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**12. RETROSPECTIVE APPLICATION FOR THE REPLACEMENT OF AN AGRICULTURAL BUILDING – LAND ADJACENT TO CORNERWAYS, CURBAR LANE, CURBAR (NP/DDD/0515/0471, P.2918, 21/5/2015, 424824 / 374518, MN)**

**APPLICANT: DR MICHAEL COLLINS**

**Note for Members**

This retrospective application is effectively a re-submission of an application that Members refused in September 2014. The last application was refused by Members because they considered the case of agricultural need advanced in support of the application to be insufficient to justify making an exception to the National Park's landscape conservation policies, which only exceptionally permit new development in the open countryside. The applicant has since employed an agricultural consultant to undertake an Agricultural Appraisal and this forms part of the resubmitted application.

**Site and Surroundings**

The application site is an open field abutting the north side of Curbar Hill road, to the west of Curbar village. Access into the field is off the Curbar Hill road via a typical agricultural gateway which opens onto a concrete drive leading to a timber triple stable building sited in the middle of the field. The lawful status of this building is not apparent from planning records, but the building is clearly of some age and is highly likely to have become lawful.

The application building is a horizontally boarded timber field shelter with a central timber column and two gated openings on the front under a dark blue corrugated roof with overhanging eaves. It is 3.65m wide x 6.1m long and 3.6m to ridge. It has replaced a similarly constructed building that had previously occupied the same position for a number of years but which blew down in the February gales of 2014. That building also did not benefit from the grant of permission but had acquired lawfulness over the passage of time.

The hillside and the main application field slope down to the west, with the application building occupying a prominent raised site on the north-eastern edge of the field some 60m back from the highway. A further field, separated from the front field by only a post and wire fence slopes down to the north beyond the post and wire fence. This adjoining field narrows and is not viewed from the highway as it drops out of view due to the sloping ground and is surrounded by mature trees lying to the north, north west and north east. These mature trees also extend to flank the eastern and western sides of the front field, and frame the application building on this open countryside site which provides a landscape break between Calver Bridge and Curbar village.

The site is outside of any conservation area, but Curbar Conservation Area (no.1) is approximately 50m to the west of the building and Curbar Conservation Area (no.2) is approximately 100m to the east.

**Proposal**

This application is seeking retrospective planning permission for the erection of the agricultural building.

In support the applicant has submitted a covering letter, explaining that they consider there to have been some misrepresentation of events leading up to the construction of the building and the previous application being made – specifically relating to the nature of the advice that was provided to the applicant by the Authority and the dates of this advice – and that this influenced the determination of that application and cast the applicant in an unfavourable light.

Whilst there may be some confusion around the advice that was provided and when it was provided, such matters are not material considerations to the application as submitted, which must be considered on its own merits.

### **RECOMMENDATION:**

**That the application be APPROVED subject to the following conditions:**

- 1. The building shall only be used for agriculture on the holding and shall be removed from the site when no longer required for the purposes of agriculture.**

### **Key Issues**

The need for the agricultural building, the scale and materials used in the construction of the building, and the landscape impact that the siting of the building would have.

### **History**

February 2014 – The applicant and a friend both sought advice from the Authority on the rebuilding of a storm-damaged field shelter. They were advised that either planning permission or prior approval was likely to be required, depending on the scale of rebuilding and its use.

April 2014 – Enforcement case opened in relation to the erection of the unauthorised agricultural building that is the subject of this application.

September 2014 – Planning permission refused for the erection of a replacement agricultural building (retrospective application).

Following the Committee officers gave advice to the applicant and his agent that although the Planning Committee had refused the case solely on grounds of need, nevertheless officers (and notably the Parish Council) continued to have some concerns about the landscape impact. Given that background officers advised that a resubmission with the building relocated to a screened portion of the holding, supported by clear evidence of need, would be the most appropriate solution in landscape terms, likely to overcome the Parish Council's landscape objection and be fully supported by officers.

### **Consultations**

Derbyshire County Council (Highways) – No response at time of writing.

Derbyshire Dales District Council – Environmental Health – No objections in principal as long as the barn is used for purposes as outlined in the application.

