
12. FULL APPLICATION – PROPOSED AGRICULTURAL UNIT AT TOWN END FARM, MAIN STREET, CHELMORTON (NP/DDD/0715/0658, P.7868, 411102/369744, CF/1/11/2015)

APPLICANT: Mr John Devereux

Site and Surroundings:

The application site lies to the west of Main Road towards the southern end of Chelmorton at the rear of a former stone built farmhouse and outbuildings which have been converted into a small housing complex of 6 residential units. The applicant lives in 'Unit 6' (now known as Town End Farm) which is to the rear of the other dwellings on the site, on the northern boundary of the residential development, and still owns the 11 acres of grassland which runs to the west of the site, and an area currently used as storage for building materials between the houses and the fields. There is a timber field shelter on the southern boundary of this area and the application site is on the northern boundary of this partly enclosed area between Unit 6 and the field wall.

The nearest neighbouring residential properties to the application site other than Town End Farm are Units 4 and 5 which are the nearest of the now-converted farm buildings to the application site. 'Unit 5' is approximately 38m to the south, and 'Unit 4' is approximately 35m to the south east of the application site.

Chelmorton is a named settlement in Core Strategy policy DS1 and the site is within the designated Chelmorton Conservation Area. The application site also lies within the 'Limestone Village Farmlands' landscape character area of the White Peak. The application site and surrounding landscape is typical of the Limestone Village Farmlands which is characterised by gently rolling plateaus alongside limestone villages and narrow strips of farmland with dry stone boundary walls

Proposal:

The current application seeks planning permission for the erection of an agricultural building. It is a resubmission of an earlier application (NP/DDD/0415/0343) and seeks to address the concerns raised by that application. However, this application has also been revised since its original submission and the applicant requires the application to be determined on the basis of amended plans that were submitted primarily to address concerns raised by officers regarding the design of the building.

The amended plans show that the proposed farm building would measure 13.715m x 7.62m, with an eaves height at 3.35m and ridge height at 4.4m above the adjacent ground level. The amended plans also show the walls would be clad with brown profiled metal sheeting and the shallow pitched roof clad with brown profiled zinc roofing. The roof of the building would be provided with six glass reinforced plastic rooflights on each side of the building and there would be two vertically timbered stable doors, a pair of full height timber doors in the south facing elevation and a picking hole with vertically timbered shutter in the west facing gable of the building.

The amended plans also show that the ridge of the roof over the building would run east to west with the building sited close to the northern boundary of the application site, which is defined by a dry-stone wall. A small section of wall on the western boundary would be relocated but the relocated wall would run up to either side of the western gable of the proposed building rather than enclose the building within the area that has been partially walled off at the rear of Town End Farm.

Notably, the revised application shows that access to the application site will now be restricted to access from the southernmost of two access points to the site from Main Road. Officers have also requested the submission of an agricultural appraisal for the building by an independent and

suitably qualified land agent but this additional information has not been submitted by the applicant.

RECOMMENDATION:

That the application be APPROVED subject to prior entry into a s.106 legal agreement preventing the separate sale of the existing house at Town End Farm, the proposed farm building and associated land in the applicant's control, and subject to the following conditions or modifications:

Statutory Time Limit

1. The development hereby permitted shall be commenced within 3 years from the date of this permission.

Approved Plans

2. The development hereby permitted shall be carried out in complete accordance with the amended plans subject to the following conditions/modifications:

Landscaping

3. No development shall take place until a landscaping scheme, showing (i) precise details of types and numbers of tree species to be planted, (ii) a schedule for the permanent removal of the existing field shelter on land within the applicant's control, (iii) the details and timing of the blocking up of the existing alternative access to the application site from Main Road and (iv) a revised siting of the building and the details and timing of the erection a new field boundary wall, shall be submitted to and agreed in writing by the National Park Authority.

Thereafter, the permanent removal of the field shelter, the blocking up of the alternative access and the precise siting of the building and associated walling shall be carried out in complete accordance with the approved details and the approved planting scheme shall be carried out in the first planting season after the completion of the development, or the first planting season following the building first being taken in to use, whichever is sooner. Any plants that are damaged or die within the first five years of being planted shall be replaced with an identical specimen or a replacement agreed in writing by the National Park Authority.

