

**7. FULL PLANNING PERMISSION – PROPOSED HOLIDAY RETREAT WITH HOLIDAY ACCOMMODATION INCLUDING 2 STATIC CARAVANS, 1 YURT, 9 TOURING CARAVAN PITCHES, 17 CAMPING PODS, 5 CAMPING PITCHES AND ANCILLARY FACILITIES INCLUDING TOILET BLOCK, CONVERSION OF POLE BARN TO FLEXIBLE SPACE FOR EVENTS, CONVERSION OF DUTCH BARN TO CATERING AREA, CONVERSION OF OLD MILKING PARLOUR TO 4 HOLIDAY LETS, REPLACEMENT OF 2 STOREY STORAGE BARN WITH 2 UNDERGROUND SINGLE STOREY HOLIDAY LET STUDIOS, A POLYTUNNEL AND ASSOCIATED ACCESS AND ACCESS TRACKS, PARKING AND LANDSCAPING AT HOME FARM, SHELDON (NP/DDD/1223/1459, AM)**

**APPLICANT: MR HOUSSEIN AMIR KOHANZAD**

**Summary**

1. The application site comprises an existing guest house, former agricultural yard and fields on the eastern edge of Sheldon.
2. Planning permission is sought for recreation and tourism development as set out in the description above.
3. The proposed development is considered to be major development and would result in significant harm to landscape, cultural heritage and the character, appearance and amenity of the local area. This harm would not be outweighed by any public benefits and there are otherwise no exceptional reasons to justify major development in the National Park.
4. The application is recommended for refusal for the reasons set out in the report.

**Site and Surroundings**

5. Home Farm is located on the eastern edge of Sheldon and comprises a traditional former barn converted and occupied as a guest house.
6. To the rear is an agricultural yard with former agricultural buildings converted or partly converted without planning permission to holiday accommodation, workshop and uses associated with the is application. There is also a polytunnel, parking area and a number of timber pods located in the yard.
7. A number of pods, along with infrastructure including tracks, hardstandings, septic tanks, a stone circle and containers have been sited in the fields to the east. Two static caravans are sited to the north of the site.
8. The site is partly within the designated Sheldon Conservation Area and adjacent to the Grade II listed Church of St Michael and All Saints.
9. The nearest properties include the church and neighbouring residential properties.

**Proposal**

10. This application is retrospective and seeks planning permission for the retention of development carried out on site along with use of the land for a glamping, caravan and camping site as described in the application and shown on the submitted drawings.
11. The application was amended during the course of consideration to include the polytunnel erected on site and to be clear that the application does seek the retention of the tracks erected on site.

**RECOMMENDATION:**

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

1. The development would not be in the public interest and exceptional circumstances do not exist to justify the proposed major development. The proposal is therefore contrary to policies Core Strategy policies GSP1, GSP3 and DS1, Development Management policy DMC1 and the National Planning Policy Framework.
2. The development would involve the retention of new build holiday accommodation and the conversion and alteration of modern buildings of no historic or vernacular merit contrary to Core Strategy policy RT2 and Development Management policy DMC10.
3. The development would involve the retention and use of static caravans and is not an appropriate site for camping pods or the scale of touring caravans or camping proposed contrary to Core Strategy policy RT3 and Development Management policy DMR1.
4. The development would result in a significant adverse visual and landscape impact and would significantly harm valued landscape character contrary to Core Strategy policy L1, Development Management policy DMC1 and DMC3 and the National Planning Policy Framework.
5. Insufficient information has been submitted with the application to demonstrate that the application would enhance biodiversity or that the development would not harm trees, protected species or their habitat contrary to Core Strategy policy L2, Development Management policies DMC11, DMC12 and DMC13 and the National Planning Policy Framework.
6. The development would result in harm to the Sheldon Conservation Area and its setting and the setting of the Grade II listed Church of St Michael and All Saints contrary to Core Strategy policy L3 and Development Management policies DMC5, DMC7 and DMC8. The harm identified would not be outweighed by public benefits arising from the development contrary to the National Planning Policy Framework.
7. The development would result in harm to the character, appearance and amenity of the local area and neighbouring properties contrary to Core Strategy policy GSP3 and Development Management policy DMC3.
8. Insufficient information has been submitted with the application to demonstrate that the development would encourage behavioural change to achieve a reduction in the need to travel or reduce traffic movements. Visitors to the development would be largely or wholly reliant upon the private car and therefore would not be a sustainable form of recreation development contrary to Core Strategy policies GSP3 and T2.
9. Insufficient information has been submitted with the application to demonstrate that the development would be served by a suitable sustainable urban drainage scheme or that pollution from foul drainage associated with the development can be satisfactorily mitigated contrary to Core Strategy policy CC5, Development Management policy DMC14 and the National Planning Policy Framework.
10. The proposal would not deliver high quality design or the highest possible standards of carbon reductions and water efficiency in order to mitigate the causes of climate change contrary to Core Strategy policies GSP3 and CC1,

**Development Management policy DMC3, the Authority’s adopted Supplementary Planning Documents ‘Design Guide’ and ‘Climate Change and Sustainable Building’ and the National Planning Policy Framework.**

**Key Issues**

12. Whether the proposal is major development and whether the development is acceptable in principle.
13. Impact of the development upon the landscape, biodiversity and cultural heritage.
14. Impact upon the local area and amenity of neighbouring properties.
15. Sustainable travel and the impact of the development upon highway safety.
16. Sustainable building and climate change.
17. Drainage
18. Whether the development is acceptable in all other respects.

**Relevant Planning History**

**Planning applications and subsequent appeals**

19. 2004 – planning permission refused for creation of wildlife observation room, erection of greenhouse and creation of car park.
20. 2009 – planning permission refused for house extension and demolition of concrete frame and block walls of a barn.
21. 2009 – planning permission refused for demolition of large corrugated steel barn and breezeblock store to be replaced with a residential courtyard development for the clients extended family. Twelve ensuite bedrooms will be divided amongst four single storey buildings. This application is for phase 2 of a comprehensive redevelopment of the site.
22. 2009 – planning permission granted conditionally for demolition of large corrugated steel barn, breezeblock store and concrete frame/breezeblock building. In total 3 disused outbuildings are to be removed.
23. 2009 – planning permission refused for installation of three LPG tanks. Change of use from meadow to LPG tank site.
24. 2009 – planning permission granted conditionally for change of use of dwelling house to a guest house.
25. 2010 – planning permission refused for erection of 4.27m by 18.29m poly tunnel for growing fruit and vegetables.
26. 2010 – planning permission refused for extension to guest house.
27. 2010 – planning permission refused for erection of 15.62m by 13.68m glass greenhouse for growing fruit and vegetables.
28. 2011 – planning permission granted conditionally for conversion of part of guest room to tea room.

29. 2011 – planning permission refused for erection of conservatory.
30. 2011 – planning permission refused for extension and alteration to guest house.
31. 2011 – planning appeal against the above refusal dismissed.
32. 2012 – planning permission refused for courtyard development of 10 rooms for the guest house - change of use from field and storage to guest house.
33. 2012 – planning permission refused for the erection of 2 lamp-posts.
34. 2014 – planning permission refused for re-cladding of the existing concrete frame.
35. 2014 – planning permission refused for change of use from C1 guest house to mixed use of guest house and tearoom.
36. 2014 – planning appeal against the above refusal dismissed.
37. 2014 – planning permission refused for ancillary accommodation, leisure accommodation, owners flat and greenhouse. Change of use from yard area and storage to guesthouse.
38. 2021 – planning permission refused for creation of self-contained ancillary accommodation to create 4 bedrooms in two units, to support the current 5-bedroom holiday accommodation.

