

**13. FULL APPLICATION - PROVISION OF EDUCATION SUITE AND ANCILLARY ACCOMMODATION TO FACILITATE DIVERSIFICATION OF FARM ACTIVITIES AT HIGH LEES FARM, NEW ROAD, BAMFORD (NP/HPK/0817/0832, P.10149, 421556 / 383751, 23/08/2017)**

**APPLICANT: MR & MRS MAY**

**1. Site and Surroundings**

- 1.1. High Lees Farm is located in open countryside approximately 800m to the north east of Bamford. The farmstead is accessed via a track from The Clough and includes the farm house and a range of modern agricultural buildings.
- 1.2. The farmhouse was originally a barn and was converted and extended following the grant of planning permission in 1978. The farmhouse is subject to an agricultural occupancy condition.
- 1.3. The land at the farm extends to 104 acres (42 ha) of which 56 acres is grazing land with the remainder woodland.

**2. Proposal**

- 2.1. Demolition of existing agricultural buildings and the erection of education suite and ancillary accommodation, a replacement agricultural building and car port.
- 2.2. This application has been subject to discussions between the agent, applicant and Officers and amended plans have been submitted as a result. This report is written on the basis of the amended plans.
- 2.3. Five existing modern agricultural buildings would be demolished (sheds 2 – 5 and shed 7).
- 2.4. An education suite and ancillary accommodation would be erected on the site of sheds 3 – 5. The building would provide for a training room with ancillary office and store and three units of accommodation (one 2 bedroom and two 3 bedroom units) which would be occupied by guests attending the education suite. The education suite and accommodation would have a maximum capacity for 16 guests at any one time.
- 2.5. A larger replacement agricultural building would be erected on the site of shed 2 with extended area of hardstanding to the south east.
- 2.6. A car port and bin store would be erected to the north west of shed 1.
- 2.7. A sewage treatment plant would be installed to serve the development to the south west of the farmhouse.
- 2.8. A "Grasscrete" track would be formed to provide farm access around the north of the farmstead.
- 2.9. As part of the scheme the existing retained agricultural buildings would be re-clad in green profiled metal cladding to match the new agricultural buildings.
- 2.10. As part of the scheme a wider scheme of landscape planting is proposed including groups of native trees including Rowan, Silver Birch, Field Maple and Hazel around the farmstead.
- 2.11. The scheme has been proposed as farm diversification and as required to provide additional income to support a sustainable form of agriculture on the land holding in accordance with a Whole Farm Conservation Plan and wider field management and historic woodland management works.

### **3. RECOMMENDATION**

**That the application be APPROVED subject to prior entry into a S106 legal agreement to tie the education suite and ancillary accommodation to the land and buildings at High Les Farm, and subject to the following conditions.**

- 1. Statutory time limit for implementation**
- 2. No development shall commence until development phasing plan has been submitted and approved. Development to be carried out in accordance with approved details.**
- 3. No development shall commence until construction management plan has been submitted and approved. Development to be carried out in accordance with approved details.**
- 4. Travel plan to be submitted and approved prior to be first occupation of the education suite and ancillary accommodation.**
- 5. Landscape scheme to be submitted, approved and implemented prior to the first occupation of the development.**
- 6. Submit and agree sample of roof material and sample panel of stonework for education suite and ancillary accommodation.**
- 7. The package treatment plant shall be installed prior to the first occupation of education suite and ancillary accommodation.**
- 8. The parking and manoeuvring areas shall be laid out, constructed and available for use prior to the first occupation of the education suite and ancillary accommodation and shall be permanently so maintained.**
- 9. Development shall not be carried out other than in accordance with recommendations of submitted protected species survey report.**
- 10. Restrict use specifically to education suite and accommodation all ancillary to High Lees Farm and to be retained within a single planning unit.**
- 11. Restrict residential accommodation to holiday accommodation only.**
- 12. Restrict the maximum number of guests to no more than 16 at any time.**
- 13. Restrict the use of agricultural buildings for the purposes of agriculture only.**
- 14. Remove agricultural buildings when no longer required for the purposes of agriculture.**
- 15. Remove permitted development rights for alterations and extensions from residential accommodation.**
- 16. Specification of colour finish for sheeting and doors to agricultural buildings.**

