

PLANNING COMMITTEE – NOVEMBER 2025

Reference Number: 25/00707/FL

Application expiry: 28.10.2025

Application Type: FULL

Proposal Description: Application for the retention and completion of an existing structure to form a hay, feed and implement store (Affecting a Public Right of Way)

At: Land Approximately 100M West of Yew Tree Farm, Quarry Lane, Woolley Moor

For: Mr Adrian Bailey

Third Party Reps: 1 support

Parish: Brackenfield Parish

Ward: Shirland

Report Author: Steven Wigglesworth

Date of Report: 20 October 2025

MAIN RECOMMENDATION: Refuse

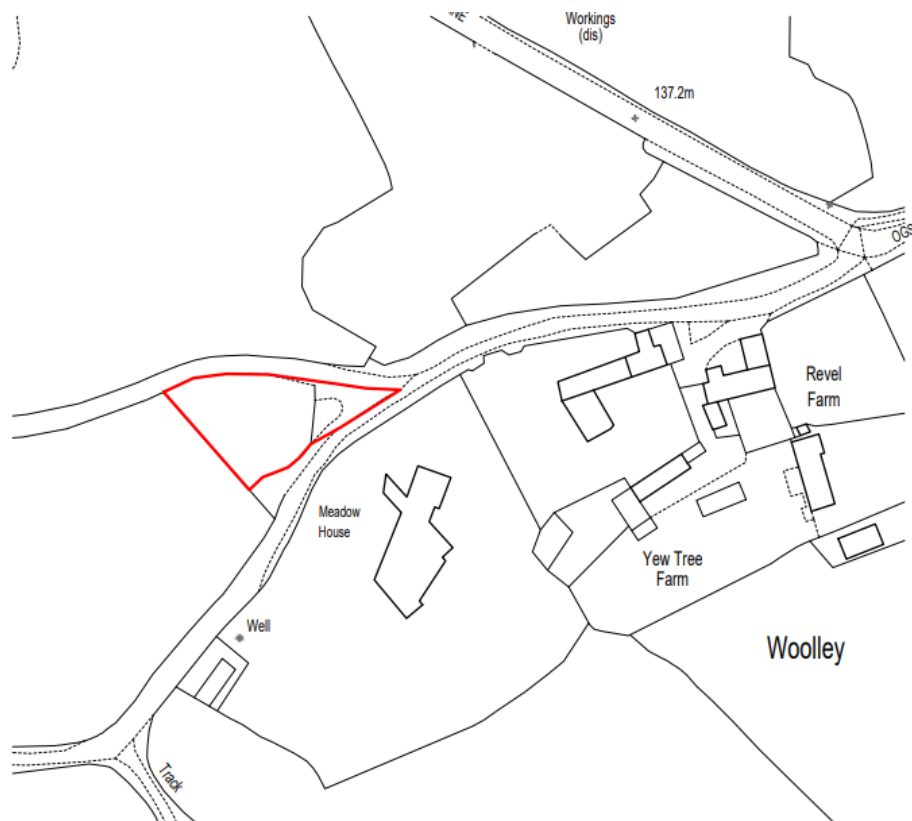


Figure 1: Location plan, with site edged in red

1.0 Reason for Report

1.1 Cllr Cupit requested that the application be considered at committee, subject to consideration of the final report for the following reasons:

- complex application and appeals history on this site
- consideration around the usage of and landscape in this area.

2.0 Proposal and Background

Site Description

- 2.1 The site is accessed via an unnamed non-classified road which junctions off Quarry Lane, Woolley Moor near Ogston Reservoir with a bridleway adjoining the site.
- 2.2 A new dwelling has been under construction on the site. Permission had previously been granted for the conversion of a building on the site, however, that building collapsed, and the applicant subsequently demolished the remains of the building.
- 2.3 The construction of a replacement building has begun (see Figure 2 below) without the benefit of planning permission. This has now ceased progressing following two refused planning applications which were both also dismissed when the applicant appealed the decision.