#### Formal enforcement action and subsequent appeals

39. 2005 – Enforcement notice served in regard to the material change of use of the land to a mixed-use comprising agriculture and the storage of vehicles.
40. 2005 – planning appeal against the above enforcement notice dismissed.
41. 2009 – The owner (with another) was prosecuted for failing to comply with Enforcement notice, found guilty and ordered to pay £4000.00 which was paid.
42. 2008 – Temporary Stop Enforcement notice served in regard to the carrying out of an engineering operation consisting of the construction of a track and the deposit of stone, soil and other materials in connection with that operation.
43. 2008 – Enforcement notice served in regard to the carrying out on the land of an engineering operation consisting of the construction of a track and the deposit of stone, soil and other materials on the land in connection with that operation. The partially constructed track in in the approximate position edged blue on the attached plan.
44. 2009 – planning appeal against the above enforcement notice dismissed.
45. 2011 – Enforcement notice served in regard to the material change of use of the land to a mixed-use comprising agriculture, use as a guest house and use for the storage of caravans. Enforcement notice subsequently withdrawn.
46. 2011 – Enforcement notice served in regard to building operations consisting of the erection of a polytunnel in the approximate position hatched black on the attached plan. The polytunnel was subsequently removed.
47. 2011 – Enforcement notice served in regard to operational development consisting of the erection of two lamp posts on the Land in the approximate positions circled blue on the attached plan ("the Lamp Posts"). The lamp posts were subsequently removed.

48. 2013 – Enforcement notice served in regard to the excavation of land and the erection of a building.
49. 2013 – planning appeal against the above enforcement notice allowed subject to conditions.
50. 2013 – Enforcement notice served in regard to the material change of use of Land at Home Farm, Sheldon from a guest house to a mixed use of guest house and cafe and tea room. The alleged use has since ceased.
51. 2013 – Breach of condition enforcement notice served in regard to breach of conditions 1 and 2 imposed upon planning permission NP/DDD/0211/0066. The alleged breach of condition has since ceased.
52. 2020 – Enforcement notice served in regard to Engineering and building operations: namely the continued excavation of a void (in the location shown cross-hatched on the attached plan) immediately to the north (rear) of the guest house, the laying of a concrete base and construction of walls in the void, and any engineering or building operations carried out as part of that activity or associated with it.
53. 2021 – planning appeal against the above enforcement notice dismissed.
54. 2020 – Enforcement notice served in regard to (i) Without planning permission, the carrying out of engineering operations, consisting of the excavation of the land; and (ii) Without planning permission, the carrying out of building operations, consisting of the construction of foundations and the erection of walls. Both the engineering operations and the building operations are in the approximate position shown cross-hatched black on the attached plan.
55. 2021 – planning appeal against the above enforcement notice dismissed.

### 2023 Injunction Order

56. In 2023 the Authority applied to the High Court for an Injunction Order.
57. The Injunction Order was made on 06 December 2023. In summary it is ordered that:
  1. No development be undertaken on the land without the grant of planning permission.
  2. Cease the use of land for the manufacturing and/or sale of Eco Pods or timber buildings; and  
  
Cease to use specified buildings on the land for commercial and/or residential and/or holiday use.
  3. The requirements of the Enforcement Notices dated 1 December 2008 (as varied at appeal) and 16 October 2020.
  4. Remove the following developments from the land:
    - 4.1 track and associated works;
    - 4.2 single storey building;
    - 4.3 all shipping containers;
    - 4.4 any tipi-style tents;
    - 4.5 all wooden tents/eco pods, including any partly constructed units;
    - 4.6 the hardstanding for touring caravans;
    - 4.7 the car park next to the track;

- 4.8 any caravans sited on the land;
  - 4.9 any associated structures, items or materials.
5. Restore buildings under point 2 (above) to the condition they were in before the change of their use from agricultural/ guest house occurred; and

Restore the land to the condition it was in before the breaches of planning control set out under point 4 (above) occurred.

58. The Order requires the above to be completed by 8 March 2024 or within 3 months of the determination of a planning application submitted by that date (including any subsequent appeal or statutory or judicial review).

### **Consultations**

59. Parish Meeting: Objects to the development and makes the following comment:

*“We strongly object to the planning application made by Home Farm and would like to raise the following points / concerns with regard to that application:*

- *The application states that “The Applicants wish to offer a unique and varied family-friendly experience in the heart of the Peaks, with a range of accommodation options and activities on site”. Sheldon as a conservation area within the Peak Park is a completely inappropriate situation for a commercial development of this nature. It is neither in keeping with the quietness of the village or with the guidelines of the PDNPA.*
- *There is no mention in the application of the number of guests that can be accommodated, but based on 2 static caravans (8 people), 1 yurt (8 people), 9 touring caravan pitches (18-36 people), 17 camping pods (34-40 people), 5 camping pitches (10-20 people), the Long Barn / Old Milking Parlour (8 people) and the existing B&B (10-20 people), we’re talking an average of around 120 guests, but the number could be higher.*
- *In addition, if the proposal is to host events, then the day guests could take this number much higher.*
- *The parking of 41 spaces in total is completely inadequate.*
- *The overall objection to the proposal is that this is a completely disproportionately sized development for a village such as Sheldon which has a population of around 80 and just over 30 houses.*
- *Much of the development is within the conservation area. None of the development will enhance the conservation area.*
- *The buildings are completely out of character:*
  - *The 17 huts / pods are ugly, inappropriate buildings that cannot be improved simply by painting them green. Nearly all have white uPVC double-glazed doors and windows that stand out like a sore thumb. The proposal states that each pod will have a bed and a toilet, but many are not large enough to have any separation internally and how does this align with the statement that they are temporary structures when they’re connected to sewage pipes?*
  - *The proposal for a yurt is situated in a field that is in clear view of the road into Sheldon and will be a blot on the farmland.*
  - *The toilet block looks like a large container and is inappropriate.*
  - *The two static caravans are old and have been disposed of by a camp site which is replacing them. They are again an inappropriate eyesore on otherwise unspoilt open countryside.*

- *The camping pitches will again be highly visible and will impact the landscape.*
- *The Old Milking Parlour has been very poorly converted into accommodation in a style that is completely out of keeping with the area:*
  - *There are two colours / types of roofing material that has been used in the conversion.*
  - *Windows have been installed along the face that overlooks the churchyard of St. Michael's church which destroy the privacy and sanctity of the space alongside a Grade II listed building.*
  - *Solar panels have been installed without planning permission and planning permission does not appear to have been applied for in this application. They are visible from the land looking down onto Home Farm and again an inappropriate eyesore. The understanding is also that this installation has not been suitably certified and indeed has been deemed dangerous.*
- *There is no mention of the new build behind the farmhouse within the farmyard. This was subject to an Enforcement Order with which the owner has failed to comply. At the time of the Enforcement Order, this was just below the ground foundations, but this is now a single storey building referenced as the sunken apartments on some of the drawings.*
- *The application talks about preserving features of the historic field patterns, but substantial stone walls, especially along the boundary of the farmyard and within the conservation area have been removed and need to be reinstated. We have photographic evidence from pre-2010 that shows the layout of the ancient walls.*
- *The plans describe two entrances to the site. The pre-existing farmyard entrance and the track. The track is not a legal entrance to the site. It has been subject to an Enforcement Notice for many years and has been recently reinstated without planning and in contravention of the Enforcement Notice. Without this illegal access there is no way that touring caravans could get onto the site.*
- *The track is described on one of the plans as unsurfaced, this is not the case. The track is made has been excavated, filled with spoil and covered with tons of gravel. Last year, the owner covered it lightly in soil and then seeded it with grass seed to cover it over. Several members of the village observed this happening.*
- *Tons of spoil from outside the area was brought in to make this track and other hard standing areas.*
- *The road entrance to the track was considerably widened without permission and without consultation with Highways.*
- *The roads into Sheldon are completely unsuitable to carry large numbers of guests in and out of the village and certainly not cars towing touring caravans.*
- *It is suggested in the application that, over the past 40 years, the site has been gradually developed and the agricultural buildings replaced with lower impact units in keeping with the landscape. In response to this point, the Pole Barn had it's corrugated sides removed and replaced with a hotchpotch of used windows and doors; the Old Milking Parlour has been converted into dwellings without permission, had two types / colours of roofing used in its conversion, had inappropriate windows (including ones overlooking the churchyard) and doors fitted, and had solar panels installed all along its roof. Does any of this suggest*

