

PLANNING COMMITTEE – 25th April 2023

REFERENCE NUMBER: 22/01217/FL Application Expiry Date: 17.04.2023

Application Type: Full Planning Permission

Proposal Description: Demolition of existing agricultural barn and redevelopment of a new agricultural barn

At: Land at Uppertown Farm, Cullumbell lane, Uppertown

For: Laura Holmes

Third Party No **Parish:** Ashover
Reps:

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 is associated with the proposed redevelopment of the wider site incorporating an application to replace the existing dwelling (see application NED/22/01213) which is itself subject of a call in to Planning Committee by the Local Ward Member.
- 1.2 This will allow Members to consider the impact of the new building on the character and appearance of the area.

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 existing building that is currently on site and which the new building is scheduled to replace is formed of three sections (see Figures 2 and 3 below). There is the central tall narrow pole barn which has been clad in corrugated metal sheeting and associated lean to extensions formed of block work and corrugated sheeting.





Figure 2: Existing building(s)



Figure 3: Existing building (from the road) and the existing (unauthorised) track

- 2.2 The barn is located within a parcel of land which is approximately 0.35 ha in area. (See Figure 4 below outlined application site in red).

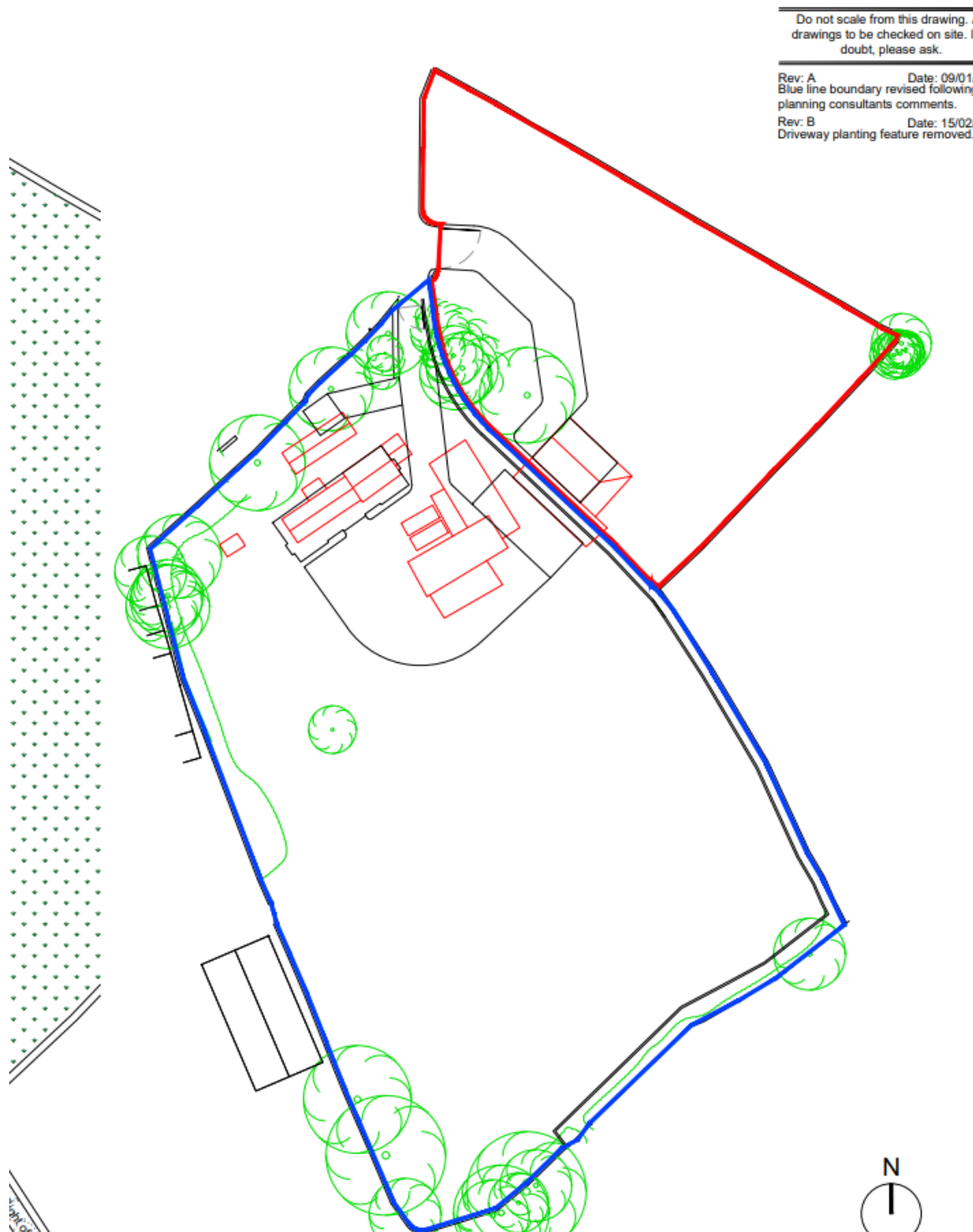


Figure 4: Application site (and barn in black) outlined in red

- 2.3 To the west of the site is the remainder of the applicant's land holding which comprises the former farmhouse and a variety of other former agricultural buildings in a variety of conditions, an open hardstood area and two unauthorised residential caravans and associated structures. This area is shown as blue in Figure 4. Part of this area of land is subject of an application for a replacement dwelling (22/014217/FL) that is due to be considered at this 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 demolish the existing agricultural barn and replace it with a new barn (see Figure 5 below). It will be constructed of blockwork and sheeting.

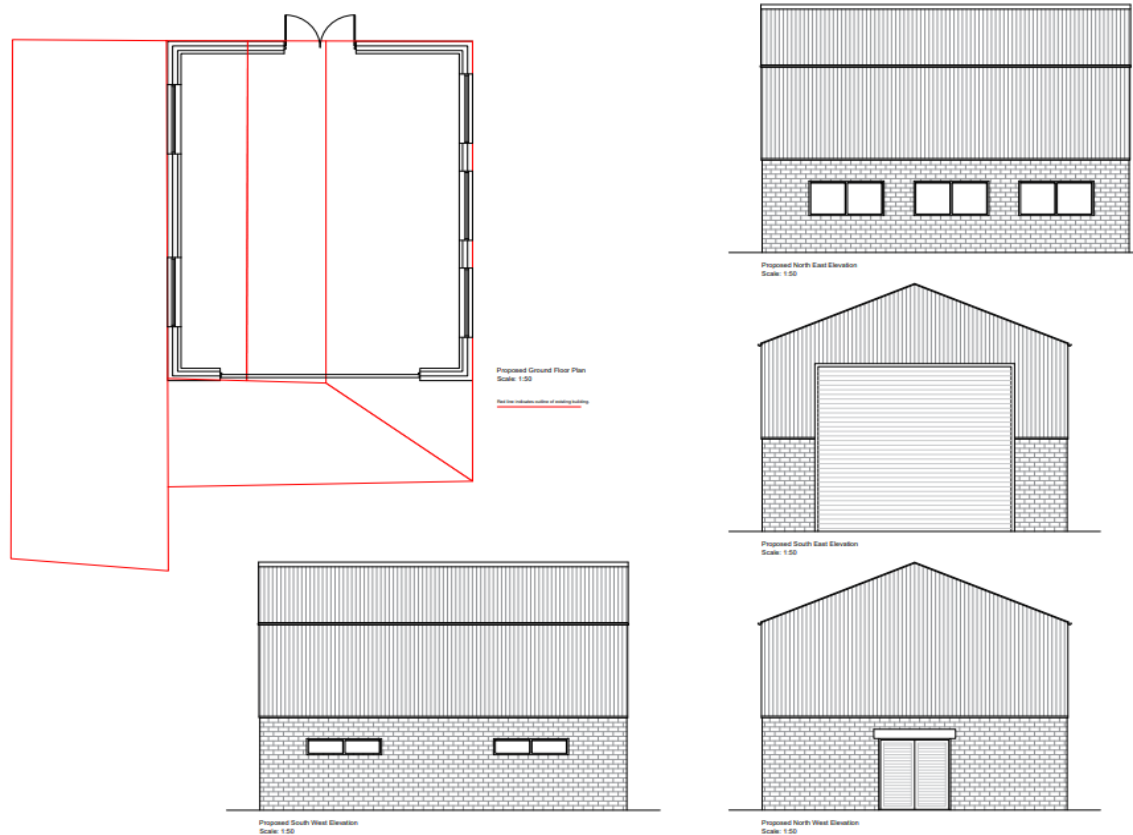


Figure 5: Proposed Building

- 2.6 A comparison of the new building compared to the existing is given in figure 6 below. However, it should be noted that no details of levels have been submitted and the new structure is shown as on a flat site. Figures 2 and 3 indicate this is not in fact the case and so any new building is likely to have a greater scale than shown.

