
7. FULL APPLICATION – RETROSPECTIVE PLANNING APPLICATION FOR A LEAN-TO AGRICULTURAL BARN FOR SMALL BEEF CATTLE HERD, MIXON MINES, ONECOTE (NP/SM/0915/0896, P.663, CF/29/11/2015)

APPLICANT: Mr Alan Finnikin and Ms Sheena Ashbrook

A decision on this application was deferred at the Planning Committee in December 2015 to allow members to undertake a site visit.

Site and Surroundings:

Mixon Mines is situated approximately 2km to the north of the main grouping of properties at Onecote and a short distance to the east of the original farm house at Mixon Mines Farm. The farmhouse at the former Mixon Mines Farm was separated from the remainder of the land and buildings at Mixon Mines some time ago, and a new dwelling was established in a modern farm building that was separated from the nearby farmhouse by 2007. This modern farm building, incorporating the new dwelling previously known as 'The Barn' has since been reclad and extended without the benefit of planning permission.

A blockwork compound was also constructed on the land at Mixon Mines between 2007 and 2008 and this compound lies close to the extended and reclad building that contains 'The Barn'. The compound continues to be used for the storage and distribution of heavy commercial vehicles, lorry bodies and cabs, as part of a trade and export business carried out by the current applicants with the benefit of a lawful development certificate. The main building containing what was 'The Barn' and the compound both lie close to a public right of way and overlook an informal yard area. The application site adjoins this yard area but lies at a lower level. The application site therefore lies adjacent to a footpath and close to, but detached from the main part of the pre-existing development at what is now known as Mixon Mines Farm. The application site also lies within the Upper Valley Pastures in the South West Peak, which is a particularly attractive area of the National Park characterised by the scenic beauty of the River Hamps and the upland landscape setting of the river valley.

Proposal:

An unauthorised building with a brown profile sheeted asymmetric roof, and brown profile sheeted walls above concrete panels has been erected on the application site. The current application seeks retrospective planning permission for this building. The submitted plans show that the existing building measures 22m x 8m, with an eaves height at 4m and ridge height at 4.7m above the adjacent ground level relative to the lower levels of the yard area on which the building has been erected. The eaves of the south facing slope of the shallow pitched roof are at the ground level of the higher yard closer to the main building and compound. The north facing elevation of the building is open fronted and opens on to the yard at the lower level. Some non-native species have been planted along the east side of the building, which partially disguises the concrete panelling that extends beyond this side of the building for 4.5m at a height of 3m above the lower yard area.

There is also a section of concrete panelling extending 10.5m beyond the western side of the building, which is partly required as a retaining wall because the building appears to have been dug in to an existing slope. A track down from the higher yard also appears to have been dug out along the western side of the building and some levelling carried out to create the lower yard area to the south of the new building. However, the applicants are not seeking permission for any engineering works because it is said (by the applicants) that no earth movements have been carried out to facilitate the erection of the building. Nonetheless, granting retrospective planning permission for this application would also have the effect of authorising any engineering works that have been carried out on the site alongside authorising the retention of the building.

The submitted application states that retrospective planning permission is being sought for a lean-to agricultural barn for small beef cattle herd. However, the applicants do not appear to own any livestock at the present time and the Authority has no evidence that the applicants have operated a farm business from the land at Mixon Mines at any time over the last twenty years. At the present time, the building appears to be used as a log store and for purposes incidental to the applicants keeping horses on their land.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. By virtue of the siting and design of the building, granting retrospective planning permission for this application would be contrary to saved Local Plan Policy LC13, because the building does not relate well to the existing buildings at Mixon Mines and it is not sited in the least obtrusive location on land in the applicant's control.**
- 2. By virtue of the siting and design of the building and its landscaping, including recent engineering works and planting of species not in keeping with the character of the local area, the retention of the building would have an unduly harmful visual impact on the character of the surrounding landscape and would detract from the remaining significance of the former mine workings on the site. Therefore, retention of the building would be contrary to policies saved Local Plan policy LC4, contrary to policies GSP1, GSP2, GSP3, L1 and L3 of the Core Strategy, and contrary to national planning policies in the Framework.**
- 3. In the absence of an agricultural appraisal to support this application, and in the absence of a business plan that demonstrates the applicant's stated intentions of keeping a beef herd on the land are reasonably likely to happen, it cannot be demonstrated that the benefits of approving this application would outweigh or offset the identified and demonstrable harm to the valued characteristics of the National Park that would result from the retention of the building. Therefore, retention of the building would be contrary to the principles of sustainable development set out in national planning policies in the Framework and policy GSP1 of the Authority's Core Strategy.**