*an improvement?*

- *A liquid gas storage area is marked on the plans. There are two ancient and corroded tanks that have been installed that cannot meet fire or H&S regulations.*
- *The field coloured green on page 1 of Design and Access Statement Part 3 is highlighted in the statement as being an “Important Open Space / Open space within the conservation area” and yet the plan shows pods and other pictures scattered across that field.*
- *The visual appraisal photographs have all been taken in the summer and when all the trees are in full leaf. The actual visual impact on the landscape is very significant and clearly visible from the highway and all around the site.*
- *The Heritage Statement suggests that the development that has been carried out and that is being proposed will enhance the conservation area. It suggests that the view from St. Michael’s church and from the village playing field will be improved by cladding buildings with timber and stone in keeping with the vernacular. The only evidence of the applicant trying to clad any buildings is with Indian limestone paving being glued around the windows of the Old Milking Parlour that face onto the churchyard. It also suggests minimal impact on the village itself, but that cannot be the case when the village has a surge of 120 holiday makers coming into it and possibly scores of event attendees.*
- *The section on Ecology and Trees suggests that native woodland has been planted. Actually, very mature trees have been chopped down without permission within the conservation area and trees have been planted across what has been open farmland for hundreds of years.*
- *Three huge septic tanks have been installed without planning permission and without any kind of environmental survey. The Environment Agency has not been engaged in their installation and there has been no inspection carried out. These are proposed as the sewage solution for the site, but they require planning approval in their own right. There is therefore a serious question over how sewage will be dealt with on site.*
- *The solar panels on the Old Milking Parlour are proposed as providing electricity for the whole site. However, as stated above, the understanding is that the contractors who installed them would not provide a certificate to sign them off and therefore this cannot presently be put forward as a solution.*

*The application uses the word ‘existing’ throughout. It should actually be made very clear that, apart from the farmhouse being used for accommodation as a B&B business, nothing else on-site is existing. Everything else is a change or addition which has been introduced without planning permission. All these works need to be put right under the terms of the injunction order and the enforcement notices. This is not necessarily an exhaustive list of everything that is not existing and should therefore be removed from the site or put back to its former state, but the list includes:*

- *The track – in line with the enforcement order, e.g. removal of materials, replacement of materials, grassing over and narrowing the entrance from the road back to the original field entrance (which was a standard 5 bar gate).*
- *The new build in the farmyard described as the sunken apartments – building and foundations removed.*
- *Old Milking Parlour – converted back to an agricultural building; the windows, doors, roofing and the solar panels removed.*



- *The Pole Barn – put back to its original state, i.e. corrugated iron clad.*
- *A very large polytunnel has been erected and is not mentioned in the planning application.*
- *A very large tipi has been erected and is not mentioned in the planning application.*
- *All hard standing areas (parking, pods, caravans etc.) removed and put right as per the restitution of the track*
- *The three septic tanks (and all the pipework that has been laid in) removed and the ground put back in order.*
- *All electrical works that have been laid in removed from the land.*
- *All pods removed from the site.*
- *The shower / toilet block removed from site.*
- *The two static caravans removed from the site.*
- *All historic stone walls put back in place as per the 2010 view of the farm.*

*Based on the above, we respectfully ask that the application is rejected in its entirety; that the injunction and the two enforcement notices are seen through to the letter; and that all other unauthorised development is rectified within the 3 month timeframe specified by the injunction.”*

60. Highway Authority: Makes the following comment:

*“The latest application is proposed to use an existing (adjoining) vehicle access point, but the amount of vehicles proposed will be greater for 2 static caravans, 1 yurt, 9 touring caravan pitches, 17 camping pods, 5 camping pitches, conversion of pole barn to flexible space for events, conversion of Dutch barn to catering area, and conversion of old milking parlour to 4 holiday lets than it would be for the creation of self-contained ancillary accommodation to create 4 bedrooms in two units, to support the current 5-bedroom holiday accommodation proposed under reference NP/DDD/1020/0958. Therefore, as the proposals will generate significant amounts of traffic movement, a Travel Plan (TP) and Transport Statement (TS) are required so that the likely impacts of the proposal can be assessed. Once in receipt of the TP and TS, the County Council should be in a position to provide a formal response to the above planning application.*

*However, due to the reliance of the use of vehicles accessing the site, the LHA note that the submitted a revised Design and Access Statement and Planning Statement (dated March 2024) in response to the above does not contain any information relating to a Travel Plan (TP) with section 6 of the Planning Statement stating: 'Accessing Sheldon's Retreat is therefore likely to be by car (typical of the rural nature of the Peak District National Park) or by bicycle.'*

*Therefore, all TSs should be prepared in accordance with guidance in the National Planning Practice Guidance (NPPG 2023 Paragraph 117) and although the NPPG presents a framework rather than detailed guidance, the LHA recommends that every TS must be accompanied by a TP, which is compliant with Derbyshire County Council's guidelines.*

*TP's are typically a package of practical measures to encourage residents, employees and visitors to consider their travel options or reduce the need to travel. Typical examples of measures include: personalised travel plans and welcome packs, the provision of showers, lockers and changing facilities, car sharing schemes, flexible working schemes etc.*

*TP's should be bespoke to the development and applicants should not replicate generic targets as they can be a valuable tool in mitigating traffic impact and can look at the wider environment rather than just traditional traffic compensation measures.*

*This means that proposals should be supported with a clear vision of the nature of the*

scheme and how future users are expected to travel. Trip rates should consider the number of all person trips the site will generate and what the historic trend is. It should then define what it wishes to achieve (by mode). Assessments must provide a base position which can be extrapolated to indicate what the impact would be with no interventions. Proposals should clearly define how the measures proposed will achieve the vision, over what time period and how the result will be reviewed. Where schemes are not achieving the required modeshift, the review report should also include a list of interventions as to how the poor performance will be rectified.

The County Council would wish to see this highway issue addressed prior to determination, however, should the LPA be minded to approve the application in its current form we would be grateful if the LPA could reconsult the Highway Authority so that consideration can be given to formulating an appropriate response.”

61. Environment Agency: Objects to the application for the following reasons:

“We object to the proposed development as submitted because it involves the use of a non-mains foul drainage system in circumstances where it may be reasonable for the development to be connected to a public sewer but no justification has been provided for the use of a non-mains system. We recommend that the application should be refused on this basis.

Private sewage treatment facilities should only be used where it is not reasonable for a development to be connected to a public sewer, because of the greater risk of failures leading to pollution of the water environment posed by private sewerage systems compared to public sewerage systems.

This objection is supported by planning practice guidance on non-mains drainage which advises that the first presumption must be to provide a system of foul drainage discharging into a public sewer (ref ID 34-020-20140306).

Only where, having taken into account the cost and/or practicability, it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered. The foul sewer lies directly south and east of the site with potential for a gravity feed.”

62. Historic England: No comment:

63. Natural England: No objection.

64. PDNPA Policy: Makes the following conclusions:

“On the basis of the assessment provided above and our Core Strategy and Development Management Policies, we are concerned that:

- This development constitutes major development within a National Park;
- The development is in conflict with our first purpose of conservation and enhancement of the National Park;
- The development is contrary to a number of our existing planning policies.

Therefore, the application should not be permitted at its current scale and in its current form.”

65. PDNPA Conservation Officer: Makes the following comment:

“The application site, Home Farm does not contain any listed buildings but is partially situated in the Sheldon Conservation Area. The development also impacts the neighbouring Church of St Michael and All Saints, a grade II listed building (1334884, listed on 26-Jul-1984).

