

## **6. FULL APPLICATION – SITING OF A LOG CABIN FOR USE AS AN AGRICULTURAL WORKERS DWELLING ANCILLARY TO THE FARMHOUSE – SHEPLEY FARM, CHELMORTON (NP/DDD/0420/0370, MN)**

**APPLICANT: MR PAUL SWINDELL**

### **Summary**

The proposal is to provide an ancillary farm workers dwelling at Shepley Farm, a working Dairy Farm near Chelmorton village. This is proposed through the siting of a caravan with externally timber clad walls to achieve the appearance of a 'log cabin'.

The application was presented at the August 2020 planning committee meeting. Members resolved to defer the decision so that officers could work further with the applicant to:

- Try to establish how long the dwelling would be required for
- Explore options for a dwelling of improved appearance, through either conversion of an existing shippon or of alternative design
- Further assess alternative options for the siting of the dwelling

Since the application was last presented to Members no further justification for the provision of an additional farm worker's dwelling on the site has been provided, but the provision of an ancillary dwelling remains compliant with planning policy in principle.

It has not been possible to determine precisely how long the proposed dwelling would be required for because this depends on one of the other dwellings on the site becoming vacant, but the applicant has proposed limiting a permission to 10 years, which they anticipate will meet their need.

Following Members' discussions relating to how a temporary permission might function, the applicant's agent has proposed securing this by legal agreement. This would secure a maximum occupation period of 10 years, with the caravan being required to be removed by that time. They have advised that this is likely to meet the need for a dwelling, but that it would allow time for a more permanent alternative to be brought forward if found to be necessary. The suggested Heads of Terms for such an agreement have been submitted, and they also provide for the earlier removal of the caravan from the site should either the farmhouse or agricultural workers dwelling (or any other accommodation on the site) become available sooner.

The alternative of providing the dwelling in a different form on the site has also been further discussed since the last committee meeting. Members queried the possibility of converting the shippon to ancillary accommodation during that meeting. The applicant advises that the shippon would be costly to convert to due to the need for modification, including an improved foundation, and that this would have structural implications for the wall of the house to which it is attached.

Further, from a financial position, they do not wish to invest so heavily in what they anticipate being a short-term need for a further dwelling. This is the same reason that they do not wish to invest in a more traditional and permanent new build dwelling on the site.

The dwelling now proposed has been altered in appearance since that which Member reviewed at the last meeting. It remains a static caravan however, with vertical timber boarding.

Having considered other positions within the group of buildings it is accepted that re-siting the building in a different location on the site would not reduce its impacts; the compact layout of the farmyard means that in order to maintain access through the site any other location would need

to be on the site periphery and would be at least as prominent in the landscape as the proposed position – more so in many instances.

In an effort to mitigate the impacts of the building's appearance it is now proposed to cut it in to the rising ground of the hillside in which it would be positioned, and to stain it a dark colour.

Despite the amendments that have been put forward since the application was last presented to Members, the proposed development fails to achieve a satisfactory standard of design and appearance. Given that the dwelling would be present on the site for up to ten years this still represents a substantial conflict with policies DMC3, DMH5, and paragraph 130 of the NPPF

Further, due to the period of need being unknown and potentially subject to change, we remain of the view that a temporary permission is not appropriate as there can be no certainty as to whether a need will remain at the end of any such period.

Further, and as previously, the proposals fail to comply with policy CC1 due to insufficient climate change mitigation measures being proposed.

Accordingly, and having given consideration to all other material considerations the application is recommended for refusal.

The report that follows has been updated to reflect the changes made to the application since it was last considered by Members in August 2020.

### **Site and surroundings**

Shepley Farm is a working dairy farm situated in the open countryside approximately 200m north west of Chelmorton village.

The site comprises of a farmhouse and a range of modern agricultural buildings arranged to its north and west. A bungalow with an agricultural worker's occupancy restriction attached (which was approved in the 1970s) is located a short distance south east of the farmhouse, with a small paddock separating the two. There is no occupancy restriction on the main farmhouse.

The farmhouse walls appear to be constructed of mixed materials with a white painted finish, under a slate roof, whilst the agricultural worker's bungalow is constructed of artificial stone under a concrete tiled roof.

A public footpath runs along the access track to the site, running east to west to the immediate south of the two dwellings and paddock.

There are no neighbouring properties adjacent to the application site.

The farmhouse is within the Chelmorton Conservation Area. The paddock is outside of the conservation area, but bounds it to its southern edge.

### **Proposal**

To site a wood clad static caravan for use as an agricultural worker's ancillary dwelling in a paddock between the existing farmhouse and agricultural workers bungalow that are already present on the site.

