

**6. FULL APPLICATION – PROPOSED AGRICULTURAL BARN FOR BEE-KEEPING AT SWALLOWS NEST BARN, THE EDGE, EYAM, (NP/DDD/0724/0738, CB)**

**APPLICANT: MR & MRS STANTON**

**Summary**

1. Proposed erection of a single storey dual pitched building to be used for the extraction and processing of honey.
2. Beekeeping is agriculture for planning purposes and the use of land for agriculture is not development. However, the extraction and processing of honey is not, in itself, an agricultural activity and is considered to be a manufacturing process.
3. The building would not be ancillary to the agricultural use given its scale and the extent of the area which the hives are located.
4. Core Strategy policy E2 makes clear that business use in an isolated new building in the open countryside will not be permitted. The proposed building is for a business use in an isolated new building in the open countryside. The proposal is therefore harmful to policy E2.
5. The location, scale and design of the proposed building is harmful to the setting of the curtilage barn and kitchen garden wall as heritage assets and is therefore contrary to DMC5.
6. The proposal does not conserve and enhance the designated Eyam Conservation Area as required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is therefore contrary to policy DMC8.
7. The application is therefore recommended for refusal.

**Site and Surroundings**

8. The site is located to the north of the village of Eyam. Access to the site is via a track from Edge Road. The site sits below and is set back a distance from the road. The site is visible from views along Edge Road.
9. The site is outside the curtilage of 'Swallows Nest Barn' on land in agricultural use in the open countryside.
10. An existing unauthorised building, used to run the Hope Valley Honey operations, is sited on the land in the location proposed for the new building.
11. 'Swallows Nest Barn' is a former garden outbuilding to 'The Firs' which has been converted to a two-bedroom market dwelling following the grant of planning permission at Planning Committee in 2013.
12. 'Swallows Nest Barn' is a traditional two storey building constructed from coursed gritstone under pitched roofs clad with natural stone slate. The building straddles the northern wall of the walled garden of 'The Firs'.
13. 'Swallows Nest Barn' is listed by virtue of being within the curtilage of 'The Firs' and was in ancillary use at the time 'The Firs' was Grade II listed in 1984. The wall of the walled garden is also curtilage listed. The site is also within the designated Eyam Conservation Area.

14. There are no close neighbouring properties which are considered to be directly affected by the proposed development, given the location of the site and the intervening distance.

### **Proposal**

15. The demolition of the existing building. The existing building does not appear to have planning permission. Further, due to the change in the character of the agricultural land to a business use, the current use of the site appears to constitute an unauthorised material change of use of the land.
16. Planning permission is sought for the erection of a larger building on the site. The proposed building is to be a portal framed building with a dual pitched roof. The height to the ridge is to be 4m, the height to the eaves is to be 2.5m. the building is to be 9m in length by 5m in width with a footprint of 45sqm. The building would be clad in timber Yorkshire boarding with metal sheeting for the roof.
17. The proposed building would be used for the collection and processing of honey from other land where hives are located and as a base for the business. The building would comprise an extraction area, jarring and sanitising area, storage area for jarred honey, office space, an area to fabricate wax candles, a workshop area, a storage area for business and agricultural equipment.
18. The proposed building would therefore not be used for the breeding and keeping of livestock or any creature kept for the production of food.
19. As planning permission is sought for the erection of a building for the business, the application also seeks de facto permission for the change of use of the land from agricultural to a use falling within Class E; Commercial, Business and Service.

### **RECOMMENDATION:**

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

1. **The proposed building is for a business use in an isolated new building in the open countryside. The proposal is therefore contrary to Core Strategy Policies GSP1, GSP2, GSP3, E2 and Local Plan policy DME5.**
2. **The location, scale and design of the proposed building is harmful to the setting of the curtilage barn and kitchen garden wall as heritage assets and is contrary to Local Plan policies DMC3 and DMC5 and Paragraph 209 of the NPPF. The proposal does not conserve and enhance the designated Eyam Conservation Area as required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is therefore contrary to policy DMC8 and Paragraph 208 of the NPPF.**

### **Key Issues**

- The principle of the development.
- Siting, scale, design and materials
- Impact upon cultural heritage.
- Impact upon landscape

- Impact upon neighbouring amenity
- Sustainability
- Highways and parking
- Impact upon ecology

### **Planning History**

2013 - NP/DDD/1112/1177 - Proposed change of use of agricultural barn to domestic dwelling - Granted Conditionally at Planning Committee.

