
16. FULL APPLICATION – RETROSPECTIVE PLANNING APPLICATION FOR FIELD SHELTER ON LAND AT FRIDEN COTTAGES, FRIDEN (NP/DDD1015/0949, P5886, 417291 / 360997, 19/10/2015/SC)

APPLICANT: MR K CLERE

Site and Surroundings

The subject of this application is an existing field shelter sited on a small area of a land (0.9 acres), which lies between Friden Cottages and Friden Bungalow. The structure is set back approximately 25m from the north side of the Newhaven to Youlgreave road around 1km to the north-east of the Newhaven crossroads.

The 0.9 acres of land which forms the application site is bounded on the north-west and south-west by farmland, the south-eastern boundary abuts the extensive curtilages of Friden Cottages and the north-eastern border adjoins the boundary with Friden Bungalow. Access to the site is through an existing car parking area (adjacent No. 6 Friden Cottage) immediately off the main highway.

Proposal

Retrospective planning permission is being sought for the retention of what is described as a field shelter, which measures 6.6m x 4.8m x 3.7m to the highest point of the roof when viewed from the southern (road facing) elevation. However, the existing structure might be more accurately described as a pole barn because the shallow mono-pitched corrugated roof is supported by timber posts set into a two tiered concrete base with three walls clad with timber. The front elevation of the existing structure is open with two metal agricultural style field gates and faces in a south west direction towards the garden area of No. 6 Friden Cottages.

The applicant states that the building will be used to store winter feed and provide shelter for livestock, in particular stock calves and in-lamb ewes. However, at the present time, it appears the building is used as a store and for purposes incidental to the applicant keeping horses on their land. In this respect, no evidence (such as an independently produced agricultural appraisal) has been submitted to demonstrate that the applicant currently owns any livestock or that that a farm business is being operated on the land in the applicant's control.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. By virtue of the siting and design of the existing structure, granting retrospective planning permission for this application would be contrary to saved Local Plan Policy LC13, because the building does not relate well to any existing agricultural buildings, it is not sited in the least damaging location on land within the applicant's control, and the design and external appearance of the existing structure is not typical of modern farm buildings. Taken together, these factors mean that the retention of the building would also have an unacceptable adverse visual impact on the character of the surrounding landscape and harm the valued characteristics of the National Park contrary to policies GSP1, GSP2, GSP3 and L1 of the Core Strategy, Local Plan policy LC4, and contrary to national planning policies in the Framework.**

2. **By virtue of its siting and the intervening distances between the proposed building and the nearest residential properties, it is considered that the proposed use of the building to accommodate livestock building would be unneighbourly and detract from the living conditions of nearby residents. Therefore, the application does not comply with saved Local Plan policy LC4, policy GSP3 of the Core Strategy and core planning principles in the Framework, which seek to safeguard the residential amenities of properties affected by development proposals.**

3. **In the absence of an agricultural appraisal to support this application 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 structure. Therefore, granting retrospective planning permission for this application 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 absence of a robust agricultural justification for retention of the existing structure;
- Whether the proposed development is of an appropriate size and design, and where possible makes the best use of existing buildings and landscape features;
- Whether the retention of the structure and any future use of the structure for accommodating livestock would have an adverse impact on the amenity and quiet enjoyment of the nearest neighbouring dwellings.

History

2014 - Enforcement case opened in respect of the erection of the existing structure (subject of the current application) without the benefit of planning permission.

Consultations

Highway Authority - No objection, subject to the use of the structure remaining private and ancillary to 4 Friden Cottages.

District Council - No response to date

Parish Council - No objections and support the application; however, one councillor commented that she would prefer something more visually appealing.

Representations

One letter of objection has been received from the owner of 6 Friden Cottages, which raise the following concerns:

- The size is inappropriate for the location and to house two horses, the only livestock to have been present in the field for a period of only a few months this last year.
- There have been no livestock present in the field at any point in the past ten years so I do not understand why a shelter to house the fodder for "stock calves and in-lamb ewes" is required.

- The materials used in the structure; a concrete slab floor, creosoted telegraph poles, new mismatched planking walls and a sheet metal roof does not reflect the character of the national park in this area.
- The structure appears to be utilised as a garden shed and additional household storage as the horses have not been present in the field since early summer.
- The horse manure resulting from only a few months of use is not being managed but is being piled up within only a few metres of my garden fence; detracting from my enjoyment of the garden in the summer months due to an increase in flies.
- The recent successful application to construct and relocate Friden Bungalow to the area adjacent to the structure now makes no sense as the structure will block light to the new house and also result in noise from rain on the metal roof.
- The roof sheds water towards the proposed new residential building because the soakaway identified as controlling the surface water run-off resulting from a concrete slab floor and metal roof has not been constructed.

