

14 . FULL APPLICATION - PROPOSED AGRICULTURAL 'L' SHAPED BUILDING TO HOUSE LIVESTOCK AND STORE FODDER AND ACCESS TRACK – LAND SOUTH OF B5056 FENNY BENTLEY – (NP/DDD/1222/1557 GB/MN)

APPLICANT: MR R WRIGHT

Summary

1. A decision on this application was deferred by Members of the planning committee at the June 2023 planning committee meeting. The reason for deferral was to allow a Member site visit to be carried out, to better appreciate the landscape setting of the development.
2. As submitted, and as considered by Members at the June committee meeting, the proposals comprise the erection of a new agricultural building and apron on undeveloped land to the south of the B5056, approximately 750m east of Fenny Bentley. The proposed building is to provide storage and livestock shelter to a parcel remote from the main farm holding in Fenny Bentley. The site is remote from the host farm complex which is in Fenny Bentley village.
3. Since the June meeting, amended plans have been submitted by the applicant, cutting the building further in to the hillside, reducing heights, and increasing the extent of the proposed landscaping.
4. Officers remain concerned about landscape impacts of the proposals on the special qualities of the national park, whilst the intensification of use of the existing access to the site – which meets the B5056 at an acute angle – is a material consideration.
5. The application is recommended for refusal.

Site and Surroundings

6. The application site stands to the south of the B5056 on ground rising away from the road. The site is characterised by rough grazing over a weak field pattern, with a semi-scrub landscape with scattered trees and thorn, increasing with elevation away from the road. To the north of the road, outside the application site land falls markedly to the meandering course of the Bentley Brook.
7. The application site stands approximately 30m south of the hedgerow boundary to the road where ground levels are markedly higher than at the roadside. The site is part of a larger irregular field although any sense of its extent is highly limited by weak boundaries, scattered trees and thorn and significant variation in topography.
8. The proposed agricultural building would be remote from its parent farm complex. The site's setting is significantly characterised by an absence of built development within the field or in the immediate vicinity. Approximately 300m to the south, towards the top of the hillside is Bank Top Farm and caravan site. However, this is not readily perceptible from the application site consequent to slope profile. The closest building to the site is a small brick-built field barn which stands to the north-east across the main road and which sits slightly below the road level. 300m to the north-east within the valley floor of the Bentley Brook is Woodeaves Mill, with The Priory holiday cottage group beyond as land rises to the north. These buildings are generally well-screened along the partly wooded roadside and lower valley.
9. The B5056 experiences frequent traffic passing the site, including heavy goods

vehicles associated with the minerals industry. At its nearest point views to the site are possible from the road due to the difference in elevation above the road. The roadside hedging and tree line is irregular and occasionally open with consequent views to the application site experiencing seasonal variations in screening by vegetation.

10. The site falls within the Derbyshire Peak Fringe Landscape Character Type and specifically within the Slopes and Valleys with Woodland Landscape Character Area. The National Park Landscape Strategy identifies the character of the area as undulating, in places steeply sloping topography with an interlocking pattern of fields and blocks of woodland both ancient and secondary. There are patches of semi-improved and acid grasslands on steeper slopes with permanent pasture in small fields. Settlement is of scattered gritstone farms with loose clusters of dwellings within a network of sunken lanes.
11. No Public Rights of Way pass close to the site.

