

FULL APPLICATION – CHANGE OF USE OF LAND TO ALLOW THE STATIONING OF A SHEPHERD’S HUT, AND THE CREATION OF A SURFACED ACCESS TRACK (RETROSPECTIVE) AT LAND TO THE SOUTH EAST OF THE GLEN, HOLLINSCLOUGH RAKE (NP/SM/0325/0233) PM

APPLICANT: MR & MS STEAD & SHARRATT

Summary

1. Retrospective planning permission is sought for the change of use of the land to allow the stationing of a shepherd’s hut and the creation of a surfaced access track.
2. The application site lies within open countryside approximately 1km to the north west of Hollinsclough along Hollinsclough Rake. The site is within the ownership of The Glen, a residential property located approximately 120 metres to the north west.
3. The siting of a single shepherd’s hut for holiday accommodation in this location fails to accord with the Authority’s Local Plan policies RT3, DMR1 and DME2 because it does not support farm diversification and is not located close to the facilities of a farmstead.
4. The development, by reason of its isolated location in open countryside, results in significant visual harm to the landscape, its character and the wider scenic beauty of the National Park. The development is therefore contrary to the landscape conservation objectives set out in the NPPF and the Authority’s Local Plan policies GSP1, GSP3, L1 and DMC3.
5. The application is therefore recommended for refusal.

Site and Surroundings

6. The site lies within open countryside approximately 1km to the north west of Hollinsclough. The shepherd’s hut is located to the south west of Hollinsclough Rake, the public highway running north west from Hollinsclough towards Flash. The hut is sited on land within the ownership of The Glen, a property located approximately 120 metres to the north west on the opposite side of Hollinsclough Rake. A neighbouring property, Moorside Farm is located approximately 80 metres to the north east of the application site across Hollinsclough Rake.
7. The surrounding landscape is identified within the Authority’s Landscape Strategy as falling within the Upland Pastures landscape character type (within the wider South West Peak landscape character area). This is an upland pastoral landscape with a traditional dispersed pattern of gritstone farmsteads and village settlements. Drystone walls and some hedgerows enclose permanent pasture.
8. To the west of the shepherd’s hut, the land falls in elevation fairly gently to the stream in the valley bottom and then rises in elevation more steeply on the other side of the stream. Tree cover is mostly found in a linear form along the watercourse and along Hollinsclough Rake. Overall, the landscape is open with views over the valley below and to the higher ground on the western side of the valley. A number of farmsteads building groups are visible on the valley sides. A public footpath (labelled on the Staffordshire County Council Footpaths and bridleways map as Hollinsclough 0.1755) runs in a south westerly direction from Hollinsclough Rake past the application site down to the stream and then climbs the western side of the valley towards Willshaw Farm.
9. The site does not lie within a Conservation Area, and there are no nearby listed buildings. There is a ruined field barn immediately to the north east of the shepherd’s hut.

Proposals

10. Retrospective planning permission is sought for the change of use of the land to allow the stationing of a shepherd's hut and use as holiday accommodation and the creation of a surfaced access track.
11. The shepherd's hut measures 4.9 metres by 2.6 metres in area, and 3.7 metres in total height (inclusive of wheels and axle). In addition, there is a separate small timber structure containing a composting toilet located adjacent to the hut. Additionally, a metal and timber platform with steps has been erected to the front of the hut to act as a patio area and to provide access to the hut from ground level (as the floor level of the hut is elevated due to the wheels / axle).
12. An existing field access has been modified to provide vehicular access to the hut. Two field gates are set back behind a pull in from Hollinsclough Rake. The pull in is surfaced in limestone chippings and is bounded by stone walls. The track down to the hut is surfaced in tarmac, and the hut location and parking area is again surfaced in limestone chippings. Parking, sufficient for two cars, is available on the application site.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. The siting of a single shepherd's hut for holiday accommodation in this location fails to accord with development plan policies RT3, DMR1 and DME2 because it does not support farm diversification and is not located close to the facilities of a farmstead.**
- 2. The development, by reason of its isolated location in open countryside, results in significant visual harm to the landscape, its character and the wider scenic beauty of the National Park. The development is therefore contrary to the landscape conservation objectives set out in the National Planning Policy Framework and development plan policies GSP1, GSP3, L1 and DMC3.**

Key Issues

- Principle of Development
- The effect of the development on the landscape character and special qualities of the National Park
- Impact upon residential amenity
- Impact upon Highway Safety
- Climate change mitigation

History

13. 20/0011 – Open enforcement case in relation to change of use of land from agricultural to siting of shepherd's hut used as a holiday let.

Consultations

14. Highway Authority (Staffordshire County Council) – No objection subject to condition requiring access to be kerbed and surfaced and thereafter maintained in a bound material for a minimum distance of 5 metres from the back edge of the highway boundary.
15. Hollinsclough Parish Council – Supports the application. Minimal impact upon landscape, well managed operation, development supports the local economy.