### **4. Key Issues**

- Whether the proposed development is acceptable in principle.**
- The impact of the proposed development upon the valued characteristics of the National Park and potential benefits of allowing the development.**

## **5. Relevant Planning History**

- 5.1. 1978: NP/HPK/875/660: Outline planning permission granted for conversion of existing grain storage building into private dwelling. Condition 3 imposed on this permission restricted occupancy to an agricultural worker.
- 5.2. 1978: Related S.52 agreement revokes previous planning permission for the erection of a farmhouse at the site.
- 5.3. 1978: NP/HPK/1275/1042: Planning permission granted for alteration and extension of existing barn to form 1 no. residential house.
- 5.4. 1984: NP/HPK/284/115: Planning permission granted for extension to dwelling.
- 5.5. 2015: NP/HPK/0515/010: Lawful development certificate for existing use granted in respect of occupation of dwelling in breach of agricultural occupancy condition.
- 5.6. 2015: NP/HPK/0915/0812: Planning permission refused for the removal of agricultural occupancy condition from application NP/HPK/1275/1042.
- 5.7. 2017: NP/NPK/0917/0914: Planning permission granted conditionally for re-modelling and extension of farmhouse.

## **6. Consultations**

- 6.1. Parish Council: Make the following comments:
- 6.2. Have no adverse comments about the revised plans and recognise that the applicants are trying to reinvigate a site which has been rather neglected.
- 6.3. The Parish Council however remain concerned about the possibility of these proposals making worse the already difficult and congested traffic and parking situation on New Road on busy days as the number of proposed parking spaces appears to be too few to cope with the maximum number of people planned to use the facility. Given the distance to the railway station and bus stops it is unlikely that anyone will travel to the site by public transport.
- 6.4. The Parish Council also raise on-going issues with the private electricity cable to the site causing the ongoing closure of Bamford Clough, however this is a separate matter and not a material planning consideration.
- 6.5. Borough Council: No response to date.
- 6.6. Highway Authority: Initially requested further information on the proposed number of visitors. Based on the proposed numbers and days of operation a highway objection would not be sustainable when considered against the potential traffic of the farm. The level of use should be tied up by planning condition. In view of the location of the premises a Travel Plan is necessary.
- 6.7. Natural England: No objection subject to the imposition of a planning condition on any permission to require a construction management plan. This is to ensure that the development does not damage or destroy the interest features for which Eastern Peak District Moors Site of Special Scientific Interest has been notified.
- 6.8. PDNPA Ecology: No response to date.
- 6.9. PDNPA Landscape: No objections but considers that further planting to the south and east sides of the development are required to increase screening and aid integration into the local landscape. Therefore a planning condition is required on any permission to require

the submission and implementation of a landscape plan.

## 7. Representations

7.1. No representations have been received to date.

## 8. Policies

8.1. 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:

- Conserve and enhance the natural beauty, wildlife and cultural heritage
- 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.

### National Planning Policy Framework

- 8.2. 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 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 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. 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.
- 8.3. Para 115 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.'*
- 8.4. Para 28 of the NPPF states that policies should support economic growth in rural areas by taking a positive approach to sustainable new development and should promote the development and diversification of agricultural and other land-based rural businesses and support the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well designed new buildings.
- 8.5. Para 34 of the NPPF says that developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take into account policies set out elsewhere in the NPPF, particularly in rural areas.
- 8.6. Para 36 of the NPPF says that all developments which generate significant amounts of movement should be required to provide a Travel Plan.

