

7. FULL APPLICATION - ERECTION OF AN AGRICULTURAL BARN FOR THE HOUSING OF LIVESTOCK AND STORAGE, LAND NEAR TO DALE FARM, MIDDLETON BY YOULGRAVE (NP/DDD/0820/0713, TS)

APPLICANT: MR ALEX STONE

Summary

1. The application seeks full planning permission for an agricultural building. The application has demonstrated that there is a functional need for a new building. However, the location of the building would be harmful to the setting of the Middleton Conservation Area and several listed buildings. The agricultural need for the building does not outweigh the harm that would be caused to the designated heritage assets and the cultural heritage of the National Park. The application is therefore recommended for refusal.

Site and surroundings

2. The application site is a parcel of land that lies to the west of Dale Farm on the edge of Middleton-by-Youlgrave village. The site is in the corner of a parcel of agricultural land that has an area of about 7 acres. The site is bordered to the north, south and west by agricultural land. The built-up area of the village lies to the east with numerous residential properties in close proximity. The site is just outside of the Middleton Conservation Area boundary. There are several other designated heritage assets in close proximity, including Bateman's Tomb, Chapel House and Dale Farm, which are all grade II listed buildings.

Proposal

3. The application seeks full planning permission for the erection of a new agricultural building for livestock and storage.
4. The proposed building would be 18.4m wide by 9.15m deep. It would have an eaves height of 3.65m and a ridge height of 5.1m. It would be constructed with pre-cast concrete panels to a height of 1.2m and timber boarding above to the walls. The east elevation wall would have a small area of rubble limestone instead of a concrete panel base. The roof of the building would be blue/grey coloured cement sheeting with roof.
5. As well as the building itself, the submitted plans show that regrading of the existing yard and earthworks around the building are also required.

RECOMMENDATION:

That the application be REFUSED for the following reason:

1. **The introduction of the proposed building in an open and undeveloped landscape that makes a positive contribution to the setting of the Middleton-by-Youlgrave Conservation Area and to the setting of several Listed Buildings would significantly alter the character of the site and would result in significant harm to the landscape character of the area, the setting of the conservation area and the setting of the nearby listed buildings. The development would therefore fail to conserve the valued characteristics of the National Park and is contrary to policies GSP1, GSP2, GSP3, L1, L3, DMC3, DMC7, DMC8 and DME1 and the guidance contained within the National Planning Policy Framework.**

Key Issues

- The principle of development
- Impact on the landscape character and special qualities of the National Park
- Impact on heritage assets
- Amenity considerations
- Access considerations

History

Application 0915/1015 for an agricultural building on the same parcel of land was refused in November 2019 for the following reasons:

6. The introduction of the proposed building in an open and undeveloped landscape that makes a positive contribution to the setting of the Middleton-by-Youlgrave Conservation Area and to the setting of several Listed Buildings would significantly alter the character of the site and would result in significant harm to the landscape character of the area, the setting of the conservation area and the setting of the nearby listed buildings. The development would therefore fail to conserve the valued characteristics of the National Park and is contrary to policies GSP1, GSP2, GSP3, L1, L3, DMC3, DMC7, DMC8 and DME1 and the guidance contained within the National Planning Policy Framework.
7. The application has failed to demonstrate how the development would make the most efficient use of land, buildings and natural resources or achieve the highest possible standard of carbon reductions. It is therefore contrary to policy CC1.

The current application differs from the previously refused one in that the height of the building has been reduced and its position has been moved 7m to the east and 2m to the south.

Consultations

8. **Middleton and Smerrill Parish Council** – *“Middleton and Smerrill Parish Council supports this application to allow a fourth generation resident farming parishioner to secure and expand his livelihood on land owned by his family. Farming is the central core of the village existence and the siting of farm buildings within and adjacent to its Conservation Area part of its history as a working village.*
9. *Council is aware of the regulation difficulties that supporting this application may cause but would draw planners attention to its Community Aspirations in the Parish Statement, foremost of which is “To remain a rural focused community maintaining its local population, welcoming families not second homes and looking to conserve its historic legacy.”*
10. **Derbyshire County Council Highway Authority** – *“No objections subject to agricultural use in support of existing farming activities carried out on surrounding, controlled farmland.”*

Representations

11. One letter of objection has been received from local residents. The grounds for objection are summarised as follows:
 - detrimental impact the siting of the proposal will have on amenity, heritage, visual impact of the landscape;

- the access track is not adequate to accommodate larger, modern machinery;
 - Harmful impact on the amenity of nearby residential properties, especially as the building has been moved 7m closer to them since the previous application.
12. Eight letters of support have been received. The grounds for support are summarised as follows:
- Farming in the village should be supported;
 - The impact on heritage assets would be limited;
 - The building is needed to enable farming to continue;
 - The building is outside of the conservation area.