Main Policies

Relevant Core Strategy policies: DS1, GSP1, GSP2, GSP3 & L1

Relevant Local Plan policies: LC4 & LC13

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 (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 colour 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 and L1 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.

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 economic 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

Amongst other things, saved Local Plan policy LC13 states 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. The Authority's Supplementary Planning Guidance on Agricultural Developments in the Peak District National Park says 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 Document also requires new farm buildings to be properly justified.

In this case, the submitted application does not include an agricultural appraisal, which would typically include information on stock numbers, why a new building is necessary for farming operations, the intended use of the building, why the need for the building cannot be met elsewhere or some other way, amongst other things. In this case, the absence of an appropriate agricultural assessment is a key issue because the existing structure appears to be in use solely for the keeping of horses. For example, no agricultural stock have been present on the land in the applicants' ownership when officers have visited the site since 2014 and the only animals present

on the land were a horse and pony on the most recent visit to the site.

The submitted application does not propose the use of the existing structure for keeping horses and the retention of the structure and the use of the land for equestrian related activities are proposals that are outside of the scope of this application. Therefore, this application needs to be determined primarily on the basis of whether retention of the structure is reasonably necessary for the purposes of agriculture but there is no evidence to suggest that a farm business has or is being operated by the applicant. Equally, there is no certainty as to when farming operations if any, might be likely to commence, taking into account that the building has been on the land for around a year but has not to date been used for accommodating any livestock and no farm plan has been submitted to the Authority to demonstrate that the applicant's stated intention to keep livestock is reasonably likely to happen. Therefore, it cannot be demonstrated that the retention of the structure is reasonably necessary for the purposes of agriculture.

Siting & Design

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. Whilst the structure is located close to an existing boundary and field access, it remains isolated and is highly visible from the main road, appearing perched in a relatively elevated position. Furthermore, there is no further evidence submitted with the application that demonstrates the siting meets any operational requirements of a farm business, and there is no appraisal of whether the site represents the least damaging practicable option on land in the applicants' control.

In this case, officers consider there is a less damaging location for a building within the red-edged application site (i.e. on land within the applicant's control) and therefore, as built, retention of the existing structure would not meet the requirements of LC13(iii). In this case, the 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.

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 structure is awkward in design terms, primarily because of its poor construction under a shallow pitched roof, clad with timber boarding and supported by timber poles. In this case, there are no opportunities to amend the design of the building, because it has already been completed. 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.

Landscape and Visual Impact

By virtue of the present siting of the structure and its makeshift appearance, the structure has an ongoing adverse visual impact on the surrounding landscape that is not mitigated for by any screen planting. The structure therefore appears as sporadic development of poor quality design and materials in this relatively open countryside location away from any related agricultural operations. Consequently, because of the harmful visual impact of the structure on the character of the surrounding landscape, its retention would also demonstrably fail to comply with national planning policies in the Framework, policies GSP1, GSP2 and L1 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.

Amenity

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 considered that the use of the building for accommodating livestock would be unneighbourly and detract from the living conditions of nearby residential properties. In this respect, the most directly affected property would be No. 6 Friden Cottages, which is within 15m of the existing structure.

In addition, a fairly recent application (September 2014) has been approved to replace the neighbouring Friden Bungalow (to the east of the application site) and the approved replacement dwelling would be sited within close proximity of the existing structure. The replacement dwelling has planning permission, whereas the existing structure does not. Therefore, it would be inappropriate to grant retrospective planning permission for an unauthorised structure if its retention were to compromise or prejudice the future living conditions of the occupants of the replacement dwelling.

In these respects, the issues arise from the close proximity of livestock to residential properties (not in farming) and the potential for noise and odour nuisance, amongst other things. Notably, there are already objections on neighbourliness grounds arising from keeping a small number of horses on the land. Therefore, whilst there may be some uncertainty about the applicant's future intentions to keep livestock, the use of the structure for livestock accommodation would be unneighbourly. Consequently, the application does not accord with core planning principles in the Framework, saved Local Plan policy LC4 and policy GSP3 of the Core Strategy, which seek to safeguard the residential amenities of properties affected by development proposals.

Sustainability

There are no obvious highway safety concerns or issues relating to traffic generation. However, these factors do not offset or outweigh the overriding objections set out above. Moreover, in the absence of an agricultural appraisal to support this application, 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 structure. Therefore, granting retrospective planning permission for this application 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.

Conclusion

It is therefore concluded that the current application does not meet the specific criteria set out in LC13 for agricultural developments and that the retention of the existing structure would conflict with the wider range of design and conservation policies in the Development Plan and the Framework. Furthermore, it has not been demonstrated that the retention of the existing structure is reasonably necessary for the purposes of agriculture or that the benefits of granting planning permission for the current application would significantly outweigh or offset the adverse impacts of doing so. 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