Curbar Parish Council – Object to the application. There is an unused stable block on the site that could be utilised. An agricultural need for the building has not been justified, and were one to be accepted then the building could be sited in a better position in the field, as it is currently very prominent in the landscape. A comparison is drawn by the Council to a recently refused retrospective application for a stable building on Cliff Lane, Curbar, in support of their objection.

## **Representations**

8 letters of representation have been received. 6 of these support the application, whilst 2 object. Those supporting the proposal do so on the following grounds:

- The site is in use for farming and the building supports this use
- The building is the same as the one it has replaced, which served an agricultural purposes for many years
- The building an improvement over the building it has replaced
- The building appears appropriate for the location and sympathetic to the environment
- Without the building it would be very difficult to ensure good animal welfare for the breaking flock [comment from farmer currently grazing the land]

Those representations objecting to the proposal raise the following matters:

- The agricultural appraisal is inaccurate and misleading, as it does not reflect the actual circumstances of sheep grazing in Curbar
- Less than 50% of the total area of land described in the report as being used for sheep grazing is currently in such use, and some has not been in such use for several years
- The keeping of sheep on the site is not a year round activity as the agricultural appraisal implies
- The sheep and lambs arrive on site already tagged negating the need to keep ear tags on site as stated in the agricultural appraisal
- There are buildings available in the other fields identified in the agricultural appraisal that could be used instead of the application building
- Consistency of decisions is vital, and applications for other timber sheds are receiving consideration for enforcement action by the Authority. Whilst these are equestrian buildings to which some different policies apply, issues of siting, design and location are common to both. A comparison is drawn to a recently refused retrospective application for a stable building on Cliff Lane, Curbar, in support of the objection.
- The applicant's explanation that they did not consider planning permission was required is not a material planning consideration and should be disregarded.
- The non-traditional form and siting of the building and its prominent siting would have a harmful impact on appearance of the landscape and the conservation area.
- Less harmful and obtrusive positions for the building are available elsewhere within the site.

## **Main Policies**

Core Strategy: GSP1, GSP2, GSP3, DS1, L1

Local Plan: LC4, LC5, LC13

National Planning Policy Framework

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 Government's intention is that the document should be considered to be 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 saved policies in the Peak District National Park Local Plan 2001.

Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. Both give substantial weight to the conservation of the landscapes of the National Park, whilst also seeking to support the development of agricultural businesses.

## **Assessment**

### **The need for the building**

Until February 2014 a building of a similar design and size was present on the site now occupied by the application building. The applicant has indicated that the previous building was in agricultural use. Whilst officers are unable to verify this as the building had never received planning permission, it had been on site for a number of years and was considered to have become lawful over the passage of time prior to collapsing in high winds. The applicant replaced that building shortly afterwards without seeking prior planning permission. Therefore although the replacement building is new development in its own right, some weight is given to the previous building's presence on the site as a material planning consideration in this case, although it is clear that the current siting is not ideal in terms of landscape impact if one were considering siting afresh.

The agricultural statement submitted in support of the application sets out the farming need for the building. The reasons presented are similar to those put forward by the farmer of the land during the last application, albeit in more detail, and represent typical uses for such a building. The uses of the building would change with the season, and include lambing, tagging, shearing, housing for young and vulnerable stock in inclement weather, dosing and vaccinating animals, as well as storing hay, feed and ancillary farming equipment.

Whilst not a farmer himself, the statement states that the applicant rents out the field containing the building to a local farmer. According to the submitted statement this farmer farms around 27 acres in and around Curbar with up to 80 ewes, plus lambs. A small number of sheep were present on the site when Officers visited, as was also the case during the assessment of the previous application in 2014. Some of the letters of representation have contested that some of the area of land claimed to be farmed is not currently grazed by sheep and that some is in use as playing field and some in use for the keeping of horses. The use of the application site itself is not in question however, nor is the size of the farmers flock.

Whilst the size of the area of land farmed does of course have some bearing on the likely size of the farming enterprise and resultant justification for the building, it is considered that the size of the field, its existing agricultural use, and its relative separation from the other fields noted in the agricultural appraisal is sufficient justification for what is a modestly sized farm building.

