

**6. FULL APPLICATION - CHANGE OF USE OF EXISTING AGRICULTURAL BUILDING TO A MIXED USE FOR GENERAL AGRICULTURE AND TIMBER PROCESSING, INCLUDING FORMATION OF A TIMBER DRYING KILN, INSTALLATION OF BIOMASS POWERED HEATERS AND FLUES, AND BUILDING REFURBISHMENT INCLUDING RE-ROOFING AND UPGRADED EXTERNAL WALL COVERINGS AT HEATH FARM, SMALLDALE. (NP/HPK/0320/0234 SPW)**

**1. APPLICANT: MR LUKE JOHNSON**

**Summary**

2. The proposal is for a change of use of the site to enable a building and part of another building on the site to become a lawful base for a log processing business. The business has been operating from the site without planning permission out of a building which has since burnt down. The building which would be refurbished is proposed to be used for mixed use of timber processing and agriculture. The site character has been adversely affected by the existing unauthorised use with logs stored on the driveway which break the skyline in views from the road to the south. There are a number of other external areas utilised for external storage of logs in pallets, under tarpaulins and there is also further storage of processed logs stored in a building. All of which are clearly open to public view. It is noted that there is existing tree planting, and further tree planting proposed as part of the scheme.
3. The proposed use for log processing would have a harmful effect on the character and appearance of the site and the wider landscape and is therefore not compatible with its siting within the National Park. Furthermore, the submitted details and experience of the existing operation lead us to conclude that the scale of the proposed log processing use is not small scale, nor subordinate to the agricultural use. It would result in it being the primary use on the site and is therefore not supported by the policies of the development plan which relate to farm diversification. In addition, the proposal would also likely have an adverse impact on the amenity of the nearby dwelling at Heath Farm which is in separate ownership to the modern agricultural buildings.
4. Whilst the merits of the employment provided on the site and the product of the log processing business are explained in the applicants supporting planning statements these do not override National Park Purposes or the policies of the development plan. The site is not considered to be an appropriate base for such a general industrial use which has no connection to the land it is sited upon and which would be more appropriately and sustainably accommodated on a general industrial site.
5. The application was previously considered under emergency delegation powers by the Director of Conservation and Planning in June, and a decision was not made at that time. A site visit was proposed for the Chair and Vice Chair of Planning Committee. This is planned to take place after the publishing of this report. Representations made by the applicant and Members of the public to the Director of Conservation and Planning in advance of his consideration of the item are summarised below. Representations made by Members are not summarised as they will express their views in the debate of this report.

**Site and Surroundings**

6. Heath Farm is located in general open countryside within the Landscape Character Area of the White Peak, and within the Landscape Character Type of Limestone Plateau Pastures.

7. The nearest settlement is Smalldale which is outside the National Park, approximately 400m to the west of the site. The site is accessed off Batham Gate which runs between Peak Forest and Smalldale. There are no public rights of way in the immediate vicinity, however, the site is open to view from public vantage points along the public highway network from Batham Gate to the west of the site and most open to view from the road immediately to the south of the site.
8. The buildings at the farm include a relatively recently built farmhouse, a small range of traditional stone buildings which are not being actively used, and a range of modern portal frame buildings. The site is in an unauthorised mixed use comprising the general industrial use of log processing and agriculture. The unauthorised use is subject of an enforcement case. The farm house is in separate ownership to the farm buildings.
9. The nearest neighbouring property is therefore the farmhouse at Heath Farm which is only 30m to the north east of the application building. It also shares the access with the rest of the site. Also in relatively close proximity is Heath View Cottage which lies approximately 170m to the south. Heath View Cottage is on slightly lower ground than heath farm and has uninterrupted views of the site.
10. The site is clearly open to view from the highway to the south, from where the harmful effects of the current unauthorised log processing business can be seen. These include outside storage of logs stored on the driveway, pallets (or potato boxes) of timber stacked high, skip bags of timber and timber stored under large tarpaulins all of which is incompatible with its setting in the National Park at this scale.
11. The most recent building on the site was approved under the general permitted development order which requires that buildings erected under this provision are necessary for, and used for agriculture. The building is not known to have been used for agriculture to date. On our last visit to the site it was used solely for storing the processed firewood. Officers also note that the building has not been completed in accordance with the plans and the required landscaping which should wrap around the buildings western and southern elevations has not been carried out.
12. There is some recent tree planting on the site, this is to the west of the group of buildings. At this point the trees are immature and provide no screening of the site, they are also on lower ground to some extent so it will take some considerable time before the screening they could provide may become effective.