Design Details

4. Confirmation of design details including vertical timber boarding to damp proof level for the walls and fibre cement sheeting factory coloured dark slate blue for the roof.

Permitted Development Rights

5. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, (or any order revoking and re-enacting that order) the building hereby approved shall not be used for any other purpose other than for the purposes related directly to agriculture as defined by s.336 of the Town and Country Planning Act 1990.

Key Issues:

- The potential impact of the proposed building on its landscape setting; and

- whether the proposed building would harm other valued characteristics of the local area including views into and out of the surrounding area and nearby Conservation Area; and
- whether the proposed development is of a suitable size and scale, and where possible makes best use of existing buildings and landscape features; and
- whether the benefits of granting planning permission offset the limited agricultural justification for the proposed building.

History

The conversion of the farm complex to residential units at Townend Farm began in 2006, there are numerous applications regarding the conversion and householder applications from the residents. The most relevant to this application are considered to be:

- 2015 Application seeking planning permission for proposed agricultural unit withdrawn prior to determination (NP/DDD/0415/0343).
- 2015 Retrospective planning permission for field shelter granted subject to conditions (NP/DDD/0415/0342).
- 2009 Removal of condition 12 on application number NP/DDD/0708/0577 to allow alternative access granted subject to conditions (NP/DDD/0309/0192)
- 2008 Proposed conversion and extension of existing barn to form dwelling (Unit 5) granted planning permission subject to conditions (NP/DDD/0708/0577)

Consultations

Chelmorton Parish Council: In terms of the original submission, the Parish Council still had concerns about the proposed size of the farm building (in comparison to the building proposed in the previous application) in relation to all the other buildings around it most of which are now homes.

In terms of the revised application, the Parish Council continues to object to this application due to its scale, though the Council is pleased to see the height of the building has been reduced in the revised plans. The Council also considers that a more acceptable length building would confine the building to within the existing boundary stone walls ensuring that a gap is left between the boundary walls and the building itself to mask the lower blockwork. Moreover, the Council considers that the building should be timber clad down to the damp line with a fibre cement dark slate roof sheet.

The Parish Council conclude their comments on the revised application by saying that the scale of the building demonstrates a need for a fuller case for appraisal of its agricultural needs as the potential increased activity with the access road passing in front of all the domestic properties on this site needing to be assessed.

Derbyshire County Council (Highway Authority): No objections subject to use of development being associated with surrounding tied land only with no future sub-letting or selling-off.

Derbyshire Dales District Council: No response to date

Representations

One letter has been received during the statutory consultation period objecting to the original

version of the current application. This letter raises the following concerns:

- An increase in traffic along the original northern driveway. The access to the south of the development was originally granted solely for agricultural access to the fields, thus enabling the separation of domestic and agricultural traffic. The original driveway severs units 1-4 from their parking as well as our garden from the rest of the house (Unit 4). The alternative access was therefore intended to increase the safety of all residents, in particular young families, as well as to avoid mess and disruption to units 1-4 from farm vehicles which were the stated reasons on the planning application for this access. However, despite this the original access can still be used for agricultural vehicles and this will increase with this development. A second gate on the northern driveway has never been installed despite it being on the plans which would have afforded us a small degree of safety. Large agricultural vehicles such as a tractor and baler and 8 wheeler wagons have negotiated the southern access with ease.
- The agricultural unit will be visible from all west facing windows and doors of our house which is the main outlook. It is still very large and high and will be visible from many other parts of the village across the fields. The size seems greatly in excess of the needs of the smallholding described. Had all the original agricultural buildings on this site not been converted to residential there would be no need for this additional building to manage the farmland.
- The proposed unit will make a big impact on the nature of the development which is now residential not agricultural and it is not on the site of a previous building. There is already lots of storage with Unit 6 which has got 4 garages. It extends the line of the development and the orientation remains unchanged from the original application. Although the height of the barn has been reduced it will still be a significant height compared to the surrounding buildings, particularly as the existing ground level rises up behind unit 6 where it is to be located.
- There could be a change of use to residential in the future on this building's footprint.