In terms of other buildings that could be available to meet the stated need, there is the detached stable building within the same field. Although the Design and Access statement confirms that horses are no longer kept on the site, the building may have an established use for domestic purposes, and the applicant has previously advised that it could shortly be brought back in to use for stabling purposes, and is not therefore available for agricultural use.

Some representations refer to buildings in other fields that are in use by the farmer, suggesting that these undermine the justification for the application building. It is considered that a building on this site can still be considered to be reasonably required for the purposes of agriculture as it would be inconvenient and impractical for the farmer to have to use a building in another part of the village in relation to the farming of this field – especially when part of the requirement for the building is for the shelter of animals on this area of land.

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### The siting, design and landscape impact of the building

Timber cladding of agricultural buildings is not uncommon in the Park, as they generally have a more basic and functional character than residential buildings or recreational stable facilities. This is more common on large agricultural buildings however, with smaller field shelters more typically and traditionally constructed of stone with slate roofs. The relatively modest scale of the proposed building does serve to reduce the impact of its materials, and this is assisted by the mostly open front, which serves to break up its massing. Overall, the building's design is simple and whilst the use of timber is not in keeping with the local building tradition, in this setting and for this particular use, it is considered that the design would conserve the built environment of the area and therefore accords with this requirement of policy LC4.

In terms of the buildings impact in the wider landscape, Development Plan policies L1, LC4, LC5, and LC13 require that development conserves the landscape character, important views, and other valued characteristics of the area.

The main public views in which the building is seen are from the highway to the south. The building is also visible in longer public views from close to the junction of Curbar Hill and Calver Bridge, which lies within a conservation area.

In views from the highway to the south, the building is some distance from the road and is modest in scale however, being elevated above the road due to the rising ground has increased its prominence. This is offset to some degree by the established planting behind the building that largely prevents it from 'skylining' or appearing too prominent – something that is aided by the dark stain that has been applied to the building since the previous application was considered by Members in 2014. The trees around the building will lose their leaves in winter months but it is still considered that even at this time of year the trees outline will soften the buildings appearance.

In addition, the largely open front to the building does serve to break up its form in these views, further reducing its impact. It will be seen in the same views as the existing stable building further down the field when viewed from the highway to the south. The spacing apart of the two however, and the better relationship of the new building to the field boundary, mean that it is not considered there is significant cumulative impact caused by the relationship of the two buildings.

In views from the junction of Curbar Hill and Calver Bridge the building can be seen quite clearly, albeit for only a short distance, through a copse of trees. In these views it is seen at some 250m. As a result of its size and its backing by trees, its impact in these views from within the conservation area is considered to be small, and that it would conserve the character and appearance of the conservation area as required by LC5.

Local Plan policy LC13 requires new agricultural buildings to make use of the least obtrusive or otherwise damaging location possible, including being close to the main group of buildings on a site wherever possible and making the best use of existing buildings, trees, walls and other landscape features. Whilst not closely related to other buildings, the building is considered to make good use of the trees on the site to reduce its impact. It is also on the site of a building of the same size and design which was storm-damaged in February 2014, so this is considered to be a material consideration in determining whether it would be reasonable to refuse the application and insist on an alternative location.

Overall, having assessed the building and its impact in its current position it is considered, as detailed above, that its wider landscape impact is low, and that it would be difficult for Officers to justify its re-siting elsewhere within the field on the grounds of this one policy in isolation.

### Other matters

The building is sited well away from any neighbouring properties and so is not considered to raise any amenity issues, as required by policy LC4.

An objector has identified a recent planning refusal by the Authority as being pertinent to the consideration of this application. That proposal was for a larger timber building, built for a different purpose, and Officers also consider it to have a different impact in the landscape. For these reasons limited weight is given to this decision.

### **Conclusion**

It is considered that there is sufficient evidence that the building is to be used for agricultural purposes. On balance, it is considered that the design, size, and siting of the building are acceptable, and that the development accords with the policies of the Development Plan when taken as a whole. The application is therefore recommended for approval.

### **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