### **Proposal**

13. The application seeks planning permission for the change of use of a building including refurbishing it for a mixed use including timber processing (a B2 general industrial use) and agriculture. The scheme repositions the access into the building so it is from the west elevation of the building, in an area which is not currently farm yard. The scheme also shows a small section of another building included in the change of use to house the wood drying kilns.
14. As submitted the yard areas were not included within the application site area. As these areas are being used in relation to accessing the log production business, we asked the agent to clarify this. Amended plans now show the inclusion within the application site of the yard area along with essential outdoor storage for logs in potato pallets and unprocessed logs to the south of the gable end. These amended plans also show some replacement landscaping/ tree planting for that which is required to be carried out under a previous permission but which has to date not been carried out and which would not be possible to achieve if the current application were approved.

15. The main building subject of this application would house a timber drying kiln, and have biomass powered heaters and associated flues. The building would be re-roofed and have upgraded external wall coverings as well as repositioning its accesses. It is also proposed for general agricultural purposes.
16. The roof would be clad with metal profile sheets coloured to match the existing. The walls would be finished in pebble dash with metal profile cladding coloured to match the existing.

**RECOMMENDATION:**

**17. That the application be REFUSED for the following reasons -**

1. **The evidence submitted with the application and from the planning history demonstrates that the proposed timber processing use is of a scale and nature which constitutes the primary business on site and which is not compatible with its setting. It would therefore not be small scale business development representing acceptable farm diversification supporting a primary agricultural business on the site. The proposal therefore is a general industrial use and associated external storage, which does not require a rural location, has no connection to the land, and is located in an unsustainable location in open countryside. The proposal is therefore unacceptable in principle and contrary to Core Strategy policies DS1, E2 and Development Management Policies DME2 and the NPPF.**
2. **The proposed use would have an adverse impact on the character and appearance of the National Parks landscape. The proposal is therefore contrary to Core Strategy policies GSP1, GSP2, GSP3, L1 and Development Management Policies DM1, DMC1, DMC3, DME2 and the NPPF and National Park Purposes.**
3. **As the business rents the building and land it cannot meet the requirements of Core Strategy policy E2 B which requires 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.**
4. **The proposal is considered to be harmful to the amenity the neighbouring residential property ‘Heath Farm’ and the the National Park by virtue of disturbance from use of and access of the site and the application has not demonstrated whether there would be noise or odour issues associated with the proposed business which may affect this and other neighbouring residential properties. The proposal is therefore contrary to the policies of the development plan insofar as they relate to amenity including Core Strategy Policy GSP3 and Development Management policy DMC3.**

**Key Issues**

The key issues are:

- The principle of the proposed development and the level of use for timber processing in relation to the level of agricultural use on the site;
- Whether the proposal would have a detrimental effect on the character and appearance of the site and its wider landscape setting, and;
- Whether the proposal would harm the amenities of nearby neighbouring properties.

### **History**

1984 – Planning permission was granted for the demolition of the original farmhouse and the rebuilding of a new farmhouse on the same site. An agricultural occupancy condition was attached to the consent.

2001 – The agricultural occupancy condition on the house was removed.

2002 – A Certificate of Lawfulness for an existing use to operate 2 heavy goods vehicles was granted

2004 – Approval was given for the closure of the original access track which ran from the road to the south, and the creation of a new access from Batham Gate to the north-west.

2006 – A prior notification for an agricultural building was accepted

2013 – A prior notification for an agricultural building for animal feed production and feed storage was accepted.

2017 – An extension of the house into the attached barn was approved.

2018 – A two storey extension to the house and alterations to the frontage of the attached barn previously approved for conversion to extend the house were refused. The decision was appealed but the appeal was dismissed.

Enforcement case file reference 17/0178 - Breach of conditions attached to NP/GDO/0213/0119 and unauthorised change of use of the building and part of the outside areas to a log business.

2020 – NP/GDO/1219/1338 Application for prior notification for a general purpose agricultural building. We determined that planning permission was required as the proposal was not permitted development for 2 reasons; firstly the land was in a mixed use comprising processing and storage of timber from an outside source and agriculture and mixed use sites cannot benefit from agricultural permitted development rights. Secondly the proposal was not reasonably necessary for the purposes of agriculture as there were existing agricultural buildings that were being used by the unauthorised log processing business and others which were vacant or under-utilised. Advice was provided that planning permission was needed for the building and that any forthcoming application should be supported with an agricultural justification statement. Details of what such a justification should include are set out in the Authority's development management policies (DME1). As there is only very little agriculture undertaken on the site in comparison to the capacity within the existing buildings, officers suggested that a whole farm plan should be provided as supporting information explaining what the existing range of buildings would be used for. Without such details it would be highly unlikely that an application could be determined positively and we

encouraged the enquirer to seek pre-application advice prior to submitting any forthcoming planning application.