### Development Plan policies

- 8.7. Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GSP1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
- 8.8. Policy GSP2 sets out the strategy for achieving enhancement in the National Park. GSP2 B says that proposals need to demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area and should not undermine the achievement of other Core Policies. GSP2 C says that when development is permitted a design will be sought that respects the character of the area and where appropriate landscaping schemes sought complimenting the locality and helping to achieve biodiversity objectives.
- 8.9. Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
- 8.10. Policy DS1 sets out the development strategy within the National Park and says that in the countryside (outside of the Natural Zone) development of farm diversification, recreation and tourism or other development required to secure effective conservation and enhancement will be acceptable in principle.
- 8.11. 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.
- 8.12. Policy L2 states that all development must conserve or enhance any sites, features or species of biodiversity enhancement and where appropriate their setting. Policy LC17 is a more detailed policy relevant for statutorily designated sites, features, or species of international, national or regional importance.
- 8.13. Policy E2 sets out the strategy for business development in the countryside. E2 B says that on farmsteads, small scale business development will be permitted provided that it supports an existing agricultural or other primary business responsible for land management. The primary business must retain ownership and control of the site and building, to ensure that income will be returned to appropriate management of the landscape.
- 8.14. Policy LC14 gives more detail for farm diversification proposals and says that diversification of economic activity on a farm will be restricted to the specific use or range of uses for which permission is given rather than a use class. New buildings will not be permitted if the diversified use can be appropriately located in existing vernacular buildings or in a non-vernacular building which would remain appropriate to the area. Finally LC14 (d) say that development will not be granted unless there is sufficient certainty of long-term benefit to the farm business as an agricultural operation.
- 8.15. Policy RT1 sets out the strategy for recreation, environmental education and interpretation development. RT1 A is supportive in principle of facilities, RT1 B says that new provision must justify its location in relation to environmental capacity, scale and intensity of use. In the open countryside clear demonstration of need for such a location will be necessary.

RT1 C says that where possible development must re-use existing traditional buildings and should enhance any appropriate existing facilities. Where this is not possible the construction of new buildings may be acceptable.

- 8.16. Policy RT2 sets out the strategy for hotels, bed and breakfast and self-catering accommodation. RT2 A allows for the change of use of a traditional building to serviced or self-catering holiday accommodation except where it would create unacceptable landscape impact. RT2 C says that new build holiday accommodation will not be permitted, except for a new hotel in Bakewell.
- 8.17. Policy LR6 says that in the countryside where self-catering accommodation is acceptable its use will be restricted to holiday accommodation.
- 8.18. Policy LC4 says that where development is acceptable in principle it will be permitted provided that its detailed treatment is of a high standard that respects, conserves and where possible enhances the landscape, built environment and other valued characteristic of the site.
- 8.19. Policy LC13 allows for agricultural development in principle provided that buildings are sited close to the existing group where possible and that in all cases development is sited in the least damaging location and avoiding important local views.
- 8.20. Policy LC21 is relevant for development that presents a risk of pollution or disturbance to (inter alia) the amenity, ecology or other valued characteristics of the area, existing recreation activities or the water environment. Permission will not be granted unless adequate measures to control emissions within acceptable limits are put in place.
- 8.21. Policy LT10 requires adequate parking provision and LT18 requires safe access as a pre-requisite for any development.

Relevant Core Strategy (CS) policies: GSP1, GSP2, GSP3, DS1, L1, L2, E2, RT1 and RT2

Relevant Local Plan (LP) policies: LC4, LC13, LC14, LC17, LC21, LR6, LT10 and LT18

