

9. FULL APPLICATION – RELOCATION OF HORSE SHELTER AT FIELD OFF CLIFF LANE, CURBAR (NP/DDD/0220/0200 AM)

APPLICANT: MRS ELAINE HILL

Summary

1. The application site is a field located near Curbar / Calver. A timber field shelter is located within the site. The field shelter is unauthorised and subject to an enforcement notice which requires its removal.
2. This application proposes to re-locate the field shelter to a different part of the field.
3. Relocating the field shelter as proposed would reduce the visual impact of the development, particularly in nearby viewpoints but the building would still be viewed as isolated in the wider landscape.
4. We recommend that the development is granted on a temporary basis, personal to the applicant and subject to planning conditions to secure its removal and minimise impact in the short term.

Site and Surroundings

5. The application site is a field located on the hillside to the west of Curbar Primary school as the land rises steeply towards Cliff Lane. The site is located in open countryside and outside of the designated Curbar conservation area.
6. The field is grass pasture and bounded by dry stone walls on three sides and a post and wire fence along the southern boundary. There are also mature trees along the southern boundary. The site is in use used by the applicant for keeping two horses.
7. A timber field shelter is located adjacent to the eastern field boundary. This field shelter is unauthorised and subject to an enforcement notice which requires its removal. The field shelter measures 8m long by 3.6m wide (excluding the overhang of the roof), 2.7m to eaves and 3.25m to ridge. The walls are clad with timber and the roof clad with corrugated steel sheeting. Three doors on the east elevation provide access to two loose boxes and a store room.
8. For the purposes of the Landscape Character Assessment, the application site is located within the Valley Farmlands with Villages character type within the Derwent Valley.
9. Access to the site is via Cliff Lane. The nearest neighbouring properties are four dwellings on the far side of Cliff Lane approximately 50m from the position of the field shelter.

Proposal

10. The relocation and retention of the field shelter in a position lower down the field and closer to the southern boundary.

RECOMMENDATION

That the application be APPROVED subject to the following conditions or modifications.

1. **Temporary permission for a period of five years.**
2. **In accordance with submitted plans.**
3. **Personal consent for the benefit of the applicant only.**

4. **Notwithstanding the plans the rear elevation of the stable shall be sited no further than 13m from the southern field boundary.**
5. **The field shelter shall be moved to the approved position within two months of the date of this permission. The land shall be restored to its original condition.**
6. **No changes to colour of shelter.**
7. **No replacement of the shelter with a replacement structure.**
8. **No permission is granted for any changes to ground levels or the laying of hardstanding or tracks.**
9. **Removal of field shelter at end of temporary period. The land shall be restored to its original condition.**

Key Issues

- The visual and landscape impact of the proposed development.
- Whether a temporary planning permission is appropriate in this case.

Relevant Planning History

2007: NP/DDD/0907/0837: Planning permission granted for improved access to the land.

2015: NP/DDD/0415/0295: Planning permission refused for the retention of the existing field shelter. Permission was refused for the following reason:

“The proposed development would have a significant adverse visual impact and would significantly harm the scenic beauty of the National Park, contrary to Core Strategy policies GSP1, GSP3 and L1, saved Local Plan policies LC4 and LR7, adopted design guidance and the National Planning Policy Framework”.

2015: Enforcement notice issued requiring the removal of the field shelter.

2016: Appeals against enforcement notice dismissed and the enforcement notice upheld. The Inspector varied period of compliance from 3 months to 9 months.

2019: As the building had not been removed as required by the enforcement notice, the Authority undertook prosecution in the Magistrates Court. The land is owned jointly by the applicant and her husband and another couple. All owners were prosecuted.

One couple pleaded guilty in the first instance and were fined and ordered to pay costs, by HH Judge Healy.

The second couple including the applicant initially refused to plead guilty and their case was set down for trial. It is they, who by private informal agreement, use the part of the land on which the shelter is built.

They then changed their plea to guilty and the case was then considered separately in the Magistrates Court by HH Judge Redbridge. At the second hearing the applicant and her husband pleaded guilty and committed to removing the shelter. They were fined a nominal sum and ordered to pay costs. However the Judge was sympathetic to the applicant and strongly advised all parties to discuss a resolution.

Officers have met the applicant and discussed potential alternative sites. We suggested that a site lower down the site to the rear of the school would be more appropriate however the

applicant raised concerns about access down the slope.

The proposed site was discussed and the applicant made the suggestion of permission for a temporary period to provide shelter for her two aging horses. (The other couple have other horses, who may also use the shelter). We advised this site may be acceptable on a temporary basis as while bringing the field shelter off the ridge and closer to the mature trees would be an improvement, the structure would still be visible in the wider landscape and would not be acceptable on a permanent basis.

Consultations

11. Curbar Parish Council: Objects to application and makes the following comments:

- Main concern is the visibility of the stables from Calver because of the proposed location.
- An ancient field system and lynchet has been identified and must be protected.
- No engineering works should be undertaken to create a level area which could lead to a permanent siting. Limestone should not be brought onto the site as this would contaminate the ancient gritstone pasture.
- The stables will be some distance from Cliff Lane and the creation of any type of track should not be permitted.