Enforcement Enquiry 20/0042 Extension built under planning permission NP/HPK/1017/1014 appears to be built wider than permitted.

### **Consultations**

18. Derbyshire County council (Highways) – No highway objections subject to all use remaining ancillary to Heath Farm.

19. High Peak Borough Council – No response to date.

20. Peak Forest Parish Council - recommend approval for planning application.

### **Representations**

63 representations have been received. 56 are in support on planning grounds set out below and no objections have been received. The support is largely from the log processing business customer base, there are also representations from employees, family, other businesses and an MP.

Support is made on the following grounds -

- Support from the log processing business customers who use the wood as fuel for heating which has been operating for 13 years.
- The proposal appears to be a refurbishment of existing buildings so should not affect the landscape of the national park.
- Kiln dried timber will be in demand, and is better for the environment than wet logs.
- Small businesses and rural businesses need all the help they can get.
- The proposal would look better than the existing building.
- Would maintain local jobs and contribute to the local economy.
- Will support the applicants desire to grow their sheep farming.
- Since 2017 when Mr Johnson took on the site the farmstead has been nurtured from a disused site to a functioning one.
- Building sits well within the curtilage of the application site and is subordinate to the existing buildings, nor does it adversely affect the setting of the traditional farm house.
- The business is an asset to the local community.
- The business should be allowed to grow.

### **Summary of Representations prior to June Emergency Delegation Meeting**

#### **Summary of Statement from Steven Morten — owner of the farmhouse at Heath Farm**

- Owner of the farmhouse, which will become his family home
- He has no problem with the proximity to the family home of the proposed log processing and sheep farming operation, which will take place mainly out of sight.
- Confident that that the site is maintained to very high standards and that the site is being tidied up
- Thinks that the business is sustainable and supports the proposal

#### **Summary of Statement from Andrew Critchlow NFU**

- Considers that this is an industrialised corner of the National Park and that the site is well located to serve customers in Buxton
- Locating the business in an industrial park would be economically unviable
- Good site to process locally produced wood
- Site has no visual impact

#### **Summary of Statement from Robert Largan MP**

- Supports the proposal considers it appropriate in principle in National Park
- Drying wood from local sources and selling it locally is sustainable
- Business fits in well with sheep farming
- Site has been improved visually by applicant

#### **Summary of Statement from Andrew Watt on behalf of applicant**

- Owner of Heath Farm is a family member and has no objections to the proposal
- Quarries in the vicinity are more dominant industry
- Farming operation is expanding
- Amount of timber stored will reduce

#### **Main Policies**

21. Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, DS1, L1, E2.
22. Relevant Development Management policies: DM1, DMC1, DMC3, DMC4, DME1, DME2, DME7, DMT3, DMT6.

#### **National Planning Policy Framework**

23. 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 revised version was published in 2019. 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 the Development Management Policies 2019. 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 Government guidance in the NPPF.
24. Para 172. 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.'

25. Para 83 explains that planning policies and decisions should enable: the sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings; the development and diversification of agricultural and other land-based rural businesses.
26. Para 84 Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

### Core Strategy

27. 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.
28. GSP2: Enhancing the National Park
  - A. Opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon.
  - B. Proposals intended to enhance the National Park will need to demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area. They should not undermine the achievement of other Core Policies.
  - C. When development is permitted, a design will be sought that respects the character of the area, and where appropriate, landscaping and planting schemes will be sought that are consistent with local landscape characteristics and their setting, complementing the locality and helping to achieve biodiversity objectives.
  - D. Opportunities will be taken to enhance the National Park by the treatment or removal of undesirable features or buildings. Work must be undertaken in a manner which conserves the valued characteristics of the site and its surroundings.
  - E. Development in settlements necessary for the treatment, removal or relocation of non-conforming uses to an acceptable site, or which would enhance the valued characteristics of the National Park will be permitted. In such cases a site brief may be necessary to achieve the best mix of uses to secure the conservation and enhancement of the National Park and the most sustainable outcome for the community.

