

11. FULL APPLICATION - FOR THE ERECTION OF AGRICULTURAL BUILDING AND RETENTION OF ACCESS TRACK AT THE FIRS WOOD MEADOW, FENNY BENTLEY (NP/DDD/1222/1611/GG)

APPLICANT: MISS DEBORAH COCKBAIN

Summary

1. The application seeks planning permission for the erection of an agricultural building and to retain the access track created on site.
2. The original application sought retrospective permission for a static caravan and a storage container; these have been deleted from the proposals as the static caravan and shipping container were advised to be inappropriate.
3. The Applicant was advised that, in principle, the provision of an appropriately sized building to support the agricultural business may be acceptable but needed to be of an appropriate design and materials.
4. Given the above, the Applicant has amended the planning application to seek planning permission for a building, with the static and caravan to be removed in a specified time (up to a year was suggested by the applicant).
5. The proposed justification and impact of the building has been assessed following re-consultation on the amended scheme. It is considered that the application fails to demonstrate that the proposed development is functionally required for agricultural purposes requiring a rural location.
6. In the absence of a justification the proposal would be an unwarranted intrusion and harm the character of the area contrary to relevant policies. The application is therefore recommended for refusal.

Site and surroundings

7. The application site is a 5.5 acre field near to Fenny Bentley. A stone boundary wall runs along the field boundary with the A515 Ashbourne-Buxton Road with intermittent trees set on the land at the back of the wall; the land is bounded by trees on all the other sides. A fence enclosure has been provided within the field.
8. The field is accessed directly off an established access point with cattle grid. From this there is a new hardcore track which is initially aligned by fencing up to a new field gate; the track runs west to east across the field. At the far side of the field, where the access track terminates, there is a static caravan and shipping container.

Proposal

9. The application proposes the erection of an agricultural building on the site to facilitate the establishment of a microgreens business on the land.
10. The applicant has indicated that the caravan and shipping contained would be removed from the land in the event that planning permission are granted. The proposed building would be 12.2m long by 6.1m wide and 3m to the eaves with a 15° pitched roof.
11. The Applicant has submitted a business plan with the application which gives some details of how the business would operate and expand. It is proposed to grow the microgreens alongside other possible income streams from cut flowers, fruit and

vegetables and free range eggs. It is also proposed to keep Kunekune pigs which will eat most of the waste product.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. The application does not demonstrate that the proposed development is functionally required for agricultural purposes requiring a rural location contrary to Core Strategy policy DS1 and Development Management Policy DME1. In the absence of an agricultural justification the proposed development would be an unwarranted intrusion into the open countryside and would harm the character and appearance of the area contrary to Core Strategy policies GSP3 and L1 and Development Management policy DMC3.**
- 2. Insufficient information has been submitted with the application to demonstrate that the development would not harm archaeology on the site contrary to Core Strategy policy L3, Development Management policy DMC5 and the National Planning Policy Framework.**

Key Issues

12. The key issues are:

- Whether the proposed development is acceptable in principle
- Impact upon the character and appearance of the site and the wider landscape
- Impact upon the amenities of nearby neighbouring properties
- Impact upon highway safety
- Impact on archaeology.

History

13. None relevant.

Consultations

14. Derbyshire County Council (Highway Authority) –

Initial submission

- application site is located on the A515, which is subject to a 40mph speed limit in the vicinity of the site access, increasing to 50mph beyond the access to the Northwest
- site is served via an existing vehicular/agricultural access which was in place prior to the implementation of the farm track/caravan/shipping container
- existing access is substandard in terms of emerging visibility in the South-easterly direction due to land outside of the applicants control
- understood the last use of the site was for agricultural pasture land, as such it is considered that the Microgreens Farm results in a significant increase in vehicle movements associated with the existing substandard access to the A515, in view of the associated deliveries and employees, etc. recommended the sites access is relocated in the northwest direction in order to provide a safe and suitable access which conforms with current guidance in regards to available emerging visibility
- submitted details also suggest that the site will be open to farm visits from the general public which would further increase traffic generated by the site, and also require the provision of adequate levels of off-street parking to accommodate this -

- recommended the applicant provides further details relating to the farm visits i.e. times and days of operation and the maximum number of visitors at any one time
- the concerns should be addressed by the applicant prior to determination of the application
- if recommended for approval, would welcome the opportunity to comment further, which could potentially include a recommendation of refusal to the proposals as submitted.

