

PLANNING COMMITTEE – 28 JUNE 2022

Reference Number: 21/00582/FL

Application expiry: 30/06/22

Application Type: Full

Proposal Description: Proposed 2 bedroom/1 office gatekeeper cottage (revised scheme of 20/00524/FL)

At: Matlock Farm Park, Jaggars Lane, Darley Moor, Matlock

For: Miss Laura Nash

Third Party Reps: None

Parish: Ashover

Ward: Ashover

Report Author: Denise Knipe (AP)

Date of Report: June 2022

MAIN RECOMMENDATION: Refuse permission.

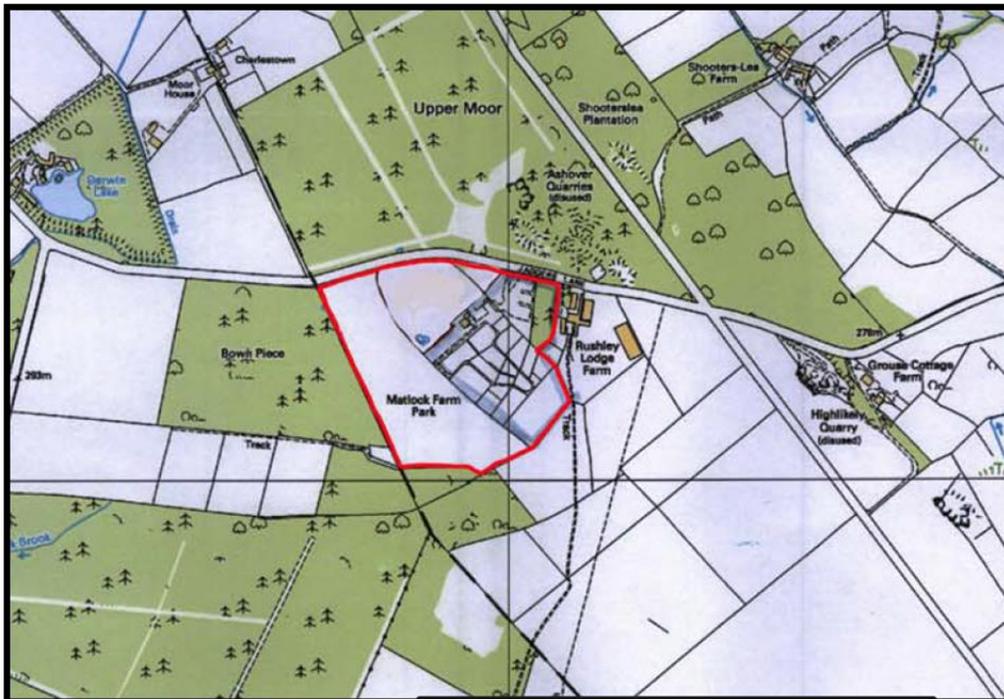


Figure 1: Location plan, with site edged in red

1.0 Reason for Report

- 1.1 Cllr Renwick has requested that the application be considered by Planning Committee.
- 1.2 The request was made outside the 21 day consultation period and as such agreement has been made between Chair of Planning Committee and the Planning Manager to bring in front of members for consideration. The reasons being so members can assess whether the operational need of the business outweighs the concerns raised by Officer's in relation to its impact on the wider countryside setting.

2.0 Proposal and Background

Site Description

- 2.1 Matlock Farm Park is situated in Darley Moor to the east of Wirestone Lane in the open countryside. It is a tourism attraction and provides a variety of recreational activities including play barns, outdoor play areas, animal petting areas and a café. Two car parks serve the site.
- 2.2 There are a number of tourism related sites within close proximity to the application site including the Two Dales Trekking Centre, Darwin Lake Holiday Village and Darwin Forest Country Park. The nearest residential settlements are Kelstedge which is located approximately 2 miles to the east, Darley Dale which is 3 miles to the west and Matlock which is approx. 4.5 miles to the south.
- 2.3 The site lies in open countryside in an area which is designated as a Secondary Area of Multiple Environmental Sensitivity (AMES) within the Derbyshire Peak Fringe and Lower Derwent Landscape Character Area.
- 2.4 Immediately to the west of the site is the administrative boundary of Derbyshire Dales District Council.