*The Sheldon Conservation Area was designated in 1995 and comprises the core of the village and some of the rear fields. The conservation area appraisal is fairly brief and out of date, but broadly speaking the character and special interest of Sheldon is derived from its built form and its well persevered historic landscape character.*

*Sheldon is a linear settlement, at the centre of a network of fossilised strip fields, mining remains, and later enclosure. This basic layout is typical of a medieval settlement, and indeed Sheldon appears in the Domesday book. The buildings of Sheldon consist mainly of farmhouses built along the street frontage, with historic and later agricultural buildings grouped closely behind, within the strip fields. The fine-grained development of the main street frontage, along with the undeveloped strip fields are key characteristics of the conservation area and contribute towards its high historic interest.*

*The Church of St Michael and All Saints was consecrated in 1864. Built by Samuel Rollinson of Chesterfield in the Early English Style, the church was built to replace a medieval chapel of ease that previously sat in the middle of the highway. The church is unusual in that it is situated at the back of one of the village strip fields.*

*The church's significance is derived principally from its high architectural interest. Its relatively isolated situated contributes towards its significance, although this has been impacted by late 20th century development on Home Farm.*

*The proposal is for the development of a holiday retreat, including camping pods, static caravans, tents, camping pitches, and the conversion of several agricultural buildings.*

*The application is largely retrospective, as the majority of this development has already taken place. It is not necessary to go into the details of the site's long history of unauthorised works and enforcement, but it is worth noting that the 'Existing site plan' submitted by the applicant is misleading, as it shows the site as developed. It is also worth noting that not all of the unauthorised works that have taken place over the years have been included in the application, and therefore won't necessarily be covered by these comments.*

*As the application affects designated heritage assets, it should be assessed against chapter 16 of the NPPF, and the Peak District National Park Authority's Development Management Policies DMC5 (Heritage Assets), DMC7 (Listed Buildings), DMC8 (Conservation Areas) and DMC10 (Conversions).*

*Part of the application is for consent to be granted for the conversion of three existing buildings, at least two of which are retrospective. These are the Milking Parlour, to be converted into holiday accommodation, and the Pole and Dutch Barns, to be converted to event spaces.*

*DMC10 states that the PDNPA generally only accepts the conversion of agricultural buildings if they are heritage assets (designated or not) and their conversion would contribute to the ongoing conservation of the heritage asset. At no point does the application mention this policy, but the planning statement does concede that the buildings are 'not of heritage merit'. All the buildings in question were constructed after 1960 and are modern agricultural sheds. There is no question that their conversion is contrary to DMC10.*

*The development has seen and will see a variety of camping pods, tents, and static caravans sprawled across the site both within and without the limits of the conservation area. The development the open strip fields is particularly harmful to the conservation area, and once finished will see an intensification of usage. This development is clearly visible from both within the site, and from important views from the track leading from*

*Magpie Mine down the spur of the hill between ancient and later enclosures (Sheldon FP 9). Much of the development is outside the conservation area, but the development of the strip fields still has an impact on the setting of the conservation area.*

*The development has also directly impacted on the built form of the Conservation Area. Historic Mapping and satellite imagery shows that historic drystone field boundaries, extant on all historic mapping (including the 1617 Senior Map) and satellite imagery as late as 2020 have been cleared away, and other field boundaries are in a precarious state. This directly harms Sheldon's fossilised medieval field system.*

*The intensification of development near the site will further harm the contribution to its significance made by its setting, by further encroaching on its isolated setting.*

*Overall, in the language of the NPPF, I would assess the harm to the conservation area as less than substantial, although at the higher end. The harm to the listed church is at the lower end of less than substantial.*

*According to local and national policies, any less than substantial harm to a designated heritage asset (such as a listed building or conservation area) should only be permitted where the harm is outweighed by the public benefits arising from the scheme."*

66. PDNPA Archaeology: No comment.

67. PDNPA Ecology: Object for the following reasons:

*"There is currently no ecological survey information or associated reporting to support this planning application that identifies what the current ecological interests of the site are and what potential impact the proposals may have on existing interests. The full extent of the application area identified on the plan seems to extend to several hectares (>5ha).*

*Ecological assessments should accord with policy DMC11 and consider the full extent of the development area and undertaken by an appropriately experienced ecologist.*

*The proposals should consider existing interests at the site and seek to conserve and enhance the site for biodiversity with demonstrable biodiversity net gain with a completed biodiversity metric, where appropriate, together with necessary supporting information."*

68. PDNPA Tree Officer: Object to the application on the grounds of lack of tree assessment information.

69. PDNPA Landscape: Object to the application and make the following comments:

*"Home Farm in the "Limestone village farmlands" LCT in the White Peak. It has a largely pastoral character dominated by stock rearing and dairying. A gently undulating plateau of pastoral farmland enclosed by drystone walls made from limestone with characteristic historic elements such field dew ponds and field barns.*

*This application includes the conversion of this pastoral farmland into a holiday retreat with multiple options for accommodation scattered among the landscape. It includes the conversion of two barns into permanent buildings for use as function rooms/catering rooms being the Dutch barn and the Pole barn. Further information on the existing milking parlour is required to comment on this aspect of the proposals.*

*I disagree with the statement 'older buildings are to be restored and clad in more appropriate materials in keeping with the local vernacular.' And with the claim that the project 'Protects and maintains historic field barns'. Precedent images for the Dutch Barn show a modern building which stands out in the landscape. Despite*

*similar/identical materials being proposed for the renovated buildings and the footprint/mass remaining unchanged, the nature and look of the buildings changes from being field barns with partially open sides used for farming purposes, to being watertight buildings with enclosed walls/windows to the full elevations which can house functions such as weddings, with their original purpose removed. The character of the buildings therefore is altered and no longer fits with the typical character of the Limestone Village farmlands LCT.*

*The scheme includes areas of rotationally grazed agricultural grassland, however all farm buildings from the farmstead will be converted to new use, so the scheme cannot be considered as farm diversification despite the retention grazed land. The areas of woodland planting which are already planted presumably don't form part of this planning application as no details have been provided.*

*Although some of the temporary structures to be used for holiday accommodation are neatly tucked into existing vegetation, some elements are not and these are not fully screened by proposed planting, when looked at accumulatively the proposals create visual clutter in the landscape.*

*I am not supportive of the application in its current form due to the reasons stated above. However if the scheme is approved I would suggest that aspects be conditioned to reduce the visual impact on the landscape character of the PDNP.*

*The additional proposed polytunnel (approximately 12m x 7m and 2.5m tall) would add to the visual clutter in the landscape in some views, for example in Viewpoint 2 in the Design and Access Statement which is taken from a public footpath entering Sheldon from the south west and from Magpie Mine (a sensitive heritage feature). The polytunnel would likely be visible from the churchyard of listed St Michael and All Angel's Church, and no planting proposals are included in the proposals to mitigate this potential impact.*

*The elevations for the underground single story holiday let studios are not shown in context, it is clear that some earthworks and recontouring is proposed to the north of the underground studios - this needs to be shown in elevations to explain how they sit in the landscape, along with drainage proposals for this subterranean space. Green roofs are noted on the elevations but no information is provided on these - further details are required on the design / specification and establishment maintenance proposals."*

## **Representations**

70. The Authority has received a total of 112 letters of representation at the date this report was written. All the letters are in objection to the planning application. The material planning reasons given are summarised below.