29. 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.
30. Policy L1 identifies that development must conserve and enhance valued landscape character as identified in the Landscape Strategy and Action Plan and other valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted. Amongst other things the valued characteristics identified for the purposes of the Core Strategy include: Natural beauty, natural heritage, landscape character and diversity of landscapes; sense of wildness and remoteness; thousands of years of human influence which can be traced through the landscape; distinctive character of hamlets, villages and towns; trees, woodlands, hedgerows, stone walls, field barns and other landscape features.
31. Policy DS1: Development Strategy
- a. To promote a sustainable distribution and level of growth and support the effective conservation and enhancement of the National Park, the following principles will be applied to determine proposals for new development. These principles must be considered in relation to the specific core policies in this plan and the subsequent Development Management Policies DPD.
  - b. In all settlements and in the countryside outside the Natural Zone the relevant provisions allow the following which are acceptable in principle –
    - development for agriculture, forestry, and other rural enterprises requiring a rural location, including farm diversification are acceptable;
    - Conversion or change of use of buildings for housing, community facilities and business uses including visitor accommodation, preferably by reuse of traditional buildings.
32. Within the Core Strategy, section 4 explains the spatial portrait of the PDNP and provides an analysis of the values and challenges underpinning the Core Strategy. Para 4.24 explains that levels of self-employment and home working are relatively high across the National Park. Future improvements in broadband connectivity and reduced cost of internet access, and changes in peoples' work patterns, could make home working more realistic for more people, and further reduce residents' need to commute to work. However, all parts of the National Park are closely ringed by towns and cities offering significant numbers of better paid jobs within relatively easy commuting distances and times. The challenge is to encourage a pattern of development that encourages shorter and easier commuting for work because this can improve the sustainability of peoples' lifestyles. This would be particularly beneficial in pockets of the White Peak plateau and the South West Peak where accessibility to services is poorest and access to larger towns and cities is at its worst. There is pressure to tackle this by allowing business to set up in the National Park. However, permitting a business to establish itself in the National Park cannot carry with it an obligation to employ local people, so the extent to which it would make communities more sustainable is questionable.
33. Para 13.14 explains that the intention of policy E2 is to encourage small scale business development within any smaller settlement, on farmsteads, and in groups of buildings in sustainable locations. It will foster rural enterprise and allow farmers and land managers to diversify their income, helping them to maintain their land and buildings sustainably and conform to core policies to protect the valued characteristics of the area.

34. Para 13.15 A further element of the policy is particularly aimed at farms and estates. In these cases, it will be vital to achieve long-term security of the link between the primary business and the ownership and control of the site and building through legal agreements, to ensure that income will be returned to management of the landscape and valued traditional buildings. Businesses need not necessarily be related in type to the produce of the farm, but activities could include the development of new agricultural opportunities or adding value to primary produce.
35. Para 13.17 part of the pre text to policy E2 explains that although a particular level of business activity may be acceptable in a countryside location, its growth and intensification could have a more significant impact on the appearance and character of landscapes. Successful businesses may require an increased scale of operation which may not be in keeping with the character of the National Park. A small scale business may be established on a farm, but as it grows and increases employees, deliveries etc. it should consider moving to a more sustainable location in an appropriate town or village.
36. Policy E2: Businesses in the open countryside

Proposals for business development in the countryside outside the Natural Zone and the named settlements in policy DS1, must take account of the following principles:

- A. Businesses should be located in existing traditional buildings of historic or vernacular merit in smaller settlements, on farmsteads, and in groups of buildings in sustainable locations. However where no suitable traditional building exists, the reuse of modern buildings may be acceptable provided that there is no scope for further enhancement through a more appropriate replacement building.
- B. On farmsteads, or groups of estate buildings, small scale business development will be permitted provided that it supports an existing agricultural or other primary business responsible for estate or land management. 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.
- C. Business use in an isolated existing or new building in the open countryside will not be permitted.
- D. Proposals to accommodate growth and intensification of existing businesses will be considered carefully in terms of their impact on the appearance and character of landscapes.
- E. Ancillary retail operations must be small scale and principally offering for sale goods which are produced at the premises (see also policy HC5).

Beyond this policy and policies RT1, RT2 and RT3, there is no scope for setting up new businesses in the countryside.

#### Development Management policies

37. DMC3 Siting, design, layout and landscaping states that:

Where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place.