Proposal

12. The proposed building would consist of two main components adjoining at right angles to form an L-shaped plan. The principal section would run parallel to the road and measure 21m x 9.1m footprint. A slightly lower section running north-west to south-east extends the western elevation to almost 23m with a 9m gable. An inner hardstanding to the south-east (away from the road) would be laid between the wings of the building.
13. To the north-west elevation, (which would be the predominant elevation from the nearest point on the B5056), eaves height would be 5.6m and 7m to the ridge from internal ground floor level. To the south-west elevation eaves would be at 4.1m and 5.35m to the ridge. The considerable slope across the site is stated to be around 3.3m at its greatest difference, although landform is irregular across the footprint area. Cut-and-fill would therefore be necessary with the north-western elevation subject to around a 1m raise in ground level, with consequent impact on perceived building height.
14. The building would be constructed from pre-stressed concrete panels to the lower walls with vertically ribbed box-profile sheeting in slate blue above and to the roof. The roof would be provided with 18 rooflights. A large 4.5m square access door is provided to the main section of the building to its north-east gable. The southern arm of the building would be partially open to the inner apron, with overhanging canopy.
15. The new building and apron would be served by a new twin-tyre channel track and turning area which would arc through 180 degrees from the existing field access point to the B5056 back to the north-east of the proposed building. The existing access point is at an acute angle to the road, and the track would markedly rise from the road to meet the proposed building.
16. Amended access plans have been received clarifying access arrangements and improved achievable visibility splay.

RECOMMENDATION:

That the application be REFUSED for the following reason:

1. **By virtue of its isolated siting and scale the development would give rise to harm to the character to the landscape of the locality.**

Key Issues

17. The principle of the development, its impact on the appearance of the landscape of the National Park, and considerations of highways safety.

History

18. No planning history pertaining to the site.

Consultations

Derbyshire County Council Highways

19. Requested further details to those of original submission in relation to achievable sightlines subject to removal or lowering of roadside vegetation, or for a case that no intensification of use would arise from the proposed use. Amended details have been provided including in relation to the anticipated level of use of the access. On the basis of the access improvements indicated and being secured through condition, and at the level of use proposed, no objection to the proposal.
20. Fenny Bentley Parish Council – Supports the application. No expansion of support forwarded.
21. Derbyshire Dales District Council – No response.

Representations

22. No representations received.

Main Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, L1, E2.

Relevant Development Management policies: DM1, DMC1, DMC3, DME1.

National Planning Policy Framework

23. The National Planning Policy Framework (NPPF) was revised in July 2021. 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 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. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and Government guidance in the NPPF.
24. Para 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.'

25. Para 177 explains that 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
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Core Strategy

26. 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.
27. Policy GSP2 says that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon, and opportunities will be taken to enhance the National Park by the treatment or removal of undesirable features or buildings.
28. 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.
29. Policy L1 requires that development must conserve and enhance valued landscape Character, as identified in the Landscape Strategy and Action Plan and other valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.
30. Policy E2 states that in open countryside new buildings for business use will not be permitted, and that proposals to accommodate growth and intensification of existing businesses will be considered carefully in terms of their impact on the appearance and character of landscapes.

Development Management Policies

31. Development Management policy DMC3 sets out that 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.
32. Development Management policy DME1 deals specifically with agricultural development and states:

A. New agricultural and forestry buildings, structures and associated working spaces

or other development will be permitted provided that it is demonstrated to the Authority's satisfaction, that the building at the scale proposed is functionally required for that purpose from information provided by the applicant on all the relevant criteria:

- (i) location and size of farm or forestry holding;
- (ii) type of agriculture or forestry practiced on the farm or forestry holding;
- (iii) intended use and size of proposed building;
- (iv) intended location and appearance of proposed building;
- (v) stocking type, numbers and density per hectare;
- (vi) area covered by crops, including any timber crop;
- (vii) existing buildings, uses and why these are unable to cope with existing or perceived demand;
- (viii) dimensions and layout;
- (ix) predicted building requirements by type of stock/crop/other usage; and
- (x) contribution to the Authority's objectives, e.g. conservation of valued landscape character as established in the Landscape Strategy and Action Plan, including winter housing to protect landscape.

B. New agricultural and forestry buildings, structures and associated working spaces or other development shall:

- (i) be located close to the farmstead or main group of farm buildings, and in all cases relate well to, and make best use of, existing buildings, trees, walls and other landscape features; and
- (ii) not be in isolated locations requiring obtrusive access tracks, roads or services; and
- (iii) respect the design, scale, mass and colouring of existing buildings and building traditions characteristic of the area, reflecting this as far as possible in their own design; and
- (iv) avoid adverse effects on the area's valued characteristics including important local views, making use of the least obtrusive or otherwise damaging possible location; and
- (v) avoid harm to the setting, fabric and integrity of the Natural Zone.

