

10. FULL APPLICATION – NEW FORESTRY BUILDING ON LAND OFF A625, FROGGATT BRIDGE CALVER.(NP/DDD/0623/0604 Grid Ref 375562.895792) (AS).

APPLICANT: MR O Wells

Note: This item was deferred from the September meeting to enable the applicant and their agent to attend the meeting in person.

Summary

1. The Application proposes a new building to store tools and machinery on land which has been recently cleared of trees. The tools and machinery would, according to the Applicant, be used to replant trees and manage the existing woodland within the wider site. There is no evidence the Applicant is licensed to fell trees or otherwise runs a commercial forestry operation from the site.
2. The proposed building would replace several existing structures, which are unlawful – having been constructed without the benefit of planning permission. There is no evidence to suggest that said buildings have become lawful by way of the passage of time.
3. During the consultation period, the Authority received 4 representations objecting to the application and 8 letters of representation in support of the application.
4. Officers are concerned about the lack of any demonstrable need for the structure on the site and about potential landscape impacts.
5. The application is recommended for refusal.

Site and Surroundings

6. The application site (the “site”) stands to the west of the A625 on ground which slopes away from the road. The wider site is broadly characterised by its wooded character, and groundcover and its steeply sloping topography - towards the river Derwent – to the west. The part of the site that is most visible lies adjacent the A625; has been cleared of trees and is now characterised by an area of exposed grassland with only some scattered trees remaining. The boundaries of this grassed area are planted with immature hedgerow and marked by post and wire/mesh fencing.
7. The site terminates at its western extent alongside the Derwent Valley Heritage Way (a Public Right of Way (“PROW”)) and is separated from it by post-and-wire fencing.
8. Forming part of an irregular shaped section of woodland, any sense of the site’s wider extent is highly limited by weak boundaries, scattered shrubs and sudden variations in topography.
9. The National Park Landscape Strategy identifies the character of the area as *Riverside meadows*; a landscape characterised by *meandering rivers* and *tightly framed riverside trees* interspersed with *grazing meadows, with patches of wet grassland* in places steeply sloping topography with an interlocking pattern of fields and *blocks of woodland both ancient and secondary*.
10. There are 9 structures within the site, 8 of these are sited linearly, against the eastern boundary of the site. The structures are made of timber with the exception of a single shipping container, approximately 12m in length, painted in a dark green colour and covered in camouflage netting. The container is used to store tools while the wooden structures are used to store and season timber. One structure has been built to function as a bar / recreation space.

11. All structures are utilitarian in design, with limited detailing laid out on simple, rectangular plan forms. The timber structures sit beneath corrugated metal roofing, and are placed atop small stone plinths. The Shipping container sits atop a breezeblock base. As stated none of the structures benefit from the grant of planning permission.
12. The site's setting is characterised by an absence of built development within the immediate vicinity. The closest building to the site is *Barn Close*, a large 1930s detached dwelling on Riddings Lane, approximately 150m east of the site and heavily shielded from views along the A625 by trees and groundcover.
13. There is frequent traffic movement past the site along the route of the A625. Views onto the cleared section of the site are readily available from the road. Otherwise the roadside drystone wall enclosure and tree line is irregular only occasionally opening to reveal views towards/of the site (experiencing seasonal variations in levels of screening).
14. Due to the change in ground levels at this point along the A625, the existing buildings themselves are largely invisible from the highway.

Proposal

15. The building proposed as part of the application under consideration is intended to replace all of the existing structures which currently stand within the site. The building would consist of a single, rectangular structure sitting beneath a pitched roof, standing at a height of approximately 3.25 metres from ground level to ridge. The east and west elevations would run parallel to the road and measure approximately 10.4m in length. In terms of its depth the building would span approximately 4.5m, thus creating a footprint of approximately 46.8m²
16. The building would sit on even ground at a level some 2.5 metres below that of the highway. The east elevation would sit closest to the eastern site boundary, approximately 4 metres from the highway and 1.5 metres from the drystone boundary wall which separates the site from the A625.
17. The building would be constructed from limestone rubble at its base with timber panels, vertically clad, at the upper wall level. The roof would be constructed from sheets of an unspecified material and would be fitted with four polycarbonate rooflights to the west facing roof slope. A large 2.4m x 3m entrance door is to be provided to the south elevation and a second, smaller, door is to be provided at the northern end of the west facing elevation.
18. No alterations or amendments to the existing parking or access arrangements are proposed.
19. As stated the building would provide secure storage for the Applicant's tools, machinery and dry storage for the seasoning of timber.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. Due to a lack of any demonstrable need, the justification provided alongside the application is considered inadequate.**
- 2. 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

20. The key issues are whether the development is considered to be necessary, and the effect on the character and appearance of the site and its wider landscape setting.