Main policies

13. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, L3, CC1
14. Relevant Development Management Plan policies: DMC3, DMC7, DMC8, DME1

National Planning Policy Framework and National Planning Practice Guidance

15. 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 with regard to the issues that are raised.
16. Paragraph 172 of the NPPF states that '*Great weight should be given to conserving and enhancing 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 these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads.*'
17. Part 16 of the NPPF relates to conserving and enhancing the historic environment. When considering potential impacts of proposals on the significance of a designated heritage asset great weight should be given to the assets conservation, irrespective of whether the potential harm amounts to substantial harm, total loss or less than substantial harm.
18. Paragraph 193 sets out 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."
19. Paragraph 194 continues that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
20. Paragraph 196 explains 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

21. Core Strategy policies 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.
22. Core Strategy policy DS1 outlines the Authority's Development Strategy.
23. 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.
24. Policy L3 states that development must conserve and where appropriate enhance or reveal the significance of archaeological, architectural, artistic or historic assets and their settings, including statutory designations and other heritage assets of international, national, regional or local importance or special interest and other than in exceptional circumstances development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset of archaeological, architectural, artistic or historic significance or its setting, including statutory designations or other heritage assets of international, national, regional or local importance or special interest;.
25. CC1 sets out that developments will be expected to make the most efficient and sustainable use of land, buildings and natural resources.
26. DME1 deals specifically with agricultural development and states the following:

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.

27. DMC3 states that development will be permitted provided that its detailed treatment is of a high standard that respects, protects and where possible enhances the natural quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place.

28. DMC7 requires that planning applications for development affecting a Listed Building and/or its setting should be determined in accordance with policy DMC5 and clearly demonstrate:

(i) how their significance will be preserved; and

(ii) why the proposed development and related works are desirable or necessary.

29. DMC8 sets out that applications for development in a Conservation Area, or for development that affects its setting or important views into, out of, across or through the area, should assess and clearly demonstrate how the character or appearance and significance of the Conservation Area will be preserved or enhanced.

30. Policy DMT3 sets out that development will only be permitted where a safe access that is achievable for all people can be provided in a way that does not detract from the character and appearance of the locality.

Assessment

Principle

31. Policy DME1 makes it clear that the agricultural buildings will only be permitted when the building is functionally required.

32. The submitted information sets out that the applicant has developed a small part-time farm business that comprises of 15 store cows and 70 breeding ewes. Approximately 67 acres is farmed in total, of which 7 acres are owned and the rest is rented. The application site is part of the parcel of owned land. It is understood that the rented land is to the eastern side of Weddon Lane. Until recently the applicant had use of buildings on the rented land but these buildings are no longer available for the applicant to use. There are no existing buildings on the owned parcel of land. The submitted information goes on to set out that the proposed barn is needed to provide housing for livestock during the winter. The stock numbers generate a need for a building of about 170 square metres. The proposed building

is approximately 150 square metres so would meet most of the identified need.

33. The application demonstrates an agricultural need for a building of the size proposed.
34. The broad principle of the development is acceptable, subject to it not having unacceptable impacts on the character of the conservation area, the setting of listed buildings, the wider landscape and special qualities of the National Park.

Impact on Heritage Assets and Landscape Impact

35. The site is immediately to the west of the Conservation Area boundary. Whilst the building would be located fairly close to the built edge of the village, it would very clearly encroach away from existing building and into the open fields that surround the village.
36. The introduction of a modern agricultural building in this otherwise undeveloped field, away from the built edge of the village, would be harmful to the adjacent conservation area. The conservation area character appraisal notes the open character of the north end of the village, and the location of buildings at right angles to the street, which invites and allows views through to the countryside beyond. While the earthworks and hollowed land near Fulwoods Castle to the east of the road form the focal point of this area, the rising ground to the west (on which the building would be sited) is also important to the setting of the buildings, providing a strong sense of place and identity.
37. Whilst the site is outside of the conservation area boundary, it is intimately associated with the conservation area by virtue of the rising ground which forms a backdrop, and by the manner in which the village enfolds the site to the east and south. The footpath access to Bateman's tomb further increases public awareness and appreciation of the site.
38. The introduction of a modern agricultural building here would erode the open and undeveloped character of the site and would cause significant harm to the character of the setting of the conservation area. The building would be sited in the bottom of the long and attractive hollow that runs westwards up the hillside from Dale Farm. The hollow contributes positively to the general character of the area, adding to the diversity in the land form that creates the basic topography of the village.
39. The impact of the building is not limited just to the new building itself. The submitted plans show that a yard area around the building is to be created through regrading. Whilst there is evidence of some low-key use of the 'yard area' at the moment. It is essentially still part of the grass field. It is not hard surfaced. The proposal would create a very clear formalised yard area around the building that would be very likely to be used for vehicles and machinery much more intensively than is the case at the moment. This would further add to the visual impact of the development and the erosion of the largely undeveloped character of the land parcel.
40. As well as the impact on the setting of the adjacent conservation area, the proposed building would also affect the setting of a number of listed buildings.
41. The undeveloped character of the site makes a positive contribution to the setting of several designated heritage assets in the locality, in particular Bateman's Tomb, Chapel House, Dale Farm and Yew Tree House.