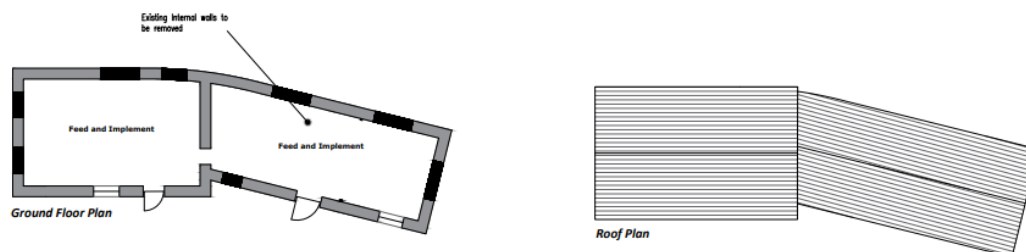
Figure 2: Photograph looking back into the application site

- 2.4 The stonework of the new, resultant building is considered to be of insufficient design quality, it is random in size but dressed in a way which gives the stonework a crazy paving appearance in places and has been dressed with an inappropriate pitched face. The pointing also does not appear appropriate in type or profile.

- 2.5 The site is widely open to public view, from the bridleway that adjoins the site (to the north), the road (to the east and south and south west) and from the north from Quarry Lane at a distance of approx. 100m. The site is readily visible due to it being located on higher ground and sky lining from this vantage point.
- 2.6 The site is within the Wooded Slopes & Valleys character type of the Peak Fringe and Derwent Valley Landscape Character area. It is also within a primary Area of Multiple Environmental Sensitivity (AMES) representing the most sensitive areas of landscape in North East Derbyshire (page 126/para 8.18 of the North East Derbyshire Local Plan).
- 2.7 There are trees on the site. The site is in a development high risk area as identified by the Coal Authority.

Proposal

- 2.8 The application proposes the retention and completion of an existing structure to form a hay, feed and implement store.
- 2.9 The proposal includes infilling all the openings with the exception of 4 on the front. The building is in two main parts and the front of each part would have a vertically boarded pedestrian sized door and a hopper window.
- 2.10 The proposal also shows that the existing internal partitions would be removed to leave the building split into the two main sections with an internal doorway between the two sections. Both sections are labeled up as 'feed and implement'.
- 2.11 The proposal would put a dual pitched roof over the building. The plan labels the walls up as existing stone, the roof would be clad with Staffordshire blue tiles (presumably Staffordshire blue clay tiles).
- 2.12 The building would be approximately 20.5m long have gable widths of approximately 5m and 6m. The building is in two sections, and the roof is broken up over the length of the building to reflect these two distinct sections.
- 2.13 The approximate height of the eaves is 2.5m and the ridge would be approximately 4.8m at the tallest section measured from elevation 1. Figure 3 below illustrates the floor and elevation plans.