Proposal

- 2.5 This proposal is for the erection of a 2 bed dwelling with office that could double up a 3rd bedroom to be tied to the business, and occupied by the manager and family.
- 2.6 The proposed dwelling would sit in the north west corner of the site, as seen in Figure 2 below, and overlook the overflow car park and have a wider view of animal pens to the south.

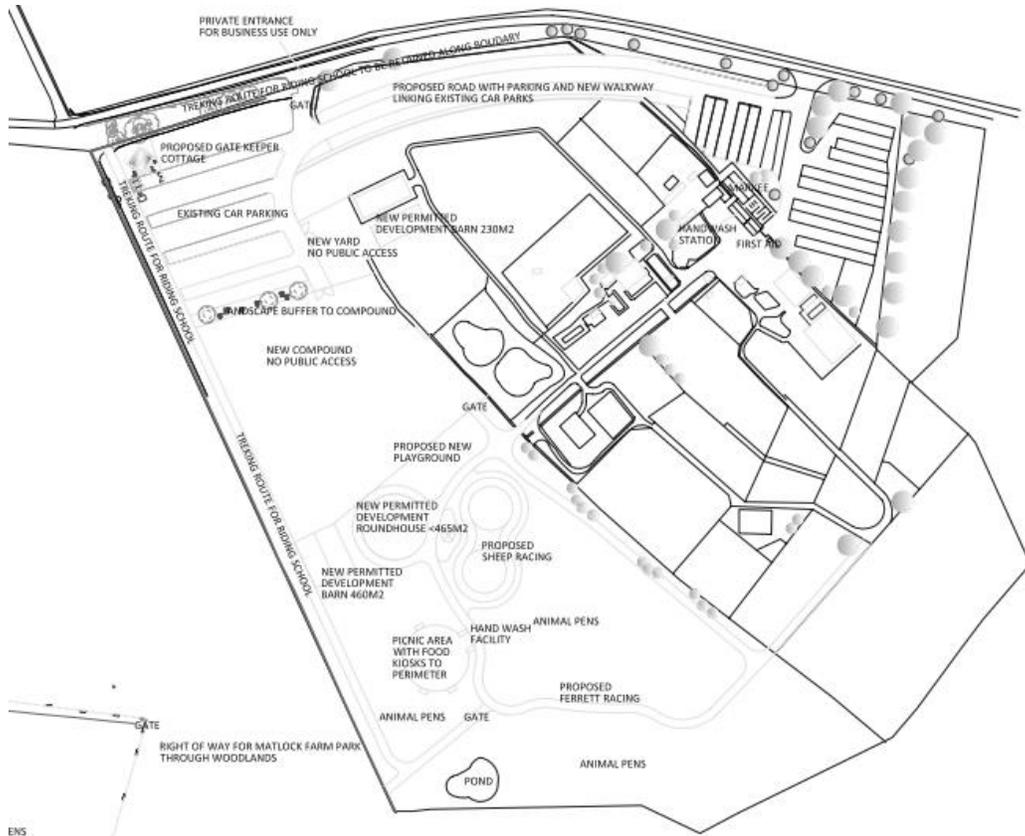


Figure 2: Proposed site plan with proposed managers dwelling in the north west corner of the site

2.7 The dwelling is designed over two floors at two storey scale and is to be constructed from natural stone with stone headers and cills; and a natural slate roof. Figure 3 below illustrates the proposed floor plan and elevational details.