Further to Amendments

- on the basis that the storage container/track are in support of existing agricultural operations (Microgreens Farm) on the surrounding controlled agricultural land, it is not considered that the proposal would result in an intensification in vehicle movements associated with the site
- in order to maintain levels of emerging visibility, it is recommended that the existing vehicular access to the A515 is provided with maximum achievable visibility sightlines in both directions, extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, to the nearside carriageway edge
- noted on the updated business plan that no customers will be permitted on site - it assumed that this also includes the omission of the farm visits open to the general public as previously suggested and recommended that an appropriate condition is included in the consent to ensure customers/members of the public are not permitted to visit the site
- should be noted that in the event of any future development proposals associated with the site, which would result in an increase in traffic generated by the site, the Highway Authority would require improvements in terms of vehicular access to as outlined in the initial response.
- accordingly have no objections to the proposal subject to conditions.

15. Parish Council –

- proposed application is not ‘agricultural use’ therefore the application should reflect this change of use
- access from the site is on to the busy A515 and there is limited visibility from the southerly direction and to the north there are accidents on an almost daily basis from HGVs who clash wing mirrors
- a static caravan is not appropriate in this highly visible situation and on the edge of the village conservation area
- concerned about noise issues if this site is developed
- the development is completely inappropriate on this site and the proposals will have a harmful impact upon the character of the area
- question the implications if this business expands
- there is no electricity/water to the site
- business plan lists multiple ventures but lacks detail
- where will staff park?
- what will be the hours of operation?

Further to Amendments

- discussed this matter and numerous comments were received from members of the public
- Council felt that there was insufficient information available to make an informed decision on the application, particularly in respect of the following points:
- no information available about what the site is to be used for
- no justification for an agricultural building
- concerns raised about the previous application had not been answered

- what would the agricultural building be used for?
- no information on the design and appearance of the building and this does not comply with national and local policies
- the proposed building is not in keeping with the area
- there would be an impact on nature conservation and biodiversity, particularly as great crested newts (an endangered species) had been found nearby and were thought to have come from the fishing ponds on the site
- note that the track had been installed by the current owner and had not previously been in place
- in view of the above, the Parish Council felt that they could not support the application.

16. PDNPA Archaeologist –

- a 1989 aerial photograph transcription project identified a number of linear boundaries and a possible circular enclosure of unknown date or function, noting that the enclosure is towards the southern edge of the field
- locating a static caravan and a shipping container in this field, assuming they are sat on the ground surface and required no ground disturbance to install should not present any risk to the archaeological interest of the site
- the groundworks required for the construction of the track (the track bed itself, the cattle grid, any drainage etc.) could have archaeological implications but there is currently insufficient information available to understand the nature, extent and level of significance of these features and whether they should be considered heritage assets - this would usually require the submission of an archaeological desk based assessment in accordance with the requirements of NPPF para.194.
- note that this is a retrospective application - if the works to create the track have already been undertaken then it could have resulted in harm to archaeological features and deposit, the nature and significance of which cannot be assessed at this
- further works and development at the site should not take place without consent and the necessary archaeological assessment to understand the archaeological implications
- should the works to the track not be completed, then the application requires a desk based assessment to be submitted before it can be determined and be carried out by a suitable qualified archaeologists to the standards and guidance of Chartered Institute for Archaeologists
- possible that following the desk based assessment, further archaeological assessment may be required, either prior to determination or as a condition of consent.