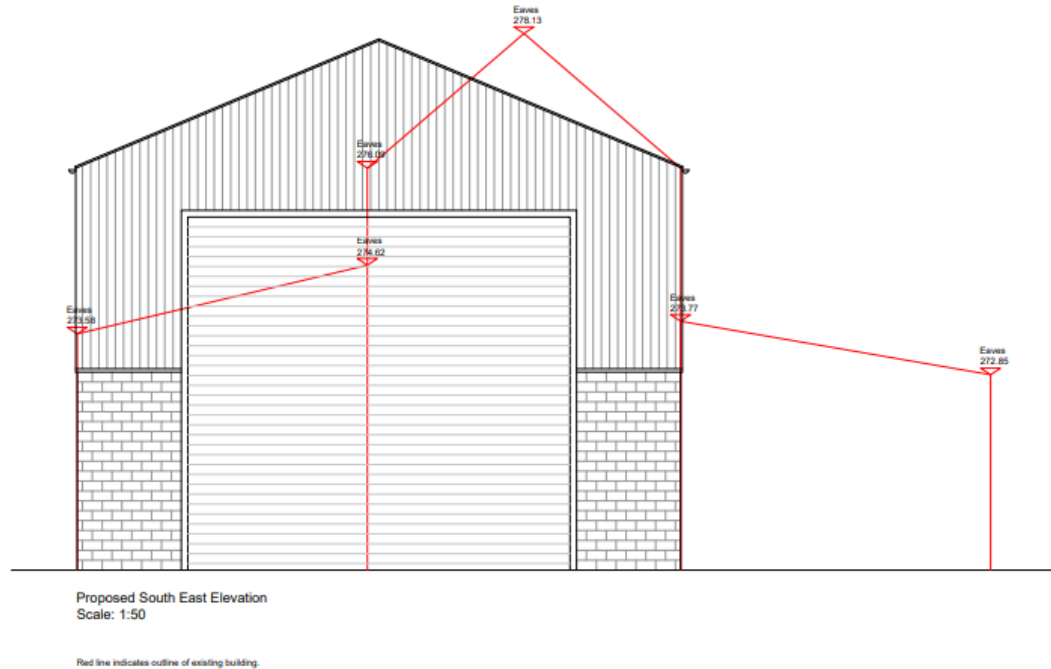


Figure 6: Existing barn (outlined in red) with the proposed building superimposed

- 2.7 Additionally, it is proposed to retain part of an unauthorised track that has been formed accessing land to the south and south west of the site to allow for its clearance and other works. The track would afford access from the highway network to the front of the building facing the road as shown in figure 4 above and accessing the personnel scale door. However, the applicant does not seek planning consent for the track and instead would rely on permitted rights for it. In such a case, it would need to be reasonably necessary for agricultural purposes within the agricultural unit.
- 2.7 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:
- The application site is 0.35ha in area.
 - The unauthorised access was formed to allow site clearance.

- c. The site was formerly used for farming.
- d. The footprint of buildings would be reduced from 211.5sqm to 131.5sqm. The height of the new building would be approximately the same as the current structure.
- e. The new building would be used in conjunction with the other farm buildings on the site in the operation of the applicant's smallholding.
- f. The holding number is CPH/09/001/0574.
- g. The building would be used to store materials, equipment and, at times, livestock.
- h. The building is appropriately designed.
- i. The [unauthorised] track is considered acceptable under permitted development allowances, the track's status is not part of the application and should not be a material consideration in any planning decision.
- j. 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

- 3.1.1 NED/21/00644: Application to demolish all buildings and erect two dwellinghouses. Application withdrawn
- 3.1.2 NED/21/01346/CUPDMB: Application made under Class Q, Part 3 Schedule 2 of the GPDO to convert barn into dwellinghouse. Application refused.
- 3.1.3 There is a planning history on the adjoin site and this is set out as relevant to application NED/22/01213.