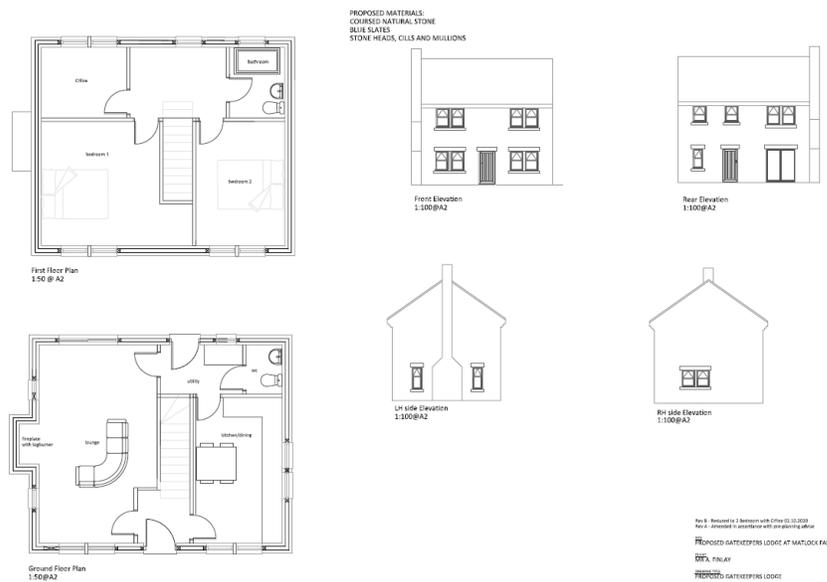


Figure 3: Proposed floor and elevation plans

Proposed Gatekeeper's Lodge at Matlock Farm
 DEX PLAN
 PROPOSED GATEKEEPER'S LODGE

- 2.8 A new stone boundary wall to the height of 900mm will be constructed to the south and east boundary providing the separation and to create a garden, parking and turning area. The existing landscape buffer to the north and west is to be retained.

Amendments

- 2.9 An updated Planning Statement has been submitted, prepared by Enzygo dated November 2021.

3.0 Relevant Planning History (not the full site history)

- 3.1 98/00043/FL - Change of use of land to form an "open farm", new access, change of use and extension to existing building, erection of agricultural building, porta-toilet unit and septic tank, and car parking area on land (REFUSED)
- 3.2 11/00844/FL - Erection of proposed interactive barn and tearooms (CONDITIONALLY APPROVED)
- 3.3 14/00037/FL - Application for planning permission including a change of use of land to extend the Farm Park into the adjoining field including construction of a manège, animal pens and pathways (CONDITIONALLY APPROVED)
- 3.4 16/00594/FL - Application for extension of existing cafe facilities and addition of a sensory play area and classrooms - two agricultural barns - small animal handling building and a falconry/reptile building and multi-use barn (CONDITIONALLY APPROVED)
- 3.5 18/00506/FL - Application for proposed washroom, extension to existing washroom and change of use of land to extend the farm park into the adjoining field including construction of animal pens and pathways (CONDITIONALLY APPROVED)
- 3.6 20/00524/FL - Application for proposed gatekeepers lodge (WITHDRAWN)
- 3.7 21/00255/FL - Erection of barn, new link road connecting car parks, new pedestrian walkway, new compound areas, sheep racing area, picnic area, children's play area and relocation of ferret racing area (CONDITIONALLY APPROVED)
- 3.8 21/00702/FL | Application for a proposed new roundhouse barn: (CONDITIONALLY APPROVED)

3.9 21/01185/FL | New shop and retention of existing kiosk (part retrospective) (amended title): (CONDITIONALLY APPROVED)

3.10 22/00171/FL | Proposed 3no. party rooms, new hand wash and kitchen facility and managers office: (CONDITIONALLY APPROVED)

4.0 Consultation Responses

4.1 **Parish Council** raised no comments.

4.2 **Ward Member** raised no comments.

4.3 **Highways Authority** raised no highway safety objections.

4.4 **Environmental Health (EHO)** raised no objection to the proposal.

4.5 **Cadent Gas** raised no objection, but requested an informative be included in any decision informing the applicant of a twin High Pressure gas pipelines that run diagonally through the center of the development. Cadent will need to be consulted and liaised with before any construction/landscaping/other work commences as we will have restrictions and pipeline protection measures that must be adhered to protect the integrity of these high pressure gas pipelines.