12. District Council: No response to date.

13. Highway Authority: No objections.

14. PDNPA Archaeology: No objection make the following comment:

15. This area was part of an archaeological survey of Stanton Fold Farm by our archaeology service in 2000. The survey identified a lynchet associated with a removed field boundary within the field close to where the horse shelter is proposed to be relocated. This is an area of former medieval strip field system, and it is possible that this lynchet represents the edge of a former strip.

16. The survey plans demonstrate that the lynchet is located c.8-9m off the fence that forms the field boundary. The annotated block plans with measurements demonstrates that the horse shelter will be located beyond the canopy of the mature trees that sit between the proposed site and the field boundary fence. This is over 18.4 from the field boundary fence, and therefore at least 10m away from the recorded lynchet.

Representations

17. No representations have been received to date.

Main Policies

18. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, L3, CC1 and RT1

19. Relevant Development Management Plan policies: DMC1, DMC3, DMC5, DMC13 and DMR4

National Planning Policy Framework

20. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales: Which are; to conserve and enhance the natural beauty, wildlife and cultural heritage and promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public. When national parks carry out these purposes they

also have the duty to; seek to foster the economic and social well-being of local communities within the National Parks.

21. The latest version of the National Planning Policy Framework (NPPF) was published on 19 February 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 policies of the Development Management Policies document 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.
22. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF. Our development plan policies should therefore be afforded full weight in the determination of this application.
23. Paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage should also be given great weight in National Parks.

Core strategy policies

24. GSP1 sets out the broad strategy for achieving our objectives having regard to the Sandford Principle. GPS1 also sets out the need for sustainable development and to avoid major development unless it is essential.
25. GSP2 states that opportunities for enhancing the National Park will be identified and acted upon. Proposals must demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area and must not undermine the achievement of other core policies. When development is permitted a design will be sought that respects the character of the area along with appropriate landscaping.
26. 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.
27. L1 states that development must conserve and enhance valued landscape character as identified in the Landscape Strategy and Action Plan and other valued characteristics. Development will not be permitted in the Natural Zone other than in exceptional circumstances.
28. L3 states that development must conserve and where appropriate enhance cultural heritage unless there are exceptional circumstances.
29. RT1 A. states that we will support facilities which enable recreation, which encourage understanding and enjoyment of the National Park and are appropriate to the National Park's valued characteristics. RT1 B. states that in open countryside, clear demonstration of need for such a location will be necessary

Development Management policies

30. DMC3 sets out 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 assets. Particular attention will be paid to siting, scale, form, mass, landscape setting and the valued character and appearance of the area.
31. DMC5 A. says that applications for development affecting a heritage asset must clearly demonstrate its significance including how any features of value will be conserved and where possible enhanced and why the proposed development is desirable or necessary.
32. DMC5 B. says proposals likely to affect heritage assets with archaeological and potential archaeological interest should be supported by appropriate information that identifies the impacts or a programme of archaeological works to a methodology approved by the Authority.
33. DMC5 F. says that development will not be permitted if it would result in any harm to or loss of significance unless the development is considered by the Authority to be acceptable following a balanced judgement that takes into account the significance of the heritage asset.
34. DMC13 requires applications to provide sufficient information to enable impact upon trees to be properly considered. Trees and hedgerows which positively contribute will be protected. Development should incorporate existing trees within the site layout and these should be protected during the course of the development.
35. DMR4 is specific for proposals for keeping horses and says that facilities for keeping horses will be permitted provided that the development:
 - i. is specifically designed to accommodate horses; and
 - ii. is constructed of a scale or design, utilising materials that are appropriate to the function of the building; and
 - iii. is located adjacent to existing buildings or groups of buildings; and
 - iv. does not alter the valued landscape character by changing the landform or in any other way have an adverse impact on its character and appearance; and
 - v. is not likely to cause road safety problems; and
 - vi. in the case of commercial stables/riding centres, has good access from the strategic and secondary road networks and to an adequate bridleway network that can accommodate the increased activity without harming the valued characteristics of the area or their enjoyment by others.

Assessment

Principle

36. A summary of the relevant planning history is detailed above. The existing field shelter is unauthorised and subject to an enforcement notice which requires its removal.
37. We have met the applicant to try to find a solution and initially suggested a site lower down the field to the rear of the school because this would be better related to existing buildings and have a reduced landscape impact. The applicant raised concerns over access to the lower part of the field due to the gradient of the field and so the current site was discussed as an alternative. During discussions the applicant stated that the shelter is only required on a temporary basis for her current horses and therefore that permission could be granted on a temporary basis.

38. Our policies in principle allow for recreation development in the countryside and for facilities for keeping horses (policies DS1 and DMR4). Therefore the key issues are considered to be whether the proposed site is acceptable in terms of landscape and visual impact and whether a temporary permission is appropriate in this case.

