

Planning Committee 4th November 2025

SUMMARY OF LATE COMMENTS/REPORT UPDATE

The aim of this report is to seek to avoid the need for lengthy verbal updates that Planning Officers have sometimes needed to provide in the past at the Planning Committee. In consultation with the Chair, it has been decided that on the evening before committee a summary of all the late comments/representations received so far will be emailed to the Committee Members by the Governance Team.

It is possible that verbal updates will still be required at the meeting as sometimes comments are received at the last minute or Officers may wish to amend their recommendations: however Officers will seek to keep verbal updates to a minimum.

At the meeting Officers will only refer briefly to any key points of the case in the summary that has been emailed, as well as providing the usual verbal update for any additional last minute items.

If Members have any queries about the comments or the application itself please feel free to contact the relevant case officer given beneath the title of each summary below.

PARISH: Brackenfield Parish

APPLICATION: 25/00707/FL

CASE OFFICER: Steven Wigglesworth

1. SOURCE OF COMMENTS: Mrs Kathryn Barlow

DATE RECEIVED: 27/10/2025

SUMMARY:

I wish to register my support for the above application. I am an immediate neighbour and friend of Mr Bailey and Mrs Phillips. I have witnessed the systematic undermining by the Planning Department of their endeavours to create a dwelling sympathetically converted from an original barn.

I feel that Mr Bailey has not been given sufficient support and guidance from the planners, bearing in mind that he has no experience in this field. The Department should display some duty of care, but they have come across as determined to make this project fail, further compounding Public Opinion about the dictatorial behaviour of Planners.

In conclusion, this project has the full support of all neighbours and should be passed so that common sense prevails.

OFFICER COMMENTS:

This raises no new material planning considerations, and it should be noted that the applicant has appointed a professional planning agent to represent them.

2. SOURCE OF COMMENTS: Planning Officer

DATE RECEIVED: 28/10/2025

SUMMARY:

Since the committee report has been published, we have received a plan which demonstrates that a vehicle and trailer would be able to access the site and manoeuvre onsite so it can both access and exit the site in a forward gear. It also shows this can be done whilst retaining the tree and we have been advised that the surfacing will not change. Therefore, we consider that the de minimis exemption claimed from national BNG requirements is accepted and that the proposal is acceptable in highways terms, having discussed this with DCC highways they are broadly in agreement.

OFFICER COMMENTS:

Officers as that these comments are noted by members of planning committee.

3. SOURCE OF COMMENTS: Applicants planning agent – Jon Millhouse

DATE RECEIVED: 31/10/25

SUMMARY:

RE: Application for the retention and completion of an existing structure to form a hay, feed and implement store at Land Approximately 100m West of Yew tree Farm, Quarry Lane, Woolley Moor

I am writing to briefly explain the complex circumstances surrounding the above application. Your consideration of these points would be very much appreciated.

There has been a barn on this site for several centuries. Three buildings are shown on the medieval Ogston Estate Map. The barn which my client purchased in 2015 appears on the 1841 Title Map. At this time, the building was in use as a smithy in association with the Ogston Estate, and then an agricultural storage building.

The site was purchased by Adrian Bailey (our client) shortly after planning permission was granted for the residential conversion of the building in 2015 (Ref. 15/01299/FL). The Bailey and his wife began living in a static caravan on the site (where they remain to this day) in order to carry out the conversion. As our clients

began the conversion process, the building was considered to be structurally unsafe and later suffered a collapse. After this event, Mr Bailey sought to reconstruct the building out of the same stone as had been obtained through the collapse of the original building.

Shortly after the beginning of the rebuilding, North East Derbyshire District Councils Enforcement Team acted against the rebuilding of The Old Smithy. As a result, Mr and Mrs Bailey made the decision to apply for the rebuilding of the barn to form a dwelling. After this application was refused, Mr Bailey appealed the decision which was later dismissed. In an attempt to secure the building our client then employed ourselves to re-apply, on this occasion submitting a heritage report to emphasise the heritage benefits of retaining stone building on the site and amending the plans to revert the building to more closely reflect the original barn. Sadly, this again resulted in a refused application and a dismissed appeal.

Since this dismissed appeal, the Enforcement Team have visited the site where a meeting between myself, Mr Bailey and the Enforcement Team was held. It was agreed with the Enforcement Team that no action would be taken until an application to use the existing structure as an agricultural store had been submitted and decided by the Local planning Authority. The application before you today is a very different application to that proposed previously.

