

5. PRIOR NOTIFICATION - GDO NOTIFICATION - NEW BUILDING FOR MIXED AGRICULTURAL USE ON LAND AT MIDDLE HAY, LONG LANE, CRESSBROOK DALE (NP/GDO/0322/0431/MN)

APPLICANT: NATURAL ENGLAND

Summary

1. The proposal is for a general purpose agricultural building to support the management of the Derbyshire Dales National Nature Reserve (NNR) by Natural England.
2. Whilst we welcome the effective management of the very important biodiversity on the National Nature Reserve in principle, the proposed building would occupy a very isolated and prominent position within the landscape, failing to relate acceptably to other buildings or landscape features. It would appear as a large, isolated, and incongruous addition to a largely unsettled landscape.
3. As a result we conclude that prior approval of the development should be refused on the grounds of the siting, design and external appearance of the building, because it runs contrary to policies GSP1, GSP2, GSP3, L1, DMC1, DMC3, and DME1 of the Authority's Local Plan, as well as to the provisions of the NPPF in so far as they relate to conserving the scenic beauty of National Parks.

Site and Surroundings

4. The application site is located in open countryside to the north of Cressbrook Dale, between Wardlow and Little Longstone. It is situated to the west of Long Lane and the B6465 and approximately 550m to the north of Cressbrook Mill.
5. The site sits within the Derbyshire Dales National Nature Reserve (NNR), which is managed by Natural England primarily for the purposes of maintaining, improving and protecting its biodiversity. The grassland within the NNR is managed partly by grazing a herd of belted Galloway cattle. The application site comprises an area of grassland that is currently partly used by Natural England for the informal storage of agricultural equipment and feed. There are a group of livestock pens and a fenced cattle corral to the north of the application site.
6. Areas of woodland to the north and west of the site (outside of the area edged red) fall within the Cressbrook Dale Site of Special Scientific Interest and Special Area of Conservation (SAC).
7. The site is designated as being within the Limestone Hills and Slopes landscape character type by the Authority's Landscape Strategy. (LCT). The Strategy describes this character type as a 'high pastoral landscape with a varied undulating topography and some steep slopes. This is a remote, sparsely populated landscape with a regular pattern of mostly medium to large walled fields, interspersed in places with extensive patches of rough ground and elsewhere by smaller regular fields. There are wide open views to distant skylines, especially around the edges of the White Peak.'
8. Access to site is gained off Long Lane and via a roughly surfaced track.

Proposal

9. The application as submitted was a prior notification for the erection of an agricultural building made under Class A, Part 6 of the Town and Country Planning Act General Permitted Development Order (GPDO) 2015, and sought a determination as to whether the Authority's prior approval of the development was required.

10. The building would measure 31.5m long by 10m wide. As submitted the height would be 5m to the eaves and 6.5m to the ridge. It would be clad in timber boarding above concrete panels on the west and south elevations and timber boarding above a natural stone plinth on the east elevation. On the north elevation, three of the bays would be open and four would have powder coated roller shutter doors in dark green. The roof would be clad in grey metal profiled sheeting with seven rooflights on each roof slope.
11. The building would be used for animal welfare facilities and for the storage of food, materials and agricultural equipment.
12. As submitted the plans showed a concrete hardstanding formed across the front (north) of the building and extended a further 15m to the east.
13. We are satisfied that the development meets the criteria set out within Class A Part 6 of the GPDO and that it therefore meets the tests for 'permitted development'. However Part 6 requires the developer to submit an application to establish whether prior approval is required for the siting, design and external appearance of the development.
14. We took the view that prior approval was required for the siting, design and external appearance of the building. The purpose of this report is to consider whether prior approval should be granted or refused.
15. Following concerns raised with regard to the landscape impact of the scheme, amended plans have been received during the course of the application. These show the area of hardstanding removed (as it is stated that the ground is bound and fit for purpose without the need for hard surfacing). The height of the building is reduced by a metre to 4m to the eaves and 6.5m to the ridge. Additional planting is also proposed.