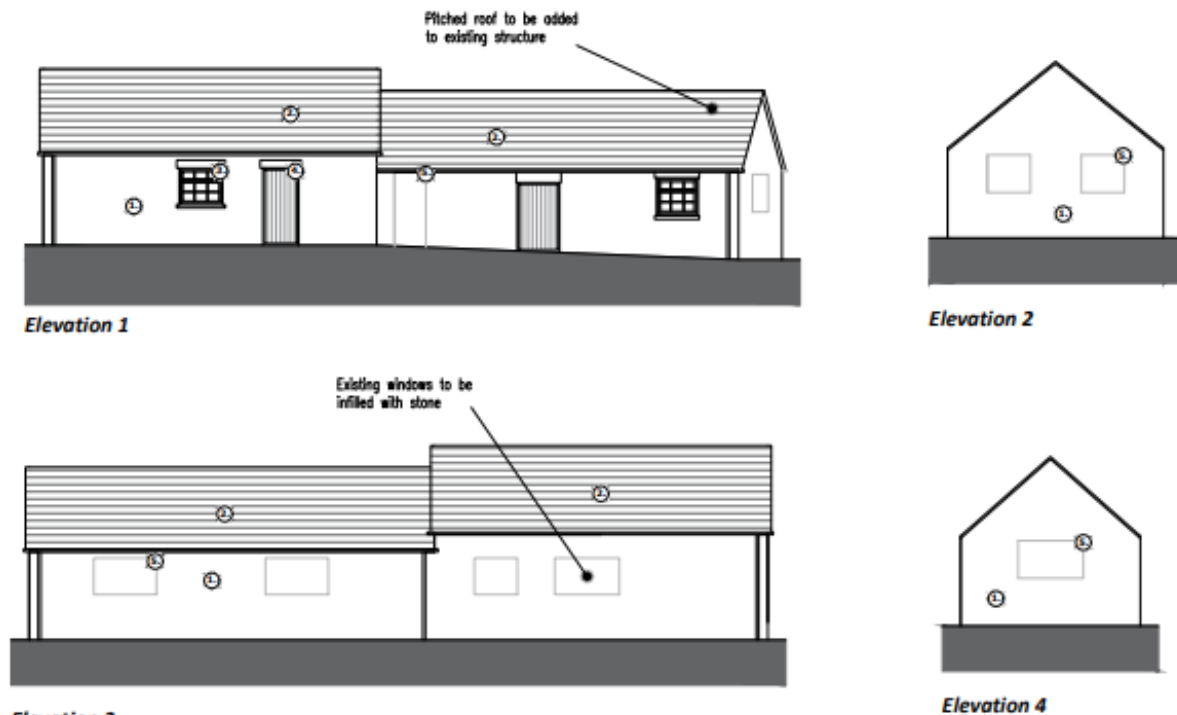


Figure 3: Floor and elevation plans

Amendments

- 2.14 No amendments to the plans have been received however following officer's concerns that no planning statement or agricultural justification for the building had been submitted an email has been provided which explains that the building could be used by neighboring farms who have expressed an interest to store their feed or implements in.

3.0 Relevant Planning History (not the full site history)

Reference	Decision	Decision Date	Description
23/00013/REF	DISMIS	21.11.2023	Demolition of old cottage and retention of new build dwelling to same footprint (Private Drainage System)(affecting a Public Right of way)
24/00029/REF	DISMIS	07.03.2025	Reconstruction of a former Blacksmiths Workshop to create a Dwelling house (Package treatment plant)(Affecting a Public Right of Way).
15/01299/FL	CA	31.05.2016	Conversion of barn to dwelling (Private Drainage System) (Amended Title)

16/00846/FL	CAPD	31.10.2016	Change of use from agricultural lands to additional land ancillary to proposed residential use (on 15/01299/FL)
22/00944/FL	R	06.01.2023	Demolition of old cottage and retention of new build dwelling to same footprint (Private Drainage System)(affecting a Public Right of way)
24/00282/FL	R	31.07.2024	Reconstruction of a former Blacksmiths Workshop to create a Dwelling house (Package treatment plant)(Affecting a Public Right of Way).

4.0 Consultation Responses

4.1 **Ward Member** – No response to date.

4.2 **Parish Council** – No response to date.

4.3 **Highways Authority (DCC) and Rights of Way** – Recommends the application be deferred because the visibility splays for the site access off Quarry Lane have not been provided; also parking provision has not been provided which would also need to demonstrate turning for vehicles and trip generation was requested. In addition comments provided about the PROW are as follows - It is understood that the applicant site is located adjacent to PROW Footpath Brackenfield BW 34 on the lane north of the applicant site. It is considered that as the footprint of the building is retained there are no objections. However, the width and footpath should not be encroached upon during construction or operational phases. The applicant is therefore advised:-

- The footpath must remain open, unobstructed and on its legal alignment.
- There should be no disturbance to the path surface without prior authorisation from the Rights of Way Section.
- Consideration should be given to the safety of members of the public using the path during and after the works. A temporary closure of paths will be permitted on application to DCC where the path(s) remain unaffected on completion of the development.
- There should be no encroachment of the path, and no fencing should be installed without consulting the Rights of Way section.

4.4 **Environmental Health Officer** – No comments.

4.5 **The Ramblers Association (CNEDRA)** - We note that Brackenfield BW 34, (part), runs approximately east west along the northern boundary of the area under consideration. Having perused the drawings provided we can see no reason why the development under consideration would adversely affect either the convenience or aesthetics of the aforementioned bridleway 34. As a consequence, we have neither objection nor comment to offer to the proposal as presented.

