7. FULL APPLICATION – PROPOSED TEMPORARY SITING OF FIVE SHEPHERDS' HUTS AND TWO WELFARE UNITS TO PROVIDE HOLIDAY ACCOMMODATION FOR A TEMPORARY PERIOD OF THREE YEARS – (NP/DDD/0622/0782, FJ)

APPLICANT: MR J OAKLEY

Summary

1. The site comprises pasture land west of Minninglow landmark and opposite a section of the Minninglow embankment and High Peak Trail. The site is currently occupied by the development, implemented by the applicant on the belief that the development is classed as permitted development for a temporary period of 2 years.

2. The applicant proposes the siting of the development as it exists for a temporary period of 3 years.

3. The application fails to adequately define the landscape character and to demonstrate how the proposal affects the landscape character.

4. The development would result in more than one shepherd's hut that is not located close to an existing farmstead and to have a significant adverse landscape impact.

5. Insufficient information has been submitted to evidence that the holiday accommodation business would remain ancillary to an existing agricultural use.

6. Insufficient information has been submitted to demonstrate the feasibility of installing passing places on Minninglow Lane, as well as details about waste collection.

7. The application is therefore recommended for refusal.

Site and Surroundings

8. The application site comprises approx. 1 acre of pasture land. The site is situated approx. 0.6km west of Minninglow landmark and approx. 0.2km west of and opposite the western elevation of a section of the Minninglow embankment and High Peak Trail. The land was pastureland, but is currently occupied by the development as proposed under this application (five shepherds' huts and two 'welfare unit' sheds), which has been implemented by the applicant on the belief that the development is classed as permitted development for temporary period of 2 years.

9. The application site is located within the Limestone Plateau Pastures Landscape Character Type in the White Peak Landscape Character Area.

10. The site is located within the Parish of Ballidon.

11. The site is not located within or adjacent to any defined conservation area.

Proposal

12. The applicant proposes the siting of the development as it exists for five shepherds' huts and two 'welfare unit' sheds for a temporary period of 3 years.

RECOMMENDATION

13. **That the application be REFUSED for the following reasons:**

1. **The application fails to adequately define the landscape character in terms of the respective overall strategy for the landscape character type and area, as well as failing to demonstrate how the proposal would affect the landscape character, including any reasonable mitigation measures, and is therefore contrary to Policies GSP3, L1, DMC1, DMC3 and paragraphs 84, 176 and 177 of the National Planning Policy Framework.**

2. **The development would result in more than one shepherd's hut that is not located close to an existing farmstead and would have a significantly adverse landscape impact that would harm the natural landscape, and is therefore contrary to Policies GSP3, L1, RT3, DMC1, DMR1 and paragraphs 84, 176 and 177 of the National Planning Policy Framework.**

3. **Insufficient information has been submitted with the application to adequately evidence that the holiday accommodation business would remain ancillary to an existing agricultural use and that there would be no harm to the valued landscape character, and is therefore contrary to Policy L1, DME2 and paragraphs 84, 176 and 177 of the National Planning Policy Framework.**

4. **Insufficient information has been submitted with the application to adequately demonstrate that the proposal would not result in intensification in the use of Minninglow Lane, by means of investigating the feasibility of installing passing places constructed in such a manner that increases Minninglow Lane width to allow two vehicles to pass, as well as details about the waste collection procedure, and is therefore contrary to Policy DMT3 and paragraphs 110 and 111 of the National Planning Policy Framework.**

Key Issues

14. Principle of development, landscape impact, neighbour amenity, and highway impacts.

Relevant Planning History

15. No relevant planning history.

Consultations

16. PDNPA – Archaeology: No comments received

17. PDNPA – Forestry: No comments received

18. PDNPA – Landscape: Object
    - Insufficient information
    - Detrimental landscape impact

19. Ballidon & Bradbourne Council: No objection

20. Local Highway Authority (Derbyshire County Council) – Revisions required for further comment:
    - Vehicle passing places
    - Further information waste collection

Representations

21. One representation of objection received:
    - Detrimental landscape impact
    - Incompatible development

National Planning Policy Framework (NPPF)

22. 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.