Key Issues:

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

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| 2014 | Erection of the building, subject of the current application, without the benefit of planning permission (Enforcement 14/0591) |
| 2013 | Lawful Development Certificate granted for the existing use of the blockwork compound for parking, sale and storage of vehicles (NP/SM/0313/0218). |

2012 Enforcement Notices issued in respects of (i) a material change of use of the land at 'The Barn' at Mixon Mines from agriculture and residential accommodation to a mixed use for domestic use, including residential accommodation; private workshop; open air storage, including storage of construction materials; and the storage and distribution of heavy commercial vehicles, including the trade and export of lorries, cabs and lorry parts and (ii) unauthorised operational development including the cladding of an existing farm building and construction of a two-storey projecting gable feature off the same building.

Subsequently, both Notices were appealed and both were withdrawn prior to the determination of the appeals primarily to allow for the current applicants to apply for a lawful development certificate for the change of use of a limited amount of land in control and to facilitate further discussions relating to redeveloping the site to address the unauthorised operational development that had taken place. The applicants have stated they intend to submit a planning application seeking to deal with the unauthorised development at Mixon Mines as soon as possible.

2007 Lawful development certificate granted for use of 'The Barn' as a residential property more than 4 years before the date of this application (NP/SM/0707/0712)

Consultations

County Council (Highway Authority): No response to date.

District Council: No response to date

National Park Authority (Conservation Archaeologist): Comments as follows:

The proposed building in the above application falls within a site on the Staffordshire Historic Environment Record (HER 20161), relating to a large group of mining earthwork features identified on aerial photography from the 1960s. The HER site extends over a large area around Mixon Mines and Mixon Grange. In addition, there is a SHINE record (Natural England's selected heritage inventory) covering the proposal site, relating to Mixon Mine post-medieval copper mine and mapped from historic Ordnance Survey.

The historic mapping does not show specific features or buildings in the location of the unauthorised agricultural barn. It lies immediately to the west of a change of level which might indicate spoil-tipping. Recent aerial photographs suggest that this part of the site has been more recently landscaped to create a level area. This landscaping and levelling and subsequent construction of the barn, may have impacted the legibility of the earthworks associated with the historic mining site and may therefore have resulted in a relatively minor loss of significance to the undesignated heritage asset represented by the mining earthworks around Mixon Mines and Mixon Grange.

If the barn was not already built, the Conservation Archaeologist would suggest that the applicant provide a heritage impact assessment study in order to interpret and understand the mining earthworks in the area and the potential impact of the agricultural barn. In the current case, because the barn appears to have been constructed in an area of previous disturbance which is peripheral to the main areas of mining activity, this would not be a useful exercise. The applicant should however be made aware of the historic significance of the site and the need to consult on future development plans to ensure appropriate conservation of the heritage resource.

Parish Council: In the first instance, the Parish Council commented that there would ordinarily be no objection to the building of a barn for agricultural purposes. However, in the light of the unresolved planning enforcement issues concerning this property being monitored by the

Authority, the Parish Council is disappointed that the Enforcement Team has not been aware of the erection of a barn on this site (i.e. the building, which is subject of the current application). The Parish Council also raised concerns about the environmental impact of slurry storage on this site in its original comments on this application.

Subsequently, the Parish Council visited the site with officers and one of the applicants and their agent, and since have submitted a revised response. In the second response on this application, Onecote Parish Council would like to make the following recommendations:

1. Retrospective planning consent is allowed with the proviso that the barn is used only for agricultural purposes.
2. When the barn is no longer required for agricultural purposes, then it should be demolished.
3. The building should be subject to Building Regulation and Environment Agency approval.
4. Consideration needs to be given to the handling of effluent given the building's close proximity to the ponds and river at the bottom of the slope below it.
5. The Council considers the sloping roof a cause for concern. It would be too easy for children, animals or even vehicles to access the roof from the surrounding land particularly if the area is obscured by snow. We therefore recommend a safety barrier across the lower side of the roof to prevent access from the adjacent land.