Impact of development

39. There are no concerns that the proposed development would have an adverse impact upon the amenity of any neighbouring property or land use given the intervening distances and we agree with the Highway Authority that there are no concerns that the proposed development would have an adverse impact upon highway safety.
40. The field is improved grassland and used by the applicant for grazing horses therefore the development would not harm any protected species or their habitat. The proposed site is also well away from the canopy of mature trees along the southern boundary.
41. The Authority's Senior Archaeologist has identified a lynchet associated with a removed field boundary possibly representing the edge of a former medieval strip field. The proposed site would be located 10m from the lynchet therefore the development would not impact upon this feature.
42. For the purposes of the Landscape Character Assessment, the application site is located within the valley farmlands with villages character type within the Derwent Valley. This is a settled pastoral landscape with low lying undulating topography where small to medium sized fields are enclosed by hedgerows and drystone walls and often close to gritstone villages and outlying farms.
43. The site forms one of the fields located on the hillside to the west of Curbar Primary school as the land rises steeply towards Cliff Lane. The field is grass pasture and bounded by dry stone gritstone walls on three sides and a post and wire fence along the southern boundary. The re-located building would be sited on the south side of in the upper half of the field.
44. Concern has been raised by the Parish Council in regard to the siting and landscape impact of the development. We have visited the site and viewed the existing building and proposed site from nearby vantage points along with other positions where the building is visible from Cliff Lane and in the wider landscape.
45. The existing building is prominent from views along parts of Baslow Road and from within Calver and is also visible in the wider landscape across the valley to the south west. The prominence of the building is due to its position at the crest of the hill where it is viewed against the more distant backdrop of Baslow Edge and the fact that the building is viewed as an isolated structure poorly related to nearby built development and mature trees. It is for these reasons planning permission was refused for the retention of the building in its current position.
46. This application proposes to re-locate the existing field shelter closer to the southern field boundary and further down the slope of the hill. The building would also be turned so that its rear elevation faces south, towards the trees.
47. The proposed site would be less prominent from local vantage points primarily because the building would be brought down from the crest of the hill and therefore would not break the skyline from views along Baslow Road. The building would also not be visible from Cliff Lane due to the position lower down the hill and the high boundary wall that faces Cliff

Lane. In the wider landscape the building would no longer be viewed against the backdrop of Baslow Edge but would still be viewed as an isolated structure, albeit marginally better related to the mature trees along the southern boundary.

48. The construction of the building would remain unchanged and the timber and metal sheeting do not reflect the local vernacular. However this type of construction is more temporary in nature and is in some contexts appropriate for a field shelter as set out by the supporting text to policy DMR4.
49. Therefore while the proposed site would have less impact than the existing, particularly from nearby vantage points, we would still have concerns that the retention of the field shelter in the proposed location on a permanent basis would be inappropriate and contrary to our landscape conservation policies.
50. At pre-application discussions the applicant indicated that the shelter would only be required on a short term basis for the current horses and that her intention was to remove the shelter when it is no longer needed for that purpose. However the other couple have horses on part of the land, which also use the shelter.
51. A temporary planning permission could provide a solution allowing the applicant to retain the field shelter while it is needed and for the Authority to require that it is removed when the permission ends. Normally a temporary planning permission is not appropriate when a development would be contrary to our policies, however, taking into account the planning history and that the proposed site would provide some mitigation of landscape impact a temporary planning permission would provide an appropriate resolution.
52. Therefore, if permission is granted we recommend that it is on the basis of a temporary five year period (or to be removed sooner if the building ceases to be used for keeping horses). We would also in the circumstances recommend a personal consent for the benefit of the applicant only.
53. If permission is granted we would also recommend planning conditions requiring the field shelter to be moved within three months of the permission and to be removed at the end of the temporary period (or when no longer required) and for the land to be restored to its original condition.
54. We would also recommend that the position of the field shelter is brought 5m closer to the southern field boundary so that it is better related to the trees while remaining far enough to avoid impact upon the trees or the lynchet feature.
55. Finally, the concerns raised by the Parish Council are noted. The application does not propose to change ground levels or create a hardstanding for the field shelter but if permission is granted we would recommend a planning condition to secure this.

Conclusion

- 56 The proposed site would reduce the impact of the field shelter in nearby views. In the wider landscape the building would be better related to existing mature trees but would still be read as an isolated building which would have an adverse impact. The proposed development would not harm the biodiversity or cultural heritage of the National Park, highway safety or amenity.
- 57 Taking into account the planning history of this case and that the proposed site would significantly reduce the impact of the development that a temporary planning permission personal to the applicant is an appropriate solution.

58 Therefore having taken into account all matters raised we consider that the development is acceptable on a temporary basis and subject to planning conditions to ensure that the building is moved from its current position and removed at the end of the temporary period that the proposal is acceptable. The application is therefore recommended for approval subject to conditions.

Human Rights

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

List of Background Papers (not previously published)

None

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