2013 - NP/DDD/1112/1178 - Listed Building Consent; Proposed change of use of agricultural barn to domestic dwelling - Granted Conditionally at Planning Committee.

2014 - NP/DDD/0514/0533 - Extension to converted barn – Refused

2017 - NP/DDD/0617/0618 - Proposed single storey domestic extension - Granted Conditionally.

2017 - NP/DDD/0617/0619 - Listed Building Consent; Proposed single storey domestic extension - Granted Conditionally.

2019 - NP/DDD/0319/0230 - Proposed single storey domestic extension – Refused.

2019 - NP/DDD/0319/0231 - Listed Building Consent; Proposed single storey domestic extension - Refused

### **Enforcement History**

2015 - 15/0062 - Unauthorised outbuilding and flue - Status: Open

### **Consultations**

Eyam Parish Council - No response

Derbyshire Dales District Council (Environmental Health) – *‘no objections, subject to the applicant meeting all the requirement under food safety legislation and that the building is insulated commensurate with the equipment required for the process to ensure minimisation of noise nuisance to neighbouring premises.’*

Derbyshire Dales District Council (Planning) - No response

DCC Highway Authority - No comments

PDNPA Ecology - See comments below

PDNPA Built Environment - See comments below.

PDNPA Landscape - See comments below

### **Representations**

20 There have been 16 representations in support of the application. The material planning reasons given are summarised below:

- I. the proposed building is in-keeping and sympathetic to the local area
- II. the business is sustainable and environmentally friendly
- III. it is a family run business which serves the local community
- IV. the proposed building is needed for Food Standard Agency requirements

### **Main Policies**

- 21 Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, CC1, DS1, L3, E2, L1 and L3.
- 22 Relevant Local Plan policies: DM1, DMC3, DMC5, DMC8, DME1, DME5, DMT3.

### **National Planning Policy Framework**

- 23 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 with regard to the issues that are raised.
- 24 Para 137 states design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.
- 25 Para 182 states 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 these areas, and should be given great weight in National Parks and the Broads
- 26 Para 208. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 27 Para 209. The effect of an application on the significance of a non-designated heritage asset should be taken into account 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.

### **Supplementary Planning Guidance**

- 28 The PDNPA Design Guide refers to the principles of good design and designing in harmony with the local building tradition. However, this must only be applied where a development is otherwise justified by other policy criteria.

- 29 The PDNPA Climate Change and Sustainable Building Supplementary Planning Document advises that regard should be given to how well the proposal integrates with its surroundings and whether it would have appreciable adverse impacts on landscape, cultural heritage assets or other valued characteristics. It adds that, if the proposal is considered to compromise valued characteristics, then the application should be refused.

## **Assessment**

### **Principle**

- 30 Beekeeping is agriculture for planning purposes and the use of land for agriculture is not development. However, the extraction and processing of honey is not, in itself, an agricultural activity and is considered to be a manufacturing process.
- 31 As the building is not being used for agricultural purposes, Development Management Policy DME1 relating to agricultural development does not apply. The business is operating from a residential dwelling. Given this, Policy DME2 relating to farm diversification does not apply.
- 32 Core Strategy Policy E2 and Development Management Policy DME5 of the Development Management Policy (2019) set out the policy principles for businesses in the countryside, directing economic development to existing buildings in smaller settlements, farmsteads and groups of buildings in sustainable locations.
- 33 These policies make clear that business use in an isolated new building in the open countryside will not be permitted.
- 34 As the proposal is for a business use, in a new building, in the open countryside, the proposal is contrary to Policy E2 and DME5. Given this, the principle of development has not been established.