Main Policies

Local Plan policy LC13 is directly relevant to the key issues at stake in the determination of the current application because it sets out specific criteria to assess the acceptability of new agricultural development within the National Park. LC13 states that new agricultural buildings will be permitted provided that they:

- (i) are close to the main group of buildings wherever possible and in all cases relate well to and make best use of existing buildings, trees, walls and other landscape features; and
- (ii) respect the design, scale, mass and colouring of existing buildings and building traditions characteristic of the area, reflecting this as far as possible in their own design; and
- (iii) avoid harm to the area's valued characteristics including important local views, making use of the least obtrusive or otherwise damaging possible location; and
- (iv) do not require obtrusive access tracks, roads or services. These should be designed with particular respect for the landscape and its historic patterns of land use and movement, and any landscape change likely to result from agricultural or forestry practices.

The Authority's Supplementary Planning Guidance (SPG) on agricultural development offers further guidance on the design of modern farm buildings and makes a clear distinction between the acceptability of a modern farm building which is consistent with the character of a farmed landscape and a building of unacceptable design where there is no functional justification for its size and massing.

Paragraph 3.6.4 of the SPG also states that most modern farm buildings are now typically constructed from a portal frame and clad in timber or sheeting which are often of a subtle color that would allow the building to assimilate into the landscape, and these are the types of modern farm buildings the Authority is most likely to find acceptable under the provisions of LC13.

Wider Policy Context

The provisions of LC13 are supported by a wider range of design and conservation policies in the Development Plan including policies DS1, GSP1, GPS3, L1 and L3 of the Core Strategy and Local Plan policies: LC4 and LC5.

DS1 states that agricultural development is permissible within the National Park but farm buildings should also meet the requirements of landscape conservation policies GSP1 and L1 to ensure that the provision of new farm buildings does not result in conflict with the 'conservation purpose' of the National Park even where they may be reasonably required for the purposes of agriculture.

GSP3 and LC4 are applicable to all development in the National Park but are especially relevant to the current application because they reinforce the provisions of LC13 in respects of safeguarding the amenities of the local area, and they promote design solutions that would be sensitive to the distinctive character of both the natural and built environment of the National Park.

L3 and LC5 are also relevant because the application site is within the setting of a designated Conservation Area. L3 sets out a clear presumption against development that would not preserve the special qualities of a designated Conservation Area. LC5 otherwise sets out criteria that reflects the protection afforded to a Conservation Area by L3 and includes a presumption against development that would harm important views in and out of the Conservation Area

Landscape Strategy and Action Plan

The Authority's Landscape Strategy and Action Plan is also a material consideration and says that that the application site is located in an area identified as Limestone Village Farmlands, in the White Peak, which is characterised by limestone villages, set within repeating pattern of narrow strip fields bounded by dry stones walls within gently undulating plateau of pastoral farmland.

The overall strategy is to protect and manage the distinctive and valued historic character of the settled, agricultural landscapes, whilst seeking opportunities to enhance the wild character and diversity of remoter areas. L1 of the Core Strategy otherwise requires development to respect and reflect landscape conservation priorities and objectives set out in the Authority's Landscape Strategy and Action Plan.

National Planning Policy Framework

The relationship between policies in the Development Plan and the National Planning Framework has also been considered and it is concluded that they are consistent because the Framework promotes sustainable development sensitive to the locally distinctive character of its setting but also places great weight on the conservation of the scenic beauty of the National Park, its wildlife, and its heritage assets.

Assessment

Agricultural Justification

In the first instance, the revised application is not supported by an appropriate agricultural justification and whilst the building has been reduced in size and its design revised to more readily reflect a building that is purpose designed for agriculture, there remains concerns that the building is larger than is reasonably required for farming taking in to account the planning statement submitted with the application says applicant currently owns around 11 acres of land two horses and four lambs. This statement does however say it is the applicant's intention to build up a small herd of high quality sheep as well as eventually acquire some calving cows and that the building is required for storage of fodder, a tractor and implements as well as a lambing pen.

Notably, the provisions of saved Local Plan policy LC13 does not require an agricultural justification for new farm buildings whereas the equivalent policy for new farm buildings in the emerging Development Plan Document will require new farm buildings to be properly justified, if the policy is formally adopted as drafted. However, the emerging policy can only be given very limited weight at this time. Therefore, the acceptability of the farm building proposed in this application has to be made primarily on the basis of the very limited information supplied by the applicant with regard to whether the proposed building is otherwise acceptable in planning terms and meets the criteria in LC13, which is the current Development Plan policy that deals specifically with farm buildings.

