

**8. FULL APPLICATION – RETAIN THE 20 FOOT SHIPPING CONTAINER WHICH HAS HAD TEMPORARY PLANNING PERMISSION SINCE 2018. THIS CONTAINER WILL CONTINUE TO BE USED FOR SECURE STORAGE, UNITED UTILITIES BOTTOMS YARD, WOODHEAD ROAD, TINTWISTLE (NP/HPK/0221/0156 - SPW)**

**APPLICANT: MOORS FOR THE FUTURE PARTNERSHIP**

**Summary**

1. This application is being referred to Planning Committee because the applicant is the Moors for the Future Partnership, of which the Authority is a member and the accountable body.
2. The application is for the retention of a metal container which is used to store machinery used by the Partnership for moorland management. The extension to the temporary permission is required because the Partnership has not been able to carry out the intended works and training during the Covid pandemic.
3. This report concludes that a further temporary period is justified. The application is therefore recommended for approval.

**Site and Surroundings**

4. Bottoms Yard is a United Utilities facility located in Tintwistle associated with the nearby Bottoms Reservoir. The site has a range of stone built industrial buildings, some stone-built garaging which appears of more recent construction and also a corrugated iron portal framed building. There is a Peak District National Park Authority Ranger station located on site.
5. There are no listed buildings on the site and the site is outside the Tintwistle Conservation Area. The Conservation Area runs along Woodhead Road which is on higher ground than the site. The site can be seen from the Conservation Area from an elevated position at a distance of approximately 130m.

**Proposal**

6. The application is for the retention of a 20ft shipping container next to the existing corrugated iron building. Its dimensions are approximately 6m x 2.4m x 2.6m. It is finished in a dark green colour. The application seeks to retain the container until February 2024.
7. The shipping container is needed to securely store a remote-controlled mower (GreenClimber LV600) which is being used to assist in achieving the targets for MoorLife 2020. The GreenClimber needs to be securely stored for insurance purposes.

**RECOMMENDATION:**

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

1. **This permission shall be for a limited period expiring on 1 February 2024. On or before that date the building shall be permanently removed from the land and the site shall be reinstated to its former condition.**
2. **The development hereby permitted shall not be carried out otherwise than in complete accordance with the original submitted plans ‘greenclimber2’ and specifications.**

3. **The dimensions of the container hereby approved shall be limited to 6m x 2.4m x 2.6m.**
4. **The container shall be maintained dark green.**

### **Key Issues**

- The justification for a further temporary permission; and
- The design and impact of the container on the character and appearance of the area including the nearby Conservation Area.

### **History**

- 2018 – Planning permission granted for siting of container for a temporary period to 1 July 2021
- 1987 – Permission for retention of sectional garage.
- 1982 – Permission for retention of garage
- 1977 - Temporary permission for sectional garage

### **Consultations**

8. Parish Council – No response to date.
9. Highway Authority – No objection subject to no loss of parking or manoeuvring space.
10. Borough Council – No response to date.

### **Representations**

11. We have received no representations to date.

### **Main Policies**

12. Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, DS1, L1, L2 and L3.
13. Relevant Development Management policies: DMC3 and DMC8.

### **National Planning Policy Framework**

14. The National Planning Policy Framework (NPPF) 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 our 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. There is no significant conflict between prevailing policies in the development plan and the NPPF and our policies should be given full weight in the determination of this application.
15. Paragraph 176 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.'

16. The National 'Planning Practice guidance' sets out the following guidance for the use of limiting planning permission to a temporary period by the use of planning conditions:

*“Under section 72 of the Town and Country Planning Act 1990 the local planning authority may grant planning permission for a specified temporary period only. A condition limiting use to a temporary period only where the proposed development complies with the development plan, or where material considerations indicate otherwise that planning permission should be granted, will rarely pass the test of necessity.*

*Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.*

*A temporary planning permission may also be appropriate on vacant land/buildings to enable use for a temporary period prior to any longer term regeneration plans coming forward (a meanwhile use) or more generally to encourage empty property to be brought back into use. This can benefit an area by increasing activity.*

*It will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning of planning permission should be granted permanently.*

*A condition requiring the demolition after a stated period of a building that is clearly intended to be permanent is unlikely to pass the test of reasonableness. Conditions requiring demolition of buildings which are imposed on planning permissions for change of use are unlikely to relate fairly and reasonably to the development permitted.”*

#### Peak District National Park Core Strategy

17. Policy DS1 sets out the Development Strategy for the National Park. Part D says that in named settlements such as Tideswell there is additional scope to maintain and improve the sustainability and vitality of communities. In or on the edge of these settlements amongst other things new building development for affordable housing is acceptable in principle.
18. 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.
19. 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.

