

9. FULL APPLICATION - FOR RETROSPECTIVE CHANGE OF USE OF A TRACTOR SHED/WORKSHOP TO A COMMERCIAL GARAGE AND USE OF SOME OF THE CONCRETE FARMYARD FOR PARKING AT BROADHAM FARM, REAPSMOOR, LONGNOR (NP/SM/1224/1409/GG)

APPLICANT: MR. MARK LONGSON

Summary

1. The application is for the retrospective change of use of a tractor shed/workshop to a commercial garage and the use of part of the farmyard for the parking of clients' vehicles.
2. The proposed use is contrary in principle due to the location of the site in open countryside away from any named settlement. There is no evidence that the development is required for farm diversification.
3. The application is recommended for refusal.

Site and Surroundings

4. Broadham Farm is located in open countryside off the B5053 road between Warslow and Longnor. The immediate local area is the spread out hamlet of Reapsmoor set within an open countryside landscape defined as the South West Peak Character Type.
5. The site can be accessed by vehicle from the existing farm access points off the B5053 and Moor Road. The application site is a garage/tractor shed set contextually to the farmhouse and agricultural buildings.

Proposal

6. Retention of the use of an agricultural building as a vehicle repair and maintenance workshop for cars, agricultural machinery, plant and smaller items such as garden machinery.

RECOMMENDATION:

That the application be REFUSED for the following reason:

1. **The site is in open countryside where the visitors to the site would be reliant upon the private car. The proposed use would not be farm diversification or required to support land management and therefore would represent an unsustainable form of development in this location contrary to Core Strategy policies DS1 and E2.**

Key Issues

- whether the proposal is acceptable in principle in this location;
- whether the proposal has a detrimental effect on the character and appearance of the site and its setting, or the wider landscape setting within which it sits;
- ecology and biodiversity impacts; and
- whether the proposal would harm the amenities of nearby neighbouring properties.

History

None relevant

Consultations

7. Staffordshire County Council (Highway Authority):

- main access is off B5053 where visibility is restricted
- current records show that there were no personal injury collisions on B5053 within 215m either side of the property access in the previous five years
- a mirror is placed on the opposite side of the road, which are not approved for use on the highway and should not be relied upon, and shows the owners acknowledge a visibility issue and have taken steps to address the issue
- hedge on the B5053 is kept maintained and visibility could be improved by further reducing the height of the hedge to no greater than 900mm for 160m to the north (to the junction with Moor Road) and 215m to the south
- request a condition that visibility splays of 2.4m x 160m to the north and 2.4m x 215m to the south shall be provided and kept free of all obstructions to visibility over a height of 900 mm above the adjacent carriageway level.

8. Fawfieldhead Parish Council:

- Majority of the PC members support the application as the garage provides a valuable service for the local community, and in addition local employment.

9. Environmental Health Department (Staffordshire Moorlands District Council)

- Noise – Operation/ Delivery Times (Condition)
- Plant and Machinery/ Operational Noise (Condition)
- Artificial Lighting – (Condition)
- Oil Interceptor – (Condition)
- Asbestos - a demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition/renovation of the existing buildings
- Nuisance - there is no record of any validated complaint against this premises in the previous 6 years to application
- granting of planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of part III of the Environmental Protection Act 1990 be received.

Representations

10. To date the Authority has received 15 representations supporting the proposal. The following reasons are given:

- Applicant is a hardworking and valuable mechanic to the local area
- proposed change would make for a more modern and efficient workshop helping the business he is trying to run to support his family
- garage provides employment for a family in a rural location
- great demand for this sort of business and great addition to the area
- local residents in Longnor, Warslow and the surrounding area find it beneficial to have a commercial garage and repair shop situated close to where they live
- offers a sustainable alternative to people having to travel to Leek, Buxton or Ashbourne to get their vehicle repaired
- very much needed and valued local service
- people not having to travel for what they need and not adding to the carbon footprint of the area
- low environmental impact using a redundant shed
- any visual impact would be minimal

- no adverse effect in the landscape
- may also provide work for local people.

Main Policies

11. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, CC1, E2 & T1
12. Relevant Local Plan policies: DM1, DMC3, DMC13, DMC14, DME2 and DME8

Wider Policy Context

13. 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

14. 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.
15. Paragraph 88 of the NPPF states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new building and the development and diversification of agricultural and other land-based rural businesses.
16. Paragraph 89 states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances, it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
17. Paragraph 189 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.
18. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Peak District National Park Core Strategy