- a) The proposed development is contrary to relevant policies in the Local Plan.
- b) The proposed development is inappropriate major development in the National Park.
- c) The scale and density of the proposed development is inappropriate.
- d) The buildings have not been built using environmentally friendly materials.
- e) The development would have a harmful visual impact.
- f) Lighting from the development would harm dark skies.
- g) The development would harm the local landscape and the landscape of the Peak District National Park.
- h) The development would harm the character and appearance of the local area / village.
- i) The development would harm the amenity of the local area / village.
- j) The development would result in overlooking, overbearing and loss of privacy to

- occupants of neighbouring properties.
- k) The development would harm the tranquillity of the local area / village.
  - l) The development would prejudice the use of the village playing fields.
  - m) The development would harm the safety of the local area / village.
  - n) The development would harm the setting of the church.
  - o) The development would harm the Sheldon Conservation Area.
  - p) The development may result in harm to archaeology on site.
  - q) The development would result in light pollution which would harm the landscape and character and appearance of the local area / village.
  - r) The development would result in smells from outdoor cooking across such a large site and potentially from waste.
  - s) The design of the proposed accommodation is not appropriate and is not in-keeping with the character and appearance of the local area / village.
  - t) The development would harm biodiversity and protected species.
  - u) A number of trees have been felled in relation to development already undertaken.
  - v) The access roads are not suitable for the levels of traffic that the development would generate.
  - w) The access roads are not suitable for use by touring caravans.
  - x) The traffic that the development would generate would harm the amenity of the local area / village.
  - y) The development would harm highway safety.
  - z) The development would have inadequate car parking provision.
  - aa) The traffic that the development would generate would result in noise and air pollution.
  - bb) There is no sustainable form of transport to the village.
  - cc) The proposed septic tanks are not approved are inappropriate and cannot be sited as the solution for foul waste disposal.
  - dd) Object to the retrospective nature of the application.
  - ee) Inaccuracies within the application.
  - ff) Planning permission has already been refused by the Authority and at appeal for elements of the proposed development.
  - gg) The Authority has issued Enforcement Notices against various elements of the proposed development.
  - hh) The application proposes to 'hold events' but there is no definition of what is proposed. Unrestricted events could have a severe impact upon the area.
  - ii) The development would double the residential population of the village.
  - jj) The development would result in crime or fear of crime in the local area / village.
  - kk) The development would harm the social stability and cohesion of the village.
  - ll) The development would deter other visitors to the local area / village.
  - mm) The development would disturb the dairy herds and sheep in the local area.
  - nn) Approval of the proposed development would set a precedent for further development in the local area / village.
  - oo) The water supply is insufficient to serve the proposed development.
  - pp) Mains sewerage is insufficient to serve the proposed development.

### **Main Policies**

- 71. Relevant Core Strategy policies: GSP1, GSP3, GSP4, DS1, L1, L2, L3, RT1, RT2, RT3, CC1, T2 and T7
- 72. Relevant Development Management policies: DMC1, DMC3, DMC5, DMC7, DMC8, DMC11, DMC12, DMC13, DMC14, DMR1, DMR2, DMR3, DMT3, DMT6, DMT8 and DMU1

### **National Planning Policy Framework**

73. The National Planning Policy Framework (NPPF) is a material consideration and carries particular weight where a development plan is absent, silent or relevant policies are out of date.
74. In the National Park the development plan comprises the Authority's Core Strategy (2011) and the Development Management Policies document (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. There is no significant conflict between policies in the development plan and the NPPF.
75. Therefore, full weight should be given to policies in the development plan and the application should be determined in accordance with the Authority's policies unless material considerations indicate otherwise.
76. Paragraph 182 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.
77. Paragraph 181 states When considering applications for development within National Parks, 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.
78. Paragraph 200 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. It notes that the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. It advises that as a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.
79. Paragraph 201 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
80. Paragraph 209 states that the effect of an application on the significance of a non-designated heritage asset should be considered in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

#### Peak District National Park Core Strategy

81. Policy GSP1 requires all development to be consistent with the National Park's legal

purposes and duty and that the Sandford Principle be applied and the conservation and enhancement of the National Park will be given priority. Major development should not take place other than in exceptional circumstances and following rigorous consideration of the criteria in national policy.

82. Policy GSP2 states that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon. Enhancement proposals must demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area.
83. Policy GSP3 states that development must respect, conserve and enhance all valued characteristics of the site and buildings subject to the development proposal paying particular attention to (amongst other things) impact on character and setting, scale, siting, landscaping, building materials, design, form, impact upon amenity, highways and mitigating the impact of climate change.
84. Policy DS1 states that in the countryside recreation and tourism development is acceptable in principle.
85. Policies L1, L2 and L3 state that development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan, biodiversity and cultural heritage assets.
86. Policy RT1 state that the Authority will support facilities which enable recreation, which encourage the understanding and enjoyment of the National Park, and are appropriate to the National Park's valued characteristics. Opportunities for access by sustainable means will be encouraged. New provision must justify its location in relation to environmental capacity, scale and intensity of use or activity, and be informed by the Landscape Strategy. Where appropriate, development should be focused in or on the edge of settlements. In the open countryside, clear demonstration of need for such a location will be necessary.
87. Wherever possible, development must reuse existing traditional buildings of historic or vernacular merit, and should enhance any appropriate existing facilities. Where this is not possible, the construction of new buildings may be acceptable. Development must not on its own, or cumulatively with other development and uses, prejudice or disadvantage peoples' enjoyment of other existing and appropriate recreation, environmental education or interpretation activities, including the informal quiet enjoyment of the National Park.
88. RT2 states that proposals for bed and breakfast and self-catering accommodation must conform to the following principles. The change of use of a traditional building or vernacular merit to serviced or self-catering holiday accommodation will be permitted, except where it would create unacceptable impact in open countryside. Appropriate minor developments which extend or make quality improvements to existing holiday accommodation will be permitted.

New build holiday accommodation will not be permitted, except for a new hotel in Bakewell.

89. RT3 states proposals for caravan and camping sites must conform to the following principles. Small touring camping and caravan sites and backpack camping sites will be permitted, particularly in areas where there are few existing sites, provided that they are well screened, have appropriate access to the road network, and do not adversely affect living conditions.

Static caravans, chalets or lodges will not be permitted.



90. Policy CC1 requires all development to make the most efficient and sustainable use of land, buildings and natural resources and to achieve the highest possible standards of carbon reductions and water efficiency.
91. Policy T2. F says sustainable transport patterns will be sought that complement the development strategy (DS1). Travel Plans will be used to encourage behavioral change to achieve a reduction in the need to travel, and to change public attitudes toward car usage and public transport, walking and cycling. Travel Plans to reduce traffic movements and safeguard transport infrastructure will be required on appropriate new developments and encouraged on existing developments.
92. Policy T7 says residential parking and operational parking for service and delivery vehicles will be the minimum required for operational purposes, considering environmental constraints and future requirements. Non-residential parking will be restricted in order to discourage car use, and will be managed to ensure that the location and nature of car and coach parking does not exceed environmental capacity.

#### Development Management Policies

93. Policy DMC1 says 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. The 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.  
  