Representations

No further representations have been received by the Authority during the statutory consultation period.

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 supporting paragraphs to this policy also require that applications should be accompanied by full explanations of the agricultural proposals with which they are associated to allow for proper assessment whilst the Authority's Supplementary Planning Guidance (entitled Agricultural Developments in the Peak District National Park) provides further guidance for new agricultural buildings and indicates that if an applicant does not supply sufficient information to justify a new agricultural building then the application may be refused

The Authority's Supplementary Planning Guidance (SPG) on agricultural development also 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 goes on to say 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 saved Local Plan policy LC4.

DS1 states that agricultural development is permissible within the National Park but farm buildings should also meet the requirements of landscape conservation policies GSP1, GSP2 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 is also relevant although the application site is not within the setting of a listed building or sited within a designated Conservation Area. The Authority's Conservation Archaeologist has advised that the local area has some significance in terms of industrial archaeology and earthworks associated with the former mine workings at Mixon Mines and these workings should be treated as a non-designated heritage asset.

Landscape Strategy and Action Plan

The Authority's Landscape Strategy and Action Plan is also a relevant consideration because policy L1 of the Core Strategy requires development to respect and reflect landscape conservation priorities and objectives set out in the Authority's Landscape Strategy and Action Plan, which says that the application site is located in an area identified as the Upper Valley Pastures in the South West Peak.

The local area is characterised by the scenic beauty of the River Hamps and the upland landscape setting of the river valley and it is noted in the Action Plan that new agricultural buildings can impact on the character of this landscape setting. The Action Plan goes on to say opportunities should be taken to guide site selection for new farm buildings and that diversification of farm holdings has had a significant impact on the wider area, causing damage to archaeological features and the historic landscape of particular scenic beauty.

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 and places great weight on the conservation of the scenic beauty of the National Park, its wildlife, and its heritage assets.

Assessment

Agricultural Justification

Saved Local Plan policy LC13 states, amongst other things, that new agricultural buildings will be permitted if they are close to the main group of buildings and make the best use of existing buildings. The supporting paragraphs to this policy require that applications should be accompanied by a full explanation of the agricultural proposals with which they are associated to allow for proper assessment. This policy accords with core planning principles in the Framework whilst the Authority's Supplementary Planning Guidance on Agricultural Developments in the Peak District National Park provides guidance for new agricultural buildings. This indicates that if an applicant does not supply sufficient information to justify a new agricultural building, then the application may be refused. The policy equivalent to LC13 for new farm buildings in the emerging Development Management DPD also requires new farm buildings to be properly justified.

In this case, the submitted application did not include an agricultural appraisal and, as noted above, there is no evidence to suggest that a farm business has been operated by the applicant on land in the applicant's control at Mixon Mines at any time in the recent past. At present, the building that has been erected on site, for which this application seeks retrospective planning permission, appears to be in use as a log store and for purposes incidental to keeping horses on the land. There is sufficient land in the applicants' control and the building is of an appropriate enough design to consider that a small beef herd could be accommodated at Mixon Mines. However, in the absence of any further information on the applicant's stated intention to keep cattle, there is very little evidence to demonstrate this is reasonably likely to happen, especially when taking into account the building has stood on the site for around 12 months but does not appear to have been used for agricultural purposes at any point over the last year.

It is therefore considered that there is a very limited case for the retention of the building, albeit it is acknowledged that a building of the type that has been erected could be of an appropriate size and scale to farm the land in the applicant's control, which appears to extend to just under 40 acres (c.15ha).

Siting

In terms of siting, policy 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 other buildings on land in the applicant's control that could reasonably be used for accommodating livestock albeit the farm buildings that were on the land have been converted to other uses. It is also acknowledged that some attempt to use existing landscape features has been made by virtue of the building being sited in a hollow and has apparently being dug in to a certain extent. Some screen planting has also been provided but the species that have been used are not typical of the local area.