### **Siting, scale, design and materials**

#### *Siting*

- 35 The new building is located outside the curtilage of 'Swallows Nest Barn' and to its east in the open countryside. It is located in an isolated position and separate to the existing building group. As such, the building is considered to be poorly related to the built form in the vicinity.
- 36 Given the degree of separation from other buildings and the degree of separation between the site and the village of Eyam beyond, the building is considered to be poorly located.

#### *Scale, design and materials*

- 37 The proposed building is to be a portal framed building with a dual pitched roof and with a rectangular form. The height to the ridge is to be 4m, the height to the eaves is to be 2.5m. The building is to be 9m in length by 5m in width, with a footprint of 45sqm. The building would be substantial in size, when compared to the existing building on the site, with a much larger footprint of 45sqm, when compared to the footprint of the existing building, which is 8.75sqm.
- 38 The main view towards the building is from the driveway approach down towards the dwelling. This would increase the overall prominence, visibility and the perceived scale of the building. The building would also be visible from public vantage points along the

public highway and in views from the east of the site.

- 39 As a result of the significant size of the building in this location, the scale, massing and prominence of the proposed building is considered not to be appropriate.
- 40 In regard to the materials to be used, the building would be clad in timber Yorkshire boarding with metal sheeting for the roof rather than being constructed in stone and slate to match the established local building tradition.
- 41 The building is considered not to be sited in a sustainable location. The siting, scale and design is considered not to conserve and enhance the valued characteristics of the National Park. Therefore, the proposal does not accord with Policies GSP2, GSP3 and DMC3.

#### Impact upon cultural heritage.

##### *Impact upon curtilage listed structures*

- 42 'Swallows Nest Barn' and the garden wall contribute towards the significance of the primary listed building, 'The Firs', and both structures are curtilage listed.
- 43 The PDNPA Built Heritage Team have been consulted on the application. The Conservation Officer's consultation response advises; '*When considering the impact of development on curtilage listed buildings, the key consideration is the contribution the curtilage listed structure makes towards the significance of the primary listed building.*'
- 44 With regard to the impact on the primary listed building, 'The Firs', the Conservation Officer's consultation response advises; '*The impact of the proposed building on The Firs is likely to be so minor as to be negligible.*'
- 45 Given this, the proposal accords with Policy DMC7 in regard to the impact on 'The Firs'. However, the curtilage listed structures are also considered to be non-designated heritage assets due to their age and architectural style.
- 46 In accordance with Policy DMC5, assessing the impact of the development on non-designated heritage assets and their settings, the application fails to provide adequate or accurate detailed information to show the effect of the development on the significance, character and appearance of the non-designated heritage assets and their setting.
- 47 The application does not put forward how any identified features of value will be conserved and where possible enhanced and why the proposed development and related works are desirable or necessary.
- 48 On balance, taking into account the significance of the heritage assets and in the absence the required information, the proposal is contrary to Policy DMC5.

##### *Impact upon the Conservation Area*

- 49 With regard to the impact on the Conservation Area, the Conservation Officer's consultation response advises;
- 50 '*There would be a small negative, localised impact on the conservation area, as the development would further encroach into open meadow and increase the impact of the converted barn. The impact would be less than substantial harm, but at the lower end.*'
- 51 Any harm to, or loss of, the significance of a designated heritage asset, including

conservation areas, should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal in accordance with DMC5. The application should be refused, unless outweighed by the public benefits arising from the scheme.

- 52 As the proposal harms the Conservation Area, it does not preserve or enhance it, as required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Further, no clear and convincing justification for the harm to the conservation area has been provided. No public benefits of the proposal have been put forward by the application to justify the less than substantial harm that would be created by the proposal.
- 53 The availability of locally produced honey and associated products to the general public via local business outlets would however provide some small public benefit but not enough to outweigh the harm identified to the landscape and the setting of the designated heritage assets, to which greater weight has to be attached in accordance with national and local policies.
- 54 Therefore, in the absence of the required information, the proposal is contrary to policy DMC5 and DMC8.