RECOMMENDATION:

16. **That Prior Approval be REFUSED for the following reasons:**

The siting, design, and external appearance of the development would result in significant harm to the character of the landscape, by virtue of the buildings isolated and prominent position within open countryside and in a largely unsettled landscape, contrary to policies GSP1, GSP2, GSP3, L1, DMC1, DMC3, and DME1 of the Authority's Local Plan, as well as to paragraph 176 of the NPPF.

Key Issues

17. The landscape impacts of the design, siting and external appearance of the building.

History

18. January 2020 – prior notification submitted for a similar development to that which is currently under consideration. (NP/GDO/0120/0076). The Authority determined that prior approval was required and raised significant concerns about the siting and design of the proposed building. A decision notice was issued on 13 Feb 2020 confirming that prior approval was required. The notice stated:
19. *'The location of the building appears to be very isolated out in the open countryside and raises concern as it is likely to result in significant impact upon the immediate and wider landscape. The building does not relate to any other buildings or landscape features and any additional landscaping is unlikely to resolve these matters. Therefore, the proposed building is unlikely to be acceptable.'*

20. No further information was submitted as part of the prior approval application.

Consultations

21. Authority's Landscape Architect – *'The proposed building is in an exposed position in an open landscape and as such highly visible from numerous well used public viewpoints including adjacent access land and footpaths to the east. Although I have suggested several mitigation measures below it will be several years before they have an impact on integrating the building into the landscape. As such, due to its position and visual impact on the wider landscape I suggest refusal.'*
22. *I have looked at all the documentation associated with this application and I carried out a site visit on the afternoon of the 26/10/2022. I took the opportunity to view the site from several external points as indicated in their application, from the access land, as well as assessing the alternative sites.*
23. *The proposed site is in an exposed position with open, long distance views especially from the east from public/concessionary footpaths and close up from the surrounding access land. The building is therefore highly visible within the landscape. No detailed landscaping scheme either hard (walls) or soft (planting) have been provided to mitigate the effects of the building in the landscape. A simple habitat plan setting out the long term aims for the landscape, which covers a larger area has been provided but this is not a detailed mitigation plan for the building and does not give any indication of timescales. '*
24. The response also raised concerns about the standard of some of the information provided. Subsequently the applicant has provided more detailed landscaping plans. The Landscape Architect has been re-consulted and has confirmed that the proposed landscaping does not overcome his objections, advising that whilst the landscaping would reduced the impact on landscape setting in the longer term, in the shorter term the impacts of the building would be harmful in the landscape.

Representations

25. Five letters of support have been received, One person has written in twice, once as a private individual and again in their role as a District Councillor. The letters raise the following points:
- The current base for managing the land is in Bakewell – a lot of time, carbon and money are wasted transporting between base and site.
 - Proposals would provide enhanced animal husbandry facilities.
 - Building would provide a protective working environment for staff.
 - Buidling would result in a less obtrusive yard space.
 - Rainwater harvesting would be possible.
 - Buildings of this type are a recoginsed part of the evolution of the National Park's landscape.
 - Development would be well screened with a planting scheme that will also benefit biodiversity.
 - The chosen site is the only practical one.
 - There are other similar buildings in the vicinity which set a precedent.
 - The building would not stand out in the landscape amd views of it would be limited
 - The building would be close to the exsiting pens and crush.

Main Policies

26. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1

27. Relevant Local Plan policies: DMC1, DMC3, DME1

National Planning Policy Framework

28. 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 East Midlands Regional Plan 2009, 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.
29. Paragraph 176 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.

Core Strategy

30. Core Strategy 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.
31. Core Strategy policy GSP2 states, amongst other things, that when development is permitted, a design will be sought that respects the character of the area.
32. Core Strategy 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.
33. DS1 Development Strategy and L1 Landscape character and valued characteristics, both support agricultural development in the open countryside, provided that development respects, conserves and enhances the valued characteristics of the site, paying particular attention to impact upon the character and setting of buildings and siting, landscaping and building materials.
34. Core Strategy policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.