4.6 **National Grid** raised no comments.

4.7 **Severn Trent Water** raised no objection.

4.8 **Derbyshire Dales** raised no comments.

5.0 Representations

5.1 The application was validated on 10 June 2021 and was due to expire on 4 August 2021. An extension of time was initially agreed until 15 February to allow statutory consultees to provide comments on the proposal. No further extension of time was agreed. A site visit was undertaken by the case officer and a site notice was placed on a sign at the entrance to the site which expired on 1 October. A further site visit was undertaken by a Principal Planning Officer and Planning Manager on 13th May 2022.

5.2 None received.

6.0 Relevant Policy and Strategic Context

North East Derbyshire Local Plan 2014-2034 (LP)

- 6.1 The following policies of the LP are material to the determination of this application:

SS1 Sustainable Development
SS9 Development in the Countryside
LC6 Agricultural, Forestry and Other Occupational Dwellings in the Countryside
WC5 Visitor and Tourism Development
SDC3 Landscape Character
SDC4 Biodiversity and Geodiversity
SDC11 Flood Risk and Drainage
SDC12 High Quality Design and Place making
SDC14 Land Potentially affected by Contamination or Instability
ID3 Sustainable Travel

Ashover Neighbourhood Plan (ANP) adopted February 2018

- 6.2 The following policies of the ANP are material to the determination of this application:

AP2 Development Proposals Outside the Limits to Development
AP11 Design
AP13 Landscape Character
AP19 Dark Skies
AP20 Traffic

National Planning Policy Framework (NPPF)

- 6.3 The overarching aims of the National Planning Policy Framework (NPPF) have been considered in the assessment of this application.

Other Material Planning Considerations

- 6.4 Successful Places Interim Planning Guidance, adopted December 2013

7.0 Planning Issues

Principle of Development

- 7.1 Local Plan policy SS1 considers sustainable development in the District and development proposals will support the local economy by contributing towards business expansion and growth; reduce the need for energy in

new developments and ensure that it can use energy efficiently through the lifetime of the development; create well designed places; protect and enhance the character, quality and setting of heritage assets; and play a positive role in adapting to and mitigating the effects of climate change and take into account land stability risks and where necessary incorporate mitigation measures to address the risk.

- 7.2 Policy SS9 of the Local Plan covers development in the countryside and states that development will be approved where it can be demonstrated that to fall into one or more of the listed categories. The proposal does not fall into one of the listed categories. Nevertheless, in all cases where development is considered acceptable, it will be required to respect the form, scale and character of the landscape, through careful siting, scale, design and use of materials.
- 7.3 Landscape policy SDC3 of the Local Plan states that proposals for new development will only be permitted where they would not cause significant harm to the character, quality, distinctiveness or sensitivity of the landscape, or to important features or views, or other perceptual qualities such as tranquillity. The policy expands to state that proposals should be informed by, and be sympathetic to, the distinctive landscape areas identified in the Derbyshire Landscape Character Assessment and the Areas of Multiple Environmental Sensitivity (AMES) and contribute, where appropriate, to the conservation and enhancement, or restoration and re-creation of the local landscape taking into account its wider landscape character. The policy is clear that planning permission will not be granted for development outside the Peak District National Park which would damage or significantly affect the National Park purposes or its valued characteristics.
- 7.4 Local Plan policy LC6 seeks to ensure that new dwellings in the countryside is based upon the essential needs of rural businesses. It is a criteria based policy and applications are to be supported with appropriate justification for the business case, amongst other criteria the dwelling is to be of a scale appropriate to the functional needs, meets the financial test, design is in keeping with the surrounding area and it is sited on the holding. The applicants are required to enter into a legal agreement tying the dwelling to the business to prevent it becoming separated or sold independently.
- 7.5 Whilst Policy WC5 does not link to consideration of workers accommodation it does support visitor and tourism development of which this proposal supports. The positioning of the dwelling allows views over the whole site and the scale, massing and construction materials respects the sites location and would not have a significant adverse impact on any environmental designation.