- 4.6 **Peak And Northern Footpaths Society** – No response to date
- 4.7 **British Horse Society** - No response to date
- 4.8 **Chesterfield Cycle Campaign** - No response to date
- 4.9 **Coal Authority** – Consulted on 13/10/2025 no response to date.

5.0 Representations

- 5.1 1 letter of support has been received which raises the following planning grounds for support (full response is available on the application file):
- As an experienced builder and neighbor to the development the supporter considers it would never have been possible to rebuild the building to building regs and the planning permission given.
 - Other buildings in the area have collapsed and been allowed to be replaced.

6.0 Relevant Policy

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
SS2	Spatial Strategy and the Distribution of Development
SS9	Development in the countryside
SDC2	Trees, Woodlands and Hedgerows
SDC3	Landscape Character
SDC4	Biodiversity and Geodiversity
SDC12	High Quality Design and Place Making
SDC14	Land potentially affected by Contamination or Instability

Brackenfield Neighbourhood Plan 2017-2034 (NP)

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

CH1	Protecting the countryside and landscape,
CH2	Protecting local character and distinctiveness,
NE1	Biodiversity
NE2	Dark skies
NE3	Woodland Trees and Hedgerows
HW4	Footpaths and bridleways.

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, particularly para 135, 139, 187.
- 6.4 In addition, reference needs to be made to the definition of previously developed land at page 77 as follows:

“Previously developed land: Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

7.0 Planning Issues

Background to the application

- 7.1 Planning permission was granted for a barn conversion to a dwelling (15/01299/FL), a structural survey supporting that application concluded the building was capable of conversion without rebuilding and this was secured by planning condition. The site was sold and the building removed and replaced without planning permission.
- 7.2 Planning Enforcement became involved in the site when a complaint was made about the bridleway adjacent to the property being impeded by the development. When the site visit was carried out it was apparent that the original barn had been demolished and a new building was being erected.
- 7.3 There has been two applications since to retain the replacement, to finish that building and use it as a dwelling (22/00944/FL & 24/00282/FL). Both of those applications have been refused by NEDDC and then the applicant appealed to the planning inspectorate and those appeals were dismissed. The current application seeks to retain and complete the building for agriculture.
- 7.4 Correspondence with the applicant’s agent and our enforcement team leading up to this submission has been that this is unlikely to be acceptable, but pointed out that we were yet to see the agricultural justification and will need to take that into account.

Principle of Development

- 7.5 The site is located in the countryside, outside of any settlement development limits and Local Plan Policy SS2 defines these areas as countryside where development will only be permitted in accordance with policies SS1 and SS9.
- 7.6 Local Plan Policy SS9 Development in the countryside is permissive of development that is necessary for the efficient or viable operation of agriculture. It is also required to respect the form, scale and character of the landscape, through careful siting, scale and design and use of materials.
- 7.7 Despite the advice given by our enforcement team the application has been submitted without an agricultural justification or planning statement to support the application. Given the history, it was not clear from the submission how the building proposed could be considered to be necessary for the efficient or viable operation of agriculture.
- 7.8 It should also be noted that traditional barn type buildings are noted in the pretext of SS9 as not normally being suitable for the modern purposes of agriculture. This is set out in Para 4.63 which explains the following –
- “There is a range of buildings in the countryside which are no longer suitable for their original purposes. The majority are likely to be agricultural buildings, but there may be other buildings which are no longer in use for their original purpose and for which an alternative use is being sought. Many of these buildings make a positive contribution to the character and appearance of the area. Provided that they are structurally sound, conversion of these buildings, for example to employment or community use, visitor accommodation or housing, can safeguard their future.”*
- 7.9 In particular, concerns have been raised by officers about the design of the building because its size, openings and materials mean it is not suited for modern agricultural purposes.
- 7.10 Officers are also concerned that there does not appear to be any significant amount of land associated with the building that could accommodate an efficient or viable agricultural operation.
- 7.11 In addition, the location of the building is away from any group of existing agricultural buildings, so it is isolated in that respect and as per the previous refused applications would continue to have a significant adverse impact on its setting including the landscape.
- 7.12 The applicant and planning agent have confirmed to officers that there is no known specific agricultural holding or agricultural business associated with this proposal. However the proposed use for the building is to rent it out to other neighboring agricultural farmsteads, who are reported to have expressed interest. Given the isolated nature of this building, officers consider that there are likely to be more viable

and sustainable locations for any additional storage required on existing agricultural holdings in the locality. As a result, officers consider that this proposal is not necessary for the 'efficient, or viable operation of agriculture...' as required by policy SS9 of the Local Plan.