23. Para: 84 states amongst other things, that planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.

24. In particular Para: 176 states, that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.

25. Para 177: When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

    (a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

    (b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

    (c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

26. In the National Park, the development plan comprises the Authority's Core Strategy and the new Development Management Polices (DMP). These Development Plan Policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application.

27. In this case, it is considered there are no significant conflicts between prevailing policies in the Development Plan and government guidance in the NPPF.

Main Development Plan Policies

Core Strategy

28. GSP1, GSP2 - Securing National Park Purposes and sustainable development & Enhancing the National Park. These policies jointly seek to secure national park legal purposes and duties through the conservation and enhancement of the National Park's landscape and its natural and heritage assets.

29. GSP3 - Development Management Principles. Requires that particular attention is paid to the impact on the character and setting of buildings and that the design is in accord with the Authority's Design Guide and development is appropriate to the character and appearance of the National Park.

30. DS1 - Development Strategy. States, that recreation and tourism development is acceptable in principle in open countryside.

31. L1 - Landscape character and valued characteristics. Seeks to ensure that all development conserves and enhances valued landscape character and sites, features and species of biodiversity importance.

32. RT2 - Hotels, bed and breakfast and self-catering accommodation. New build holiday accommodation will not be permitted, except for a new hotel in Bakewell.

33. RT3 - Caravans and camping. States amongst other things, that static caravans, chalets, or lodges will not be permitted

34. CC1 - Climate change mitigation and adaption. Sets out that development must make the most efficient and sustainable use of land, buildings and natural resources. Development must also achieve the highest possible standards of carbon reductions.

    Development Management Policies

35. A. DMC1 - Conservation and enhancement of nationally significant landscapes. In countryside beyond the edge of settlements listed in Core Strategy policy DS1, any development proposal with a wide scale landscape impact must provide a landscape assessment with reference to the Landscape Strategy and Action Plan and taking into account:
    - the respective overall strategy for Landscape Strategy and Action Plan character areas – including the White Peak;
    - any cumulative impact of existing or proposed development including outside the National Park boundary; and
    - the effect of the proposal on the landscape and, if necessary, the scope to modify it to ensure a positive contribution to landscape character

    B. Where a development has potential to have significant adverse impact on the purposes for which the area has been designated (e.g. by reason of its nature, scale and setting) the Authority will consider the proposal in accordance with major development tests set out in national policy.

    C. Where a building or structure is no longer needed, its removal will be required by use of planning condition or obligation where appropriate.

36. DME2 - Farm diversification:

    Part A. – Development will be permitted if there is clear evidence that the new business use will remain ancillary to the agricultural operation of the farm business, meaning that the new business use is a subsidiary or secondary use or operation associated with the agricultural unit.

    Part D. – New or expanded buildings for non-farming uses that generate income to support the farm business will be permitted provided there is no net harm to any valued characteristics of the building group or valued landscape character as evidenced by the Landscape Strategy and Action Plan.

37. DMC3 - Siting, Design, layout and landscaping. Reiterates, that where developments are acceptable in principle, policy requires that design is to high standards and where possible enhances the natural beauty, quality and visual amenity of the landscape. The siting, mass, scale, height, design, building materials should all be appropriate to the context. Accessibility of the development should also be a key consideration.

38. DMR1 - Touring camping and caravan sites. The development of a new touring camping or touring caravan site, or small extension to an existing site will not be permitted unless its scale, location, access and landscape setting are acceptable. Exceptionally, the development of structures may be permitted where these are small, simple wooden pod structures in woodland locations with minimal landscape impact, or a single Shepherds Hut where this can be located close to the facilities of a farmstead without harm to the natural or historic landscape. Exceptionally, the development of structures may be permitted where these are small, simple, wooden pod structures in woodland locations with minimal landscape impact, or a single shepherd's hut where this can be located close to the facilities of a farmstead without harm to the natural or historic landscape.

39. DMT3 - Access and design criteria. States amongst other things, that a safe access should be provided in a way that does not detract from the character and appearance of the locality and where possible enhances it.