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.
94. Policy DMC3 sets out detailed criteria for the assessment of siting, design, layout and landscaping.
95. Policy DMC5 provides detailed criteria relevant for proposals affecting heritage assets and their settings, requiring new development to demonstrate how valued features will be conserved, as well as detailing the types and levels of information required to support such applications.
96. Policy DMC7 provides detailed criteria relating to proposals affected listed buildings and / or their setting.
97. Policy DMC8 provides detailed criteria relating to proposals affected conservation areas and / or their setting.
98. Policies DMC11 and DMC12 set out detailed criteria to secure safeguarding, recording and enhancement of nature conservation interests and conservation of sites, features and species of importance. Policy DMC13 requires applications to be supported by sufficient information to understand potential impact upon trees and to retain and protect trees and hedgerows during development.
99. Policy DMC14 states that development that represents a risk of pollution (including soil, air, light, water, noise or odor pollution) will not be permitted unless adequate control measures are put in place to bring pollution within acceptable limits.
100. Policy DMR1 states:

- A. 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, landscape setting and impact upon neighbouring uses are acceptable, and it does not dominate its surroundings.
  - B. Shopping, catering or sport and leisure facilities at camping and caravan sites will be permitted provided that they accord with the requirements of Part A and there is no significant adverse effect on the vitality and viability of existing facilities in surrounding communities.
  - C. 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.
101. Policy DMR2. A states Where the development of a touring camping or touring caravan site is acceptable, its use will be restricted to no more than 28 days per calendar year by any one person.
102. Policy DMR3 states that outside of settlements where self-catering accommodation is acceptable, its use will be restricted to no more than 28 days per calendar year by any one person.
103. Policy DMT3 states development, which includes a new or improved access onto a public highway, will only be permitted where, having regard to the standard, function, nature and use of the road, a safe access that is achievable for all people, can be provided in a way which does not detract from the character and appearance of the locality and where possible enhances it. Particular attention should be given to the need for the retention and where possible enhancement of hedges, walls and roadside trees.
104. Policy DMT6 states new or enlarged car parks will not be permitted unless a clear, demonstrable need can be shown. Where planning permission is required, additional parking provision should be of a limited nature, whilst being appropriate to the size of the development and taking account of its location and the visual impact of parking.
105. Policy DMT8 requires off-street parking to be provided for residential development unless it is demonstrated that on-street parking is appropriate. Parking provision should meet the Authority's adopted standards.
106. Policy DMU1 permits new or upgraded service infrastructure for new development provided that it does not adversely affect the valued characteristics of the area and provided that services are provided before commencement of a new land use.

## **Assessment**

### **Whether the proposal is major development and whether the development is acceptable in principle**

107. The application proposes a total of 6 holiday lets, 17 camping pods, 9 touring caravan pitches, 5 camping pitches, 2 static caravans and 1 yurt along with additional associated development including a toilet block, event space, catering area, polytunnel, access tracks, parking area and landscaping over the 5.9 Ha site (14.57 acres).
108. The application site is a large and prominent area of land on the eastern approach to Sheldon and visible from a number of public vantage points nearby and in the wider landscape. The scale of the application site and its setting therefore makes it sensitive to impacts of a development of this nature.

109. As has been pointed out in representations the scale of the proposed development also has the potential to attract a large number of guests (likely between 58 – 160 at full occupancy, dependant upon party size). In the context of Sheldon which has a population of around 80 this becomes a significant scale in terms of impacts from visitors, traffic and noise amongst other matters.
110. Therefore, having had regard to policy DMC1. B and the National Planning Policy Framework (NPPF) it is concluded that the proposed development by reason of its nature, scale and setting has the potential to have significant adverse impact on the purposes for which the National Park has been designated. The application is therefore considered to be major development.
111. The policy tests set out by paragraph 181 of the NPPF are therefore relevant which states that permission should be refused 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.
112. In general terms policy the site is outside of any designated settlement (Sheldon is not a designated settlement for the purposes of policy DS1 and therefore in open countryside. Nevertheless, policies allow recreation and tourism development in principle. Policy DS1 also allows the conversion of existing buildings to visitor accommodation in principle.
113. The application proposes the creation of 6 dwellings occupied ancillary to the existing bed and breakfast as self-service holiday accommodation. The 4 proposed units within the 'old milking parlour' have been created through the conversion and alteration of an existing modern agricultural building. The 2 proposed units within the 'underground studios' are new build.
114. Policy RT2 is relevant for the proposed holiday accommodation. The proposed 4 units within the 'old milking parlour' have been formed through the conversion of a modern former agricultural building. The former building was a modern, utilitarian agricultural building of no historic or vernacular merit and therefore its conversion and alteration as proposed is not acceptable in principle and contrary to RT2. A.
115. The proposed 2 units within the 'underground studios' are new build holiday accommodation which are also not acceptable in principle and contrary to RT2. C.
116. The application proposes a recreational use of the site with a mixture of glamping, caravan and camping pitches along with ancillary developments. Policies RT2, DMR1 and DMR2 are relevant for these elements of the proposed development.
117. Policy RT3 allows for small touring camping and caravan sites and backpack camping sites in principle but explicitly states that static caravans, chalets or lodges will not be permitted. The proposed static caravans are therefore not acceptable in principle and contrary to RT3. B.
118. The proposed camping pods and yurt would not be touring caravans or conventional tents. These would be more akin to caravans or permanent structures. Policy DMR1

sets out exceptional circumstances where structures like these can be accommodated in policy. DMR1. C says that the development of such structures may be permitted where these are small, simple, wooden pod structures in woodland locations with minimal landscape impact.

119. The development of glamping sites incorporating pods such as proposed therefore can be acceptable in principle as can the proposed touring caravan and camping elements. The key issue in considering these elements are the impact upon the landscape, biodiversity and cultural heritage of the National Park.
120. Overall, it is concluded that there are significant elements of the proposed development including the proposed 6 units of holiday accommodation and the 2 static caravans which are directly contrary to policies RT2 and RT3. These elements are not acceptable in principle.

#### Impact of the development upon the landscape

121. The application site consists of a former traditional barn now converted to a guest house, former agricultural yard to the rear and fields to the east and north. The site is prominent on the eastern approach to Sheldon and visible from a number of public vantage points nearby and in the wider landscape.
122. For the purposes of policies L1 and DMC1 the application site is located within the limestone village farmlands landscape character type (LCT). This landscape is characterised by a gently undulating plateau, pastoral farmland enclosed by drystone walls, repeating pattern of narrow strip fields, discrete limestone villages and clusters of dwellings, relic mining remains and localised field dewponds.
123. The landscape around the application site closely reflects the LCT. The application is supported by an assessment of landscape character effects within the design and access statement and concludes that: *“It is anticipated that there will be a low level of effect on the characteristics of the White Peak and Limestone Village Farmlands, with positive contribution of the development. Positive attributes of the development include renovation of existing building facades, maintenance and enhancement of the farm yard and agricultural grassland fields, as well as extensive areas of newly planted woodland. These proposals seek to protect the open setting of the village edge and Conservation Area, enhance the adjacent Natural Zone of the wooded dale and essentially avoid the potential dereliction of the farm.”*
124. This assessment conflicts with the response from the Authority Landscape Officer who considers that the buildings to be converted are modern buildings which stand out in the landscape and that the development would change the nature and look of these buildings from function agricultural buildings to being watertight buildings with enclosed walls and windows to the full elevations. Furthermore, not all the proposed structures to be used for holiday accommodation would be screened by proposed planting and when looked at accumulatively the proposals would create visual clutter in the landscape.
125. As set out above the proposed conversion of the ‘old milking parlour’ is not acceptable in principle. Additionally, however, the conversion and alteration including the stonework cladding and windows and doors have domesticated the appearance of the building resulting in a form of development which does not make a positive contribution to the landscape. The retention and conversion of the other modern buildings to the rear of the guest house would have a similar harmful impact.
126. The proposed glamping, caravan and camping site along with associated activity, lighting, parked cars, and infrastructure (hardstandings, car park and tracks), including the proposed car park and track would cumulatively result in a significant adverse visual impact which would be visible from public vantage points both in the local area

and in the wider landscape. The proposed static caravans are visually prominent in wider view from the north including from land above Monsal Head and the B6465 as it drops down into Ashford in the Water.

127. There is existing and proposed planting within the site. The existing planting in particular does offer some screening particularly for the pods closer to the guest house. However, the planting is not wholly effective in screening the pods which remain visible from a number of vantage points. Furthermore, the planting is not effective in screening the pods further from the guest house nor the proposed other pitches, yurt or static caravans.
128. The proposed planting would mitigate the impact to a degree but not effectively and would take a significant amount of time to establish during which time the unmitigated visual impacts would be experienced. Furthermore, and perhaps more fundamentally the proposed planting itself would compromise the open nature and character of the fields themselves which positively contribute to landscape character in their own right and are valued by the local community.
129. It is therefore concluded that the development would have an adverse visual and landscape and would harm valued landscape character contrary to policies L1 and DMC1. The Authority is obliged to give great weight to the conservation of the landscape of the National Park in accordance with the NPPF and statutory purposes.