Assessment

Principle of the development

- 33. Policy DME1 requires that before new agricultural buildings can be permitted they must be justified in terms of the scale and purpose of the operation at the site. This includes whether the purpose of the building is to provide landscape protection/management benefits.
- 34. The application material sets out that the parcel of land on which the application site stands is one of a number of separate parcels in and around Fenny Bentley, with the main farmstead located approximately 1.5 miles south of the application site. The sites together constitute Cottage Farm. The holding extends to 117 acres, of which 67 acres are owned. The application site itself stands in a parcel of 30 acres and is isolated from the main farmstead and currently is free of any built development. The application statement sets out that the applicant rears 50 ewes and followers and 25 suckler cows and followers. The statement clarifies that there are no larger livestock housing buildings at the main site.
- 35. The application material sets out that the site is used solely for grazing of sheep and cattle and for haylage crop. It notes that the site operation is inefficient due to the

separation from the farmstead and need to transport feed and stock to and from the site, and in doing so using the difficult access and limited hardstanding at the access point.

36. The proposed building would be used for winter livestock shelter, with appropriate stocking densities and dry lying area. The building would also be used to store fodder and feed on the site and provide clean and hygienic conditions meeting Defra standards.
37. Officers recognise that there would be functional agricultural benefits arising from the proposed development, and that the parcel would be more efficiently operated and that the enterprise is a growing farm operation. The proposals would reflect the scale of grazing at the site and provide animal welfare and modest access benefits. In these respects it is considered that the proposals would meet the requirements of DME1 in relation to agricultural justification.

Effects on the Landscape and Special Qualities of the National Park

38. Core Strategy policies GSP3 and L1 require the special qualities of the national park to be conserved and enhanced through development decisions. DME1(B) sets out expectations for the siting of new agricultural buildings. It primarily requires new buildings to relate well and closely to existing buildings, to utilise local screening and topography effectively. Part B(ii) specifically requires new buildings not to be in isolated locations requiring obtrusive access tracks, roads or services. Criterion (iv) notes new agricultural buildings should avoid adverse effects on the area's valued characteristics including important local views, making use of the least obtrusive or otherwise damaging possible location.
39. The proposal as amended comprises a typically scaled modern L-shaped farm building, new access track and hardstandings on a site which is currently free from any other form of built development and is some distance from the main farmstead in Fenny Bentley. The amendments to the appearance of the building made since the application was considered by member at the June 2023 planning committee meeting are the height of the storage section of the building has been reduced by 800mm and the livestock housing has been changed from an apex design to a monoslope with weather canopy to reduce the height of the building that faces the roadside. The building is proposed to be dug into the bank by a further 700mm giving an overall height reduction of 1.87m, and the proposed sheet cladding has been brought further down the walls to conceal more of the exposed concrete panelling.
40. The character of the parcel in which it stands is of rough grassland with broken thorn and treescape across markedly rising and uneven ground away from the main road within the valley setting of the Bentley Brook to the north. Field boundaries in the immediate vicinity are of hedges in varying condition. Overall the parcel has significant landscape value as part of the Slopes and Valleys with Woodland Landscape Character Area
41. An amended landscaping plan, superceding te previous amended landscaping plan, has also been submitted since the June committee. In addition to the previously proposed tree planting (beech and oak) to the northern site boundary hedgerow, east of the access point, a new hedgerow is now also proposed to along the line of the roadside post and witre fence the runs to the immediate west of the site access. The intention of this is to reduce visibility of the building on the critical approaches along the B5056 from where views to the building would be intermittent but possible.
42. The uneven topography at the application site would require a significant degree of cut-and-fill to be undertaken to provide sufficient level area on which the building, apron and hardstanding would be sited. Whilst the amended plans do reduce the