19. 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
20. 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.
21. DS1 - *Development Strategy*. This sets out what forms of development are acceptable in principle within the National Park.
22. CC1 – *Climate change mitigation and adaptation*. This 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.
23. L1 - *Landscape character and valued characteristics*. This states that all development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.
24. L2 - *Sites of biodiversity or geodiversity importance*: This states that development must conserve and enhance any features or species of biodiversity importance and, where appropriate, their setting. It also advises that, other than in exceptional circumstances, development will not be permitted where it is likely to have an adverse impact on any features or species of biodiversity importance.
25. E2 – *Business in the countryside*: This states that businesses in the countryside should be located in existing traditional buildings of historic or vernacular merit in smaller settlements, on farmsteads, and in groups of buildings in sustainable locations. However, where no suitable traditional building exists, the reuse of modern buildings may be acceptable provided that there is no scope for further enhancement through a more appropriate replacement building. It also advises, on farmsteads, that small scale business development will be permitted provided that it supports an existing agricultural use.

Local Plan Development Management Policies

26. DM1 - *The presumption of sustainable development in the context of National Park purposes*: This advises that, when considering development proposals, the National Park Authority will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework
27. 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.

28. DMC11 - *Safeguarding, recording and enhancing nature conservation interests*: This advises that proposals should aim to achieve net gains to biodiversity as a result of development. In considering whether a proposal conserves and enhances sites, features or species of wildlife, all reasonable measures must be taken to avoid net loss by demonstrating that, in the below order of priority, the following matters have been taken into consideration:

- (i) enhancement proportionate to the development;
- (ii) adverse effects have been avoided;....
- (iv) appropriate mitigation; and
- (v) in rare cases, as a last resort, compensation measures to offset loss.

Details of appropriate safeguards and enhancement measures for a site, feature or species of nature conservation importance, which could be affected by the development, must be provided in line with the Biodiversity Action Plan.

29. DMC12 - *Sites, features or species of wildlife, geological or geomorphological importance*: This advises that development will only be permitted where significant harm to protected species can be avoided and the conservation status of the population of the species or habitat concerned is maintained or the need for, and the benefits of, the development in that location clearly outweigh any adverse effect.

30. DMC13 - *Protecting trees, woodland or other landscape features put at risk by development*: This advises that hedgerows which positively contribute to the visual amenity or biodiversity of the location will be protected and, other than in exceptional circumstances, development involving loss of these features will not be permitted.

31. DMC14 – *Pollution and disturbance*: This advises that development that presents a risk of pollution, disturbance or odour that could adversely affect the amenity of neighbours and neighbouring uses will not be permitted.

32. DME2 – *Farm diversification*: This advises that development will be permitted if there is clear evidence that the new business use will remain ancillary to the agricultural operation of the farm business, meaning that the new business use is a subsidiary or secondary use or operation associated with the agricultural unit

33. DME8 - *Design, layout and neighbourliness of employment sites including haulage depots*: This advises, where development for employment purposes is acceptable in principle, it will only be permitted where every practicable means is used to minimise any adverse effects on the valued characteristics and amenity of the surrounding area. This includes visibility from vantage points, site access, vehicular circulation, parking and the storage of vehicles or other equipment and landscaping and other screening and noise and proposed times of operation. Where necessary, planning conditions will restrict future growth and intensity of the activities on site.

Supplementary Planning Guidance

34. 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. The PDNPA Climate Change and Sustainable Building Supplementary Planning Document advises on means by which new development should seek to mitigate its carbon footprint.

Assessment

Principle of the development

35. The site is located in open countryside and not within a named settlement for the purposes of policy DS1. Therefore, the relevant policy for the consideration of this application development is Policy E2. This states that proposals for business development in the countryside must take account of the following principles (Officer emphasis):
- A. Businesses should be located in existing traditional buildings of historic or vernacular merit in smaller settlements, on farmsteads, and in groups of buildings in **sustainable locations**. However where no suitable traditional building exists, the reuse of modern buildings may be acceptable provided that there is no scope for further enhancement through a more appropriate replacement building.*
- B. On farmsteads, or groups of estate buildings, small scale business development will be permitted provided that it **supports an existing agricultural or other primary business responsible for estate or land management**. The primary business must retain ownership and control of the site and building, to ensure that income will be returned to appropriate management of the landscape...*
36. Outside of named settlements E2 A. restricts business development to sustainable locations. This site is located some distance from the nearest named settlement Longnor which is approximately 1.6km to the north. The site is otherwise not well served by public transport and therefore staff and customers would rely on the private car. This site is not in a sustainable location for the purposes of policy E2.
37. The only other scope for business development is provided by E2 B. which allows for small scale business development to support land management (farm diversification). The site is physically located at a farmstead; however, the applicant is not employed in agriculture and there is no established agricultural business at the site which is responsible for land management; the associated land is rented out and the buildings are redundant to agricultural use.
38. There is local support for the retention of the use on this site, as evidenced in the representations. It is stated that this is a sustainable development to meet the needs of local people. The support for this service is understood and our policies do support such services for the community but directs them to sustainable locations for sound and well-established environmental purposes.
39. Furthermore, a search identifies that there are existing similar facilities in Longnor and Hartington. Competition between businesses is not a material planning consideration, however, the evidence indicates that there are existing similar facilities in the locality in more sustainable locations than the proposal. Therefore, there is no compelling evidence of need for the proposal which would override the Authority's established policy position nor any evidence that if there were a need that it could only be met on this site.
40. Given the above, the proposed use does not meet any of the exceptional circumstances set out in Policy E2 of the Core Strategy and is therefore unacceptable in principle and would represent an unsustainable form of development in this location.