### **RECOMMENDATION:**

**That the application be REFUSED for the following reasons:**

1. **The design and appearance of the dwellinghouse are of a poor standard of design that fails to conserve the appearance of the built environment, contrary to Development Management policies DMC3, DMH5, and paragraph 130 of the NPPF.**
2. **The development fails to demonstrate how it will achieve the highest possible standards of carbon reductions and water efficiency, contrary to Core Strategy policy CC1.**

### **Key Issues**

- Whether the principle of conversion accords with the planning policies of the Development Plan
- Whether the development would have acceptable impacts on residential amenity

### **Recent Planning History**

2013 – Planning permission granted for a proposed agricultural silage building extensions & proposed agricultural replacement building to house livestock and store implements.

2004 – Planning permission granted for a building extension to cattle housing and an underground slurry store.

2001 – Planning permission granted for extension to an existing silage building and erection of new cattle building.

### **Consultations**

Highway Authority – No highway objections assuming agricultural justification exists.

Parish Council – Support the application on the grounds that it would assist the operation of a working farm. Subsequently further comment was provided advising that if there were concerns in relation to the proposal it could perhaps be sited in an out of the way position with a fixed life span rather than being refused permission.

District Council – No response at time of writing.

PDNPA – Archaeology – No archaeological concerns or constraints

### **Representations**

No letters of representation have been received at time of writing.

### **Main policies**

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L3, HC1, CC1

Relevant Development Management Plan policies: DMC3, DMC5, DMC10, DMH10

### **National planning policy framework**

The National Planning Policy Framework (NPPF) was first published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and 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. 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.

Paragraph 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.’

Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Chapter 16 deals with conserving and enhancing the historic environment.

Amongst other things, paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. It notes that the more important the asset, the greater the weight should be. It also advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

#### Development plan

Core Strategy polices GSP1, GSP2 and GSP3 together say that all development in the National Park must be consistent with the National Park’s legal purposes and duty and that the Sandford Principle will be applied where there is conflict. Opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon and development which would enhance the valued characteristics of the National Park will be permitted. Particular attention will be paid to impact on the character and setting of buildings, siting, landscaping and building materials, design in accordance with the Design Guide and the impact upon living conditions of local communities. Core Strategy policy GSP4 highlights that the National Park Authority will consider using planning conditions or obligations to secure the achievement of its spatial outcomes.

Core Strategy policy DS1 outlines the Authority’s Development Strategy, and states that the majority of new development will be directed into Bakewell and named settlements, with the remainder occurring in other settlements and the rest of the countryside.

Policy HC1 of the Core Strategy reflects Government guidance and allows for new residential development in the National Park, exceptionally, where it provide for key workers in agriculture, forestry or other rural enterprises in accordance with policy HC2 of the Core Strategy.

Policy HC2 deals with housing for key workers in agriculture, forestry or other rural enterprises and says:

- A. New housing for key workers in agriculture, forestry or other rural enterprises must be justified by functional and financial tests.
- B. Wherever possible it must be provided by re-using traditional buildings that are no longer required for their previous use.
- C. It will be tied to the land holding or rural enterprise for which it is declared to be needed.

Policy L1 identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.

Core Strategy policy CC1 requires development to make the most efficient and sustainable use of land and resources, to take account of the energy hierarchy, to achieve the highest standards of carbon reduction and water efficiency, and to be directed away from flood risk areas.

Development Management Policy DMC3 requires development to be 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. It also provides further detailed criteria to assess design and landscaping, as well as requiring development to conserve the amenity of other properties.

Policy DMH4 further details criteria for essential worker dwellings. It states that the need for a worker dwelling to support agriculture, forestry or other rural enterprise businesses will be considered against the needs of the business concerned and that development will be permitted by conversion or new build provided that:

(i) a detailed appraisal demonstrates that there is a genuine and essential functional need for the worker(s) concerned, with a requirement that they need to be readily available at most times, day and night, bearing in mind current and likely future requirements; and  
(ii) stated intentions to engage in or further develop the business are genuine, reasonably likely to happen and capable of being sustained for a reasonable period of time. The Authority will require financial evidence that:

- a) the business has been operating for at least three years; and
- b) the business is currently profitable; and
- c) it has been profitable for at least one of the last three years; and
- d) the profit from the business as opposed to turnover, is such that it can sustain the ongoing cost of the dwelling; and
- e) the ongoing costs associated with the dwelling linked to the landholding reflect the actual and potential income that might be generated from the landholding; and