4.0 CONSULTATIONS AND REPRESENTATIONS

- 4.1 No third party comments have been received.
- 4.2 Environmental Health Officer: No comments.
- 4.3 Highways Section: Subject to the new entrance gate being placed at least 5m from the road, there no highway safety objections to the above mentioned planning application.
- 4.4 Ward Councillor: No comment received
- 4.5 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. (*Officer Comment- the footpath impacted by*

application 22/01213/FL does not cross the land included in the red line for this application)

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.

The following policies are those considered most important to the determination of the application:

The North East Derbyshire District Local Plan (2014-2034)

SS1 Sustainable Development
SS9 Development in the Countryside
SDC3 Landscape Character
SDC12 High Quality Design and Place Making

Ashover Neighbourhood Plan

AP2 Development Proposals outside the Limits to Development
AP11 Design
AP13 Landscape Character

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 the primary Area of Multiple Environmental Sensitivity (AMES).
- 6.2 Local Plan (LP) policy SS9 supports development in the countryside where it involves the replacement of a building in the same use and that is not significantly larger than the building it replaces. Development for the efficient or viable operation of agriculture is also supported. However, 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 typ.
- 6.4 The policies of the Neighbourhood plan (ANP) accord with the Local Plan policies.

- 6.5 The application seeks consent to replace an agricultural building with a new structure. The existing barn is a 3 bay building comprising a tall but narrow central bay clad in corrugated metal sheeting. The side and rear bays are single storey lean-to structures built of block and corrugated metal sheeting.
- 6.6 It is acknowledged that the proposed barn would occupy a lesser overall footprint than the existing building and volumetrically it is smaller but the mass and bulk of the existing structure is reduced by its largely single storey appearance and the slim two storey element which is narrow when compared to the overall size of the building.
- 6.7 The submitted LVIA concludes that the new structure would not be harmful to the landscape. However, Officers take a different view and consider the overall bulk of the building (the entire structure being two storey in height) would have a greater impact on the area visually than currently and its impact would be clearly felt as it would be seen in close order from the road and the local rights of way network with a footpath passing directly by the new building (see Figure 7 below).



Figure 7: Site seen from the site access (the public footpath runs along the track)

- 6.8 Officer concerns are increased due to the design of the building. No layout of how the building would be used have been submitted and so it is not possible to ascertain the exact internal uses proposed but the building is designed with a large single roller shutter door on the elevation facing south and otherwise with domestic style window and door openings being proposed. It is unclear how this would allow for modern agricultural use especially as no external hardstanding is proposed to serve it and the larger door is away from the new track that is proposed.
- 6.9 The applicant has set out that the building would be used for storage and, at times, livestock. A holding number has been submitted but no further information as to the land that the holding number refers to has been submitted or any details of livestock numbers or any other agricultural activity that takes place on the site. Certainly, at the time that the Planning Officer visited the site there was no discernible agricultural activity taking place on the small holding although photographs have been submitted showing that in 2020 there was some grass mowed for silage in the vicinity and some undated photos showing a small number of chickens and a goat on the land.
- 6.10 As set out above, no assessment is made of the track in this report. Its retention and modification is proposed as permitted rights under the terms of the General Permitted Development Order.

OTHER MATTERS AND CONSIDERATIONS

- 6.11 The comments of the Highway Authority, Environmental Health Officers, Flood Risk Team and Derbyshire Wildlife Trust are all noted. There are not considered any technical reasons why consent should be withheld.
- 6.12 The nearest residential properties are located across Cullumbell Lane to the north and at a higher level than the site. It is not considered there would be any adverse impact on the amenity of nearby residential occupiers.

CONCLUSIONS

- 6.13 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.
- 6.14 The applicant seeks to construct a new agricultural building in replacement for an existing structure. However, it is concluded that the new building would have a greater mass and impact on the site and locality than the existing and its design is more akin to an industrial building rather than

one associated with agriculture. In addition, there is no evidence that agriculture is currently operational on the site.

- 6.15 As such, Officers conclude that the building would be harmful to the area and that its form, design and scale does not enhance, and fails to respect, the character of the area.
- 6.16 As such, Officers consider the application unacceptable, that 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 building's size, scale, design and overall massing 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 and policies AP2, AP11 and AP13 of the Ashover Neighbourhood Plan.