Representations

17. During the publicity period, the Authority received four representations objecting to the proposals. The following reasons are given in the relevant representations:

- objection on the grounds of road safety issues, crime fears, design of the development and impact on the landscape
- application states that it does not require change of use but the business plan clearly proposes an artificial urban crop method which is not agricultural because no use of land itself is required
- do not believe that the business plan has any merit and appears to be a veiled attempt to secure residential permissions for the site
- poor site management
- within the wood there is a derelict caravan and 4 wheel drive creating an eyesore.

Further to Amendments

A further representation received objecting to the proposals as follows:

- latest application is again lacking in any detail
- no description of the materials used for the construction of the barn and how this will be in keeping with the peak national park
- none of the previous concerns associated with the original planning application have been addressed with the latest planning application
- what will be the power source for the business?
- where will the water come from for the business? What are the operational hours of the business?
- site of the agricultural barn is close to residential housing - how will the residential amenity be preserved?
- has been no attempt to farm the land on this site since the static caravan and container were originally placed on site - what is the justification for a barn of this size when there is no farming activity?
- what is the justification for a barn of this size given the size of the plot of land?
- dimensions of the proposed barn look to be of similar size to the static caravan that is already on site and have noted that it is 40 feet in length, with a 15 degree roof angle/pitch and most static caravans share similar dimensions - have the Planning Authority considered this?
- what will happen to the touring caravan that is still sited in the woods?
- a number of villagers reported that someone was staying overnight in one of the caravans last year and believe this was also reported to the Planning Authority at the time
- what will happen to all the other vehicles on the site that have been dumped?
- there is one vehicle parked in front of the static caravan, one attached to the touring caravan in the woods and there is another vehicle parked between the static caravan and the woods - none of the vehicles have moved in the last year and would appear that they have been dumped
- the planning application does not include a protected species survey - there has been evidence of badgers spotted in the woods (have trail cam footage if required) and also a great crested newt recorded in the nearby area to the site.

Main Policies

18. Relevant Core Strategy policies: DS1, GSP1, GSP2, GSP3, CC1, CC5, L1, L3 & E2

19. Relevant Local Plan policies: DMC3, DMC4, DMC5 & DME2

Wider Policy Context

20. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales:

- Conserve and enhance the natural beauty, wildlife and cultural heritage
- Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public
- When national parks carry out these purposes they also have the duty to:
- Seek to foster the economic and social well-being of local communities within the national parks.

National Planning Policy Framework

21. 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 the NPPF.
22. Paragraph 182 of the NPPF states that '*great weight should be given to conserving and enhancing 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 these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in all these areas, and should be given great weight in National Parks and the Broads.*'

Peak District National Park Core Strategy

23. DS1 - *Development Strategy*. This sets out what forms of development are acceptable in principle within the National Park.
24. GSP1 & GSP2 - *Securing National Park Purposes and Sustainable Development & Enhancing the National Park*. These policies set out the broad strategy for achieving the National Park's objectives, and jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park's landscape and its natural and heritage.
25. GSP3 - *Development Management Principles*. This states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
26. CC1 – *Climate change mitigation and adaptation*. CC1 requires all development to make the most efficient and sustainable use of land, buildings and natural resources to achieve the highest possible standards of carbon reductions.
27. L1 - *Landscape character and valued characteristics*. This states that all development must conserve and enhance valued landscape character and valued characteristics.
28. L2 - *Sites of biodiversity or geo-diversity importance*. This states that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting and, other than in exceptional circumstances, development will not be permitted where it is likely to have an adverse impact on any sites, features or species of biodiversity importance, or their setting, that have statutory designation or are of international or national importance for their biodiversity.
29. L3 - *Cultural heritage assets of archaeological, architectural, artistic or historic significance*. This states that development must conserve and where appropriate enhance or reveal the significance of architectural or historic assets and their settings.
30. E2 – *Businesses in the Countryside*. This advises that proposals for business development in the countryside outside the Natural Zone and the named settlements in Policy DS1, advises that business use in an isolated new building in the open countryside will not be permitted and proposals to accommodate growth and intensification of existing businesses will be considered carefully in terms of their impact on the appearance and character of landscapes.