#### Impact of the development upon biodiversity

130. The application was submitted before the recent biodiversity net gain (BNG) regulations came into effect. Nevertheless, policies L2, DMC11, DMC12, DMC13 and the NPPF require development to enhance biodiversity and demonstrate that there will be no adverse impact upon designated sites, features or species of biodiversity importance.
131. The application is not supported by any ecological survey information or reports nor a tree survey contrary to the requirements of policies DMC11 and DMC13. The Authority's Ecologist advises that the development has the potential to impact upon interest on and around the site. The Authority's Tree Officer advises that a tree survey is required to understand the potential impact of new built development upon trees within and adjacent to the site.
132. Given the nature and scale of the development and the potential impacts from activity, lighting and noise there is the potential for the development to impact upon protected species. Furthermore, without a baseline assessment of biodiversity value it is not possible to conclude that the development would result in enhancement in accordance with the requirements of policies L2, DMC11 and the NPPF.
133. Having had regard to advice from Natural England, the nature of the development and distance to designated sites it is concluded that the development would be unlikely to harm any designated sites.
134. However, in the absence of satisfactory survey and assessment the Authority cannot be satisfied that the development would not result in harm to protected species. Under the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended), the Authority is required to consider whether European Protected Species (EPS), such as bats, birds, mammals or reptiles would be affected by the proposed development.
135. Government advice at paragraph 99 of the Office of the Deputy Prime Minister Circular 06/2005 says it is essential to establish the extent to which EPS may be affected by a proposal before granting planning permission. Without satisfactory survey or assessment, there is limited knowledge on the possible presence of EPS or the risk of

EPS being harmed by the proposed development. Additionally, the Authority is unable to assess whether any mitigation measures would be effective in addressing any harm that may be caused to EPS populations.

136. The imposition of a planning conditions to address this matter would not allow the Authority to carry out a proper assessment as required under the aforementioned regulations. Therefore, insufficient information has been provided to show that the proposal would avoid harm to biodiversity. Also, insufficient information has been provided to demonstrate that any harm could be appropriately mitigated contrary to policies L2 and DMC11. The Authority is obliged to give great weight to the conservation of biodiversity in the National Park in accordance with the NPPF and statutory purposes.

#### Impact of the development upon cultural heritage

137. The application site is located partly within the designated Sheldon Conservation Area (SCA). The field east of the guest house is designated as important open space within SCA. Broadly speaking the character and special interest of Sheldon is derived from its built form and its well-preserved historic landscape character.
138. The application is supported by a Heritage Statement which concludes that the development *“will have a low level of effect on the Conservation Area and Listed Building Church of St Michael and All Angel’s and the renovation of the farm as a whole will have a positive effect on the Conservation and setting of Sheldon village.”*
139. Sheldon is a linear settlement, at the centre of a network of fossilised strip fields, mining remains, and later enclosure. This layout is typical of a medieval settlement, and indeed Sheldon appears in the Domesday book. The buildings of Sheldon consist mainly of farmhouses built along the street frontage, with historic and later agricultural buildings grouped closely behind, within the strip fields. The fine-grained development of the main street frontage, along with the undeveloped strip fields are key characteristics of the SCA and contribute towards its high historic interest.
140. The development would result in a variety of camping pods, tents, and static caravans across the site both within and without the limits of the SCA along with the retention of the tracks, hardstandings and proposed parking areas. The development of the open strip fields is considered to be particularly harmful given their significance for Sheldon and the SCA. The development would be clearly be visible from both within the site and from important views including from the track leading from Magpie Mine down the spur of the hill between ancient and later enclosures (Sheldon FP 9). Much of the development is outside the conservation area, but the development of the strip fields still has an impact on the setting of the SCA.
141. It is also notable that the development carried out on site has impacted upon the built form of the SCA. Historic mapping and satellite imagery show that historic drystone field boundaries, extant on all historic mapping (including the 1617 Senior Map) and satellite imagery as late as 2020 have been cleared away, and other field boundaries are in a precarious state. This directly harms Sheldon’s fossilised medieval field system.
142. The site is located adjacent to St Michael’s and All Saints Church which is a Grade II listed building. The retained and converted ‘old milking parlour’, polytunnel and proposed converted ‘pole barn’ along with a number of pods are visible from within the church yard. The retention and conversion of these buildings and the activity and particularly noise associated with the proposed development will result in visual harm to the setting of the church and tranquillity experienced by those visiting the church yard.

143. The Authority's Archaeologist has confirmed that there are no objections in this regard.
144. It is therefore concluded that the development would result in harm to the Sheldon Conservation Area and its setting and harm to the setting of St Michael's and All Saints Church. The harm identified would be a moderate level of less than substantial harm. There is a presumption against harm in policies L3, DMC5, DMC7 and DMC8 and this harm must be weighed in the planning balance against any public benefits arising from the development.

#### Impact upon the local area and amenity of neighbouring properties

145. As set out earlier in the report the proposed development is of a significant scale both in terms of site area but also in terms of potential visitors to the development in the context of Sheldon. Significant concern has been raised by local people about the impacts of the development upon the local area for a number of reasons.
146. As set out earlier in the report the proposed development would result in a significant adverse visual and landscape impact both from built development, caravans and tents but also from activity on the site from visitors, vehicles, lighting and noise. This activity would be apparent from the site and from neighbouring properties and public rights of way.
147. It is considered given the scale of the development that noise, lighting and other disturbance from the occupants has the potential to harm the amenity of the closest neighbouring properties and the tranquillity of the local area, particularly from the church yard, playing fields and on the approach to Sheldon from the east.
148. The proposal would re-use existing buildings on site and therefore there is no concern that the development would result in any significant loss of light or be overbearing (in terms of light or building massing) to neighbouring properties. However, given the scale of the development and the location of proposed parking areas it is considered likely that neighbouring properties would experience noise and disturbance from vehicle movements, visitors, cooking music and activities on site which could significantly harm their residential amenity.
149. The application is not supported by any noise survey or management plan which could indicate how these impacts could be mitigated to an acceptable degree. It is therefore concluded that the development would harm the character and amenity of the local area and neighbouring properties contrary to policies GSP3 and DMC3.

#### Sustainable travel and the impact of the development upon highway safety

150. The application proposes to retain the track through the fields which would serve the proposed accommodation, pods, pitches, yurt and static caravans. In highway safety terms there is sufficient parking provided on site and visibility from the access. No objections from the Highway Authority have been received in this regard. The proposed amount of off-street parking is broadly comparable to adopted policy maximums.
151. Concern has been raised in regard to additional vehicle traffic which as set out above would be significant and could have the potential to harm the amenity of the area. However, in terms of highway safety vehicle movements, particularly movements of campervans or towing touring caravans would be limited (9 touring pitches are proposed). The remaining vehicle movements would likely be by private car.
152. It is therefore considered unlikely that the development would harm highway safety. Nevertheless, there are concerns about the use of what was a field access and the retention of the trackways to provide access which would result in significant harm contrary to policy DMT3.

153. The application is not supported by a Travel Plan which is a requirement of policy T7 F. The development has the potential to generate a high number of vehicle movements and given the location of Sheldon and the frequency and distance to public transport options most, if not all, visitors would likely arrive by private car.
154. Policy T7 and the NPPF require development to encourage behavioural change and reduce the need to travel by car. There would be opportunities on this site for an operator to encourage backpack camping, walkers and cyclists and potentially offer shuttle services to Bakewell, Buxton or Matlock where there are bus and rail connections.
155. Therefore, as submitted the application does not include sufficient information to demonstrate how it would achieve a reduction in need to travel or reduce traffic movements contrary to policy T7 and the NPPF. The development would otherwise be located in an unsustainable location where visitors would be largely or wholly reliant on the private car.