In essence, our client has invested a substantial portion of his time and money attempting to create himself and his wife a home in the countryside. In order to salvage something from the site, it is proposed that the building be completed and used as an agricultural store. This use would be associated with the land which the building is sited upon and the surrounding farmsteads, who have shared an interest in storing hay, feed or agricultural implements. This use would assist surrounding agricultural enterprises, provide something of an income in the form of rent for Mr and Mrs Bailey and ensure that the land value for which Mr Bailey purchased the land and Smithy is not entirely lost.

As seen in the consultation response from Mrs Kathryn Barlow, Mr and Mrs Bailey have grown very close to their neighbours over the last 10 years and many of them have expressed an interest in the proposed agricultural storage, to support their own land holdings.

Additionally, the site itself (which has an agricultural holding number) needs to be maintained and Mr and Mrs Bailey have the use of half an acre near Belper where she keeps horses. The store proposed will also provide the opportunity for her to keep some of her equipment in the store. Whilst this is separate from the land where she is keeping her horses this does present the opportunity to store her equipment somewhere which is better than the current position.

Over the last decade since the original application for the conversion of the building in 2015, Mr Bailey has worked proactively with the council, and this has continued

throughout this most recent application. We have offered to provide sample materials for the proposed building, repoint and reface parts of the stonework if necessary to secure planning permission. The plans already show all of the windows on the side and rear blocked up.

I have read the Officers Report carefully. I respectfully disagree with several points made. Refusal reason 1 states that the building is not suitable for agricultural storage because of its traditional stone construction. Agricultural barns have been constructed from stone in this landscape for centuries. Reason 1 also states that the building is isolated from other farm buildings. It is not. The application is advertised as “100m west of Yew Tree Farm” and the proposed barn is approximately 75 Metres from Walnut Farm.

Reason 2 states that the building would harm the landscape. I struggle with this assertion. I fear that the current half-built structure is being assessed, not the proposal for a simple stone and tile barn. The Brackenfield Neighbourhood Plan and Brackenfield Historic Character Assessment identify how important stone barns are to the local landscape character. It would arguably be more impactful to not have a stone barn on this site after centuries of one being there.

it is very important to note that before the unfortunate collapse of the Smithy, the building was historically in use as a Blacksmiths Workshop in association with the historic Ogston Hall. Our position remains that whilst this building has been lost, the retention of some form of building built using the same materials would provide a physical reminder of both the previous use of the land for which the building is sited, and the surrounding land before Ogston Hall itself was demolished.

In conclusion, we are essentially requesting planning permission for a stone storage barn – which is what existed when my client purchased the site. As a planning committee you are entitled to approve such an application contrary to your officers recommendation, much like you did for the re-building of a barn nearby Walnut Farm.

With due consideration of our client’s position and the local support in favour of this application, we hope that you will be able to look upon this application favourably.

OFFICER COMMENTS:

The comments made in the submitted letter are noted, and whilst they challenge or disagree with the officer report to members, they raise no new material planning considerations.

In the interest of completeness, the officer report to members comprehensively assesses the agricultural need of the building against policy SS9 of the Local Plan and concludes that insufficient justification has been provided.

The report also confirms that the stonework proposed, including its pointing and dressing, is inappropriate to its setting and its doors are not of an appropriate design

suitable for an agricultural use. Overall officers do not consider that the building is designed for modern agricultural purposes.

In terms of its potential agricultural use, officers question the viability of the agricultural land use on site and the proposal lacks any meaningful land holding, no business need is linked to the applicant and the building is small and has an unsuitable access. The report concludes that the building is not necessary for agriculture and not fit for purpose.

Officers note the relationship with other farm buildings; however it is not part of any existing group of agricultural buildings and as such isolated undermining its sustainability and appropriateness.

The site is within a Primary Area of Multiple Environmental Sensitivity (AMES) which is a valued landscape setting. The proposed building is larger and more prominent than the original barn, which results in it being widely visible from public vantage points. Officers conclude that the proposal would be harmful to the character and appearance of the landscape.

Overall, the current structure is larger, more intrusive, and not sympathetic to the local vernacular in comparison to the original barn which stood on the site.