(iii) there is no accommodation available in the locality that could enable the worker(s) to be readily available at most times, day and night, bearing in mind current and likely future requirements; and

(iv) where a new building is proposed, there is no traditional building that could be converted for use as a worker dwelling, within or close to the main group of buildings, in line with other policies and guidance on siting and design; and

(v) where conversion of existing buildings is not an option, construction costs of new buildings reflect the likely sustainable income of the business; and

(vi) the new building is within or immediately adjacent to the site of the existing building group and enhances the building group when considered in its landscape setting; and

(vii) the new building is smaller than any house in the building group that is already under the control of the business and in accordance with policy DMH5, unless an acceptable landscape and building conservation outcome for the building group and the setting can only be achieved by a bigger building.

Development Management Policy DMH5 addresses ancillary dwellings. It states that:

A. The conversion of an outbuilding close to a dwelling, to ancillary dwelling use will be permitted provided that:

(i) it would not result in an over-intensive use of the property, an inadequate standard of accommodation or amenity space, or create a planning need for over intensive development of

the property at a later date through demand for further outbuildings; and  
(ii) the site can meet the parking and access requirements of the proposed development; and  
(iii) the new accommodation provided would remain within the curtilage of the main house, accessed via the same access route, sharing services and utilities, and remain under the control of the occupier of the main dwelling.

B. Where no buildings are suitable for conversion, a new build ancillary dwelling unit will be permitted provided that it:

- (i) is within the existing building group; and
- (ii) is subsidiary in physical size to the main house; and
- (iii) is of an appropriate design and materials that complement the existing building group; and
- (iv) is able to be located in such a way that any heritage significance of the existing building group is conserved or enhanced by the new building; and
- (v) is able to be located in such a way that the wider landscape setting of the building group is conserved or enhanced by the new building; and
- (vi) does not require new access points and tracks from highway to building or new services and utilities infrastructure; and
- (vii) can be contained within a single planning unit by condition.

It also stipulates that for proposals under A or B, where it is not possible to secure its ancillary status in perpetuity by planning condition, the ancillary accommodation will be tied to the main dwelling by way of a Section 106 Agreement.

Development Management Policy DMT8 states that off-street parking for residential development should be provided unless it can be demonstrated that on-street parking meets highways standards and does not negatively impact on the visual and other amenity of the local community. It notes that the design and number of parking spaces must respect the valued characteristics of the area, particularly in conservation areas.

## **Assessment**

### **Principle of development**

The proposal states the proposed use of the caravan as an 'agricultural workers dwelling ancillary to the farmhouse'. An agricultural appraisal has been submitted in support of the application in an effort to demonstrate the essential housing need of the proposed occupiers.

The proposed occupiers are the applicant's son and his partner. The applicant lives in the main farmhouse and the agricultural workers bungalow is occupied by the applicant's mother, who, we are advised, is a retired farmer.

The 'Standard Man Days' calculation used to calculate the number of full time staff required to manage the farm calculates that 6 full time staff are required. The appraisal concludes, however, that this is excessive for this business and does not reflect the actual labour required to operate this business, which it explains to be 4 full time staff. The submitted appraisal also concludes that there is an essential need for only two workers to be present on the site at most times of day and night.

There are already two dwellings within the agricultural unit to meet that housing requirement – the main farmhouse, and the agricultural workers bungalow. On that basis, were this application for an independent farm worker's dwelling then it would be unacceptable in principle because the need for a further dwelling has not been established as polices HC2 and DMH4 require.

Furthermore, the necessary financial information relating to the profitability of the farm and viability of the new dwelling relative to the business has not been provided, which is also a

policy requirement to demonstrate the long term need for, and sustainability of, new essential worker dwellings.

This is not to say that we do not understand the challenges of and the need for succession planning on farms. Indeed, this is a principal reason for the adoption of policy DMH5, which supports the provision of ancillary dwellings in principle. This policy makes no requirement for these to be occupied only by agricultural workers, or to demonstrate the need for an ancillary dwelling.

In that context, and given that the proposed dwelling is described as ‘ancillary’, the fact the dwelling is proposed for an agricultural worker is not a relevant consideration, although clearly it would serve a beneficial purpose in this regard.

Following discussion with the applicant regarding the potential conversion of the farmhouse shippon to ancillary accommodation (ruled out due to structural issues and the fact that this remains in agricultural use) it is accepted that there are no buildings on the site that are suitable for conversion to an ancillary dwelling; apart from the shippon and the existing dwellings, the remaining buildings form the occupied buildings of the farm business. Part B of policy DMH5 therefore applies.