Development Management Policies

35. Development Management Policy DMC1 addresses conservation and enhancement of nationally significant landscapes. Amongst other things, it states that 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. It requires that assessment must be proportionate to the proposed development and clearly demonstrate how valued landscape character, including natural beauty, biodiversity, cultural heritage features and other valued characteristics will be conserved and, where possible, enhanced taking into account:

(i) the respective overall strategy for the following Landscape Strategy and Action Plan character areas:

- White Peak;
- Dark Peak;
- Dark Peak Western Fringe;
- Dark Peak Yorkshire Fringe;
- Derbyshire Peak Fringe;
- Derwent Valley;
- Eastern Moors;
- South West Peak; and

(ii) any cumulative impact of existing or proposed development including outside the National Park boundary; and

(iii) the effect of the proposal on the landscape and, if necessary, the scope to modify it to ensure a positive contribution to landscape character.

36. Development Management Policy DMC3 requires development to be 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. It also provides further detailed criteria to assess design and landscaping, as well as requiring development to conserve the amenity of other properties.
37. Policy DMC3. B sets out various aspects that particular attention will be paid to including: siting, scale, form, mass, levels, height and orientation, settlement form and character, landscape, details, materials and finishes landscaping, access, utilities and parking, amenity, accessibility and the principles embedded in the design related SPD and the technical guide.
38. DME1 - Agricultural or forestry operational development. Allows for new agricultural buildings provided that they are functionally required, are close to the main group of buildings wherever possible and in all cases relates well to existing buildings and landscape features, respects the design of existing buildings and building traditions, makes use of the least obtrusive location and does not require obtrusive access tracks, roads or services
39. Supplementary Planning Guidance (SPG) is provided in the adopted guidance note 'Agricultural Developments in the Peak District National Park'.

Assessment

Background and Justification for Development

40. A justification statement has been submitted with the application which explains that the agricultural holding at Middle Hay comprises approximately 65.7 hectares (162 acres) of grassland and woodland. It states that a dedicated management team, based in Bakewell, undertake the management of the NNR. Management techniques include

management of the cattle herd, mowing for hay, maintenance of fencing and other infrastructure and woodland and scrub management. It is stated that the herd of cattle is being built up to enable more flexible and targeted long term management of the important grassland on the reserve.

41. No specific explanation is given as to why the current arrangements of management from the base at Bakewell (Endcliffe) are no longer suitable, but it explains that there are no suitable agricultural buildings on the land at Middle Hay and that a building is required on site to continue the effective management of the land. Machinery and fodder is currently stored outdoors at the site. The proposed building would improve the welfare of livestock on the holding and give capacity for indoor calving and animal isolation. It is stated that the size of the building is dictated by animal welfare standards. It is argued that the site would be easily served by the existing farm track and is logical because of its close proximity to the existing cattle handling facilities located immediately to the north.
42. Our view is that there is an agricultural justification for a new farm building at the site (there is one existing building to the north of the application site, but this a small, dilapidated stone barn which would not be fit for modern farming practices). It is clear that the main driver behind the application for Natural England, is to provide for the effective management of the very important biodiversity on the National Nature Reserve and in principle these aims are supported and welcomed. However, as well as being rich in biodiversity, this area of the National Park is also of high landscape value and it is crucial that the impacts of the proposals on the landscape character of the area are given significant weight, in line with National Park purposes.
43. Agricultural and forestry are extensive land use activities with major landscape implications. Policies set out that development necessary for agriculture is permitted exceptionally in open countryside where it is well sited and designed in accordance within the Authority's Policies and Supplementary Planning Guidance and does not harm the valued characteristics of the area.

The landscape impacts of the design, siting and external appearance of the building

44. Middle Hay is located on a natural plateau in open countryside and comprises of pasture and limestone meadow. The majority of the plateau is publicly accessible (CROW) land. Public access is also provided via a permissive footpath which spurs off north-westwards from the site entrance gate, east of the site. There are also public rights of way to the east of the B6465. The site is clearly visible from stretches of the B6465 to the east.
45. A 'Landscape and Visual Commentary' document has been submitted during the course of the application, as required by policy DMC1, carried out by a firm of Chartered Landscape Architects. This describes the nature of the site and surrounding landscape and assesses its value and then considers the visual impacts of the proposed development. The detailed report is available to view on the application file. It is not repeated in detail here, but its contents have been carefully considered in reaching a recommendation on the application, and are referred to below as relevant.
46. The report identifies four visual receptor groups in the vicinity and then identifies a number of individual viewpoints within each group. The four groups are:
 - People walking a public footpath to the east and across Longstone Moor. The report states that the views experienced in this area would be at a distance of 700 m to 1.25km and that from these viewpoints the building would not break the skyline.