However, it is considered that the siting of the building is not in accordance with LC13(i) because the siting of the building is remote from the existing development at Mixon Mines Farm, it has had to be provided with a relatively large amount of concrete paneling (seemingly to retain earth

and create a sheltered yard area) that have a significant visual impact, and it is 'perched' in a relatively elevated position above the river giving rise to further concerns about its visual impact and potential for dirty water run off. There is no further evidence submitted with the application that demonstrates the siting meets any operational requirements of a farm business, and no appraisal of whether the site represents the least damaging practicable option on land in the applicants' control. It is also difficult to conclude that the proposals would conform to LC13 (iv); although the applicants maintain that no hardstandings or new access tracks have been required to facilitate the erection and current uses of the building, this seems unlikely because of its siting and the evidence provided by the Authority's Conservation Archaeologist.

Landscape and Visual Impact

Therefore, by virtue of the proposed siting for the building, it has an adverse visual impact that is not mitigated for by the screen planting because it appears as sporadic development in open countryside and which is poorly related to the existing developments at Mixon Mines. As this application is for retrospective planning permission for development undertaken without seeking any advice from this Authority, there has been no opportunity for officers to guide site selection for the new building. Moreover, given that its current uses are not agricultural in nature, this apparent diversification of what was once a farm holding has had a significant impact on the wider area, causing further (if limited) damage to the significance of archaeological features in the local area. Its retention would also detract from the character of the surrounding landscape and, as also noted above, no appraisal has been submitted with the application that provides evidence that the siting of the building represents the least damaging practicable option on land in the applicants' control.

Therefore, it is considered that retention of the building would not be compliant with LC13(iii) because it has not been demonstrated that the building has been sited in the least damaging practicable location on land in the applicant's control. Moreover, because of the harmful visual impact of the building on the character of the surrounding landscape, its retention would also demonstrably fail to comply with policies GSP1, GSP2, L1 and L3 of the Core Strategy and saved Local Plan policy LC4, which seek to safeguard landscape character and the special qualities of the historic landscape setting of the building.

Design

LC13(ii) 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. As built, the building is problematic in design terms primarily because of the high flanking concrete paneling that extends at 3m in height and at some length from either side of the building (4.5 and 10.5m respectively). There are also concerns raised by the Parish Council that the roof dropping to the ground level of the higher yard area is a safety hazard, not least because of the proximity of a public footpath.

In this case, there are no opportunities to amend the design of the building because it has already been completed and the planting that has already been carried out would need to be replaced because the species used are not characteristic of or in keeping with the surrounding landscape. It is therefore considered that, as built, the building would not meet the requirements of LC13(ii) or the specific design criteria set out for design and landscaping in saved Local Plan policy LC4. The inappropriate design of the building and associated landscaping exacerbates the harmful visual impact of the building on the character of the surrounding landscaping arising from its siting. It is acknowledged the building might be able to meet the functional requirements of a farm business running a small beef herd. However, there is no certainty as to when farming operations might be likely to be commenced by the applicants, taking into account that the building has been site for around a year but has not been used for accommodating livestock.

Neighbourliness

By virtue of its siting and the intervening distances between the proposed building and the nearest residential properties (other than the applicants' own house), it is highly unlikely that the building would be unneighbourly or detract from the living conditions of any other nearby local residents. Therefore, the application is considered to be in accordance with LC4 and GSP3, which seek to safeguard the residential amenities of properties affected by development proposals. There are no obvious highway safety concerns or issues relating to traffic generation. However, these factors do not offset or outweigh the overriding objections to the retention of the building on design and landscape grounds.

Sustainability

In the absence of any proper agricultural appraisal, or any forward plans that show how the applicants intend to start up a farm business based on a beef dairy herd, it is difficult to see how granting planning permission for the retention of the building would achieve any particular socio-economic benefits through the applicants developing a farming business on their land at Mixon Mines. However, the building does detract from the environmental quality of the local area and is therefore not a sustainable form of development taking into account the building appears to be required solely as a log store and for the keeping of horses at this time, which are uses that would of some benefit to the applicants but would not amount to a public benefit that could be afforded any weight in the determination of this application.

Conclusion

It is therefore concluded that the current application does not meet the criteria set out in LC13 for agricultural developments. Its harmful impact on landscape character exacerbated by its design, siting and landscaping means that the retention of the building would conflict with the wider range of design and conservation policies in the Development Plan and the Framework. In the absence of any overriding operational need for its retention, there are also no wider public benefits that might be achieved by granting planning permission for the current application that would otherwise offset or outweigh the harmful impact of the building and associated works.

Accordingly, the current 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