- 7.6 The Ashover Neighbourhood Plan (ANP) includes policy AP2 which states that countryside settings will be protected for the sake of its intrinsic character and beauty. Development proposals will be carefully controlled and limited to that which supports the rural economy and needs to be in the countryside. In all cases development will not be seriously intrusive in the countryside and will respect the character of existing settlements and their setting.
- 7.7 Landscape is an important and highly valued environmental resource within Ashover Parish. Policy AP13 of the ANP states that development proposals are required to demonstrate that they respect the distinctive landscape character of the area as identified in the Derbyshire Peak Fringe and Lower Derwent Landscape Character Area. Impact upon the landscape will be assessed having regard to the extent to which the development would: cause an unacceptable visual intrusion; adversely affect landscape elements which contribute to the landscape character such as landform, field boundaries or settlement patterns; introduce or remove incongruous landscape elements; and disturb or detract from the visual amenity and tranquillity by the attraction of large numbers of people or excessive traffic.
- 7.8 The National Planning Policy Framework (NPPF) supports a prosperous rural economy. At paragraph 83 it states that decisions should enable the the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; the development and diversification of agricultural and other land-based rural businesses; sustainable rural tourism and leisure developments which respect the character of the countryside.
- 7.9 In view of the above, the principle of development is considered acceptable in this case subject to an assessment against the various strands of planning policy as outlined above.

Justification Assessment

- 7.10 As stated above, Local Plan policy LC6 seeks to ensure that new dwellings in the countryside is based upon the essential needs of rural businesses. It is a criteria based policy and applications are to be supported with appropriate justification for the business case, amongst other criteria the dwelling is to be of a scale appropriate to the functional needs, meets the financial test, design is in keeping with the surrounding area and it is sited on the holding. The applicants are required to enter into a legal agreement tying the dwelling to the business to prevent it becoming separated or sold independently.

- 7.11 The proposed dwelling is to provide living accommodation for the site manager to allow on site security and to overseeing the welfare of the animals.
- 7.12 The earlier proposal for a managers dwelling (ref: 20/00524/FL) was considered to be premature and not supported with a firm business expansion plan. Since then, there have been several planning applications approved showing a firm commitment to expansion of the tourist facility. A full list of the planning history can be seen above in Section 3.
- 7.13 The applicant has confirmed that Matlock Farm Park presently has 119 animals onsite, numerous said to be rare and endangered species such as Vallais black nose sheep, a Shire horse, and a fell pony, which are linked to the Derbyshire area. The resident llamas and alpacas require particularly high levels of support. Currently the Farm Park has 4 Alpacas (1 male, 2 breeding females and 1 new born male), 4 Llamas (3 male, 1 breeding female) and 1 Huarizo new born male (a cross between a female alpaca and male llama). This herd is proposed to increase in the next few seasons as more breeding takes place as the fleece has many uses and families enjoy viewing the animals.
- 7.14 The manager oversees the welfare of the animals and security and a 24/7 presence on site will allow the manager to respond to any security breach. Presently the Manger oversees the site via CCTV but lives 40 minutes away and not able to respond quickly.
- 7.15 The applicant considers that the proposed siting of the dwelling will allow easy 24 hour access to the site and be close to the fields and ark maternity within the farm park. A clear view from the dwelling to these fields is considered important to any site manager to monitor animals on site.
- 7.16 It is accepted by Officer's that there is sufficient justification for such manager's accommodation at the farm park. An assessment of the proposed siting and design of the proposed dwelling is undertaken below.

Landscape/Design Considerations

- 7.17 Local Plan policy SDC3 states that proposals for new development will only be permitted where they would not cause significant harm to the character, quality, distinctiveness or sensitivity of the landscape, or to important features or views, or other perceptual qualities such as tranquillity. The policy expands to state that proposals should be informed by, and be sympathetic to, the distinctive landscape areas identified in the Derbyshire Landscape Character Assessment and the Areas of Multiple Environmental Sensitivity (AMES) and contribute, where appropriate, to

the conservation and enhancement, or restoration and re-creation of the local landscape taking into account its wider landscape character. The policy is clear that planning permission will not be granted for development outside the Peak District National Park which would damage or significantly affect the National Park purposes or its valued characteristics.