## **9. Assessment**

### **9.1. Principle of proposed development**

- 9.2. Officers understand that the property has not been commercially farmed for a number of years. The previous occupants of the farmhouse were not fully or mainly employed in agriculture contrary to the agricultural occupancy condition and this point was accepted by the Authority in granting the Lawful Development Certificate in 2015. Nevertheless the farmhouse remains within the same ownership as the wider landholding and it would be desirable for the holding to be farmed in a sustainable manner.
- 9.3. The applicant's intention is to regenerate the farm as a sustainable agricultural business and to enhance the farm for the conservation and management of wildlife habitats and biodiversity locally. The applicants have commissioned a Whole Farm Conservation Plan Survey carried out by the Authority's Countryside and Economy Adviser and the recommendations of this survey have been included in the Whole Farm Business Plan.
- 9.4. The land is not currently farmed but following the Conservation Plan and Business Plan the intention is to develop livestock on the holding up to 332 sheep and up to 15 breeding cows based upon the Conservation Plan.
- 9.5. The applicants have carried out a structural report on the existing agricultural buildings.

This states that all cladding and roof coverings for the buildings (with the exception of barn 1) require replacing and that barns 2 and 4 are not fit for purpose and would need to be demolished and replaced. Alterations to the existing farm buildings along with replacement buildings are proposed within this application and Officers are satisfied from the submitted information that there is a functional requirement for these buildings to serve the agricultural business in accordance with LC13.

- 9.6. The applicants state that on its own the intended farm business would not be financially viable and therefore not sustainable in the long term. This is due to the projected income from the business not being sufficient to support itself or a full time worker and due to the high initial levels of investment that would be required to repair and provide replacement buildings to accommodate the business along with works to the wider holding.
- 9.7. Officers have seen the Business Plan, projected incomes and investment costs and are satisfied that on its own an agricultural business commensurate with the optimal management of the land in terms of enhancing landscape and biodiversity would be unlikely to be viable.
- 9.8. Therefore along with the agricultural development proposed the applicant's also seek planning permission for the erection of a training room along with ancillary residential accommodation within the farmstead on the site of three of the existing farm buildings in poor condition.
- 9.9. The stated intention is to use the training room to provide environmental, conservation and public health related training events, linked where possible to the farming activities. The intention is that High Lees Farm will retain ownership and control of all the buildings and that income from the training events will be used for supporting the farm business and management of the landscape.
- 9.10. Officers requested information in regards to projected income from the training events to ensure that this element of the business would remain sub-ordinate to the farm business. The applicants have carried this work and as a result the design has been amended to reduce the capacity of the facility. The development is now designed to accommodate up to 16 people at any one time with the intention to run two, two day training events each month along with making the space available for local businesses and organisations.
- 9.11. The NPPF, policy E2 and policy RT1 together offer support in principle for development intended to support agricultural businesses in the countryside and for environmental education development. The farm business is new and therefore it could be argued that the development is not required to support an established agricultural business. However clear evidence has been submitted to evidence the applicant's stated intentions, the proposed stocking numbers, the requirements for buildings and also the projected viability of the agricultural business.
- 9.12. The evidence is also clear that the farm business in itself would not be financially sustainable and that diversification is required to enable the management of the wider holding in accordance with the Whole Farm Conservation Plan. Officers are also satisfied that this part of the business would be small scale and that the level of income generated by the proposed training events would be sub-ordinate to the farm business in accordance with E2 and RT1.
- 9.13. The training events would include a residential element which would be in the form of three self-contained dwellings within the building, with a total of eight bedrooms and associated living spaces. The proposal is that these provide accommodation for some of those attending training events but there would also be the potential for these to be let individually or collectively as holiday accommodation.
- 9.14. Policies E2 and RT1 both allow for new buildings in principle to facilitate development

however policy RT2 states explicitly that new build holiday accommodation will not be permitted.

