parking and maintenance of heavy goods vehicles and trailers.

The subsequent appeal (against the refusal of planning permission and enforcement notice) was dismissed. In dismissing the appeal the Inspector concluded that the proposal would not comply with policy in principle because it would be unrelated to the existing agricultural business. Although the appellant had an interest in the haulage business it was not solely his enterprise and therefore any financial benefits may not support the farming enterprise which is a requirement of Core Strategy policy E2.

The Inspector also considered that whilst vehicles would not be unduly conspicuous from some viewpoints, in the proposed location vehicles would be easily visible from the road to the south of the application site. Finally, the Inspector considered that as vehicles would only be parked at the application site as a matter of convenience, and that it would be prudent to minimise use of Narrow Gate Lane by larger vehicles unless entirely necessary.

2013: Planning permission refused for the proposed use of yard for parking two lorries for commercial use, recreational vintage lorry and recreational competition tractor hauling unit, all in addition to existing use of yard for agricultural purposes.

2014: Application for lawful development certificate refused for an existing use to park HGV lorries with trailers in the yard of Five Acres Farm in addition to existing use as an agricultural yard.

2014: Planning permission granted for agricultural building.

2014: The Authority's Monitoring and Enforcement Manager has written to the applicant and carried out site inspections in May and September to assess whether the enforcement notice is

being complied with. On the majority of occasions no heavy goods vehicles or trailers were parked at the property; however, on some occasions one vehicle and/or trailer was observed. The enforcement file remains open to allow further monitoring to ensure compliance with the enforcement notice. The Monitoring and Enforcement Quarterly report will provide a more comprehensive update on this site to Planning Committee, also on this agenda (January 2015).

Consultations

Highway Authority – No objections subject to conditions.

District Council – No response received to date.

Wardlow Parish Meeting – Support the application and make the following comment.

- One member requested that lorries should leave the site by bearing right onto Narrow Gate Lane rather than travelling through the village. (Officer note – Whilst this could be encouraged it could not be conditioned as the movement of traffic on the public highway would be outside the application site area and is in any case controlled by the Highways Act)
- Two members of the meeting objected that haulage vehicles should not be present or allowed within a Conservation Area. (Officer note – The site is not within a Conservation Area)
- Other than the above comments the remaining members voted 20 votes in favour of the application.

Great Longstone Parish Council – Object to the application for the following reasons.

- Highway issues and traffic generation.
- Noise and disturbance resulting from the use.
- Previous planning history.

Representations

Five letters of representation have been received at the time of writing. All of the letters object to the current application. The reasons for objection are summarised below, the letters are available to read in full on the website.

- Site is highly visible in the landscape and is not suitable for the proposed use.
- Proposal would result in a harmful change to the agricultural character of the local area.
- The proposed development is contrary to the Authority's economic and transport policies.
- This proposal will increase the level of freight transport within the National Park which is an acknowledged problem.
- There is no guarantee that income from this venture will be re-invested into the farm.
- BM Charles Ltd is run from sites at Dove Holes and Bradwell. There is no advantage in opening a further site in Wardlow.
- The proposed vehicles are too large to pass safely over the narrow lanes within the village. The use of these lanes by these vehicles harms amenity for walkers and there

has been damage to the roads and green verges.

- Lighting at the site used for evening maintenance of vehicles would be harmful.
- Proposed parking areas are impracticable as it would block the entrance to a barn used for agricultural purposes.
- Photographs submitted in support of the application are out of date and misleading.

Main Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, E2 and T4

Relevant Local Plan policies: LC4, LC14, LE6, LT9, LT10 and LT18

Development Plan

The National Planning Policy Framework (the Framework) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. 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.

Core Strategy policy DS1 says that in the countryside development for farm diversification will be acceptable in principle. Core Strategy policy E2 is relevant for the current application. E2 B says that on farmsteads, small scale business development will be permitted provided that it supports an existing agricultural or other primary business responsible for land management. The policy goes on to say that the primary business must retain ownership and control of the site and building, to ensure that income will be returned to appropriate management of the landscape which is supported by saved Local Plan policy LC14.