History

21. 2021 – 2022 Several enquiries from the public about unauthorised work taking place with digger on site, stone and tree clearance, concerns about potential uses.
22. 2023 – Open enforcement case (23/0060) relating to further clearing taking place. No tree planting work taking place to restore what was taken down last year. Unauthorised buildings.

Consultations

23. Derbyshire County Council Highways – No Objections.
24. Derbyshire County Council Flood Team – No response.
25. Peak District National Park Rangers and Ecology – No response.
26. Derbyshire Dales District Council – No response.
27. Curbar Parish Council – No response.
28. Froggatt Parish Council – No response.

Representations

29. 12 representations have been received. Of these representations; 8 comprise letters of support and 4 comprise letters objecting to the proposed development.
30. The letters of support outline the following benefits of the scheme:
 - The structure would be an improvement to the existing container on the site
 - The structure will allow for better maintenance of the public right of way and local habitats
 - The structure would enhance the site
 - The structure will allow the Applicant to continue to better manage the site
 - The structure would facilitate biodiversity enhancement
31. The letters of objection outline the following concerns with the proposed development:
 - The small area of land does not justify the size of the proposed structure
 - It is not clear whether the Applicant possesses a felling license
 - Similar applications have been refused nearby

- The structure would be visible from the A625 and riverside footpath
- Habitats and species have been degraded due to the works already undertaken on the site
- The application, as it stands, lacks the information necessary to justify the proposed structure
- The materials proposed are unnecessary and unsustainable
- The existing buildings are adequate for the size of the land being managed
- The extent of what the building will be used to store is unclear from the information submitted

Main Policies

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

Relevant Development Management policies: DME1, DMC3, DMC13.

National Planning Policy Framework

32. 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.

33. 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.

34. 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*
- (c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

Core Strategy

35. 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 promotes sustainable development; and seeks

to avoid major development unless it is essential. The need to mitigate localised harm where essential major development is allowed is also material in the context of GSP1.

36. Policy GSP3 sets out the National Park’s development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings. Amongst other things it expects that particular attention should be paid to the impact of development on the character and setting of buildings, and it expects that development will, in terms of its scale, be appropriate to the character and appearance of the National Park. Policy GSP3 also expects the design of development to accord with the National Park Authority Design Guide.
37. Policy DS1 establishes the kind of development considered acceptable in the National Park, in principle, *in all settlements and areas outside of the ‘Natural Zone’*. DS1 (C) states that development for agriculture and forestry in the countryside outside the Natural Zone will be acceptable in principle.
38. 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 states that other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.

Development Management Policies

39. Development Management Policy DMC3 expects that the detailed treatment of development, where it is acceptable in principle, will conform to a high standard in the interests of respecting, protecting and where possible enhancing the attributes which contribute to the landscape’s distinctive sense of place. According to DMC3, B. (vi) and in the case of ancillary buildings, *particular attention is to be paid to the detailed design of existing buildings*. In accordance with DMC3 (vii) *amenity, privacy and security of the development and other properties that the development affects*.
40. Development Management Policy DME1 deals specifically with agricultural and forestry development, stating that forestry buildings and *associated working spaces* can be supported provided that it is demonstrated the *scale [of the development] 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.*

The Policy also states that new *forestry buildings, structures and associated working spaces should:*

- (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.*

41. Policy DMC13 outlines the measures that need to be incorporated into planning applications for proposals that affect trees. It states that planning applications should provide sufficient information to enable their impact on trees, woodlands and other landscape features to be properly assessed. The policy goes on to state development should incorporate existing trees, hedgerows or other landscape features within the site layout. Where this cannot be achieved, the onus is on the applicant to justify the loss of trees as part of the development proposal.

Supplementary Guidance

42. The Peak District have an Agricultural Developments SPG adopted in 2003. It offers guidance to applicants in preparing applications for agricultural development and forestry development. It sets out further guidance on what information is required as part of any submission for operational development in connection with agricultural and forestry uses. The information *required in all cases* is as follows:

- *Location and size of farm;*
- *Type of agriculture practiced on the farm;*
- *Intended use and size of proposed building;*
- *Intended location and appearance of proposed building.*

Assessment

Principle of the development

43. Core Strategy Policy DS1 establishes that, in principle, development for agriculture and forestry in the countryside outside the Natural Zone will be acceptable.

