

## PLANNING COMMITTEE – 25<sup>th</sup> April 2023

**REFERENCE NUMBER:** 22/01213/FL      **Application Expiry Date:** 28.04.2023

**Application Type:** Full Planning Permission

**Proposal Description:** Demolition of existing farmhouse buildings and erection of a new 5-bedroom dwelling, plant building and barn, associated access and landscaping

**At:** Land at Uppertown Farm, Cullumbell Lane, Uppertown

**For:** Laura Holmes

**Third Party Reps:** Support      **Parish:** Ashover

**Ward Name:** Ashover

**Author of Report:** Adrian Kirkham      **Date of Report:** 06.04.2023

**MAIN RECOMMENDATION:** REFUSE Planning Permission

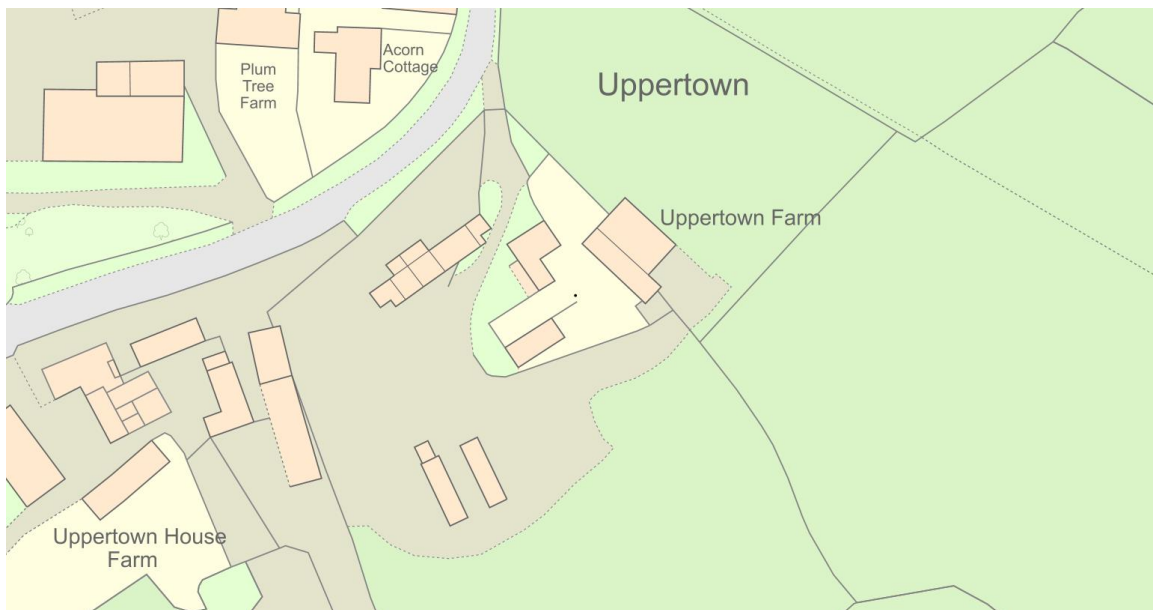


Figure.1 Application site

## **1.0 REASON FOR REPORT**

- 1.1 The application has been reported for consideration by Planning Committee as it has been called in by the Ward Member, Cllr Armitage, due to the impact of the proposal on the landscape.

## **2.0 PROPOSAL AND BACKGROUND**

### **SITE DESCRIPTION**

- 2.1 The site, the subject to this application, is located to the south-east of Cullumbell Lane at Uppertown, north west of Kelstedge. The site is currently occupied by a number of buildings, including the existing dwelling (Figure 2 below – the dwelling occupies the left hand side of the building), and a number of other farm structures of varying materials and styles (Figure 3 below).



Figure 2: Existing dwelling (shown left)





Figure 3: Existing Farm Buildings

- 2.2 The buildings are located within a parcel of land that also presently accommodates two unauthorised mobile homes and associated structures and a field to the south (see Fig 4 below).