Particular attention will be paid to:

- (i) siting, scale, form, mass, levels, height and orientation in relation to existing buildings, settlement form and character, including impact on open spaces, landscape features and the wider landscape setting which contribute to the valued character and appearance of the area; and

- (ii) the degree to which buildings and their design, details, materials and finishes reflect or complement the style and traditions of the locality as well as other valued characteristics of the area such as the character of the historic landscape and varied biodiversity assets; and
- (iii) the use and maintenance of landscaping to enhance new development, and the degree to which this makes use of local features, colours, and boundary treatments and an appropriate mix of species suited to both the landscape and biodiversity interests of the locality; and
- (iv) access, utility services, vehicle parking, siting of services, refuse bins and cycle storage; and
- (v) flood risk, water conservation and sustainable drainage; and the detailed design of existing buildings, where ancillary buildings, extensions or alterations are proposed; and
- (vii) amenity, privacy and security of the development and other properties that the development affects; and
- (viii) the accessibility or the impact on accessibility of the development; and
- (ix) visual context provided by the Landscape Strategy and Action Plan, strategic, local and other specific views including skylines; and
- (x) the principles embedded in the design related Supplementary Planning Documents and related technical guides.

38. DME1 Agricultural or forestry operational development states that

New agricultural and forestry buildings, structures and associated working spaces or other development will be permitted provided that it is demonstrated to the Authority's satisfaction, that the building at the scale proposed is functionally required for that purpose from information provided by the applicant on all the relevant criteria:

- (i) location and size of farm or forestry holding;
- (ii) type of agriculture or forestry practiced on the farm or forestry holding;
- (iii) intended use and size of proposed building;
- (iv) intended location and appearance of proposed building;
- (v) stocking type, numbers and density per hectare;
- (vi) area covered by crops, including any timber crop;
- (vii) existing buildings, uses and why these are unable to cope with existing or perceived demand;
- (viii) dimensions and layout;
- (ix) predicted building requirements by type of stock/crop/other usage; and
- (x) contribution to the Authority's objectives, e.g. conservation of valued landscape character as established in the Landscape Strategy and Action Plan, including winter housing to protect landscape.

B. New agricultural and forestry buildings, structures and associated working spaces or other development shall:

- (i) be located close to the farmstead or main group of farm buildings, and in all cases relate well to, and make best use of, existing buildings, trees, walls and other landscape features; and
- (ii) not be in isolated locations requiring obtrusive access tracks, roads or services; and
- (iii) 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; and
- (iv) avoid adverse effects on the area's valued characteristics including important local views, making use of the least obtrusive or otherwise damaging possible location; and
- (v) avoid harm to the setting, fabric and integrity of the Natural Zone.

39. In the farm diversification section of the Development management policies the pre text to policy DME2 at Para 4.14 explains that Agriculture is critical to the ongoing conservation and enhancement of the National Park landscape. For this reason, this Plan gives scope for business development in the countryside provided it serves land management

business directly, and helps to conserve and enhance the valued characteristics of the landscape. This includes scope for enterprises that can only operate from a rural location. It is vital however that the income from any other business is invested in land and buildings so they are conserved and enhanced as a positive asset to the National Park. The preference is for use of existing buildings of cultural heritage significance, but it may be acceptable to reuse more modern buildings that do not fit that description, or to install new modern buildings depending on the scale and type of building, provided that opportunities are taken to remove any poorer, unsightly buildings that detract from the valued character of the landscape. Business use in isolated buildings in the open countryside is less likely to be permitted because of the high likelihood of adverse impact on the landscape.

40. And para 4.16 explains Core economy policies focus investment towards settlements and key sites where landscape impact can be minimised. Agriculture is an exception because it occurs largely outside settlements, maintains farming traditions, conserves and enhances landscape character and biodiversity, and helps sustain the viability and vitality of the landscape. However, it is not considered appropriate in a National Park to permit growth of general economic activity in the countryside because it is incompatible with, and would be detrimental to, the quality of the landscape and is therefore unsustainable. Aside from this, business uses can create unacceptable levels of noise and disturbance to those people who live in the countryside, which may be reason enough to prevent growth.

#### 41. DME2 Farm diversification

A. Development will be permitted if there is clear evidence that the new business use will remain ancillary to the agricultural operation of the farm business, meaning that the new business use is a subsidiary or secondary use or operation associated with the agricultural unit.

B. New buildings may be permitted if the proposed development cannot be appropriately located in existing buildings of cultural heritage significance, or in other buildings which remain appropriate within the farm building group.

C. Development will be permitted to remove a stand-alone building and replace it with a new building within the building group provided the scale, massing and use of the new building is appropriate, it respects the historic form and character of the building group, and the existing building has no cultural heritage significance.

D. New or expanded buildings for non-farming uses that generate income to support the farm business will be permitted provided there is no net harm to any valued characteristics of the building group or valued landscape character as evidenced by the Landscape Strategy and Action Plan.