Landscape Strategy Action Plan

40. Limestone Plateau Pastures – An upland pastoral landscape with a regular pattern of straight roads and small to medium sized rectangular fields bounded by limestone walls. Tree cover is mostly limited to occasional tree groups, or small shelter belts, allowing wide views to the surrounding higher ground.

41. Key characteristics:
    - A rolling upland plateau
    - Pastoral farmland enclosed by limestone walls
    - A regular pattern of small to medium sized rectangular fields
    - Localised field dewponds and farm limekilns
    - Discrete tree groups and belts of trees
    - Isolated stone farmsteads and field barns
    - Medieval granges surrounded by older fields
    - Relict lead mining and quarrying remains
    - Prehistoric monuments, often on hilltops
    - Open views to surrounding higher ground

Assessment

Principle of Development

42. Pikehall is not a named DS1 Settlement, therefore considered open countryside for the purposes of Development Plan Policies.

43. Policy RT3-B states that static caravans, chalets or lodges will not be permitted. This is because the open character of large parts of National Park landscape means that the non-traditional and permanent presence of such forms of accommodation is incompatible with the conservation purpose of the National Park, with the potential impact on its valued landscape characteristics. A growing range of alternative forms of accommodation (camping pods, yurts, shepherd's huts etc) have come onto the market and increased in popularity since the time that this policy was prepared, in response to a demand for greater quality and comfort. For clarity, the National Park Authority considers all such forms of accommodation to have the same potential for adverse landscape impact and therefore policy RT3B remains applicable. The supporting text of RT3 state thats, exceptionally, static caravans, chalets or lodges may be acceptable in locations where they are not intrusive in the landscape.

44. However, policy DMR1 specifically sets out the circumstances where accommodation comprising camping pods and shepherds huts can be supported, and so irrespective of landscape impacts such development can only be supported in principle where it complies with the provisions of DMR1. In the case of shepherds huts in particular, the policy requires that development is located close to an existing farmstead where existing access, parking arrangements and facilities of that farm can be utilised, with these preferably located within an existing and traditional building. Furthermore, the supporting text to policy DMR1 states that "such development should be used to support farm diversification and as such should also be assessed against the requirements of policy DME2'.

45. Policy DME2 addresses farm diversification and states that development will be permitted if there is clear evidence that the new business use will remain ancillary to the agricultural operation of the farm business, meaning that the new business use is a subsidiary or secondary use or

operation associated with the agricultural unit. The policy goes on to state that new buildings for non-farming uses that generate income to support the farm business will only be permitted provided there is no net harm to any valued landscape character as evidenced by the Landscape Strategy and Action Plan.

46. The supporting text of policy RT2 is considered relevant, stating that there is concern about oversupply of self-catering accommodation, particularly in some parts of the National Park. This could mean that providers and operators may not receive the anticipated return in income from what may be a significant investment. [It is therefore recommended that] Conversions and changes of use of existing traditional buildings of historic or vernacular merit will provide ample opportunities for small scale holiday developments.

47. It is therefore considered that aside from the provisions of DMR1, development of permanent holiday accommodation other than through the conversion of heritage assets is contrary to adopted policy and purposes, having the potential to result in a proliferation of development that undermines the intent to drive the conversion and conservation of heritage assets, and the viability of existing holiday let businesses.

48. Taken together, these policies make it clear that without the justification of agricultural diversification, development of the type proposed is contrary to adopted planning policies.

49. The design and access statement submitted in support of the application states that the proposal is submitted on behalf of a local resident seeking to diversify their farming operation and provide additional income. No other evidence or information has been provided by the applicant regarding the wider agricultural holding and its operation. The only indication of the possible agricultural use of the existing site is noted in Certificate B of the submitted application form notifying that notice of the application has been given to the landowner/agricultural tenant of the land at Minninglow Grange farm

50. It is therefore considered that insufficient information has been provided by the applicant to demonstrate the existing agricultural use of the site and wider holding and to determine if the proposal would be ancillary to the existing use. Furthermore, the proposal would result in more than one shepherd hut that is not located close to the facilities of a farmstead and result in harm to landscape.