- 7.13 The proposed building has also not been proven to be designed for the purposes of modern agriculture. It is not clear how the building would be able to accommodate feed and implements, as its doorways are all pedestrian in size and it has a relatively small floor space of less than 90m².
- 7.14 Its masonry construction and finishing from stone is also not characteristic of modern farming practices which would in general usually utilise a cost effective and utilitarian form and construction, such as a steel portal frame clad with profiled steel sheets and fiber cement roof and openings of the appropriate size.
- 7.15 If the proposal were allowed there is a possibility that it will not be used for the purposes of agriculture because it is not designed for agriculture, has no agricultural justification to prove it is necessary for the efficient or viable operation of agriculture and is a type of building that is not suited for modern agricultural practices.
- 7.16 Allowing a new agricultural building without being proven to be necessary for the purposes of agriculture in this location would represent significant harm to Local Plan policy.
- 7.17 In the scenario of having allowed construction of a building for which there is no clear justification, there is the risk that a viable re-use would need to be sought through a future application. Given the isolated nature of the location, it is considered that such a scenario would not result in a sustainable form of development, a conclusion corroborated by the appeal history on this site.
- 7.18 Having considered the proposal in full including the additional information from the agent (22 09 2025), officers can only conclude that the proposed building is not required to ensure the viability of an established agricultural unit, is isolated from any existing groups of agricultural buildings and is not designed for modern agricultural purposes.
- 7.19 The proposal is therefore contrary to the policies of the development plan including Local Plan Policy SS2 and SS9.

Impact on the character and appearance of the area including the landscape

- 7.20 The site is located within the Wooded Slopes and Valleys landscape type of the Derbyshire Peak Fringe and Lower Derwent landscape character area and a primary AMES (area of multiple environmental sensitivity). The key characteristics of this area include –

- Upland, undulating ground rising up to moorland
- Slopes are moderate to steep, and steepen along stream valleys
- Poorly draining soils over bands of mudstone and harder sandstone
- Permanent pasture for sheep and dairy cattle
- Widespread bracken and localised gorse on the thinner soils of steeper slopes
- Densely scattered small to medium ancient woodlands and secondary woodland on steeper slopes and along streams
- Densely scattered hedgerow trees
- Irregular field pattern bounded by mixed species hedgerows
- Dry-stone walls are widespread, defining a more regular field pattern
- Network of winding lanes, sunken on steeper slopes, with rocky banks
- Dispersed sandstone farmsteads with stone slate roofs

7.21 It was agreed by the Council and Inspectorate that the former building (now demolished) at the site appeared to be a modest, characterful building which was clearly discernible as a typical traditional agricultural building in this locality.

7.22 It was the type of building described in para 4.63 of the Local Plan, an agricultural building which was no longer suitable for its original purpose, which had a positive contribution to the character and appearance of the area, and which its future could be secured by conversion to a dwelling, given that the submitted structural survey proved it was capable of conversion.

7.23 Photographs (given below (Figure 4 and 5) and the structural survey which supported the 2015 application show the construction of the now demolished building was in general coursed stone (gritstone), punched face tooling to half of the stone on the front elevation (the front of the section nearest the road) and with lime mortar pointing. The west facing gable was coursed stone, the road facing gable was a random rubble stone and the rear elevation was random stone brought to course.



Figure 4 - Front elevation taken from the structural survey submitted for 15/01299/fl Coursed stone, tooled finish, punch faced.



Figure 5 - Rear wall taken from 2015 structural survey, random stone brought to courses.

- 7.24 The current construction bears little resemblance to its original finish. The stonework is random with a crazy paving appearance and has been pitch faced, the mortar appears to be cement based and has not been bag or brush rubbed it appears almost strapped in some places. The stonework is considered by Officers to be of low quality and not an accurate representation of the demolished building (See Figure 6 below).