It is necessary for any ancillary dwelling to meet the criteria detailed in policy DMH5B, and the other policies of the development plan as a whole. These matters are addressed by the following sections of this report.

#### Siting of the dwelling

The proposed dwelling would comply with parts (i) and (ii) of policy DMH5B, being within the existing building group and being subsidiary in size to the main house.

In landscape terms, the siting of a new dwellinghouse of appropriate design and appearance in this location would also comply with adopted policy, being well related to the existing buildings and limiting further encroachment in to more open countryside.

Some exaction of the hillside would be required to accommodate the caravan, but would not have any adverse impact in wider views of the site, from where it would not be apparent.

#### Design and appearance of the dwelling

The existing farmhouse is of broadly traditional form and appearance, and the less traditional bungalow is constructed of stone under a slate roof. It is ‘of its time’ and would be unlikely to gain planning permission under current design and conservation policies.

The proposed dwelling is a static caravan, proposed to be vertically timber clad with a ‘tile effect’ sheet roof. This appearance would not complement either of the existing buildings, would be out of keeping with the local building traditions and would fail to reflect adopted design guidance, which advises that there is no tradition of external timber boarding in the Peak District and that there is therefore only a limited place for it, particularly when the development is seen in the context of traditional buildings or open landscape.

In addition to the concerns regarding its materials, the caravans design is also not reflective of either the adjacent buildings or the local built environment, having a very low pitched roof, overhanging eaves, and large windows relative to both the height and size of the walls.

Whilst the wider landscape and conservation area impacts of this would be largely mitigated by topography, trees, and the existing building on the site, the building would be prominent from the footpath that passes immediately south of the site only 25m away.

By virtue of the materials and the proposed design the development would result in harm to the appearance of the built environment, contrary to policy DMH5B(iii), DMC3 and paragraph 130 of the NPPF.

We have recommended that the applicant consider a proposal to provide ancillary accommodation either through extension to the farmhouse, or through the provision of a modest new building of more traditional design. We have been advised in response that this is not affordable to them given the short-term need for a dwelling that they anticipate. Policy and planning law do not allow significant weight can be placed on these personal circumstances in determining the application.

It has also been suggested by the applicant's agent that a temporary permission could be granted to control the duration of the impacts of the building on the site.

It has not been possible to determine how long the proposed dwelling would be required for, because this is dependent on either the farmhouse or the existing agricultural workers dwelling becoming vacant – at which point the applicants son could occupy that dwelling, removing the need for the caravan.

Following Members' discussions at the last committee meeting relating to how a temporary permission might function, the applicant's agent has proposed securing this by legal agreement. They propose a maximum occupation period of 10 years, with the caravan being required to be removed by that time.

They have advised that this is likely to meet the need for a dwelling, but that it would allow time for a more permanent alternative to be brought forward if found to be necessary. The suggested Heads of Terms for such an agreement have been submitted, and they also provide for the earlier removal of the caravan from the site should either the farmhouse or agricultural workers dwelling (or any other accommodation on the site) become available sooner.

The planning impacts would still be present for up to 10 years whilst the building remained on the site however, contrary to planning policy.

Further, there are no planning reasons to impose a temporary restriction in this case. The development is not proposed for a particular project with a determined end point, and nor is a temporary permission necessary for further assessment of planning impacts to be made. Whilst at this point the applicants anticipate 10 years being sufficient, the circumstances of those occupying the farm could change over the next 10 years. This could change the need for a longer-term dwelling on the site and the applicants (or future occupiers) ability to offer a more appropriate long-term alternative to the caravan. The Authority can have no certainty or control over this.

If such changes were to occur during the period of any temporary consent, it has the potential to lead to a situation whereby the expiry date approaches and the applicant's son or another occupant is still residing in the dwelling. It would not at that point be reasonable to make any individual homeless, which is what would occur if permission was then refused on a longer term basis. A condition limiting the lifespan of the dwelling would therefore be unreasonable.

### Highways

It is not anticipated that the development would result in a significant change in traffic to the site, as the applicant already lives there.



Although details of access and parking have not been provided, it is anticipated that these could be arranged within the existing site with only pedestrian access to the proposed dwelling. Such details could be secured by condition if the development was to be approved.

The development therefore raises no concerns on grounds of highway safety and complies with policy DMT8.