- 9.15. However, it is recognised that the accommodation would be linked to the training events at the site and that there are other benefits in terms of the treatment and removal of existing agricultural buildings and securing environmentally appropriate management of the holding. In this context the proposed development does offer enhancements in accordance with policy GSP2. The provision of accommodation in this development would not undermine the aims of Core policies and therefore in principle the proposed accommodation is considered to be acceptable.
- 9.16. If permission is granted a planning condition to secure a phasing plan for development would be recommended to secure the investment in the farm buildings.
- 9.17. Design and landscape impact
- 9.18. The proposed training room and ancillary accommodation would replace three existing modern agricultural buildings in poor repair and therefore would be sited adjacent to the existing building group between the farmhouse and the farm buildings that would be retained. The replacement agricultural building and car port would also be sited close to the existing group in accordance with LC13. The development as a whole therefore would not result in any significant increase in terms of built mass and would not be prominent or harmful in the wider landscape.
- 9.19. The application proposes to clad the walls and roof of the new agricultural buildings and the existing agricultural buildings in dark green metal sheeting. Due to the varying age and disrepair the existing group of agricultural buildings are a variety of colours and finishes and the blue cladding of the largest building (shed 6) is particularly prominent when seen across the valley and from the east. Therefore the replacement of the sheeting in an appropriate uniform dark recessive colour would provide a significance enhancement in landscape terms.
- 9.20. Furthermore the application proposes new planting around the built group to break up views and better integrate the group into the local landscape. This is welcomed and subject to a detailed scheme being submitted and approved in accordance with advice from the Authority's Landscape Officer this would also provide enhancement in landscape terms.
- 9.21. The proposed agricultural buildings are of a suitable design relative to their function and are acceptable subject to the colour finish of the metal sheeting for the roof, walls and doors which can be secured by planning condition.
- 9.22. The design of the training room and accommodation building has been the subject of negotiations between Officers, the agent and the applicant. Officers were concerned about the form, massing and detailing of the building as initially proposed and that the building essentially looked like a converted modern portal framed building rather than a new building which designed to reflect the local built tradition in accordance with the Authority's design guidance.
- 9.23. The revised building has an 'H' plan form which has allowed the building to be set into the levels of the site. The training room and two bedroom unit at the higher level accessed from the car park to the north with the two three bedroom units on two levels 'dug in' to the ground levels and built around a central courtyard.
- 9.24. This approach has allowed for a more traditional form and massing with narrow gables reflecting the orientation of the original barn (now converted and extended to create the farmhouse) and the use of coursed gritstone. The use of vertically proportioned window openings with larch cladding between and a standing seam metal roof gives a more contemporary appearance while the overall form is traditional and will be read as such in



the wider landscape.

- 9.25. The use of solar photovoltaic panels on the south facing roof is welcomed as is the proposed biomass boiler which will help maximise energy savings in accordance with policy CC1.
- 9.26. The overall design approach for both the new agricultural buildings and the training and accommodation building is of a high standard and in accordance with policies GSP3, LC4, LC13 and the Authority's Design Guide. If permission is granted conditions would be recommended to secure appropriate materials and finishes to secure this.
- 9.27. Highway safety and amenity of road users
- 9.28. Concern has been raised in regard to the potential traffic generation of the development and how this could affect congestion on New Road, especially during busy days. Officers acknowledge that New Road can be congested during busy days with parked cars.
- 9.29. The proposed development envisages a maximum of 16 guests at any one time and a sufficient level of parking would be provided on site (8 spaces proposed to be created) with ample further space for parking within the yard if required. Therefore it is unlikely that the proposed development would lead to additional parking or congestion on New Road. If permission is granted a condition to restrict the maximum number of guests would be recommended.
- 9.30. The site is relatively remote from public transport links and it is therefore also acknowledged that visitors to the site will likely use the private car. Generally speaking development such as this should be sited close to public transport links; however, the NPPF requires this policy to take into account other policies which are supportive of rural enterprises especially in farm diversification cases.
- 9.31. The NPPF does however require a travel plan in circumstances such as this. The applicant has proposed to do this and Officers agree with the Highway Authority that a planning condition requiring a Travel Plan is necessary to secure this.
- 9.32. There are no issues raised in regard to the use of the existing access by the development and therefore having had regard to comments from the Highway Authority it is concluded that subject to conditions the development would not harm highway safety or the amenity of road users.
- 9.33. Ecology
- 9.34. The site is located to the south of Bamford Moor which is designated as part of the Eastern Peak District Moors Site of Special Scientific Interest (SSSI), the Peak District Moor Special Protection Area (SPA) and South Pennine Moors Special Area of Conservation (SAC).
- 9.35. Concerns were raised initially by Natural England in regard to the potential for construction to disturb protected birds known to use the designated site and surrounding land. However on the basis of the amended scheme Natural England is satisfied that subject to a construction management plan to detail the timing and location of construction activities to minimise the risk of disturbance that the development is acceptable.
- 9.36. Having had regard to this advice, Officers are satisfied that subject to condition the development would not harm the interest features associated with the designated sites.
- 9.37. The affected buildings have been surveyed for protected species. The report found that the agricultural buildings are unlikely to support roosting bats as they are unsuitable due to the bright light within the buildings and the nature of the construction. The report concluded that works should avoid the bird breeding season unless a suitable qualified ecologist has established that no birds are nesting and that swallow bowls and general purpose nest