Core Strategy policy T4 and saved Local Plan policy LT9 relate to proposals for freight transport and say that facilities should be related to the needs of National Park based businesses and should be located to avoid harm to the valued characteristics of the National Park or compromise routes subject to weight restrictions. Developments requiring access by large goods vehicles must be located on and or readily accessible to the strategic or secondary road network.

Core Strategy policy GSP3 and saved Local Plan policies LC4 and LE6 together say that development must respect, conserve and enhance the valued characteristics of the site and buildings, paying particular attention to (amongst other things) siting, form and intensity of proposed use, impact upon living conditions, impact upon access and traffic levels and landscaping. Core Strategy policy L1 requires all development to conserve and enhance the landscape character of the National Park.

It is considered that in this case there is no significant conflict between policies in the development plan and more recently published National Planning Policy Framework because both sets of documents seek to promote sustainable economic development in rural areas which conserve and enhance the valued characteristics of the National Park.

Assessment

The 2013 planning appeal decision

The planning appeal decision on the enforcement notice and previous planning application and the reasons why those appeals were dismissed in 2013 is a material consideration in this respect.

The 2013 appeal proposal was for parking two lorries for commercial use, a recreational vintage

lorry and a recreational competition tractor hauling unit. The current planning application does not include the two recreational vehicles. In 2013 the Inspector identified Core Strategy policy E2 as particularly relevant because it relates to business development in the countryside.

The Inspector stated that the two lorries would be used in conjunction with a haulage business located on land outside of the National Park, in Dove Holes and that other parts of the business operate from a site in Bradwell. The Inspector considered that the two lorries would be kept at the appeal site and operated from there as a matter of convenience to avoid journeys into Dove Holes. The inspector also found that the proposed activity would be a commercial activity.

The Inspector then went on to apply policy E2 to the appeal proposal. While accepting that the development would be located on a farmstead in accordance with E2, the Inspector stated that *“Although the Appellant has an interest in the haulage business, it is not solely his enterprise and consequently, the financial benefits may well not support the farming enterprise as policy E2 requires. This view is reinforced by the fact that the main centre of the business is located elsewhere.”* The Inspector therefore concluded that the development would not comply with policy E2 because it would be unrelated to the existing agricultural business.

The Inspector then went on to state that the requirement in E2 is imposed to permit commercial development in the countryside which might otherwise be unacceptable in principle. Consequently, failure to fulfil it must carry considerable weight in deciding whether development is acceptable at the appeal site given the great weight to be accorded to the protection of the landscape.

Whether the proposed development is acceptable in principle.

One key issue in the current application therefore is whether the principle of the proposed development is in accordance with the Authority’s economic development policies. Core Strategy policy E2 B says that on farmsteads small scale business development will be permitted provided that it supports an existing agricultural business responsible for land management.

The current application seeks to overcome the Authority’s and the Inspector’s previous objection to the scheme. The application states that the two proposed commercial lorries would be owned and registered by the applicant and his wife and operated by the applicant and his son, all of whom live and work at the farm.

The agent has submitted additional supporting information following Planning Committee’s request in December. Firstly, the agent has confirmed that the farm would retain ownership of the yard, the buildings and the lorry business.

Secondly, the agent has provided an analysis of typical income generated by a haulage lorry, taking into account fuel and other running costs and including confidential projected figures for two drivers working an average of two days a week as proposed. The agent also states that income from the agricultural business fluctuates and that some years the farm will only break even. The agent therefore considers that a regular secondary income is necessary to support the agricultural business carried out on the land.