Figure 6: Photographs from site

- 7.25 The building as proposed is also wider and longer than the demolished building. For example, the length of the demolished building was approximately 16.7m with the road facing gable of 4.6m and the other (west facing) gable of 5.2m (dimensions scaled from the 2015 application, from the existing plans). In comparison the proposed building is 20.5m long with the road facing gable 5m wide and the west facing gable 6m wide.
- 7.26 Figure 7 below is taken from the Planning Statement submitted with the approved 2015 planning application for the conversion of the original building. It illustrates the dimensions that were attributed to the original building at that time.

includes the proposed plan and elevations. Annotations on this drawing confirm the use of matching materials throughout and the plans demonstrate that the change of use can take place with very few alterations to the exterior of the building which is 15.8 metres in length, between 4.6 and 5.1 metres in width, 2.0 to 2.5 metres to its eaves and 5.0 metres to the ridge of the roof, at its maximum height.

Figure 7 - Extract from Planning Statement by John Church Planning Consultancy Limited 22 December 2015 part of application 15/01299/FL

- 7.27 The proposed building is considerably larger and more prominent within the landscape than the building it replaces. There are improvements proposed to infill the openings of the existing structure and better relate the openings of the proposed building to the original building. However, even with these improvements, overall, it is considered that the proposed building will detract from its setting and the character and appearance of the landscape and is widely open to public view because it is next to a bridleway and open to view from other vantage points and detrimental to the AMES in which it is located. This is seen in the photo below in Figure 8.



Figure 8 - View from Quarry Lane, the building skylines.

- 7.28 The application site is in an isolated location, detached from any group of existing buildings and located next to a footpath and at a site which skylines when viewed from Quarry Lane, the proposal would result in harm to the character and appearance of the area including the landscape (primary AMES) and is therefore contrary to Local Plan Policies SS9, SDC3, SDC12 and Brackenfield Neighbourhood Plan Policy CH1.

Dark Skies

- 7.29 It is noted that Brackenfield Neighborhood Plan has a Dark Skies policy and therefore if the proposal were approved a planning condition would be needed to ensure that there is only essential lighting and that it is designed to ensure there is no light spill from the site as the policy only allows essential lighting.

Coal Mining risk Assessment

- 7.30 The site is in a development high risk area as identified by the coal authority. No coal mining risk assessment has been submitted with the application. So, as it stands the proposal is contrary to Local Plan SDC14.
- 7.31 We have not yet received the Coal Authority's consultation response as they were consulted on the 13/10/2025. It may be received by the date for planning committee and if so, planning committee will be updated accordingly.
- 7.32 There is the material consideration on the planning history to balance against the conflict with policy SDC14 because this matter has been resolved on previous applications which resulted in the recommendation for the imposition of a suitably worded condition to address this matter.
- 7.33 The discussion in the report from the earlier applications by the same applicant and agent were as follows –
- 7.34 The Coal Authority (CA) have objected because the site is within a high-risk area and no coal mining risk assessment (CMRA) was submitted in support of the application. Subsequently the planning agent has provided the CMRA from the earlier application. Which, for the previous application, the Coal Authority did not object, subject to conditions, the CA has maintained its objection because development has been carried out on the site without the relevant intrusive investigations having taken place.
- 7.35 The planning agent has been working on overcoming this objection and established a position with the CA that if they can get confirmation from their technical consultants on the efficacy of undertaking the intrusive investigations and any resultant mitigation at this stage of the development then it could be conditioned.
- 7.36 Officers received correspondence from the applicant dated 18.07.2024 explaining that Emcus Ltd have been instructed to prepare a proposed scope of works to investigate the potential shallow mine workings beneath the site. It does explain that

investigation and mitigation (if required) can still be achieved and how that would be done.