20. Policy GSP4 says that to aid the achievement of its spatial outcomes, the National Park Authority will consider the contribution that a development can make directly and/or to its setting, including, where consistent with government guidance, using planning conditions and planning obligations.

#### Development Management Policies

21. Policy DMC3 A says where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place.

#### Assessment

22. The need for the container was set out in the application approved by the Planning Committee in February 2018. This explained that a container was required for the storage of a remote controlled mower used in association with the Moorlife 2020 project. The site is leased from the landowner (United Utilities). Cutting of heather is an important method of land management in combination with other options. European and UK government position is that repeated burning is no longer assumed to be acceptable and Natural England are no longer giving burning licences. The results from a Defra funded project comparing cutting and burning identify the following additional benefits:
- Less water loss from cut compared with burned catchments. Water tables remain higher in cut catchments compared with burned ones
  - Quicker revegetation of sphagnum & cotton grass in cut areas (but after 4 years cover was similar in cut and burned areas)
23. In February 2018 the Planning Committee accepted that the siting of the container was acceptable in principle as it was necessary to secure effective conservation of the National Park, in accordance with policies DS1 and L1. At that time it was expected that this would be required for 3 years, so a temporary permission was sought and granted.
24. The statement accompanying the current application to retain the container explains that the Moors for the Future Partnership has not had sufficient time to train up enough people to use the 'GreenClimber' and that this is not an ideal situation for a legacy, as it will reduce the amount the 'GreenClimber' can be used for moorland management. It could also put a financial burden on the legacy holder to train additional people. The Covid 19 pandemic has had an enormous impact on this, as the Partnership only had from July 2019 to March 2020, when they were finding the best processes and procedures to train personnel and get the GreenClimber out into the moorland community. The appointed trainers were also impacted by the pandemic as they had an outbreak at their site.
25. The container is a utilitarian metal shipping container, finished in a dark green colour. Whilst its design and detailing are not in keeping with the local building tradition, due to the relatively short term temporary nature of the development, it would not be appropriate to require a building to be constructed from traditional materials. If a building was to be sited here permanently then a design reflecting the local building tradition would be necessary.

26. The siting of the proposed container adjoins an existing corrugated shed. Its impact on the wider landscape is minimal and any limited impact can be mitigated by adding conditions to ensure it is retained a dark green colour and only temporarily sited. This is considered to be acceptable use of a planning condition for a temporary period of consent because when the project finishes the planning circumstances for the justification for the container will have ended. The proposal will not have an unacceptable impact on the landscape of the National Park in accordance with policy L1.
27. The equipment to be stored is essential to the management of moorland in the National Park. The storage of the equipment has a lesser impact on the landscape of the National Park in this location than in a moorland setting and therefore this is the most appropriate location for the development as it is a functioning operational site, close to the edge of the village of Tintwistle, just below the busy A628 road.
28. Whilst the design of the container is not in accordance with the 'Design Guide' and policies of the development plan insofar as they relate to design, given its siting next to an existing corrugated shed in an industrial yard its impact when viewed from the nearby Conservation Area will be limited and will not harm the significance of the Conservation Area or the amenity of the area in accordance with policies L3 and DMC8.
29. The applicants agree that a further temporary permission to February 2024 is acceptable to them. Such a condition, restricting the length of time the container is in site, is necessary and in accordance with Core Strategy Policy GSP4.

### **Conclusion**

30. Although the design is not traditional and does not reflect the local vernacular, the siting of the shipping container in the proposed location will not have an unacceptable impact upon the landscape of the National Park. Furthermore, the equipment stored will make a valuable contribution to the management of the upland areas of the National Park, leading directly to enhancement of the special qualities of the National Park.
31. Having taken into account all material considerations, we conclude that the proposed development is acceptable for a further temporary period and the application is recommended for approval.

### **Human Rights**

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

### **List of Background Papers** (not previously published)

33. Nil
34. Report Author: Steven Wigglesworth, Planner