- 7.18 ANP Policy AP13 states that development proposals are required to demonstrate that they respect the distinctive landscape character of the area as identified in the Derbyshire Peak Fringe and Lower Derwent Landscape Character Area. Impact upon the landscape will be assessed having regard to the extent to which the development would: cause an unacceptable visual intrusion; adversely affect landscape elements which contribute to the landscape character such as landform, field boundaries or settlement patterns; introduce or remove incongruous landscape elements; and disturb or detract from the visual amenity and tranquillity by the attraction of large numbers of people or excessive traffic.
- 7.19 ANP policy AP2 states that countryside settings will be protected for the sake of its intrinsic character and beauty. Development proposals will be carefully controlled and limited to that which supports the rural economy and needs to be in the countryside. In all cases development will not be seriously intrusive in the countryside and will respect the character of existing settlements and their setting. Furthermore policy AP19 of the ANP seeks to limit light pollution from artificial externally visible light sources. The site is identified as a “dark skies” area.
- 7.20 Local Plan policy SDC12 states that all development should be of a high quality and make a positive contribution to the quality of the local environment. Proposals will only be permitted providing that they respond positively to local character and context to preserve and where possible enhance the quality and local identity of their surroundings; provide integrated public open space; create good design which is well related to its site and surroundings in terms of its layout, form, height, massing, scale, plot size, elevational treatments, materials, streetscape and rooflines which effectively integrates the building into their local setting; includes boundary treatments and landscaping which are well designed and create strong physical features which provide visual and functional separation from the site’s surroundings. Where appropriate, effective landscape buffers will be required which create appropriate transition between urban and rural environments; Protect the amenity of existing occupiers and create a good quality of amenity for future occupants of land or buildings including in relation to privacy, overlooking, overshadowing and/or any overbearing impacts; maintains or enhances important existing site features of landscape, ecological, heritage or amenity value as integral elements of the design; includes measures to promote environmental sustainability, including those which address

energy and water efficiency where practicable and viable to do so; makes provision for private amenity space, storage and recycling facilities, and vehicle and cycle parking; incorporates measures to minimise opportunities for crime and anti-social behaviour; and creates good design which can be accessed by, and is inclusive for all users.

- 7.21 Policy AP11 of the ANP similarly states that development proposals should be designed well and sensitively to ensure that the high quality built environment of the Parish is maintained and enhanced. They should respect local character having regard to scale, density, massing, layout, materials and access, as appropriate. Proposals should enhance and reinforce local distinctiveness and show how development responds positively to the characteristics of the site and its surroundings. Development should follow a consistent design approach and have regard to the Council's Successful Places Interim Planning Guidance.
- 7.22 Furthermore policy SS9 of the Local Plan states that all development which is considered acceptable outside the Settlement Development Limits will be required to respect the form, scale and character of the landscape through careful siting, scale, design and use of materials.
- 7.23 The site is identified as forming part of the Dark Peak National Character Area and Landscape Character Type Enclosed Moorland. In addition to this a study of landscape character by Derbyshire County Council identifies the site as being within a Secondary Area of Multiple Environmental Sensitivity (AMES) considered to be the most sensitive areas of landscape, and which are most likely to be negatively affected by change or development. In these areas there will be a strong focus on the protection and conservation of their environmental assets.
- 7.24 The proposal is for a two storey dwelling located in the north west corner of the farm park site (see below Fig 4). The site is framed to the north by Jaggars Lane and to the west by woodland. Its siting is tucked away in the corner of the site away from the main built form on site and also set at a 45 degree angle to Jaggars Lane.