- People walking the footpath that links the B6465 Castlegate Lane to other paths to the south east. Views are at distances of between 900, to 1km and the building would not break the skyline.
 - Views from the public access (CROW) land on Middle Hay, that surrounds the application site. Short range view would be possible from a number of viewpoints on all sides of the application site. More distant views would be available from the upper parts of Wardlow Hay Cop and particularly from the trig point parker on the summit of the Cop. The building would not break the skyline.
 - Road users of the B6465. Predominantly when travelling south. The building would not break the skyline. It is stated that the clue of views from road users is lower.
47. In referring to the value of these views to the people using the public rights of way and open access land, the document states that:
48. *"In all cases, the value of the views for those identified visual receptors that are using public rights of way is considered to be high, given that they will be exploring the unique landscape (recreation) in a National Park, the generally expansive nature of the views and the value of the particular landscape as a resource."* We agree with this assessment.
49. We cannot however, agree with the conclusions that the report proceeds to draw regarding the impacts of the development upon these characteristics and experiences.
50. The report recognises that the site is visible in close range views from the surrounding open access land, as well as in numerous views from footpaths and other rights of way, predominately east of the site and at distances varying between 700m and 1.2km.
51. In assessing impacts in close range views, the report states that *"[when viewed from] ...public access land, [users] will experience a subtle change in their view with the appearance of the proposed agricultural storage building. Nonetheless, the building would form a very small part in an expansive view and does not break the skyline from any viewpoint location along the footpath route or within the CROW public access land. The proposals would introduce robust built form where there currently is none. However, the site is currently visually discernible due to the compound area and associated series of holding pens, fencing, walls, temporary storage units, machinery and parts and (at certain times) open storage of feed or similar material. Hence, one is fundamentally aware that there is agricultural activity upon the site at Middle Hay"*.
52. Whilst we do not question that it is currently apparent that agricultural activity is taking place at the site, there is a significant difference between how the landscape is appreciated by those walking it now and how they would experience it if the development was taken forward. We do not agree that those users would experience a 'subtle change' in their experience of the landscape. The building would appear as a substantial and imposing structure that is dominant and at odds with the immediately surrounding land, with no comparable manmade features or mitigating topography within its immediate setting, or surrounding landscape.
53. The report makes reference to impacts in the other (longer distance) views from the east too, generally concluding them to be at such distance or (in the case of the B4546) subject to traffic types that the impact of the building would be negligible, and that it would be illegible in some views. Whilst having less impact on the public's experience of the landscape in these views due to forming only one part of the landscape view they would be experiencing, the building would remain visible, and as an incongruous addition within the landscape that is not otherwise reflective of the character detailed above.

Consequently, it would detract from the landscape and experience of it in the views from the east.