Local Plan Development Management Policies

31. DMC3 - *Siting, design, layout and landscaping*. This states that where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place.
32. DMC4 – *Settlement limits*. DMC4 (B) states that development that is separated from existing settlements will not be permitted as it is likely to result in pressure to infill intervening gaps.
33. DMC5 - *Assessing the impact of development on designated and non-designated heritage assets and their settings*. This states that planning applications for development affecting a heritage asset, including its setting, must clearly demonstrate:
 - (i) its significance including how any identified features of value will be conserved and where possible enhanced; and
 - (ii) why the proposed development and related works are desirable or necessary.
34. DME1 – *Agricultural or forestry operated development*. This advises that new agricultural buildings, structures and associated working spaces or other development will be permitted provided it is demonstrated to the Authority's satisfaction that the building at the scale proposed is functionally required for that purpose. In addition, it advises that such development shall not be in isolated locations, requiring obtrusive access tracks, roads or services and respect the design, scale, mass and colouring of existing buildings and building traditions characteristic of the area. In this respect, the development should reflect this as far as possible in their own design and avoid adverse effects on the area's valued characteristics, including important local views and making use of the least obtrusive or otherwise damaging possible location.

Supplementary Planning Guidance

35. The PDNPA *Agricultural Developments in the Peak District National Park* seeks to support the positive contribution farming makes to the special qualities of the Peak District and offer guidance on the most appropriate ways for future development, particularly with regard to new agricultural buildings.

Assessment

Principle

36. Policy DS1 states that in settlements and in the countryside agricultural development requiring a rural location is acceptable in principle. Policy DME1 provides detailed policy and requires applications to demonstrate that development is functionally required for agriculture.
37. If justified agricultural development must be located close to the farmstead and in all cases makes best use of existing buildings, trees walls or other landscape features, not be in isolated locations and respect the design of existing buildings and traditions as far as possible and avoid harm to the landscape.

Agricultural justification

38. The Applicant states that they have a business plan to produce microgreens for local and national suppliers and that various other farming activities will be carried out. Microgreens are vegetable greens harvested just after the cotyledon leaves have developed with one set of true leaves. They are used as a visual, flavour and texture enhancement to foods.
39. The Applicant advises that microgreens require either large amounts of natural sunlight or intensive artificial lighting indoors - this would normally be a greenhouse or polytunnel with separation, heat, humidity, light and water controlled hourly. The Applicant initially claimed to be using the static caravan for this process. The Applicant has also claimed to be using the shipping container to grow microgreens. However, following a site visit neither structure appears to be used for that purpose and there does not appear to be any agricultural activity on the wider site.
40. There does not appear therefore to be an existing agricultural business operated on the site. Based upon the information submitted the growing of microgreens would take place entirely within the proposed building with the use of artificial lighting. Therefore, there does not appear to be a justification for why the proposed development would need to take place in a rural location.
41. The submitted application indicates that the land at the site would allow the business to expand. There are no details of what development this could entail, however, if further development related to growing of microgreens then this may require additional buildings to facilitate this through intensive production. Nevertheless, any application for buildings in the future would be assessed on their own merits.
42. The application refers to other agricultural activities but contains limited information on why a building of the proposed scale is required in this location. On the basis of the information provided it is concluded that the application does not demonstrate an agricultural justification for the development. In the absence of this the development would represent unwarranted encroachment into the countryside contrary to the aims of policies DS1 and DME1.