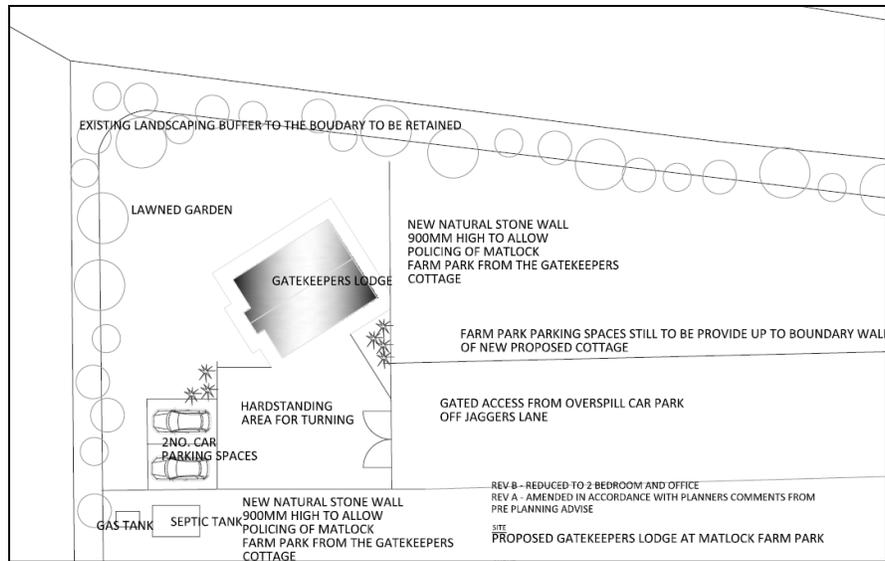


Figure 4: Proposed dwelling

- 7.25 Previous approvals on the wider site have attempted to contain the built form and introduce agricultural style structures in the more open areas of the site. Whilst it is appreciated by Officer's that the proposed dwelling will be constructed from coursed natural stone and blue slate, it is set at a 45 degree angle to the road and in an isolated position which would be at odds with the character and appearance of the site and the surrounding countryside.
- 7.26 Discussions have been ongoing between Officer's and the applicant. A site visit was undertaken by Officer's earlier in May 2022 to assess the site and its wider context. Officer's noted that there is an unauthorised static caravan located in the main car park and it has been confirmed that this is used for 'night watchman' security purposes. The applicant is in discussions with Officer's to retain this static caravan until the proposed dwelling is constructed. Officer's are not convinced that having a clear view and being slightly closer to animals on site would outweigh the harm that would result from the proposed dwellings siting away from the built form of the farm park. However the applicant is keen for the scheme as submitted to be considered.
- 7.27 Officer's conclude that by virtue of the proposed dwellings isolated position on the wider site, its two storey scale and its positioning in relation to the highway would be at odds to the prevailing character of the area and fail to be well related to its site and surroundings. Furthermore its scale, design and siting would in Officer's opinion represent significant harm to the character of the landscape and harm the open views enjoyed on this section of Jaggars Lane, which would fail to be sympathetic to the distinctive landscape character as identified above in the Derbyshire Landscape Character Assessment and the AMES.

Residential and Neighbouring Land Uses Impact

- 7.28 The proposed development is required to provide an onsite presence to manage the facility 24/7 whilst provide security of the isolated site. It is also surrounded by mature landscaping and not within a close proximity to any properties (the nearest being Rushley Lodge Farm to the east and residential properties at Darwin Lake some distance to the north west) or land uses which it may impact upon.
- 7.29 Local Plan policy SDC12 states that development should protect the amenity of existing occupiers and create a good quality of amenity for future occupants of land or buildings including in relation to privacy, overlooking, overshadowing and/or any overbearing impacts.
- 7.30 No concerns have been raised by the Council's EHO to the proposal.
- 7.31 Officer's are satisfied that the impact on other residents in the immediate vicinity of the site would not be adversely affected as a result of the proposed development.