Highway safety

41. The use of the building proposed would generate additional vehicle movements compared to the lawful use as an agricultural building. The visibility splays to the access off the B5053 are constrained, as advised by the Highway Authority, and would need improvement if permission were granted. The Highway Authority has requested that the hedgerow onto the B5053 be managed to a height not exceeding 900mm to allow for adequate visibility splays to be maintained.
42. If permission were granted it would be possible to impose a planning condition requiring the hedges to be maintained at this height as the hedges are on land within the blue edged landownership detailed in the application.
43. Access can also be achieved off Moor Lane but, given that this is a more modest road, it is likely that the principal access will be via the B5053. However, the access onto Moor Lane is gated and is bounded by a wall. The use of the access to Moor Lane therefore could not reasonably be secured by planning condition and the Applicant has advised that this is not used for the purposes of gaining access to the site for the purposes of the application.
44. There is sufficient space on site and within the building for parking of vehicles related to the proposed use.
45. Based on the information with the application it is possible for the Authority to require safe visibility splays be provided and maintained and therefore the development would not harm highway safety in accordance with policies GSP3 and DMC3.

Character and appearance

46. The building is existing and no alterations are proposed to facilitate the proposal. The proposed use would generate additional traffic related to visitors and deliveries. This activity and parked vehicles would be greater than expected at a farmstead but would nevertheless be read against the existing building group which would limit visual impact.
47. The proposed use would also generate scrap, old tyres, oil and other materials which would need to be stored for collection and recycling. There is no information in the application as to where this is proposed. Such material if stored outside could have an adverse visual impact in this rural location and therefore if permission were granted the approval of a satisfactory compound within the site would need to be approved; this could be a condition of any grant of planning permission with potential to utilise redundant agricultural buildings for such a purpose.
48. The provision of safe access as proposed by the Highway Authority would require a significant extent of the hedgerow to be maintained no greater than 900mm. As stated above, this can be secured by planning condition. However, provision of the visibility splays would lead to the hedge either side of the access being managed such that it would appear uncharacteristically low in the landscape.
49. The proposal would introduce noise from tools and equipment related to the use. The site is within a tranquil area where noise particularly from grinders, air powered tools and hammers would be audible in the local area. It is accepted that farms can create such noise, however, this would be less frequent than a vehicle repair use.
50. The development therefore would result in some visual impact related to vehicles, scrap and material storage and to the hedgerows adjacent to the access if these were required to be maintained at 900mm. There would also be impacts from noise related to the use

of tools. These impacts would result in a degree of harm which would need to be mitigated by conditions, where possible, to comply with the requirements of policies GSP3, DMC3, DMC14 and DMC8.

Amenity

51. The Environmental Health Department (Staffordshire Moorland District Council) has been consulted with regards to whether the use of the premises would be likely to cause nuisance to residents in the locality. It is advised they have no records of complaints being received and that they have no objection to the application. However, it is advised that conditions to protect the local environment and neighbourhood amenity, with respect to artificial lighting, machinery noise, operation and delivery times and the provision of oil inceptors, should be attached to any grant of planning permission. Informatives have also been provided with regards to noise attenuation and lighting.
52. Given the close proximity of the proposed use to the adjacent dwelling, noise would be clearly audible. However, the use would remain within the control of the applicant. If permission were granted, conditions would be required to control hours of operation and delivery and to require the use to remain ancillary to the house. Noise from the development would not harm the residential amenity of occupants of the neighbouring dwelling and therefore there would be no conflict with policies GSP3, DMC3 and DMC14 in this regard.

Conclusion

53. The site is in an unsustainable rural location and utilises a building that is not deemed to be of traditional character and appearance and, therefore, the proposal is contrary to the core aims of policies DS1 and E2 of the Core Strategy.
54. The development would result in changes to the hedgerows adjacent to the access, parking, outside storage and noise which would result in some harm to the character and appearance of the locality which would need to be mitigated, as far as possible, by planning condition.
55. The representations in support of the application are noted and have been considered. However, for the reasons set out in this report these do not outweigh the harm to policy identified. In the absence of any other 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

Gareth Griffiths, Planner, South Area