Siting

In terms of siting, LC13(i) says new farm buildings should be close to the main group of buildings wherever possible and in all cases relate well to and make best use of existing buildings, trees, walls and other landscape features. In this case, it is acknowledged that there are no remaining buildings on land in the applicant's control that could be used for farming other than the field shelter recently granted retrospective planning permission. However, on the amended plans the building is sited so it would relate reasonably well to surrounding landscape features. In particular, mature trees would serve to screen views into the site from distant vantage points, and the building has been sited so it would relate reasonably well to an existing field boundary albeit another dry stone wall on the western edge of the application site would need to be relocated.

Therefore, the revised proposal broadly accords with LC13(i) subject to refining the precise siting of the building so it is contained within a dry stone wall enclosure. The proposals would otherwise conform to LC13 (iv) because no hardstandings or new access tracks would be required to facilitate the proposed development because of its siting. Moreover, the proposed siting of the building also has the advantage that the building would not interfere with the medieval strip field system on the edge of the village more than what has already been done at the rear of Town End Farm subject to the slight amendment to the precise siting of the building, as suggested above. The site does not have any ecological value having been previously used for the storage of building materials, albeit this use of the land appears to have been carried out without the benefit of planning permission.

Landscape and Visual Impact

By virtue of the proposed siting for the building, its visual impact would be mitigated by the presence of existing mature trees and other built development between the application site and the road running through Chelmorton (Main Road). This means that the building would not be especially prominent in the landscape or have a substantial impact on views into and out of the Conservation Area. In these respects, it is considered that the proposed building would be compliant with LC13(iii) insofar as the building would be sited in the least damaging practicable location on land in the applicant's control subject to a minor revision to the precise siting of the building, as suggested above.

Moreover, because of the limited visual impact of the building, the revised proposals would also comply with policies GSP1, GSP2, L1 and L3 of the Core Strategy and saved Local Plan policies LC4 and LC5, which seek to safeguard landscape character and the special qualities of the surrounding Conservation Area. However, officers would recommend that additional planting should be carried out to supplement the existing tree cover some of which is not on land within the applicant's control.

Design

LC13(ii) otherwise requires new farm buildings to respect the design, scale, mass and colouring of existing buildings and building traditions characteristic of the area, reflecting this as far as possible in their own design. Further guidance on the appropriate design of modern farm buildings is provided in the Authority's SPG on agricultural development. In this case, despite several revisions, the proposed building is still problematic in design terms albeit the reductions in the size and scale of the building have helped to address some of the Parish Council's concerns about this application.

Reducing the overall form and massing of the proposed building during the course of this resubmission, particularly when compared to the previous application, means that the building would not be particularly over dominant when seen in the context of the nearby houses including the applicant's own house, which is immediately adjacent to the application site. Nonetheless, the materials used in the construction of the building are not especially appropriate for a building that might accommodate livestock and it is not evident why a building that does not appear to have a loft has a picking hole at high level or why stable doors are required unless the building was to accommodate horses.

Notwithstanding these issues, officers agree with the Parish Council's recommendations that the building should be timber clad down to the damp line with a fibre cement dark slate roof sheet. Officers also consider that the doors in the building should be restricted to a standard pedestrian door and a pair of full height sliding doors. With these amendments to the design of the building alongside the amendment to its precise siting as mentioned above, the building would meet the requirements of LC13(ii) whilst continuing to be able to meet the functional requirements of the applicant's planned farming operations.

Neighbourliness

The property that would be most directly affected by the proposed building would be the applicant's own house that lies immediately adjacent to the application site and the site of the proposed building. Whilst the proposed building would not overshadow the applicant's house, block light or harm the outlook from the principal windows in the applicant's house, noise and disturbance and odour nuisance could become an issue if the building and associated land were to be sold separately. These potential problems would be resolved by prior entry into a legal agreement preventing separate sale of the existing house, the proposed buildings and the associated land in the applicant's ownership. This type of legal agreement would also mitigate concerns that the building is not properly justified by the operational requirements of a farm

business because preventing the separate sale of the building from the associated land would mean the building would continue to be required for managing the 11 acres of land that are being used to justify the need for a modern farm building.