#### Sustainable building and climate change

156. The application does not propose any sustainable building measures, microgeneration or other means of conserving energy or water consumption of the development. Policy CC1 requires all development to minimise the consumption of natural resources and maximise opportunities for the conservation of energy and water in order to mitigate the impacts of climate change.
157. It is noted that solar panels have been installed to the roof of ‘the old milking parlour’ however insufficient information has been included with the application to demonstrate that the development would comply with the requirements of policy CC1. As set out above there would be opportunities to promote sustainable travel along with appropriate drainage, and conservation of heat and energy by users of the holiday accommodation, catering and toilet / shower facilities.

#### Flood risk and drainage

158. The whole site is located within Flood Zone 1 which is the lowest probability of flooding. A flood risk assessment (FRA) has not been submitted contrary to the requirements of the NPPF and planning practice guidance. Nevertheless, no objection has been received from the Environment Agency (EA) in terms of flood risk or potential to increase flood risk elsewhere.
159. The application is also not supported by a drainage strategy for surface water or a sustainable urban drainage scheme (SUDs). Policy CC5 requires development to include adequate measures such as Sustainable Drainage Systems (SuDS). This reflects the requirements of the NPPF for major development to incorporate SuDS schemes.
160. The application proposes to dispose of foul drainage to septic tanks which have been installed without planning permission on the site. It is not clear how chemical waste from touring caravans would be disposed of as this cannot be disposed of to septic tanks.
161. The EA have objected to the application in regard to foul drainage. Private sewage treatment facilities (such as septic tanks) should only be used where it is not reasonable for a development to be connected to a public sewer, because of the greater risk of failures leading to pollution of the water environment posed by private sewerage systems compared to public sewerage systems.
162. The objection from the EA is supported by planning practice guidance which advises



that the first presumption must be to provide a system of foul drainage into a public sewer. In this case the foul sewer lies directly south and east of the site with potential for gravity feed.

163. In the absence of a satisfactory justification for the proposed use of the septic tanks and the lack of information on chemical toilets it is concluded that potential impacts from foul drainage would not be mitigated satisfactorily and would be likely to result in pollution of the water environment contrary to policy CC5 and DMC14 and the NPPF.

#### Whether the development is acceptable in all other respects

164. Concern has been raised in regard to the potential impact of the development upon the safety of local residents and the potential for the development to increase crime or perception of crime in the local area. The proposal is for holiday accommodation which, notwithstanding the concerns over scale and impacts, is generally acceptable and a large proportion of the economy of the National Park.
165. Holiday accommodation, glamping and caravan sites are therefore generally acceptable in the National Park and there is no evidence to indicate that occupants of such development contribute significantly to crime or otherwise harm the safety of permanent residents. These concerns are understood; however, it is therefore concluded that the development will not be harmful in these regards.
166. Finally, concern has been raised that approval of the development could set a precedent for similar developments in the local area. This application has been assessed on its own merits and must be considered against the particular characteristics of the site, its location and the scale and nature of the proposals. Any proposal for recreational development such as this would be site specific and on its own merits it is therefore considered that approval would not set a clear precedent for other development.

#### Planning history and previous appeal decisions

167. Concern has been raised about the retrospective nature of the development and the history of the site and other development carried out by the applicant without planning permission. The written ministerial statement dated 17.12.2015 made intentional unauthorised development a material consideration.
168. In this case it is clear that intentional unauthorised development has taken place on this site. This is capable of being a material consideration for the Authority to consider as set out in the ministerial statement. However, Officers have assessed the submitted application on its own merits and have given little weight to this matter.
169. There have been a number of planning applications, enforcement notices and appeals at this site. There are two planning appeals particularly relevant to the application as these relate to enforcement notices issued in relation to development proposed in the current application.
170. Enforcement Notice ref AJC/P.11157 dated 01 December 2008 and the subsequent appeal was in relation to the track. The appeal was dismissed and the notice (as varied) upheld. The reasons given by the Inspector are material considerations in the assessment of the current application.
171. In dismissing the appeal the Inspector stated: *“My attention was drawn to nearby accesses and I saw that narrow lanes are part of this rural area. However, in comparison the development would appear dissimilar because of its scale. I agree with the Authority that the track would be a scar on the landscape, and it would encroach on the countryside due to the track’s positioning and significant distance.”*

172. *“I note that trees have already been planted along the edge of the track, but due to the area's topography the development is visible from various vantage points and footpaths. The track's avenue-like appearance is alien to this open setting because of its obtrusive siting. I consider that landscaping would not overcome these serious planning objections, due to the scale of the scheme. And so the track would not appear as a simple limestone roadway. I find that the proposal would substantially alter the area's character, due to the urban appearance, built-form and layout of the track.”*
173. *“I find that the proposal's large scale would have a negative effect on the quality of this part of the CA. The development fails to satisfy Planning Policy Guidance Note 15: Planning and the Historic Environment and policy 26 of RSS8 because, the scheme would not protect the region's cultural heritage and it conflicts with Local Plan policy LC5. On this main issue, I conclude that the proposal would not preserve or enhance the character or appearance of Sheldon's CA.”*
174. Enforcement Notice ref 19/0218 dated 16 October 2020 and the subsequent appeal was in relation to excavations and building operations in relation to the proposed 2 units of new building holiday accommodation. The appeal was dismissed and the notice upheld. The reasons given by the Inspector are material considerations in the assessment of the current application.
175. *“The unauthorised development is substantial in scale and form, and has a crude and unfinished appearance. The development does not respond to the locally distinctive design details which characterise the adjacent host property, and in this sensitive location it detracts from the valued characteristics of the area. I recognise that a condition could be imposed to require the walls to be finished in natural materials. However, the walls are not complete, the building has no roof and its intended use is unknown. As constructed, facing the walls in traditional local materials would not overcome the incongruous appearance of this substantial and only partially constructed building.”*
176. *“I conclude that the development does not preserve or enhance the character and appearance of Sheldon CA and has a harmful effect on the character and appearance of the host property and the National Park. It causes less than substantial harm to the significance of the CA as a heritage asset. The harm is not outweighed by any public benefit, including any intended improvements to existing holiday accommodation. The development is therefore contrary to policies in the Framework as set out above, including those which seek to conserve and enhance the historic environment. In addition, the development conflicts with the development plan as a whole and in particular with Policies GSP1, GSP2, and GSP3 of the Peak District National Park Core Strategy Development Plan Document, 2011 which, amongst other things, seek to ensure that all development conserves and enhances the valued characteristics of the NP. I also find conflict with the design and heritage aims of Policies DMC3 and DMC8 of the adopted Peak District National Park Development Management Policies, May 2019.”*

## **Conclusion**

177. The application is major development within the National Park. Furthermore, there are number of elements including the proposed holiday accommodation and static caravans which are unacceptable in principle.
178. There is no overriding need for the development and approval or refusal of the development would not result in any significant impacts upon the local economy. The development would provide additional visitor accommodation and result in some benefits to the local economy. However, these benefits would not outweigh the harm identified to the landscape, biodiversity or the local area.

179. There is scope for appropriate camping and caravan development in appropriate locations in the National Park and outside of the National Park. The need to provide suitable visitor accommodation can be met in other ways such as through the conversion of heritage assets or camping and caravan sites of an appropriate scale and location.
180. The development, as set out in the report, would result in significant harm to the landscape and cultural heritage of the National Park and there is insufficient evidence to demonstrate that the development would deliver biodiversity enhancement and not harm protected species.
181. It is therefore concluded that there are no exceptional circumstances in this case to approve major development in the National Park which would also be contrary to a number of policies in the Local Plan and the NPPF. In the absence of other material considerations, the application is therefore recommended for refusal.

### **Human Rights**

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

### **List of Background Papers** (not previously published)

183. Nil

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