Character and appearance

43. The contained and caravan on site appear to have been erected and sited respectively without the benefit of planning permission. Vehicles also appear to be stored on the land. The track has also been installed without the benefit of planning permission. Prior to the unauthorised development on the site, the land was essentially a field and likely part of a wider holding.
44. The application proposes to retain the access track which without justification would have an unnecessary visual impact in an otherwise open field. The Applicant advised that they have over sown the track with grass seed but no significant growth was seen during a recent site visit. In addition, if a hard surfaced access is required, there appears to be no reason for it to be as wide as currently provided.
45. The proposed building would be sited to the rear and in the corner of the field. There is very limited information provided on the proposed materials or finishes for the building. However, subject to an appropriate colour finish there would be a limited visual and landscape impact. Nevertheless, without a justification the proposal would be an unwarranted intrusion in the landscape and result in a degree of harm contrary to policies GSP3 and DME1.

Amenity

46. Given the location of the building, and distance to neighbouring properties the development would be unlikely to harm the residential amenity of any neighbouring property or neighbouring land use.

Highway Safety

47. Concern has been raised that the access is not safe for a commercial enterprise. The initial development proposals included visitors, employees, customers, deliveries, volunteers, children and animal transport coming to the site. This was also considered to add a considerable risk to the houses opposite, where the driveway is immediately opposite the field entrance.
48. The Local Highway Authority raised similar concerns but the Applicant has since amended the nature and scale of the operations. To this end, the Local Highway Authority has advised of no objection to agricultural operations subject to conditions relating to the access.

Ecology

49. It has been advised that badgers and great crested newts are in the area. The proposed development would not affect any trees nor be a type of development or sited in a location which would normally require protected species survey. The Authority's Ecologist has been consulted and no objection has been received to date.
50. Therefore, on the basis of the information provided there is no evidence to suggest that the development would harm protected species or their habitat. The development would not harm any designated sites.
51. At the time of the submission of the planning application, there was no statutory requirement for development to achieve a net gain in biodiversity.

Archaeology

52. The Authority's Archaeologist has advised that there should have been the submission of an archaeological desk based assessment in accordance with the requirements of NPPF para.194. However, it is noted that this is a retrospective application and that works to create the track could have resulted in harm to archaeological features, the nature and significance of which cannot be assessed at this stage.
53. It is advised that further works and development at the site should not take place without the necessary archaeological assessment to understand the archaeological implications. The purpose of a desk based assessment is to gain an understanding of the historic environment resource, and the archaeological sensitivity of a site, in order to formulate as required:
- an assessment of the potential for heritage assets to survive within the area of study;
 - an assessment of the significance of the known or predicted heritage assets;
 - strategies for further evaluation (intrusive and non-intrusive) where the nature, extent or significance of the resource is not sufficiently well defined;
 - an assessment of the impact of proposed development or other land use changes on the significance of the heritage assets and their settings;
 - strategies to conserve the significance of heritage assets, and their settings (CIfA 2020).

It is advised that this assessment needs to be carried out prior to determination or as a condition of any planning permission. Given the concerns about the principle of the proposal, archaeological assessments have not been requested at this stage.

Sustainability

54. The applicant has advised of various measures to seek to reduce the carbon footprint attributed to the development. However, as these are not made specifically to the revised development proposal, it is considered reasonable that if permission were granted a condition be attached to require details to be submitted and approved to meet the requirements of Policy CC1 of the Core strategy and guidance contained in the Climate Change and Sustainable Building Supplementary Planning Document.

Comments on matters raised

55. There have been several matters raised with regard to the mobile home, caravan, container and vehicles parked on the site. These do not form part of the planning application and would be separate matters to be assessed and addressed through the planning enforcement process.

Conclusion

56. In the absence of clear proposals for the use of the field there is no agricultural justification for the erection of an agricultural building in this location for the purpose of microgreens production. The proposed building and access track without justification would be unwarranted development that would harm the character and appearance of the area and the landscape.
57. The proposed development is therefore considered to be contrary to relevant policies in the development plan. In the absence of any further material considerations the application is recommended for refusal.

Human Rights

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

List of Background Papers (not previously published)

Nil

Report Author and Job Title

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