#### Climate change mitigation

The application states that the following matters reduce the climate change impacts of the proposed development:

- The cabin would be second-hand, reducing its carbon footprint
- The cabin would be fully insulated and draught proofed
- Due to its size the cabin would have a lower energy requirement than a typical house
- The fully assembled delivery of the cabin would involve a single vehicle movement to the site, whereas the delivery of building materials for the construction of a permanent house involves multiple vehicle movements.
- The farm enterprise is signed up to an Entry-Level Environmental Stewardship Scheme and allowing the development would ensure that the farm business continues to successfully deliver the stewardship scheme.
- Living on site would reduce vehicle movements that would otherwise be required if the applicant's son needed to find accommodation elsewhere in the locality.

Whilst some of these measures would serve to minimise carbon emissions in the carrying out of the development, the proposals do not demonstrate how they would follow the energy hierarchy to maximise carbon reduction and water efficiency. The longer-term measures are limited to the property being of a small size and the reduced need for travel by the applicant's son – which would be a modest gain, given that he would need to remain living locally if he were to continue working at the farm.

There is scope for any ancillary dwelling to demonstrate how provisions such as high standards of insulation, high performance glazing, grey water recycling, energy efficient and water saving fittings and, potentially, renewable and semi-renewable energy could be supplied to the property.

In the absence of any such proposals the application cannot be concluded to demonstrate the highest standards of carbon reduction and water efficiency, and is contrary to policy CC1.

#### Amenity

The caravan would have windows facing towards the bungalow to the east, and facing towards the farmhouse to the west – albeit some would be obscured by the fact that the building was to be cut partly in to the hillside.

Whilst the properties are in the same family ownership at present, they are independent dwellings.

In order to make sure that the dwelling complied with policy it would be necessary to secure it to be ancillary to the farmhouse, which would effectively secure them in the same ownership. The bungalow would remain a separate unit however, and so if permission was granted a suitable boundary treatment would need to be provided to ensure privacy was not affected through overlooking.

Subject to such an arrangement there would be no objection to the development on grounds of amenity.

### Applicants 'fall-back' position

The siting of a caravan (which the proposed dwelling is) on land does not constitute operational development, and does not in itself require planning permission.

If the occupation of the caravan for any purpose results in a material change of use of the land on which it is sited though, then this does represent development requiring planning permission.

This means that if the caravan was sited within the planning unit of the existing dwellinghouse (the 'C3 planning unit') and occupied ancillary to the dwellinghouse, there would be no change of use of the land and permission would not be required.

We are of the view that the C3 planning unit is likely to extend only to the farmhouse itself and that land enclosed as garden in front of it.

The paddock currently has the appearance of rough grassland rather than of a garden or other land that might ordinarily form part of a C3 planning unit.

Despite this, the applicant's agent has contested that the paddock also forms part of the C3 planning unit, based on two historical aerial images. One of these (from 2006) seems to show the paddock as bare earth, with what appears to be a trampoline sited in it and some low-level enclosure to the northern edge, whilst the other from 2011 appears much the same but with the ground covered with grass. During a recent visit to the site we were shown a further photograph that appears to show the area being used as garden, but this in itself does not provide sufficient evidence of lawful use of the land.

We are not satisfied that this represents evidence of the paddock forming part of the C3 planning unit. We would also query why the application has been submitted if the agent has certainty in that position, as the proposals would not constitute development.

On this basis, we are of the view that a caravan cannot be sited within the paddock without the need for planning permission.

However, as explained above, the siting of the caravan for ancillary accommodation within the C3 planning unit would be possible without permission being required. The applicant's agent has suggested that this could be in the front of the farmhouse. As they have acknowledged themselves however, this would adversely impact on the amenity of the occupiers of the farmhouse. The garden is relatively small and the cabin would need to be located close to the farmhouse, would obscure views from the farmhouse, there would be overlooking between the two dwellings, and it would leave the property with very limited outdoor garden or amenity space.

We conclude that this does not represent a strong fall-back alternative for the applicant and is unlikely to be carried out if permission is refused.

We therefore afford this only limited weight that does not outweigh the conflicts with planning policy or adverse impacts that the appearance of the proposed dwelling would result in.

### **Conclusion**

There is insufficient justification for the provision of an additional farm workers dwelling on the site in the terms set out in adopted planning policy.

Policy does however provide for ancillary dwellings in principle, and this could meet the need identified at this site.

Such provision is subject to the development achieving a satisfactory appearance however, and the development fails to achieve this, conflicting with policies DMC3, DMH5, and paragraph 130 of the NPPF.

Further, the development proposes insufficient climate change mitigation measures to comply with policy CC1.

We have given consideration to the applicant's fall-back position but conclude that this nor any other material considerations that would indicate that planning permission should be granted.

Accordingly, the application is recommended for refusal.

### **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

Report Author: Mark Nuttall, Senior Planner (South)