The applicant and his son would each be employed part time by the haulage business, on average two days a week, which is subordinate to the time spent employed by the farm business. It follows that the majority of the time the applicant and his son would work at the farm. The activities at the farm often require urgent attention and the agent states that the operation of the haulage business would be fitted around the farms requirements. The physical area of land taken up by the proposed lorries relates to part of the existing yard and would clearly be subordinate to the farmstead and wider holding.

It is important to re-iterate that this is a separate application which is different to the 2013 appeal. Officers therefore consider that the current application must be considered on its own merits. The

proposed development is materially different to the previous proposals because the applicant would be the sole owner of the proposed business enterprise, which would be based at the farm and therefore the Authority can be more confident that any financial benefits would be likely to support the extant farm enterprise on the holding as required by E2.

Having taken into account the additional submitted information, Officers consider that the proposed business is of a small scale and that it would support the existing agricultural business at the farm in accordance with Core Strategy policy E2 and T4. If permission is granted, planning conditions would be recommended to control the proposed use. These are dealt with later in the report under the “*Planning conditions and planning obligation*” section of the report.

Visual and landscape impact.

The application site is located within the White Peak Character Area and within the Limestone Plateau Pastures and Limestone Village Farmlands character types as identified by the Authority’s Landscape Strategy and Action Plan. This is a historic landscape and the most settled agricultural landscape of the White Peak, characterised by discrete limestone villages and isolated stone farmsteads set within a repeating pattern of narrow strip fields and beyond small and medium sized rectangular fields bounded by drystone walls. There are scattered boundary trees and tree groups around buildings, derelict mine shafts and associated lead mining remains with open views to surrounding higher ground.

The farm complex is visible from a number of public viewpoints, including from points along the B6465 road through Wardlow (to the west and south-west and Black Harry Lane (to the south-east). The complex is also seen at close quarters from Narrow Gate Lane itself. However, some screening of the buildings and yard is provided by an earth bund to the west and south sides of the complex which has been planted with trees.

In dismissing the appeal against the previous refusal of planning permission and enforcement notice in 2013, the Inspector concluded that the proposed lorries would not be unduly conspicuous from some viewpoints but that in the proposed location a vehicle was easily visible from the road to the south.

The current application seeks to overcome the Authority’s and the Inspector’s previous objection to the scheme on this ground and proposes that the two lorries (each comprising a tractor unit and trailer) would be sited more centrally within the existing farm yard. Officers have visited the site and viewed it from surrounding viewpoints, having had regard to the submitted photographs. Having done so, it is considered that the two proposed lorries would effectively be screened in the wider landscape by the existing agricultural buildings around the yard. There would be limited views from closer vantage points along Narrow Gate Lane approaching the site, but this impact would not be so significant to warrant refusal of planning permission.

It is therefore considered that, subject to planning conditions to ensure that the proposed lorries are only parked in accordance with the submitted plans and to limit the total number of vehicles to two (a maximum of two tractor units and two trailers at any one time), the proposed development would not have an adverse visual impact and that the proposal would conserve the landscape character of the National Park in accordance with Core Strategy policy L1 and T4 A the more detailed requirements of saved Local Plan policy LC4 and LE6.

Access, parking and highway safety.

Core Strategy policy T4 A says that freight facilities should not compromise routes which are subject to weight restrictions. In this case, the application site is readily accessible to the A623, albeit along Narrow Gate Lane which is not subject to weight restrictions. In this case, it is considered that the proposal would represent an acceptable form of farm diversification and that in this context the use of the lane for the two proposed lorries would not be significantly harmful.

With regard to access, Narrow Gate Lane is subject to the national speed limit (60mph). Officers agree with the Highway Authority's assessment that it is unlikely that vehicles would be travelling at or even close to the upper speed limit due to the alignment and width of the lane. Having regard to this, it is considered that there would be adequate visibility to provide safe access to and from the property to Narrow Gate Lane. There is ample space within the farm yard to park the proposed lorries along with vehicles and equipment related to the agricultural business.