In these respects, it is considered that a legal agreement of this nature would be necessary to make the proposed development acceptable in planning terms, would be directly related to the proposed development and would be reasonably related to the proposed development in scale and kind. Furthermore, a planning condition could not otherwise be used to prevent the separate sale of the existing house and the proposed building and/or the associated land.

In terms of other nearby residential properties, the applicant has partially addressed some concerns by showing that access to the application site would be restricted to the southernmost access to the application site from Main Road. The revised plans show the northern access point off Main Road would be blocked off with a drystone wall. This would mean that the residential properties that also use the northern access point would suffer less disturbance from any farm vehicles moving to and from the proposed building and there would be less potential for conflict between farm vehicles and domestic traffic. The Highway Authority does not object to the proposals providing the building remains in an agricultural use. Consequently, officers are satisfied that the farm building if it were restricted to an agricultural use would have a safe and suitable access.

By virtue of its siting and the intervening distances between the proposed building and the nearest residential properties (other than the applicant's own house), it is highly unlikely that the building would otherwise be unneighbourly or detract from the living conditions of other local residents to such an extent that refusal of the application on amenity grounds would be reasonable. Therefore, the revised application is considered to be in accordance with LC4 and GSP3, which seek to safeguard the residential amenities of properties affected by development proposals subject to prior entry into a section 106 legal agreement on the terms set out above to safeguard the residential amenities of Town End Farm itself.

Sustainability

Subject to the conditions recommended above relating to the precise design and siting of the proposed building and landscaping (including the blocking up of the northern access point to the application site) and the recommended legal agreement, it is considered that the proposed building would not unduly harm the valued characteristics of the local area. Therefore, it could be possible to grant planning permission for the building on these terms. However, the issues are finely balanced and it is also reasonable to say that the proposed building would not enhance the character, appearance or amenities of the local area by virtue of its size and scale and the materials used in its construction. This is especially the case taking into account the adverse impacts of the storage of building materials on the site appears to arise from a potentially unauthorised use of the land.

Furthermore, it does remain that the proposed legal agreement only partially addresses the concerns that the building has not been properly justified in terms of it being reasonably required to meet the operational needs of a subsisting farm business. This issue is of particular concern to the Parish Council and policies in the emerging Development Plan Document would require more justification than supplied by the applicant to support this application before permission could be granted. Therefore, it is reasonable to say the proposed building should only be acceptable in this location within a Conservation Area within a National Park if it were reasonably required for farming. In this respect, the applicant's case is not helped by the retention of the field shelter on the land.

The retention of the field shelter would give rise to serious concerns that the proposed building would actually be put into a mixed use for farming and the keeping of horses, which the applicant has not applied for and the applicant has not paid the relevant application fee for a mixed use

building either. A condition restricting the use of the building could address this concern and also prevent a change of use of the building under permitted development rights to a flexible use, which would not be acceptable in planning terms not least because of the restricted nature of vehicular access to the application site.

However, the retention of the field shelter also gives rise to concerns that the proposed building and the field shelter cumulatively would have an unacceptable impact on the character and appearance of the Conservation Area and the immediate landscape setting of the application site. Moreover, the keeping of horses on the land could prejudice the quality of the fields for grazing by way of excessive poaching in the winter months. Therefore, it is considered reasonable and necessary to require the field shelter to be permanently removed from the land prior to the erection of the proposed building.

This condition would then give greater certainty that the applicant's stated intentions to expand his very limited farming operations would be reasonably likely to happen and give rise to wider public benefits than is currently being indicated would be achieved if planning permission were to be granted for the revised application. The removal of the field shelter would therefore help to promote a more sustainable form of development that should provide some socio-economic benefits by allowing the applicant to concentrate on developing his farming business and offer some environmental improvements to the local area that would not be achieved if planning permission were granted for the new building but the field shelter was also kept on the adjacent land in the applicant's control.

Conclusion

It is therefore concluded that the current application does meet the criteria set out in LC13 for agricultural developments and in all other respects complies with the relevant policies in the Development Plan and the Framework subject to the planning conditions recommended in the above report and subject to prior entry into a s.106 legal agreement to prevent the separate sale of the existing house at Town End Farm from the proposed building and associated land in the applicant's control.

Accordingly, the current application is recommended for conditional approval.

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