54. The report makes reference to the Authority's Landscape Strategy, and discusses how the land management carried out by Natural England at Upper Hay accords with the overall strategy for the White Peak Character Area; we find no reason to disagree with that assessment.
55. In further reference to the Landscape Strategy however, the report concludes that "*siting a proposed agricultural building in the location identified would not be at odds with the characteristics identified within the Limestone Hills & Slopes Landscape Character Type*". In our view, however, this statement gives insufficient consideration to the unsettled character of this landscape that the Strategy identifies both in its description "this is a remote sparsely populated landscape" and in the 'Settlement and buildings' section; "This is a sparsely settled landscape with only occasional, large, isolated stone farmsteads, many of which were first established in the 18th or 19th centuries."
56. The site currently reflects this unsettled character; the land is not subject to a plethora of modern farm buildings. In fact none are visible within the immediately surrounding landscape when the site is viewed from the B6465 to the east.
57. As a result, the introduction of the building would – contrary to the assertion of the submitted report – be at odds with the landscape character as it exists at this location, contrary to its conservation.
58. We also do not accept the argument put forward within the report that the historic and significantly more modest stone barn set some 170m north of the proposed building grounds or assimilates the proposed building in to the landscape to an extent that would notably reduce its apparent isolation or impact.
59. The submitted document also places significant weight on the fact that the building would not break the skyline. Whilst this is something that we would typically seek to avoid in new farm developments, the absence of such positioning does not in itself achieve acceptable siting. The building would remain prominent by virtue of its scale and isolation in open countryside.
60. The report also references the impacts of the machinery, holding pens, storage containers, and fencing currently in use at the site, and implies that the proposed development would be mitigated to an extent by accommodating some of these, removing them from the landscape. It is a common argument pursued in applications for such buildings. In this particular case, we do not agree with that conclusion. In addition to being significantly smaller and dispersed, all of these existing items are all transient or temporary. By contrast the proposed building would be of significant massing, with much greater prominence in the landscape, and would be a long-term addition to the landscape. Further, its presence at the site would not guarantee the removal of these items from the site. It is also material that the storage containers currently present on the site do not have the benefit of planning permission, and as such represent unauthorised development.
61. Overall, the report concludes the impacts of the development to be 'negligible' in the short term. Our view, for the reasons set out in the assessment above, is that the development would result in significant harm to the identified landscape character of the area for a number of years, a view reflected in the objection of the Authority's Landscape Architect.

62. In the longer term, the planting proposed within the application site would serve to reduce this impact, although it is difficult to predict the full extent of mitigation it would achieve, or over what timeframe.
63. Overall, for the reasons set out above, the building would cause significant harm to the largely unsettled character of the landscape, contrary to policies GSP1, GSP2, GSP3, L1 DMC1, DMC3, and DME1 of the Authority's Local Plan, as well as to the provisions of the NPPF in so far as they relate to conserving the scenic beauty of National Parks.
64. In conflict with these policies, we can only conclude that the siting, design and appearance of the development are unacceptable.

Additional proposed landscaping/planting

65. Landscape and Visual Commentary' document concludes that the proposals would 'notably enhance' the landscape of the site once the landscaping has been carried out and established in the longer term.
66. This serves to somewhat confuse the scope of development applied for, and brings in to question what exactly has been assessed in reaching the conclusions set out in this submitted document. Whilst the planting immediately around the building and within the application site could reasonably be secured by condition to mitigate its impacts in the longer-term (and that is all it could be said to achieve in our view) the remainder of the landscape planting over the wider landholding is not part of this development and is a separate endeavour.
67. Whilst we welcome the effective management of the nature reserve, these planting proposals cannot be afforded any significant weight in the determination of the current application.

Highway impacts

68. The site is already in agricultural use and it is not anticipated that the development would result in intensification of use of the access. It is possible that a reduction could occur, should the development reduce reliance on bringing equipment from Bakewell to the site.
69. There are therefore no objections to the proposed siting of the proposals on highway safety grounds.

Amenity impacts

70. Due to the isolated position of the building it would not impact on the residential amenity of any residential property, and as such there are no objections to the proposed siting of the building on these grounds.

Other matters

71. We have sought to work with Natural England both as part of this application and during the consideration of the 2020 application, meeting with representatives on site on both occasions to seek an alternative proposal that would support their work whilst having a much reduced landscape impact. Whilst potential alternatives were identified, we are advised the current proposal best meets the organisations operational needs, and have been asked to determine the proposals as they now stand.

Conclusion

72. The proposed building fails to relate acceptably to other buildings or landscape features. It would appear as a large, isolated, and incongruous addition to a largely unsettled landscape.
73. As a result we conclude that prior approval of the development should be refused on the grounds of the siting, design and external appearance of the building, because it runs contrary to policies GSP1, GSP2, GSP3, L1, DMC1, DMC3, and DME1 of the Authority's Local Plan, as well as to the provisions of the NPPF in so far as they relate to conserving the scenic beauty of National Parks.

Human Rights

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

List of Background Papers (not previously published)

75. Nil

Report Author and Job Title

76. Mark Nuttall – Interim Area Team Manager - South