The Highway Authority has requested that the existing access be improved to allow vehicles to turn out and into the site without damaging the grass margins. The agent advises that these works were actually carried out a number of years ago and has submitted an amended site plan to demonstrate that there is sufficient space for vehicles to turn without driving onto the grass margins. The Highway Authority also recommends conditions to limit the total number of vehicles and to require parking and turning areas to be retained in perpetuity.

Having regard to the view of the Highway Authority it is considered that, subject to the recommended conditions, the proposed development would be served by a safe access and would be unlikely harm the amenity or safety of road users in accordance with Core Strategy policy T4 and saved Local Plan policy LT10 and LT18.

Other issues.

One representation has raised the potential issue that the proposed lorries could block access to the adjacent agricultural building. Two out of the five bays on the side of the relevant building would remain available for access even when the vehicles are parked on site. There would be ample space to utilise the rest of the yard and the existing buildings. It is therefore considered that the proposed development would not be incompatible with the use of the yard for agricultural purposes.

The submitted application does not propose any additional lighting. In this case the property is a working farm with existing lighting which is required when farming activities are taking place at night. It is therefore considered that the proposal would be unlikely to generate any additional light pollution.

The proposed use would be located some distance from the nearest neighbouring properties (approximately 400m); at this distance it is considered that the parking of two lorries within the yard would not harm the security, amenity or privacy of any neighbouring property. Despite the applicant's intention to avoid routing lorry movements through Wardlow, this would be a possibility especially during inclement weather. However, any additional disturbance from vehicle movements is unlikely to have a harmful impact upon the amenity of any neighbouring property.

Planning conditions and planning obligation

In this case, the principle of the proposed development is only acceptable because the proposed business is of a small scale and would support the existing agricultural business at Five Acres Farm. For this reason, if permission is granted a planning condition would be necessary to ensure that the development remains ancillary to Five Acres Farm and to be retained within a single planning unit. This condition is essential to ensure that the existing agricultural business retains control over the site and to prevent the use of the site by vehicles unrelated to the applicant's business.

Officers previously recommended an additional planning condition requiring the use to cease when the applicant ceased to occupy the premises. This condition would potentially allow the Authority greater control and the ability to re-assess whether the proposal continued to be an acceptable form of farm diversification if the occupant of Five Acres Farm wished to continue the haulage business.

However, the key issue is to ensure that the use remains ancillary to the agricultural business. If

granted, any planning permission would run with the land, and any future occupant would need to comply with a condition requiring the use to remain ancillary to the farm business. Such a condition would be enforceable and any future occupant would need to make a separate application if he or she wished to operate the use differently at that time. It is therefore considered unnecessary to impose a condition making the permission personal to the applicant.

It is necessary to impose conditions to ensure that the proposed lorries are only parked in accordance with the submitted plans and to limit the total number of vehicles to two (a maximum of two tractor units and two trailers at any one time). These conditions are necessary to clarify precisely that one lorry equates to one tractor unit and a trailer and because parking the vehicles elsewhere within the red-edged application site would have a greater landscape impact.

In this case, the recommended conditions provide sufficient control to ensure that the proposed development complies with relevant policies in the development plan. A planning obligation would therefore not be necessary to make the proposed development acceptable.

Conclusion

It is considered that the proposal is in principle in accordance with Core Strategy policies E2 and T4 because the development would be sited on a farmstead and would support an existing agricultural business which is responsible for land management. If permission is granted, conditions would be recommended to ensure that the agricultural business retains control of the site in accordance with E2 B.

The proposal would not have an adverse visual impact or harm the landscape character of the National Park provided that the number of lorries are limited and only parked in the proposed location on site. The proposed use would be served by a safe access and would not harm the highway safety or amenity of road users or the local area.

The proposal is therefore considered to be in accordance with the development plan. In this case, relevant development plan policies are up-to-date and in accordance with the more recently published National Planning Policy Framework and in the absence of any further material considerations, the proposal is recommended for approval subject to the conditions outlined in this report.

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