Justification of Need

44. Policy DME1 goes on to state that this should only be considered the case where such buildings are *demonstrably required*. The Policy also requires that, before new 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.
45. The application site itself encloses approximately 4.2 acres of woodland with the existing structures on the site isolated from any nearby built form. Besides the existing structures, which have been erected without the benefit of planning permission, the site is free from any built development and ahead of the erection of the existing structures there is no evidence to suggest that any permanent structures had ever stood within the site.
46. The application is supported by a Design and Access Statement within which, as per the requirements of the Agricultural Developments SPG, the Applicant has provided information regarding the *intended use and size of the proposed building*; its *location*; and information necessary to assess its *appearance*.

47. In addition, the Applicant would like it known that they have been clearing the site of debris, which they claim is a legacy of the previous use of the land for the purposes of tipping. For the avoidance of doubt, there is no evidence to support the claim that any past use of the site for the purposes of tipping was lawful.
48. Whilst the Applicant is clear that the building would be used for the storage of tools, timber and machinery, no further detail has been provided as to the nature of the machinery and why it is necessary to store this on-site. Regardless, there is no evidence that the Applicant holds a felling license or otherwise runs a commercial forestry operation from the site, and so there is no evidence that the building is *demonstrably required*. The proposal is not therefore considered to be Policy DME1 compliant.

Effects on the Landscape and Special Qualities of the National Park

49. 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 and forestry buildings.
50. In so far as it is relevant to the matter in hand and as already stated Policy DME1 B requires new forestry buildings, where such buildings are *functionally required* to support an existing forestry function, to:
- (i) *relate well and make best use of existing buildings, trees, walls and other landscape features;*
 - (ii) *not be in isolated locations requiring obtrusive access tracks, roads or services*
 - (iii) *respect the design, scale, mass and colouring of existing buildings and building traditions characteristic of the area*
 - (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*
 - (vi) *avoid harm to the setting, fabric and integrity of the natural zone.*
51. As stated, Policy DMC3 provides guidance on the siting, design, layout and landscaping of development, where said development is considered to be acceptable in principle. As officers have pointed out, there is no evidence to claim that the development, is *demonstrably required*, and as such it cannot be said that the development is acceptable in principle. Regardless, where the principle of development is established DMC3 advises *Particular attention will be paid to;*
- (i) *Siting, scale, form, mass, levels, height and orientation in relation to ... impact on open spaces, landscape features and the wider landscape setting which contribute to the valued characteristics and appearance of the area.*
52. Policy DMC13 requires planning applications to be supported by sufficient information so that their impact on *trees, woodlands and other landscape features* can be adequately assessed.
53. The building would replace several existing structures, all of which have been erected without the benefit of planning permission. The question of the lawfulness of these structures is a matter which falls for consideration to the PDNPA's Monitoring and Enforcement Team and one which is set to be investigated outside of the determination of this application. As it stands, there can be no immediate claim that the existing

structures are lawful, and so the weight to be given to their presence, as a material consideration, is limited.

54. There is no suggestion that additional trees would have to be felled to accommodate the development, however it is clear that the Applicant does intend to undertake additional tree felling within the site.
55. The site is otherwise free from any other form of built development and is some distance from any other building or settlement. It is not connected to nor does it have a relationship with an existing farmstead.
56. There is a claim to say the proposed building has been designed, in terms of its form and appearance, in a manner that is sympathetic to the rural character of the site, and views of the building, from within the public domain, would be mitigated to some degree by the presence of existing trees and boundary treatment; and whilst it is noted that the Applicant would '*be willing to carry out any landscape scheme specified by the PDNPA... to protect the amenity and privacy of the site and area*', it remains the case that the fundamental undeveloped character of the site, in its original form, would be adversely affected by the development resulting in harm to landscape character.
57. Ultimately, it is considered that the building's presence (and particularly its scale and form), as an isolated structure within a clearing on a site that is otherwise heavily wooded would have a significant, harmful, impact on the immediate character and visual amenity of the site and its wider landscape context.
58. Weighing everything in the balance, and in the absence of any demonstrable need, the proposals fail to comply with Policies GSP3, L1, DMC3, DMC13 and DME1.

Conclusion

59. It has not been demonstrated by the Applicant that the proposed building is *functionally required*. Regardless, it is considered, weighing everything in the balance, that the development would have a significantly adverse impact on the site and the valued characteristics of the site's wider landscape setting. As a result, the application is contrary to policies L1, GSP1, GPS3, DME1, DMC3, DMC13 and paragraph 176 of the NPPF.
60. It is therefore recommended that the application be refused and that the PDNPA's enforcement officers investigate the matter of the lawfulness of the existing structures on site as a next step, taking any action thereafter which might be deemed appropriate, including seeking to have the existing structures removed.

Human Rights

61. Any human rights issues have been considered and addressed in the preparation of this report.
62. List of Background Papers (not previously published) Nil
63. Planning Officer – Aslan Saylam (consultant planner)