

10. HOME FARM, SHELDON – UPDATE ON CURRENT ENFORCEMENT ISSUES (AJC)

Introduction

This report provides a summary of the position in relation to recent allegations received by the Authority that development is apparently taking place without planning permission. As the Authority's investigations are ongoing it would not be appropriate to provide details of the investigations in a public report.

Sheldon is a quiet upland village and is typical of a White Peak village which grew as a result of its position close to industrious lead mines. Standing at 1,000 feet above sea level, Sheldon mainly comprises of farmhouses and cottages dating from the 18th century when mining was at its height.

Home Farm is situated on the north side of Main Street, near the eastern limits of Sheldon. The principal building is a two-storey former barn which runs parallel with the road and was converted to a dwelling in the 1980s. Since 2009 it has been operating as a guest house. To the north (rear), is the former farm yard and a number of former agricultural buildings. One of these is a traditional single-storey stone building situated a short distance to the north-west of the guest house and immediately adjacent to the western boundary of the property. The other buildings are relatively modern and constructed of non-traditional materials, including concrete block, timber and sheeting. A number of other former agricultural buildings, also of non-traditional design and materials, have been demolished in the last few years. To the east of the buildings and former farm yard is an area of associated agricultural land extending to approximately 5 hectares. It is understood that the buildings and land have not been in active agricultural use, other than for the occasional grazing of sheep, for many years. The buildings and one of the fields to the east are included within Sheldon Conservation Area. The field in question is identified in the Conservation Area Appraisal and Local Plan policies map as an important open space, contributing to the character and appearance of the area.

Immediately to the south-east and west of the buildings, and on the opposite side of Main Street, are residential dwellings and to the north-west is St Michaels and All Angels Church, a grade II listed building. The area of land to the north of the former farm yard is used as a public recreation ground with a belt of mature trees between the two.

There is a lengthy history of planning applications and enforcement action at the property. Where considered relevant and necessary, this is referred to below.

Current Issues

(a) Building works immediately to the rear of the guest house

In 2014, a Temporary Stop Notice (TSN) was issued in relation to excavation works immediately to the north (rear) of the main building. Works ceased and no further action was taken by the Authority until 2020, when it became apparent that much more extensive excavations had started and that construction works, consisting of the laying of a concrete base and construction of blockwork walls, had commenced. In September 2020, a TSN was issued requiring the immediate cessation of these works and works subsequently ceased.

In October 2020 an Enforcement Notice was issued against the partially completed works. This alleged the carrying out of engineering operations, consisting of the excavation of the land, and the carrying out of building operations, consisting of the construction of foundations and the erection of walls. A Stop Notice, in the same terms as the TSN issued in September, was served concurrently

with the Enforcement Notice. In May 2021, an appeal against the Enforcement Notice was dismissed. As a result of the appeal decision, the Enforcement Notice required the demolition of the foundations and partially constructed walls by 24 August 2021 and the backfilling and reinstatement of the excavated ground by 24 October 2021. We made a site visit in October 2021, which revealed that no progress had been made on complying with the Enforcement Notice.

In March 2022, the Authority received reports of further construction works taking place in this location. These are subject of ongoing investigation.

A planning application in respect to this area of the site was received in March 2022 but has failed to be validated despite efforts by the Authority to resolve the outstanding matters.

(b) Works to the east of the buildings, including construction of a track

In 2008, the Authority took enforcement action with regard to the partial construction of a track on the agricultural land to the east of the guest house and other buildings. The track was surfaced with stone and ran from a pre-existing field gate on Main Street in a roughly northerly direction for a distance of approximately 270 metres. A TSN was issued, followed by an Enforcement Notice and Stop Notice. The Enforcement Notice, which required the removal of the track, and associated materials, and restoration of the land was upheld on appeal and eventually complied with in 2010.

In April 2021, officers received reports of works taking place on the land involving use of a JCB. A site visit revealed the apparent construction of a track in the same location as in 2008, with the grass and a layer of top soil removed and stone surfacing being laid. The landowner was contacted and a number of further site inspections were made. By October 2021 works appeared to have ceased with the stone surfacing laid to a point approximately 70 metres north of Main Street then turning west to provide access to the rear of the guest house. However, the strip of land from which the top layer of grass and soil had been removed extended a further 170 metres or so to the north. Grass and other vegetation had begun to grow through the surfaced section and although this section could be viewed at close range from the gateway on Main Street it was largely hidden from the road to the east by a belt of trees that had been planted in 2009.

In March 2022, the Authority received reports of further groundworks taking place. A site visit revealed that a relatively small triangular area of land to the west of the surfaced track had been levelled and a small hole dug immediately to the east of the track. The owner was contacted in writing and asked for what purpose the works were being carried out. The owner has not provided this information and reports of further works have been received, including the installation of septic tanks and laying of road planings (or similar material) on the land. These are subject of ongoing investigation.

(c) Works to the 'Long Barn'

This is one of the former agricultural buildings which is situated to the north of the guest house and immediately next to the western property boundary. It is a single-storey building constructed of concrete block with a sheeted roof which measures approximately 38 metres long by 9 metres wide. The owner has carried out a number of alterations since 2019, including the cladding of the exterior walls with stone, insertion of external doors and windows, upgrading of the roof sheeting and various internal works, including the laying of floors and the installation of partition walls and ceilings, plumbing, electrics, fitted kitchen units and sanitaryware.

Although the alterations that have been carried out are indicative of an intended change of use to residential purposes, we have no evidence that an actual change of use has occurred. The internal works do not require planning permission in themselves, although some of the external works,

including the stone cladding, replacement roof sheeting and insertion of new window/door openings would need consent. The owner has not provided clear information about the intended use of the building but he has been advised that a change of use to a use for residential purposes, for example, would require planning permission.

Recent Investigation

The Head of Planning and Monitoring and Enforcement Team Manager attended a pre-arranged site meeting with the owner and a relative on 14 June 2022. In advance of the meeting we had requested access to the whole site in order to obtain information about the three matters referred to above. However, on arriving at the site the owner informed us that he was not willing to allow access. However, the owner's relative offered to provide information, including photographs and/or video footage, to the Authority. Officers advised the owner and his relative that whilst this may provide the information necessary for us to assess the works and come to a conclusion about whether any breaches of planning control had occurred, the Authority retained the right, and was still committed to gathering any relevant information for itself. It is noted that not all changes or works amount to development requiring planning permission (for example where permitted under the General Permitted Development Order).

Following the site meeting, the owner's relative was sent a written request to provide the information as offered by the end of June. Officers will update the Planning Committee on the assessment of any information received and any decisions made regarding the next steps in the investigation and appropriate actions.

Recommendation

That this case be appropriately prioritised by the Monitoring and Enforcement Team Manager in accordance with the Local Enforcement Plan, and taking account of site investigations, guidance on taking court action and any other relevant guidance.

Report Author: Andrew Cook, Monitoring and Enforcement Team Manager