Highway Safety Considerations

- 7.32 The site is a farm park tourist facility located in the countryside. Ample parking is illustrated on site. It is illustrated that some spaces will be lost to the proposed development and two spaces will be provided for the dwelling.
- 7.33 The Highways Authority note the 2/3 bedrooms property will be provided with two allocated space. Subject to the property being tied to the farm park and not being sold, let or sub-let as a separate dwelling and conditions relating to site accommodation during the construction period, visibility splays being achieved and allocated parking being provided to the dwelling there is no objections from a highway safety perspective.
- 7.34 The NPPF is clear that development should only be prevented or refused on highway safety grounds if there would be an unacceptable impact on highway safety, or have a residual cumulative impacts on the road network would be severe.
- 7.35 Officer's consider that the proposed development would have sufficient on-site parking and not lead to an unacceptable impact on highway safety, or have a residual cumulative severe impact on the surrounding road network.

Other Material Considerations

- 7.36 The site falls in Flood Zone 1 with the lowest probability of flooding. No objection has been raised by Severn Trent Water. Matters relating to the disposal of foul and surface water drainage, including sustainable drainage techniques (SuDS), can be dealt with by way of condition if members are minded to grant permission.
- 7.37 The Council's EHO raised no objection to the proposal. A generic land contamination condition could be included on any decision if deemed necessary.
- 7.38 A High Pressure Gas Line crosses the site. National Grid and Cadent Gas were consulted on the proposal and raised no comments.
- 7.39 No ecological information has been provided in support of the proposed development, however Officer's note the proposed dwelling would be within the confines of the park in an area currently used as an overflow car park. As such, any ecological enhancements and biodiversity net gain requirements can be, if deemed necessary, provided by way of condition.
- 7.40 If members of Planning Committee are minded to support the proposed development Officer's would point to Local Plan policy LC6 which states that development for any occupational dwelling shall only permitted where it is subject to a planning obligation to tie the dwelling to the land holding and to prevent them from being sold off separately. As such, it is officer's opinion that a decision should not be issued until such an agreement is in place.

8.0 Summary and Conclusion

- 8.1 The proposal seeks consent for a two storey detached dwelling to serve an on-site manager of the associated Matlock Farm Park. In principle Local and National Planning Policy supports rural businesses and where there is a justified need, workers dwellings.
- 8.2 The evidence provided establishes justification for such a managers dwelling on site in line with the Councils Local Plan policy LC6.
- 8.3 It is the siting and design of the proposed dwelling which concerns Officer's. The site forms part of the Dark Peak National Character Area and Landscape Character Type Enclosed Moorland, and is identified as a Secondary Area of Multiple Environmental Sensitivity (AMES) and considered to be most sensitive to development. Officer's conclude that the justification for a dwelling in this isolated position on site does not outweigh the landscape harm it would cause.

- 8.4 There would be no harm to neighbouring privacy and amenity. Furthermore highway safety would not be adversely affected as a result of the proposed development.
- 8.5 There are no technical drainage, land contamination and ecology matters that can't be addressed by way of condition on any decision.
- 8.6 If members are minded to grant permission, it is Officer's opinion that before a decision is issued a planning obligation to tie the dwelling to the land holding and to prevent it from being sold off separately should be agreed between the Council and applicant.
- 8.7 In conclusion, and in weighing all these issues, the proposed development is, overall, considered to be contrary to the Development Plan and National Planning policy. As such, Officers are of the opinion that the application is refused.

9.0 Recommendation

- 9.1 That planning permission is **REFUSED** for the following reason/s:

1. The proposed managers dwelling would be of a design, scale and siting on site which would be at odds with the prevailing character of the area and fail to be well related to its site and surroundings. It would be of a scale, design and siting that would represent significant harm to the character of the landscape and harm the open views enjoyed on this section of Jagers Lane, which would fail to be sympathetic to the distinctive landscape character as identified above in the Derbyshire Landscape Character Assessment and the Area of Multiple Environmental Sensitivity. Officer's conclude that the justification for a managers dwelling in this isolated position on site does not outweigh the landscape harm it would cause. As such the proposal would be contrary to policies SS9, LC6, SDC3 and SDC12 of the North East Derbyshire Local Plan, policies AP2, AP11 and AP13 of the Ashover Neighbourhood Plan and the overarching aims of the National Planning Policy Framework.