51. As a result the proposals are contrary to policy DME2 and its associated text, which specifically states that shepherds huts can only be accepted in cases where they are supporting an existing agricultural business, as well as there being no resulting harm to valued landscape character (as discussed in the following section). Therefore the proposal does not accord with the principles of polices DME2 and DMR1.

Landscape impacts and design

52. Policy L1 seeks to ensure that all development conserves and enhances valued landscape character and sites.

53. Planning policy requires the development to have a low landscape impact, conserving the overall character and appearance of the area.

54. The huts and sheds are not reflective of general local building traditions, although they follow a typical design and scale for such structures.

55. The site is located within a landscape area of the National Park of particularly high value – the Limestone Plateau Pastures in the White Peak. In addition, the site lies directly opposite a section of the Minninglow embankment and High Peak Trail, with Minninglow landmark beyond the trail.

56. The supplied plans are inadequate to detail the scheme or its likely effects.

57. A Landscape and Visual Appraisal (LVA) has been submitted by the applicant in support of the application. It is stated that the LVA is prepared in accordance with GLVIA3 methodology, but considered fundamentally flawed in a number of key areas and poorly considered with weakly justified judgements.

58. The LVA fails to adequately define landscape character and also fails to understand and communicate how the application scheme would affect landscape character. The scheme would fundamentally conflict with the valued landscape character.

59. The LVA also substantially understates visibility from the High Peak Trail – while views of the application site are screened from a number of areas (due to the trail being in a cutting), there is a substantial length from which the site is prominent (between the applicants viewpoints 4 and 5). The applicant's photographs and visual assessment do not show this. In addition, the LVA concludes on page 21:

    "when viewed from viewpoint 5, 6 and 10, the site is prominent and will result in harm to a special landscape area."

60. The proposed mitigation comprising of a few dotted standard trees and shrubs is also considered to be clearly inadequate at providing sufficient screening of the site.

61. The application is therefore considered unacceptable due to insufficient information to define the landscape character and a failure to understand and communicate how the application scheme would affect landscape character and also on the grounds of clear conflicts with both valued landscape character within a National Park and detrimental visual effects experienced by high sensitivity receptor groups. Therefore on the basis of the supplied evidence, the scheme conflicts with Policies L1 and DMC1.

    Amenity Impacts

62. The nearest residential dwellings are isolated dwellings with one located approx. 350m north and one approx. 450m west from the application site. Due to the significant separation distances between the application site and the respective dwellings, the development would have no adverse impact nor significantly harm the amenity of any residential properties in the locality.

63. Consequently, the development accords with policies GSP3 and DMC3 in these respects.

    Highways Impacts

64. The application site includes 6 parking spaces. The LHA have not commented on the number of parking spaces, so it is presumed that the number of parking spaces is considered acceptable.

65. The LHA have commented as follows:

    Minninglow Lane is a single-track road without passing places and is not suitable for the increased two-way traffic movements expected due to the proposals. This proposal would result in intensification in the use of this Lane; therefore, in the interest of road safety for all road users, including PRoW, this Authority would recommend that the feasibility of installing passing places on the controlled land be investigated.

    The passing places are constructed in such a manner that increases Minninglow Lane width to a minimum of 5.5m for a minimum length of 15m (to allow two vehicles to pass). Furthermore, information about the waste collection procedure from the proposed site be provided.

    A revised drawing incorporating the above comments be submitted before the Highway Authority can provide further comments on this proposal

66. The applicant was notified of these comments, but no details have been provided.

67. It is therefore considered that insufficient information has been provided by the application to fully considered the highways impacts of the proposal and therefore not in accordance with Policy DMT3 in these respects.

Conclusion

68. In conclusion, the retention of the shepherd's huts for use as holiday accommodation and erection of the ancillary facilities are recommended for refusal for the reasons stated in the 'Recommendation' section of this report, above.

Human Rights

69. None arising.

List of Background Papers (not previously published)

70. None.

Report Author and Job Title

71. Faizal Jasat, Planner – South Area