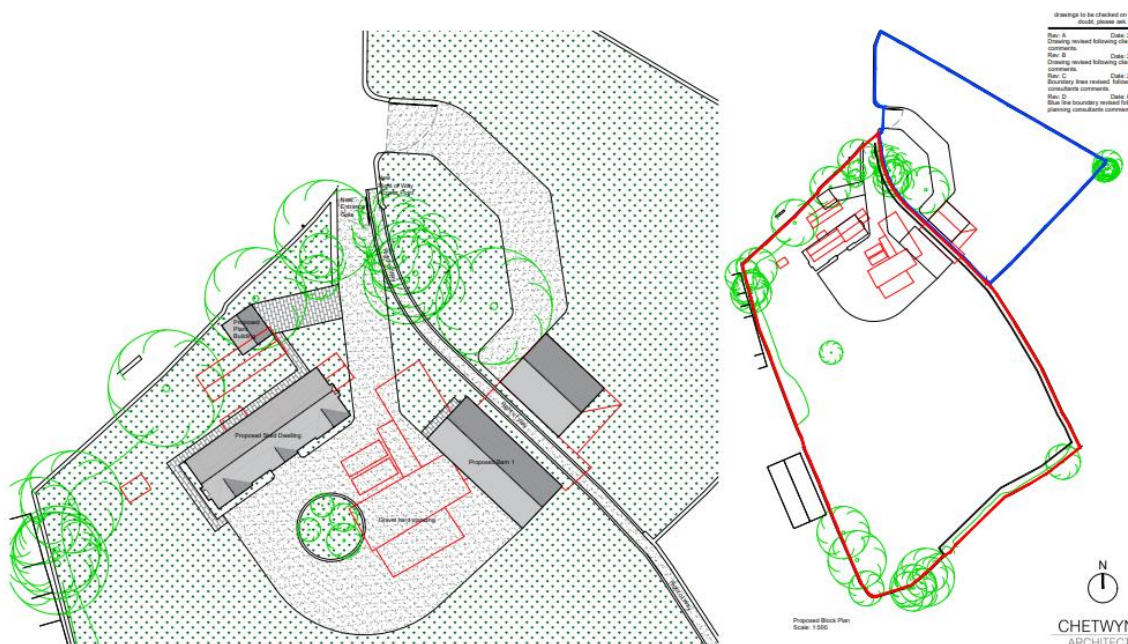
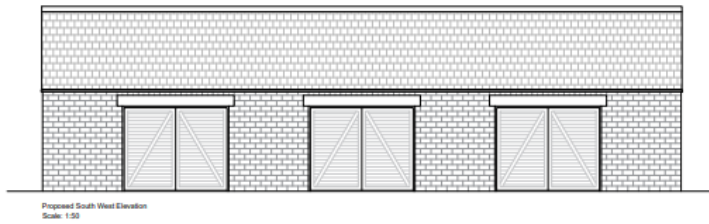
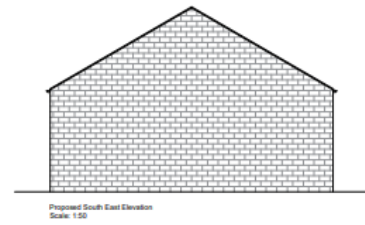
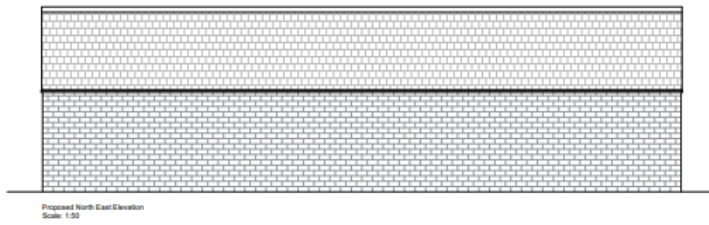
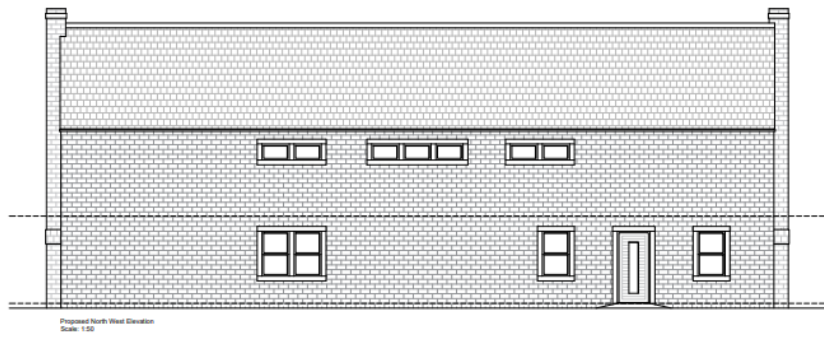
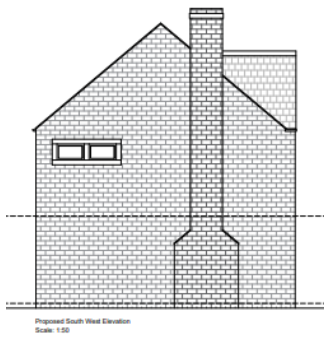
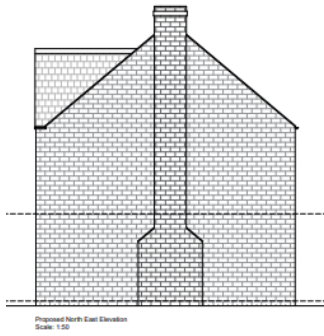