boxes should be included.

9.38. Subject to conditions to secure a construction management plan and the recommendations of the submitted protected species report Officers are satisfied that the proposed development would not harm protected sites or protected species or their habitat.

9.39. Other Issues

9.40. Given the location of the site and the distance to neighbouring properties there are no concerns that the development would harm the amenity of neighbouring properties. There is also sufficient distance between the farmhouse and the new development.

9.41. The application proposes a new package treatment plant to deal with foul sewage from both the farmhouse and the development. Given the distance from the site to the mains sewer there are no objections in principle to a package treatment plant provided that this is installed before the development is occupied.

9.42. Legal agreement

9.43. Section 106 of the 1990 Act says any person interested in land in the area of a local planning authority may, by agreement or otherwise, enter into an obligation (a planning obligation).

9.44. Policies E2 and LC14 require the primary agricultural business to retain control over the diversification business and therefore a restriction upon separate sale would be considered to be a 'lawful' obligation because it would restrict the development and the use of the land in a specified way. The agent has indicated that the applicants would be willing to enter into a planning obligation to secure this.

9.45. However, for the offer of a legal agreement to be capable of constituting a material planning consideration in the determination of the application, the proposed legal agreement and the obligations to be entered into by the applicant must also meet three tests, which are set out in identical terms in S.122 (2) of The Community Infrastructure Levy Regulations 2010 and the NPPF.

9.46. The proposed legal agreement would meet these tests because a restriction upon separate sale is required to make the development acceptable in planning terms and because the restriction would relate specifically to the development land and buildings farmed by the applicants and therefore would be directly related to the development and fairly and reasonably related in scale and kind to the development.

**10. Conclusion**

10.1. In the context of this site, the justification put forward by the applicants and the enhancement offered by the proposed development the principle of the proposed development is considered to be acceptable and in accordance with the development plan when read as a whole and the NPPF.

10.2. The proposed development would enable sustainable farming on the site and would enhance the group of buildings at the farm which would lead to landscape and biodiversity enhancements.

10.3. The design of the proposed development is considered to be of a high standard and in accordance with the Authority's design guide.

10.4. Potential impacts upon highway safety and amenity are acceptable and can be further mitigated by planning conditions to control the level of use of the proposed development

and securing a travel plan. Potential impacts upon nearby designated conservation sites during construction can be appropriately mitigated by a construction management plan.

- 10.5. In the absence of any further material considerations the proposed development is considered to be in accordance with the development plan. Accordingly the proposal is recommended for approval subject to the prior entry into a legal agreement and subject to planning conditions outlined in this report.

**11. Human Rights**

- 11.1. All human rights issues have been considered and addressed in the preparation of this report.

**12. List of Background Papers (not previously published)**

None

**Report Author and Job Title**

Adam Maxwell, North Area Senior Planner

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