E. Where proposals for farm diversification are otherwise acceptable, the Authority will consider removing permitted development rights to limit the range of uses permissible, where to do so would be necessary, reasonable and consistent with national policy. (This policy does not apply to buildings justified for agricultural purposes, which, either through the prior notification procedure or a planning application, are legitimate forms of development on farms).

#### 42. DME7 Expansion of existing industrial and business development not involving farm diversification.

B. Outside Core Strategy policy DS1 settlements, expansion of existing industrial and business development will only be permitted where:

(i) it is of a modest scale in relation to the existing activity and/or buildings; and

- (ii) the scale and type of development can be accommodated without adversely affecting the residential amenity and valued characteristics of the area or traffic safety and circulation;
  - (iii) it does not adversely affect, and wherever possible, secures the enhancement of the site as well as the future management of the valued characteristics of the site and adjoining land; and
  - (iv) proper consideration has been given to the possibilities of conserving and enhancing landscape character by using, modifying or extending existing buildings.
- C. In all cases, the impacts on residential amenity and valued characteristics from operating hours, lighting and noise will be considered.

43. The Authority's Landscape Strategy and Action Plan explains the site is within the White Peak within the 'Limestone Plateau Pastures' landscape character type.
44. It is described as 'An upland pastoral landscape with a regular pattern of straight roads and small to medium sized rectangular fields bounded by limestone walls. Tree cover is mostly limited to occasional tree groups, or small shelter belts, allowing wide views to the surrounding higher ground. Key characteristics include a rolling upland plateau; pastoral farmland enclosed by limestone walls; a regular pattern of small to medium sized rectangular fields; localised field dewponds and farm limekilns; discrete tree groups and belts of trees; isolated stone farmsteads and field barns; medieval granges surrounded by older fields; relict lead mining and quarrying remains; prehistoric monuments, often on hilltops; open views to surrounding higher ground.
45. For the most part the Limestone Plateau Pastures have a fairly open character where tree cover is largely restricted to discrete groups of trees, often around farmsteads. In places, larger coverts and occasional belts of sycamore, beech or ash trees, often planted on abandoned lead rakes, provide a stronger sense of enclosure. These linear or rectangular shelter belts are a distinctive feature of the White Peak landscape.
46. In relation to the surrounding upland landscapes in the Peak District, this is an intensively farmed agricultural landscape where stock rearing and dairying are the primary land uses. Two types of historical feature that are relatively common are dewponds and field kilns.
47. Large amounts of lead mining have also taken place in the past, particularly in the northern and eastern parts of the plateau, and historic features are still extensive in places. The landscapes around Dove Holes and Peak Forest are exceptional for the large number of early industrial limekilns and shallow quarries, dating from the 17th to the early 19th centuries.
48. The Authority's SPG Agricultural developments is also relevant as it also includes advice in relation to agriculture and farm diversification.

## **Assessment**

### **Principle of the development**

49. The site is located on a farmstead within the general open countryside. There is provision within our development plan for small scale business development requiring a rural location and particularly for appropriate farm diversification where the proposed use remains subordinate to the agricultural use and where the business can retain ownership of the land and buildings through legal agreements. These provisions however do not override the protection afforded to the character and appearance of the area and the National Parks Landscape, which is protected by National Park Purposes and the

Sandford principle and which is given 'great weight' and the highest level of protection in terms of landscape in National Policy.