16. Staffordshire Moorlands District Council – No response received

Representations

17. Three letters of support have been received raising the following points (in summary – the full letters can be read on the application file):

- No impact upon residential amenity of nearby occupiers.
- No impact upon landscape character and is in keeping with its surroundings.
- Provides income for a local resident.
- Provides unusual, remote and peaceful location for visitors to National Park to stay.
- When occupied provides a deterrent or witness to rural crime.

Main Policies

18. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, RT3, CC1

19. Relevant Local Plan policies: DMC3, DMR1, DMR3, DME2, DMT3

National Planning Policy Framework

20. The National Planning Policy Framework (NPPF) is a relevant factor for the purposes of the regulations. Development plan policies relevant to this application are up-to-date and in accordance with the NPPF and therefore should be given full weight in the determination of this application.

21. Paragraph 189 of the NPPF states: Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks 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.

22. Paragraph 88 of the NPPF states amongst other things, that planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.

Core Strategy

23. GSP1, GSP2 - *Securing National Park Purposes and sustainable development & Enhancing the National Park*. These policies jointly seek to secure national park legal purposes and duties through the conservation and enhancement of the National Park's landscape and its natural and heritage assets.

24. GSP3 - *Development Management Principles*. Requires that particular attention is paid to the impact on the character and setting of buildings and that the design is in accordance with the Authority's Design Guide and development is appropriate to the character and appearance of the National Park.

25. DS1 - *Development Strategy*. States, that recreation and tourism development is acceptable in principle in open countryside.

26. L1 - *Landscape character and valued characteristics*. Seeks to ensure that all development conserves and enhances valued landscape character and sites, features and species of biodiversity importance.

27. RT3 - *Caravans and camping*. States amongst other things, that static caravans, chalets, or lodges will not be permitted.
28. CC1 states that development must make the most efficient use of land, buildings and natural resources and take account of the energy hierarchy.

Development Management Policies

29. DMC3 expects a high standard of design that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape.
30. DMR1 - *Touring camping and caravan sites*. The development or small extension to an existing caravan site will not be permitted unless its scale, location, access and landscape setting are acceptable. 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. The supporting text of the policy states that such development should be used to support farm diversification and as such should also be assessed against the requirements of policy DME2.
31. DMR3 - *Holiday occupancy of self-catering accommodation*. States, that where self-catering accommodation is acceptable, its use will be restricted to holiday accommodation for no more than 28 days per calendar year by any one person.
32. DME2 - *Farm Diversification*. States 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. Further stating, that new buildings may be permitted if the proposed development cannot be appropriately located in existing buildings of cultural heritage significance or in other buildings which remain appropriate within the farm building group.
33. DMT3 states the development 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 that does not detract from the character and appearance of the locality and where possible enhances it.

Assessment

Principle of Development

34. Policy RT3 B states that static caravans, chalets or lodges will not be permitted. This is because the open character of large parts of the National Park landscape means that the non-traditional and permanent presence of such forms of accommodation is incompatible with the conservation purpose of the National Park, with the potential impact on its valued landscape characteristics.
35. A growing range of alternative forms of accommodation (camping pods, yurts, shepherd's huts etc) have come onto the market or increased in popularity since the time that this policy was prepared, in response to a demand for greater quality and comfort.
36. For clarity, the National Park Authority considers all such forms of accommodation to have the same potential for adverse landscape impact and therefore policy RT3B remains applicable. The supporting text of RT3 does state that, exceptionally, static caravans, chalets or lodges may be acceptable in locations where they are not intrusive

in the landscape. The proposed shepherd's hut falls within the definition of a caravan, is retained permanently on the land and is therefore in policy terms a small static caravan.

37. Policy DMR1 specifically sets out the circumstances where accommodation comprising camping pods and shepherd's huts can be supported, and so irrespective of landscape impacts such development can only be supported in principle where it complies with the provisions of DMR1. In the case of shepherd's huts, the policy requires that development is located close to an existing farmstead where existing access, parking arrangements and facilities of that farm can be utilised.
38. The supporting text to Policy DMR1 sets out that provision of a single shepherd's hut on an agricultural unit as an exception to Policy RT3, should be used to support farm diversification and as such should be assessed against the requirements of policy DME2.
39. Policy DME2 addresses farm diversification, and it is therefore explicit that shepherd's huts are only supported by policy in cases where they are supporting an existing agricultural business. DME2 states 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.
40. In considering the principle of the development it is therefore necessary to consider the extent of agricultural business being undertaken at the holding. The holding associated with The Glen comprises approximately 5.5 hectares (13.5 acres) of surrounding land. The land is used as a traditional hay meadow, cut once a year and only occasionally grazed by a flock of local sheep. It is accepted that the applicant undertakes land management of the holding however there is no current agricultural business associated with the holding. As such it is not considered that the provision of a shepherd's hut as farm diversification and permitted by policy DMR1 as an exception to policy RT3 is applicable in this instance, there being no active agricultural business at the property.
41. Additionally, due to the distance of the shepherd's hut from the existing building group on the holding the development does not meet the requirements of policy DMR1 that a shepherd's hut permitted as an exception be located close to an existing farmstead building group where existing access, parking arrangements and facilities can be utilised. In this instance, the distance of the shepherd's hut from the existing building group has necessitated the creation of a new vehicular access, parking area and small outbuilding to provide a toilet.
42. Overall, the development is contrary to policies RT3, DMR1 and DME2. The lack of an agricultural business at the holding and the distance from the existing building group mean that it is not possible to consider the shepherd's hut as an exception to policy RT3 as allowed by policy DMR1 (provision of a shepherd's hut close to the facilities of a farmstead to support farm diversification). The development is therefore not in accordance with the above policies.