Figure 4: The application site (edged in red).

- 2.3 To the east of the application site is the remainder of the applicant's land holding which comprises an agricultural building and an unauthorised track. This area is shown edged blue in Figure 4 above. This area of land is subject of an application for a replacement building (22/01214/FL refers) that is also to be considered at Planning Committee.
- 2.4 The site is located within the Wooded Slopes & Valleys Landscape Character Area of the Peak Fringe and Lower Derwent Landscape Character Area and within the primary Area of Multiple Environmental Sensitivity (AMES).

## PROPOSAL

- 2.5 This application seeks permission to remove all the existing buildings from the site and replace them with three structures: a new dwelling, a new barn and a plant room and an area of hardstanding. The new structures are shown in Figure 5 below with their locations given in figure 4 above.



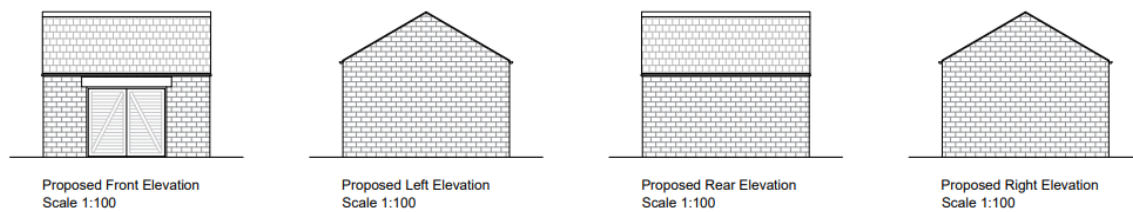


Figure 5: Proposed Buildings

2.6 Plans showing the existing farmhouse and associated structures are given below (Figure 6).



Figure 6: Existing Buildings

2.7 The application form suggests that the proposed new structures will be constructed of stone with an unspecified roof material.

2.8 The applicant has submitted both a Planning Statement and a Landscape and Visual Impact Assessment in support of the application. These can be read in full as required but state on behalf of the applicant that:

- a. The application site is 0.923ha in area.
- b. A footpath runs through the site.
- c. The site was formerly used for farming.
- d. A new entrance is proposed connecting to a turning circle to the front of the proposed new dwelling. No new access is proposed.
- e. The new dwelling would sit on the footprint of the existing dwelling and the size and massing will be largely the same as existing.
- f. New tree planting is proposed.
- g. The overall footprint of buildings across the entire site (including for application NED/22/01217) would be reduced. It is acknowledged the farmhouse volume itself will increase.
- h. The applicant contends the site is previously developed.
- i. The proposal will improve the area, the new dwelling is a traditional design and compatible with other replacement dwellings across the District.
- j. The site is only visible in long distance views.
- k. The public right of way is to be diverted from running across the site to alongside its boundary.
- l. The LVIA concludes the development would be largely beneficial on the landscape character of the area and views afforded to nearby receptors.

### 3.0 PLANNING HISTORY

- 3.1 NED/21/00644: Application to demolish all buildings and erect two dwellinghouses. Application withdrawn
- 3.2 NED/21/01316/FLHPD: Application withdrawn.
- 3.3 NED/22/00751/FL: Retrospective planning application for temporary use of two mobile homes sited on raised decking. Application refused.