50. This site currently houses an unauthorised general industrial use, which is having a harmful effect on the character and appearance of the landscape. In general this is from the storage of materials and product, including piles of logs along the driveway, pallets of timber stacked up to 5 pallets high in various places across the site along with other piles of timber stored under tarpaulins. In accordance with Core Strategy policies GSP1 and GSP2, E2, and DS1, DME1, DME2, and DME7 we recognise that this unauthorised use, although seeking to establish itself in planning terms, is however of a scale that is not compatible with its setting in the National Park or with National Park purposes.
51. The proposed use for log processing has no link to the land it operates from as all the timber is brought in from elsewhere. There is no plan to change this although they do aim to source their timber within the Peak District. There is no timber crop on the site. A woodland has recently been planted, and further trees are proposed to be planted as part of this application but it's not known if these are intended as a timber crop or permanent shelter belt for screening of the site.
52. In any case it would be some significant time before those trees would be mature enough to crop or thin out for logs or provide any effective screening or filtering of the site. Essentially the use has no requirement to be in a rural location and it could be sited on an established industrial estate. Like para 13.17 of the pre text to policy E2 explains, this business appears to have grown to a scale which would be better accommodated in a more sustainable location in an appropriate town or village. Core Strategy policy GSP2 requires that opportunities for enhancement are identified and acted upon and there is no provision in the development plan for allowing new businesses which do not have a link to the land or which do not require a rural location or which are not part of acceptable farm diversification. In this case there is a clear opportunity to enhance the site by removing the unauthorised log processing business via the Authority's enforcement powers.
53. The application makes a case that the log processing business is required to support the agricultural business financially, to enable it to grow and because the returns on the agricultural business, which is based on sheep, would not enable them to run it independently. The submitted projected profit and loss accounts show the log processing business remaining the primary source of income, and this is acknowledged in the supporting statements. The profit and loss accounts also show that there is no intention for the log processing business to be wound down or reduced in scale over this period. The supporting statements explain what activities the businesses undertake each month to support their case that the agricultural land use is the primary one as it is that which takes most of their time. Their statements explain that if they were to lose the log processing business they would have to consider other forms of agriculture, such as intensive pig rearing.
54. Core Strategy policy DS1 states that development for agriculture, forestry, and other rural enterprises requiring a rural location, including farm diversification in the countryside outside the Natural Zone will be acceptable in principle. In this instance the key phrases are, "enterprises requiring a rural location," and what constitutes acceptable, "farm diversification." Policy E2 allows for business development on farms subject to meeting specified principles. In this case the proposal is for an existing unauthorised business to be regularised within an existing building which is proposed to be refurbished. The log processing business is already operating at a scale which makes it the dominant and primary use on the site and one which is not compatible with its landscape setting. We therefore conclude that the submitted proposal does not meet the requirements set out

in policy E2 and is therefore not acceptable in principle and is contrary to both policies DS1 and E2.

Whether the proposal represents acceptable farm diversification

55. The planning statements explain that the holding extends to 6.5 hectares (approx. 16 acres) and that the agricultural business currently has a sheep flock of 133 breeding ewes with offspring of approximately 250 lambs. The lambs are kept at the farm until sold at market at about 6 – 12 months age. The planning statements, annexe B suggest they have up 60 acres of land elsewhere for mowing and creating hay or silage from. The submitted profit and loss accounts show the stock levels increasing but not to a point which ever overtakes the income from the logging business and this is acknowledged in their planning statements.
56. The use is intended for mixed use of B2 (log processing which is a general industrial use) and agricultural use but in scale, financially and from officers experience from site visits, the main use is considered to be in connection with the log processing business. The projected figures provided for both the farm business and the log business indicate that the log business and not the agricultural operation at the farmstead, would be the primary source of income and therefore the proposal is contrary to Core Strategy Policy E2 and DME2. There is also no provision for such a proposal under DME7 which deals with expansion of existing business rather than regularising existing uses. It also has a harmful effect on the character and appearance of the site so is not considered to be an acceptable form of farm diversification for those reasons as well.
57. In addition to the above, for farm diversification proposals to be acceptable there is a requirement that the business retains ownership and control of the land and buildings to ensure that income will likely be returned to appropriate management of the landscape. Officer have found that although the details of the application make a case that they would maintain the landscape, this could not be ensured because the business does not own the site. The site is rented from a pension fund so there could be no guarantees or long terms incentives for the business to return any of its income into appropriate land management and it couldn't be secured by condition or legal agreements under S106. This is a policy requirement of Core Strategy Policy E2 B so forms an additional reason for refusal.

Visual impact

58. In terms of the scale, massing, design and materials the proposed refurbished building would be of standard agricultural design and detailing. It would therefore not be out of place in the context of the farmstead, and the impact to the wider landscape setting of the farm group would be minimal.
59. The proposed additional planting would also be of some benefit to provide some close screening of the site when viewed from the east.
60. Allowing the access to this building from the west will make it impossible to implement the planting scheme required as part of the GDO permission. That would mean that the close screening those trees could have provided in views from the west would no longer be able to be achieved. It is acknowledged there is a woodland planted, but this remains immature and at a greater distance away so it will take some significant time to establish any effective screening of the site. The loss of the ability to implement the tree planting agreed for the GPDO does raise an issue, however the amended plans show further tree planting to mitigate this loss.