42. The introduction of the proposed modern agricultural building would erode the positive impact that the site makes to the setting of the listed buildings, and would therefore cause harm to their setting. This is contrary to policies L3 and DMC7 and the guidance contained within the NPPF.
43. The proposed agricultural building would therefore harm designated heritage assets in the form of the Middleton Conservation Area and the grade II listed buildings at Bateman's Tomb, Chapel House, Dale Farm and Yew Tree House. Using the categorisation of harm set out in the NPPF, this harm would fall into the "less than substantial" category. 'Substantial harm' is a term used in association with complete loss or destruction of the interest. 'Less than substantial harm' applies to all other development which would harm a designated heritage asset to a lesser extent. Development which causes 'less than substantial harm' such as this can still be unacceptable, and cause permanent and irreversible harm to the designated interest.
44. The NPPF makes it clear that great weight should be given to the conservation of heritage assets (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
45. "Less than substantial" harm to heritage assets should be weighed against any public benefits. As set out further above, there is an agricultural justification for the new building and there would be some public benefit in terms of assisting in land management. However, the farm business is small and comprises of only 7 acres of owned land with the rest being rented. The rented land has existing buildings so it is difficult to make a compelling case that the new building is required to manage the rented land (even though on a personal level, it may be required by the applicant). The benefit of the new building in terms of land management is therefore quite limited. Conversely, the harm the development would cause to several designated heritage assets is very significant. The land management benefits of the proposed building therefore do not outweigh the harm that would be caused to the conservation area and listed buildings. The conservation of cultural heritage in the National Park is central to our first National Park purpose. Whilst we also have a duty to foster economic well-being of local communities, the Sandford principle makes it clear that more weight has to be given to conservation when there is a conflict between the National Park purposes and aims.
46. An application in 2019 was refused because of the adverse impact on the setting of the conservation area and the nearby listed buildings. It is acknowledged that the applicant has tried to address these concerns in the current application by moving the building 7m to the east and 2m to the south. The proposed building would now be dug into the land which would reduce the ridge height by about 0.8m. However, the fact remains that the current application still proposes a modern portal framed agricultural building in an undeveloped area. The undeveloped nature of the site makes an important contribution to the setting of the designated heritage assets. The amendments therefore do not overcome the fundamental concerns of siting a new farm building in this location.

Highways Impacts

47. A letter of objection has raised concerns about access issues arising from the proposal. However, the Highways Authority has raised no objections to the proposal, noting the building would be used in support of existing farming activities that are carried on out surrounding farmland. The access arrangement is therefore considered to be acceptable in terms of highways safety and the application

accords with policy DMT3 in this respect.

Amenity Impacts

48. A letter of objection has raised concerns that the use of the building for livestock would cause harm to the amenity of the nearby residential properties, especially as it has been moved closer to the residential dwellings since the previous application.
49. The concerns in this respect are fully acknowledged. However, Middleton is historically a farming village and as such there are a number of farmsteads in very close proximity to residential dwellings and the residential dwellings lie immediately next to agricultural land. As such, there is a strong sense of co-existence between residential and agricultural activities throughout the village. The land on which the building would be sited is already in agricultural use. It is considered that the proposed building would not result in an unacceptable impact on the amenity of residents of nearby houses by way of noise, smells or other associated disturbance.
50. The access issues are also fully acknowledged as access to the building would involve passing in very close proximity to the existing residential properties. However, this is the existing situation and access to the land already occurs in this way. The proposed building may result in some intensification of the use of the access. Considering the relatively small scale of the farming operation and that the land in ownership is only around 7 acres, it is considered that any such intensification would be low. As such, it would not be possible to substantiate a reason for refusal based on the impacts on the amenity of neighbouring residents. On balance, the application is acceptable in this respect as accords with policy DMC3.

Carbon Reduction and Energy Efficiency

51. Policy CC1 requires that new development makes the most efficient and sustainable use of land, building and natural resources and achieves the highest possible standards of carbon reductions and water efficiency.
52. The current application includes a scheme of energy efficiency and carbon reduction measures. This is sufficient to address policy CC1.

Conclusion

53. It has been demonstrated that the proposed building is necessary and appropriately sized for the small agricultural business. However, the siting of the proposed building would result in significant harm to the setting of the adjacent conservation area and to several listed buildings in the locality. It would also result in harm to the landscape character of this part of the National Park. Whilst it is accepted that there is unlikely to be a more suitable site within the applicant's ownership that could accommodate the proposed building, the agricultural need for the building does not outweigh the need to conserve the valued characterises of the National Park. In this case, the harm would clearly outweigh the benefits and the development is contrary to policies GSP1, GSP2, GSP3, L1, L3, DMC3, DMC7, DMC8 and DME1 and the guidance contained within the NPPF.

Human Rights

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

List of Background Papers (not previously published)

Nil

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