### 4.0 CONSULTATIONS AND REPRESENTATIONS

- 4.1 The **Ramblers Association**: The documentation does not make clear how the PRoW Ashover FP 113 is to be preserved: The granting of planning permission does not in itself provide permission to divert or interfere with a PRoW; If an alternate route for Ashover FP 113 is to be provided the original definitive line should remain open, undisturbed and safe to use at all times; In the amended application form the answer NO is indicated to the question Are there any Diversions/Extinguishments and or Creations of rights of way required. This is at odds with the route of Ashover FP 113, shown on the mapping portal as running to the east of



the original buildings. Considering the above points we offer objection to this proposal until such time as the anomalies as outlined in 1 to 4 above are resolved. Suggest that the diversion is dealt with prior to any planning permission being granted.

4.2 **Environmental Health Officer:** No objection subject to condition.

4.3 **DCC Right of Way:** Ashover footpath 113 runs through the site (see below as Figure 7).

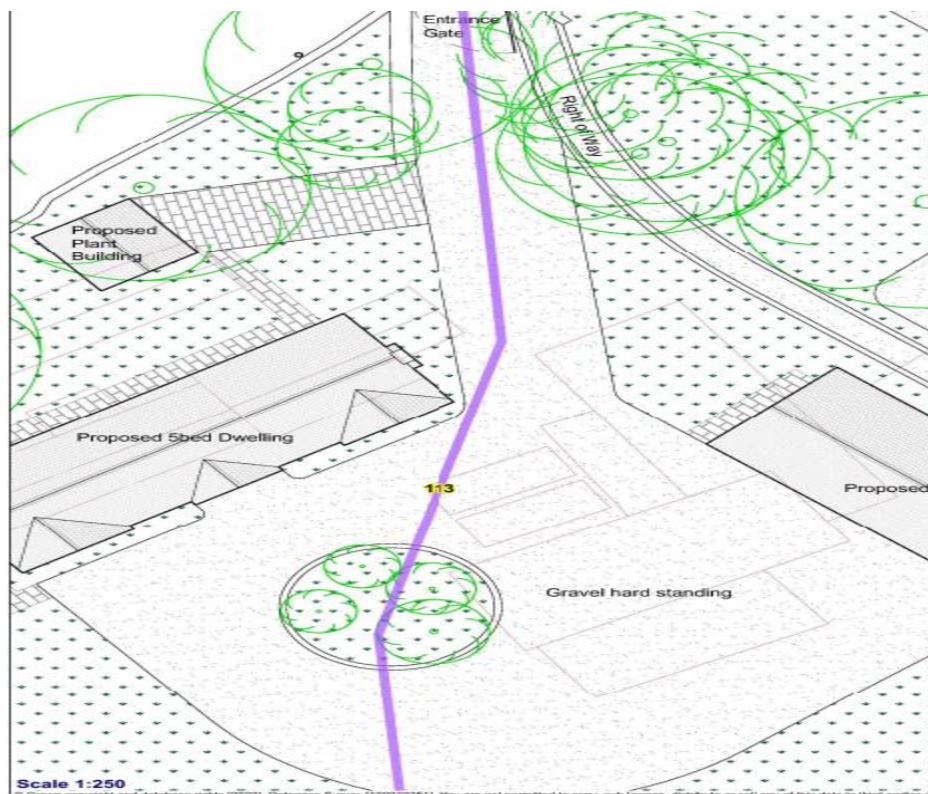


Figure 7: Line of footpath

The footpath should remain open until and unless diverted. Safety of users should be protected. There should be no encroachment on the line of the footpath. A diversion of the path can be submitted at any time.

4.4 **Peak and Northern Footpaths Society.** No objections to planning permission being granted subject to a number of caveats to ensure the line of the right of way is protected or a revised line is agreed.

4.5 **Highways Section:** No objection subject to conditions.

4.6 **Ward Councillor:** No specific comment received but “call in” requested.

4.7 **Ashover Parish Council:** Ashover Parish Council supports the comments submitted by the Area Officer NE Derbyshire District for the Peak and



Northern Footpaths Society on application 22/01213/FL and would apply these to this application also.