61. Of most concern in terms of visual impact is the storage associated with the proposed use. This has significantly exacerbated the impact of the use upon the farm making it appear industrial in nature due to the external storage of the processed timber and the logs stored along the driveway. From the road to the south the logs are in clear public view and break the skyline. Cumulatively their impact causes significant harm to the landscape. Given the current storage situation has rendered much of the similar sized GPDO building full of processed logs, plus there is the aforementioned external storage, officers remain concerned that operating at its current scale the timber processing use could not be contained within just the building shown edged red in this application.
62. The agent has suggested that a planning condition could be used to ensure no external storage other than shown in the amended plans. These show to the south of the building pallets or potato boxes of timber stacked upto 4 tiers high and to the south of that a new storage area for unprocessed logs. The area for unprocessed logs they explain would be smaller than that stored on the driveway at present because those logs are stored pending achieving a new kiln on the site.
63. Whilst the amended scheme is now more comprehensive in the way it handles the need for external storage, nevertheless it remains of significant concern that there is required to be any external storage at all associated with the proposed log processing use. Whilst the agent suggests the stacked wooden storage boxes are common place on farms, they are not common place on farms in the Peak District and will appear out of place, incongruous and telling of the proposed industrial nature of the site. Albeit proposed in a mixed use format to include agriculture.
64. So the proposed use would still require outside storage and this is considered to be harmful to the character and appearance of the landscape and telling of the scale of the enterprise which cannot be contained within the main building the application originally suggested.
65. It is acknowledged that there is existing tree planting and further landscaping proposed. None of this is mature and would take some significant time to become effective at providing any screening or filtering of the site. The intention of tree planting and landscaping is not to hide development which is unacceptable in principle. The proposed use has an unacceptable impact on the landscape of the national park and to allow the development would place economic considerations over the protections afforded in law and national and local policies to National Parks.
66. The proposed use would have a harmful impact on the character and appearance of the National Parks landscape and the use should be encouraged to be sited on an existing industrial site in a more sustainable and suitable location. The proposal is therefore contrary GSP1, GSP2, GSP3, L1 and Development Management Policies DM1, DMC1, DMC3, DME2 and the NPPF.

#### Amenity Impacts

67. There are two properties potentially affected by this proposal. The first is the farm house at Heath Farm itself, this is in separate ownership to the modern farm buildings on the site. The existing agricultural use exists but it is considered that the impact of the proposed use for log processing has the potential to adversely affect the amenity of the occupants of this dwelling, beyond a normal agricultural use, especially in relation to the shared drive. The additional vehicle movements and nature of those vehicle movements to and from the site at close proximity to this dwelling are highly likely to have an adverse impact on the property's amenity.

68. The application provides no information about the noise or odours that might be generated at the site and this is also a concern which the agent may provide comments on in time for an update to the planning committee. Machinery such as log splitters and saws typically are noisy and could generate unacceptable levels of noise. There may also be odours from the kiln and biomass heaters which need to be considered. The effect of being in such close proximity to a general industrial use is considered to be significantly different to the existing agricultural use with higher intensity of use in one location than is typical of agricultural use. The amenity of the farmhouse at Heath Farm is likely to be adversely affected by the development and the proposal is contrary to Core Strategy Policy GSP3 and Development Management policy DMC3.
69. The other property potentially affected by the proposal is the property to the south known as Heath View Cottage. The change in landscape setting which has already happened due to the unauthorised use is significant and in this case it is considered to adversely affect the visual amenity of the area. Even in the amended scheme there would be external storage directly in the view of this property. The site has an industrial look to it with all the external storage being undertaken on the site. It does appear visually different to an agricultural site. The harm to the visual amenity of the wider area encapsulates harm to the visual amenity of this property. This property may also be affected by the potential noise or odour from the use which has not been addressed in the submission.

#### Highways

70. The Highways Authority have not objected to the scheme provided it is ancillary to 'Heath Farm'. We do not consider the proposal to be ancillary in nature as for the reasons set out in the report it is becoming the dominant use. However we do not consider on the balance of evidence that the proposal would have an unacceptable impact on the highway.

#### Conclusion

71. This is not an appropriate site for the proposed log processing use of this scale which would be better sited on an existing industrial site in a more sustainable location. The proposal demonstrates that the scale of the use can not be accommodated on the site without harm to the visual amenity and landscape of the National Park and that this proposal does not comply with the Authority's policies for farm diversification as this would be the dominant use. Furthermore the use has not been demonstrated to be compatible with the amenity of neighbouring properties. The proposal is therefore contrary to the policies of the development plan the NPPF and National Park Purposes.

#### Human Rights

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

#### List of Background Papers (not previously published)

73. Nil
74. Planning Officer – Steven Wigglesworth, Planner