#### Impact upon landscape

- 55 The application site is located in the Slopes and Valleys with Woodland LCT in the White Peak LCA. This is a pastoral landscape with interlocking blocks of ancient and secondary woodland. On the tops of steeper slopes gritstone edges with boulder slopes below are a prominent feature and there are patches of semi-improved and acid grasslands with bracken on steeper slopes.
- 56 Its key characteristics include:
- A steeply sloping landform with gritstone edges characterising the tops of steeper slopes
  - Patches and extensive areas of semi-improved and acid grasslands with patches of bracken and gorse. Irregular blocks of ancient and secondary woodland. Permanent pasture in small fields enclosed by hedges and gritstone walls
  - Narrow winding, often sunken lanes
  - Scattered gritstone farmsteads and loose clusters of dwellings
- 57 The PDNPA Landscape Team have been consulted on the application and have stated they do not have significant concerns with this application. However, it is requested that:
- 58 *'Some small tree species (field maple, rowan etc) included as part of the planted area (rather than just hawthorn). (Given the planted area is located in a pastoral field, I would like to see a post and wire fence around the planted area to protect it from grazing.*
- 59 *This should be shown on a landscape plan that shows tree / shrub sizes, location, number plus establishment maintenance – and the location and spec of stock protection fencing. This could be conditioned.'*
- 60 Given these comments, the proposal is considered to be in accordance with GSP1, GSP2 and L1.

### Impact upon neighbouring amenity

- 61 In regard to the impact on residential amenity, the nearest residential property is 'The Firs' situated approximately 35m to the south of the site.
- 62 Given the sufficient separation distance and the proposed use of the building, the amenity of this property would not be unduly affected by the proposed building, with regard to lack of privacy, overlooking, overbearing, noise or disturbance issues, over and beyond the current situation.

### Sustainability

- 63 The Sustainability Statement provided as part of the application refers to measures incorporated into the design of the building that will reduce the need for energy and use energy efficiently.
- 64 Natural construction materials are proposed which can be re-used. Discarded materials are to be recycled where appropriate.
- 65 These measures are proportionate to the scale of the development proposed and the requirements of policy CC1 are considered to be met.

### Highways and parking

- 66 The Highway Authority have raised no objections to the application. As such, there are no concerns regarding parking provision or highway safety in respect of the proposed development.
- 67 The proposal is therefore considered to be in accordance with policy DMT3.

### Impact upon ecology

- 68 The PDNPA Ecology Team have been consulted on the application and have commented that in regard to biodiversity net gain;
- 69 *'The proposed habitat creation will create an increase of 0.01 habitat units (10% net gain). The areas of habitat creation or enhancement are not considered significant in area relative to the size of the development; therefore, in this case, it is considered proportionate to secure the proposed habitat creation as detailed within the accompanying metric and summarised above, by condition only. A monitoring report with photographs should be submitted to the PDNPA on an annual basis for 10 years which is the standard time to target condition.'*
- 70 Subject to appropriate planning conditions the proposal would have been otherwise acceptable and is considered to deliver the mandatory biodiversity net gain.

### Conclusion

- 71 It is clear that Hope Valley Honey is a successful business and requires an increased scale of operation. It is anticipated that further growth and intensification in the future would have a greater impact on the landscape. In this instance, the business should consider moving to a more sustainable location in an appropriate town or village.
- 72 The proposed building is for a business use in an isolated new building in the open countryside. The proposal is therefore harmful to Core Strategy Policies GSP1, GSP2, GSP3, E2 and Local Plan policy DME5.



73 The location, scale and design of the proposed building is harmful to the non-designated heritage assets and is contrary to Local Plan policies DMC3 and DMC5 and Paragraph 209 of the NPPF. The proposal does not conserve and enhance the designated Eyam Conservation Area as required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is therefore contrary to policy DMC8 and Paragraph 208 of the NPPF.

74 The application is therefore 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

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