- 4.8 **Severn Trent Water.** No objection.
- 4.9 **Derbyshire Wildlife Trust.** No objection subject to conditions in respect of protecting breeding birds, biodiversity enhancement and lighting.
- 4.10 4 letters of support have been received stating the proposal will improve the hamlet as the farm has laid derelict and the improvements will add to the appeal of the area, it will enhance visual amenity and remove derelict buildings from the site, create a family home and the need to demolish is clear.

## **5.0 PLANNING POLICY CONSIDERATIONS**

- 5.1 The Development Plan comprises of the North East Derbyshire Local Plan 2014-2034 and the Ashover Neighbourhood Plan.
- 5.2 The following policies from the North East Derbyshire Local Plan are considered most important to the determination of the application:

SS1 Sustainable Development  
SS9 Development in the Countryside  
SDC3 Landscape Character  
SDC12 High Quality Design and Place Making  
ID8 Greenways and Public Rights of Way

- 5.3 The following policies from the Ashover Neighbourhood Plan are considered most important to the determination of the application:

AP2 Development Proposals outside the Limits to Development  
AP11 Design  
AP13 Landscape Character  
AP19 Dark Skies  
AP21 Footpaths, Cycleways and Bridleways

## **6.0 PLANNING ISSUES**

### **Principle of Development**

- 6.1 The application site is located within the countryside for planning purposes. The site is also located within a primary Area of Multiple Environmental Sensitivity (AMES) comprising the most attractive rural areas within North East Derbyshire.
- 6.2 Local Plan (LP) policy SS9 supports development where it involves the replacement of a building in the same use **and** is not significantly larger

than the building it replaces [Officer emphasis]. In all cases development which is otherwise considered acceptable will be required to respect the form, scale and character of the landscape, through careful siting, scale, design and use of materials.

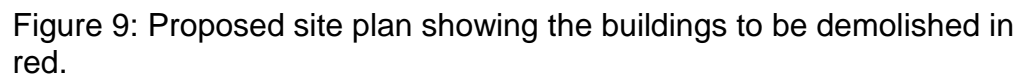
- 6.3 Policy SDC3 requires new development to not cause harm to the character, quality, distinctiveness or sensitivity of the landscape and, in AMES, to contribute to the conservation and enhancement, or restoration and re-creation of the local landscape, taking into account its wider landscape character type.
- 6.4 The policies of the Ashover Neighbourhood Plan (ANP) accord with the Local Plan policies and add a requirement that development should limit light pollution.
- 6.5 As set out above, planning policy does allow for the replacement of buildings in the countryside subject to them being for the same use **and** not significantly larger than the building it replaces.
- 6.6 Officers have been in discussion with the applicant about what constitutes the area of the site previously used in connection with the dwelling and so the area that would constitute the previously developed part of the site. Figure 8 below illustrates the agreed area of land that is previously developed (shaded white).



Figure 8: Agreed Domestic Curtilage

- 6.7 In this case, the new dwelling would fall roughly over the footprint of a building comprising both the existing dwelling (previously developed land)

6.8 In addition, such is the scale of the new structure, being taller and of greater massing than the existing, Officer's contend it would be significantly larger both in terms of its layout and scale than the existing.



6.10 The new dwelling is designed as one large block with significant glazing to its front elevation. It has a single ridge line and three gables to the front elevation. It is considered by officers that this scale and design is not reflective of the existing dwelling it would replace or the character of the area.



- 6.11 Also proposed is a further building, described as a barn in the application details and as shown above in Figure 5. It is a single storey structure with 3 garage scale double doors to the front elevation. It has the appearance of an elongated garage building rather than a traditional barn and would be in addition to the existing farm structures located to be retained/replaced on the wider holding. Further, it should be noted that if permitted this building would be located outside the agreed curtilage of the existing farmhouse and so extend the domestic area into the open countryside. This is not considered by officers to be appropriate introducing additional domestic area to the site and further eroding its agricultural character and surroundings.
- 6.12 It is understood that the site accesses water via an underground source. It is proposed to house this source within a new plant building (see Figure 5 above). This structure would be limited in scale and sit between the new dwelling and the highway to the north but again fall outside the agreed domestic curtilage adding further to the domestication of the site. This adds to Officer concerns about the proposal and consider this would have a negative impact on the surrounding landscape character.
- 6.13 Finally, the application seeks to create an extended curtilage by the fact that new domestic structures and hardstanding would be located within areas currently outside the agreed domestic curtilage of the existing dwelling. This additional intrusion into the countryside and areas previously used for agricultural activity is considered by officers to be harmful and it would erode the simple rural landscape character of the area.
- 6.14 It is noted that the submitted Landscape and Visual Impact Assessment concludes that the development would be largely beneficial. However, this is based on the conclusion that the site is not readily visible in longer views due to intervening tree cover and the topography and also a conclusion that the removal of the existing buildings from the site would be beneficial.
- 6.15 Whilst it is acknowledged that the replacement dwelling would be largely screened by existing buildings and trees in distant views little weight has been given to the fact that agricultural structures, of varying degrees of quality, are an acceptable form of development, and seen readily, in rural areas whereas large dwellings are not and that in close up views from the nearby highway and footpaths the new development would be readily visible. Additionally, no mention is made of the impact the significant amount of glazing exhibited in the proposed front elevation would have on the area at night and in winter when viewed from the respective given viewpoints and the conflict this has with Neighbourhood Plan policy AP19 relating to Dark Skies.