amount of fill required at the front edge of the building and yard area, there would remain a degree of level-raising, increasing the perceived height and prominence of the building, and particularly the north-west elevation which is nearest to public viewpoints along the B5056. The degree of excavation proposed by the amended plans (increased from the previously considered plans) would continue to result in a marked change in the immediate semi-natural character of the land parcel. Whilst the rising ground to the south may partially frame the application site within a valley setting, the scale of the building and the elevated floor level over the roadside land surface would result in a perched appearance from the road. Whilst fleeting on passage along the road, views to the north-east elevation (comprising the main gable, southern return section, turning area and apron) would also emphasise the alteration of the existing topography and landform, and introduce a significant, free standing built structure to the undeveloped character of the site.

43. Amended plans have been received in relation to the access alterations to the B5056. These would serve to lower or remove a short length of hedging to the boundary between the road and application site. These would be locally noticeable but result in relatively minor change to a short length of hedgerow. The rising and arcing access track, by way of its twin-tyre track design would have localised but overall limited landscape impacts, although it is questionable whether this arrangement would satisfactorily accommodate larger farm vehicles accessing the building. Highway safety considerations are covered separately below.
44. Officers consider that through introducing a modern farm building on this elevated site, standing close to and clearly above the B5056 within a parcel free from any built structures, and therefore displaying an open and undeveloped character. The development would have a significant impact on the immediate character and visual amenity of the site. Visibility to the site is possible primarily from the main road and approaches from the north-east, and whilst this is mitigated to some degree by existing trees and hedgerow, it does not provide for a well-screened or contained site, particularly during winter months. Fundamental undeveloped character would be lost. This is a key special quality of the National Park and while the proposed planting scheme may in time bring about some screening this would take a number of years to establish and would remain seasonal in effectiveness.
45. Policy DME1 seeks to resist isolated new agricultural buildings not related to existing buildings and facilities. Core Strategy policy seeks to conserve and enhance the special landscape of the national park. The proposals do not satisfy this component of the DME1 or the wider landscape protection policy suite. It is not considered that there are clearly preferable alternative sites within the parcel to accommodate a building of the proposed scale which would have a materially reduced landscape impact, particularly given that any access track to alternative sites would be likely to be more extensive and that views from the western approaches would become material.

Highway Safety and Access

46. The existing access to the site is at an acute angle to the B5056, which at this point is a road with fast moving traffic. Access to the site from the north-east is not possible due to the angle of the existing track and hardstanding. Access from the west is possible but visibility splays to the north-east on emergence from the site are highly limited.
47. Derbyshire Highway Authority requested further usage information and access layout in the course of considering the application. A standard 50mph visibility splay in the critical direction (north-east) cannot be achieved and the amended access plan only modestly improves the existing very poor visibility. The Highway Authority consultation response however accepts the applicant's position that the current twice-daily vehicular access to the parcel would not be intensified once the building was

constructed. Furthermore, storage of a tractor at the site would then allow stored fodder to be spread at the site without a tractor using the access as frequently as is currently stated.

48. Consequently, despite the site access being considerably substandard, the limited visibility splay improvement and no material intensification of access use suggest the application should not be resisted on highway safety grounds.

Conclusion

49. This proposed scheme would have a materially detrimental impact on the special qualities of the area and in particular the character and visual amenity of the application site, due to the isolation of the proposed building and the undeveloped nature of this part of the Bentley Brook valley. Whilst an agricultural justification for the building and track can be made, that need is not considered to outweigh the harm to the landscape which would arise, having regard to the mitigating effects of the landscaping scheme proposed. As a result, the application is contrary to policies L1, DME1, DMC3, and paragraph 176 of the NPPF.

50. It is therefore recommended that the application be refused.

Human Rights

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

52. List of Background Papers (not previously published) Nil

53. Planning Officer – Graham Bradford (consultant planner)/ Mark Nuttall (South Area Team Manager)