The effect of the development on the landscape character and special qualities of the National Park

43. Policy L1 seeks to ensure that all development conserves and enhances valued landscape character and sites.
44. The shepherd's hut and associated infrastructure (toilet, steps, platform and access track) are located away from the existing building group at The Glen.

45. When approaching the site along Hollinsclough Rake from Hollinsclough village travelling west, the shepherd's hut is screened by the stone boundary wall, the hut being at a lower level than the road.
46. However, travelling in the opposite direction, the site is approached with the shepherd's hut in an elevated position relative to the level of Hollinsclough Rake. It is clearly visible over the stone boundary wall for a sustained length of Hollinsclough Rake when travelling in a south easterly direction to the west of, and in the vicinity of the junction with Hollinsclough Bridleway 6.
47. Additionally, the shepherd's hut is clearly visible to users of the public footpath (Hollinsclough 0.1755), the public footpath passing immediately to the north west of the shepherd's hut. Users of the footpath travelling in an approximately north easterly direction towards the application site on the descent from Willshaw Farm towards the valley bottom can see the shepherd's hut in more distant but sustained views over the trees running along the watercourse in the valley bottom. The shepherd's hut is then clearly visible for a sustained period, in increasingly close proximity on the ascent from the valley bottom towards the application site.
48. From lower points in the valley the shepherd's hut would be read within the landscape with rising land behind it and in conjunction with the ruined field barn and the stone wall adjacent to the highway. Additionally, the structure is relatively modest in size and recessive in colour. Notwithstanding these points however, the shepherd's hut and associated infrastructure do appear as a distinct and isolated development within the open landscape, detached from both the existing building group at The Glen and the building group at Moorside Farm.
49. Overall, the development (shepherd's hut and associated infrastructure) is in an isolated location away from existing building groups and is highly visible from the public right of way network within an open landscape. The development causes significant visual harm to the landscape, its character and the wider scenic beauty of the National Park. The development does not conserve or enhance the valued landscape character of the open countryside setting of the site and is therefore contrary to policies GSP1, GSP3, L1 and DMC3.

Impact upon residential amenity

50. The nearest neighbouring property is Moorfield Farm, approximately 80 metres to the north east. Due to the distance between the development and this property including the presence of the public highway between the two, the development does not result in any material loss of residential amenity for the occupiers of Moorfield Farm and therefore the development accords with policies GSP3 and DMC3 in this respect.

Impact upon Highway Safety

51. Staffordshire County Council as highway authority has confirmed no objection to the development subject to a condition requiring the access to be kerbed and surfaced and thereafter maintained in a bound material for a minimum distance of 5 metres from the back edge of the highway boundary.
52. The highway authority has suggested the use of granite setts as the bound material to be used citing an example of their use on an access further to the west along Hollinsclough Rake at Gollin Farm.
53. From a visual amenity perspective, the use of granite setts is considered acceptable.

54. Subject to the aforementioned condition, the development is in accordance with policy DMT3 with respect to highway safety.

Climate Change Mitigation

55. In respect of climate change mitigation, the submitted 'Planning and Design & Access Statement' advises that *"The hut is effectively 'off-grid'. It is fully insulated and uses minimal amounts of energy. There is no log burner and so it does not emit any particulate matter into the air. The toilet is naturally composting and so does not require any chemical treatment."*
56. The development is considered to accord with policy CC1 in terms of use of energy and water.

Conclusion

57. The development of a shepherd's hut at the application site is contrary to relevant policies of the development plan in principle. The lack of an agricultural business at the holding and the distance from the existing building group mean that it is not possible to consider the shepherd's hut as an exception to policy RT3 as allowed by policy DMR1 (provision of a shepherd's hut close to the facilities of a farmstead to support farm diversification). The development is therefore contrary to policies RT3, DMR1 and DME2.
58. The development is in an isolated location away from existing building groups and is highly visible from the public right of way network within an open landscape. The development causes significant visual harm to the landscape, its character and the wider scenic beauty of the National Park. The development does not conserve or enhance the valued landscape character of the open countryside setting of the site and is therefore contrary to policies GSP1, GSP3, L1 and DMC3.
59. The local economic benefits of the development are acknowledged; however, these are not considered to outweigh the significant harm to the National Park landscape resulting from the development.
60. There are no other policy or material considerations that would indicate that planning permission should be granted, and 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

Report Author and Job Title

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