- 6.16 Overall, Officers conclude that the proposed development would impact adversely on the character of the area for the reasons set out above.

### **OTHER MATTERS AND CONSIDERATIONS**

- 6.17 The comments of the relevant technical consultees are noted. There are not considered any technical reasons why consent should be withheld.
- 6.18 The issue of the footpath that runs directly through the site is noted. The scheme has been designed to avoid it and so any new development will not obstruct the use of the path. It is also noted that a diversion is mooted whereby it would run in a revised path to the east of the application site. It is considered this would provide an acceptable alternative should consent be granted and a diversion order made.
- 6.19 The nearest residential properties are located across Cullumbell Lane to the north and at a higher level. It is not considered there would be any adverse impact on the amenity of nearby residential occupiers.
- 6.20 The comments of the various stakeholders are noted and it is considered all the relevant matters are addressed above.

### **CONCLUSIONS**

- 6.21 Planning policies seek to protect the countryside from inappropriate forms of development. Within AMES, the most special landscapes within the District, greater controls are set out.
- 6.22 The applicant seeks to construct a new dwelling, associated outbuildings, create an enlarged domestic curtilage and remove a variety of other buildings, including a dwelling, used previously largely in connection with the use of the site as a farm.
- 6.23 It is concluded by officers that the new replacement dwelling would not accord with planning policy SS9 in that the new dwelling would replace a building that is not wholly in current or last use as a dwelling and that the new structure would, in any case, be significantly larger than the building it replaces. As such, allowing the new dwelling would be contrary to policy SS9. Additionally, the new structure would have a greater massing and be taller and more bulky than the buildings on site and so not respect the character of the area.
- 6.24 Adding further concern about the impact of the proposal is the fact that two further buildings and an enlarged domestic area are proposed which would further erode the character of the area and so be contrary to both Local and Neighbourhood Plan policies which otherwise seek to protect the character of the area from unacceptable development.

- 6.25 The associated documents and LVIA submitted by the applicant are noted. However, these appear to underplay local, short distance views into the site from easily accessible areas and the impact the large glazing will have when the sky is dark. Protecting dark skies is a theme running through the Neighbourhood Plan.
- 6.26 Overall, it is concluded that the proposal would adversely impact and harm the character of the area failing to conserve and enhance it.
- 6.27 It is noted it is the intention to remove all the buildings from the site and that some of them are in a poor condition. However, Officers consider that agricultural buildings in a variety of conditions are a feature of rural areas and their removal attracts limited weight and it does not outweigh the harm otherwise caused by the proposed redevelopment of the site.
- 6.28 As such, Officers consider the application unacceptable, there are no other material matters that outweigh that conclusion and so recommend its refusal.

## **7.0 RECOMMENDATION**

**REFUSE** planning permission for the following reason:

The application is considered unacceptable as by reason of the new buildings' size, scale, design and overall massing and the enlarged domestic curtilage/garden that is proposed there would be an unacceptable impact on the rural character of the area and the proposals would fail to respect, conserve and enhance the distinctive local landscape area.

As such, the proposals would be contrary to policies SS1, SS9, SDC3 and SDC12 of the North East Derbyshire Local Plan, policies AP2, AP11, AP13 and AP19 of the Ashover Neighbourhood Plan and the National Planning Policy Framework when read as a whole.