- 7.37 This explains the following:–
- 7.38 The investigation works will require the applicant to obtain the appropriate permit to enter and disturb from the Coal Authority and we have briefly discussed our proposals with James Smith at the Coal Authority.
- 7.39 The scope of the investigation has been informed by the Coal Mining Risk assessment issued by Midland Surveying & Engineering Limited in 2015 and will generally comprise the advancement of 3 water flush rotary probe holes to maximum depths of 15m bgl. (If the 0.8m thick Alton Seam horizon is deeper than that 15m bgl., it is considered that any potential workings in that seam would be too deep to pose a significant risk to the surface development through crown hole collapse subsidence, assuming a nominal 3m depth of superficial deposits). The 3 probe holes would be drilled in an approximate 'triangle' in the external areas of the site, surrounding the existing building footprint.
- 7.40 Should the investigatory probe holes reveal evidence of underground mine workings in the Alton coal seam horizon at potential influencing depth of the surface development, it is likely that stabilisation / remediation of any voided / impacted ground would be required through the injection of cement/pfa grout via a grid of holes. Given the relatively small size of the building footprint, it is considered that the grout injection holes could be drilled at an appropriate angle from the external areas of the site to intersect the worked seam horizon beneath the building footprint.
- 7.41 We trust the above sufficiently demonstrates that the potential shallow mine workings beneath the site can be appropriately investigated and if required treated / stabilised with the partially completed building in place.
- 7.42 Therefore, it is considered that subject to the same/updated planning conditions suggested by the Coal Authority on the previous application the development can comply with Local Plan Policy SDC14 which deals with land stability and contamination.

Highways

- 7.43 DCC Highways have raised some queries, and the agent responded providing some predicted trip generation information. Officers are satisfied that there is adequate space to get a vehicle onto the site and manoeuvre so that it can enter and exit in a forward gear. There is considered to be sufficient space between the highway and access gate to ensure that a vehicle can pull off the highway and open the gate without obstructing the carriageway.

- 7.44 Some elements of how the access would be designed require further detail in respect of how this may affect the character and appearance of the area as well as the trees and biodiversity of the site, for example, the extent of new surfacing required and how this may affect Biodiversity Net Gain.
- 7.45 Whilst this information has not been provided to date, the comments from the Local Highway Authority demonstrate that there are insufficient grounds to refuse the application on highway safety grounds.

Privacy and Amenity Considerations

- 7.46 The proposal is not considered to raise any privacy or amenity considerations.

Biodiversity Net Gain

- 7.47 At present the applicant is claiming the *de minimis* exemption for biodiversity because the footprint of the building won't be received.
- 7.48 However as discussed in the highways section there is a chance that further surfacing will be needed to enable vehicles to enter and exit the site in a forward gear. Officers consider that additional landscaping could potentially be required by planning condition, had the scheme been considered acceptable in all other regards.

Flood Risk

- 7.49 The site is not located within a flood zone or area prone to surface water flooding.

8.0 Summary and Conclusion

- 8.1 The proposal is not designed for the purposes of modern agriculture and insufficient evidence has put forward to indicate that the building is required to ensure the viability of an existing agricultural business.
- 8.2 Officers consider that the proposal will also have an adverse impact on the character and appearance and landscape, which is primary AMES and sensitive to such change.
- 8.3 The proposal is therefore contrary to the policies of the development plan and there are no material considerations which suggest a decision should be made otherwise.

9.0 Recommendation

- 9.1 The application is recommended for **REFUSAL** for the following reasons-
1. The applicant has no significant agricultural land holding in the locality from which to generate the need for an agricultural building in this location and the proposed

building is not considered to be suitable for modern agricultural purposes, this is because of its design, its size, its openings and its traditional stone construction. It is also noted that the site is in an isolated location away from any groups of existing agricultural building. The agricultural justification provided is not accepted because it proposes the building for use by neighboring farmsteads rather than for the applicant and therefore the building by virtue of its design, siting, and the submitted justification has not been proven to be necessary for the efficient or viable operation of agriculture and is therefore contrary to Local Plan Policies SS2 and SS9 and the NPPF particularly paras 135, 139 and 187.

2. The proposed building is located away from any group of existing agricultural buildings and open to public view, located next to a public right of way and at a site which skylines when viewed from Quarry Lane. By virtue of the buildings design and siting the proposal would result in harm to the character and appearance of the area including the landscape (primary AMES) and is therefore contrary to Local Plan Policies SS9, SDC3, SDC12 and Brackenfield Neighbourhood Plan Policy CH1 and the NPPF particularly paras 135, 139 and 187.