

NORTH EAST DERBYSHIRE DISTRICT COUCL

PLANING COMMITTEE

30 JUNE 2020

**REPORT NO PM/02-20-21/AK OF THE PLANNING MANAGER –
DEVELOPMENT MANAGEMENT**

PLANNING COMMITTEE – 30 June 2020

REFERENCE NUMBER: 20/00185/FL Application Expiry Date: 03 July 2020
(Extension of Time)

Application Type: Full Planning Permission

Proposal Description: Application for construction of Scout Hut and use of land for outdoor recreation (revised scheme of 18/01159/FL) (Conservation area/Affecting setting)

At: Land north of St Swinthin's Church, Vicarage Close, Holmesfield

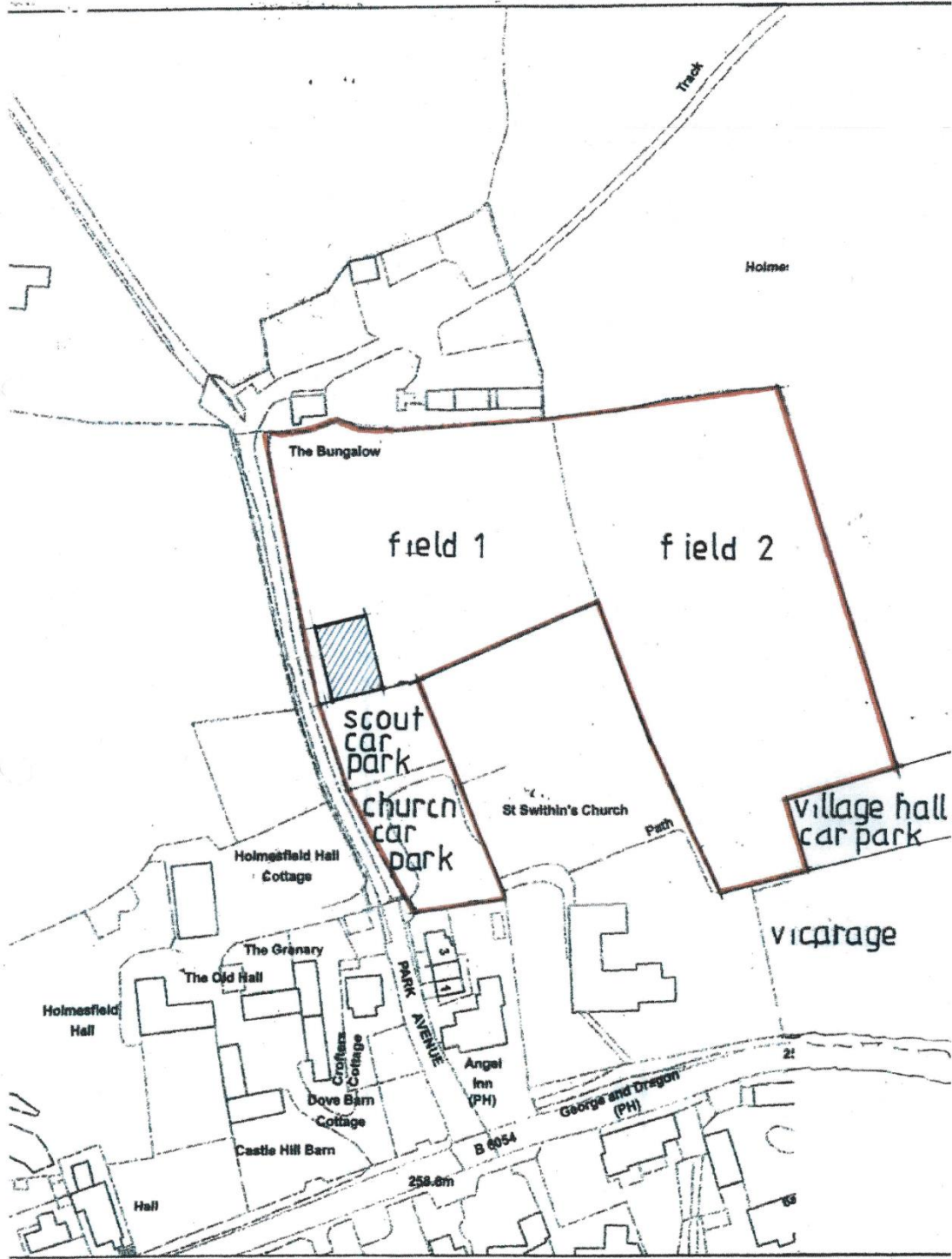
For: 3rd Holmesfield Scout Group C/O Agent

Third Party Reps: 4 Parish: Holmesfield
Ward Name: Barlow and Holmesfield.

Author of Report: Colin Wilson Date of Report: 12 June 2020

MAIN RECOMMENDATION: Refuse Planning Permission

Location Plan scale 1:1250



1.0 Reason for Report

- 1.1 Having been informed of the intention of Officers to refuse the application under Delegated Powers, the local Ward Member formally requested that the application be determined by Planning Committee, on the basis that they consider the proposals for a new scout hut to be beneficial to the young people of Holmesfield. The Local Ward Member advised that the Scout movement was an integral part of village life, until removed when the church hall was developed. The Ward Member concluded that this application represents an opportunity to re-instate the Scout group in their original home of Holmesfield.

2.0 Proposal and Background

Site Description

- 2.1 The application site is situated immediately to the north of the St Swithin's Church car park, which is accessed via Park Avenue (Holmesfield Footpath 7).
- 2.2 The application site is positioned outside the defined Settlement Development Limits for Holmesfield, within a countryside location designated as North East Derbyshire Green Belt. The site is situated within the Holmesfield Conservation Area and is located approximately 50m to the north-west of the Grade II Listed, St Swithin's Church. In addition, approximately 50m to the south-west of the application site are a range of Grade II* Listed buildings comprising Holmesfield Hall and its associated buildings.
- 2.3 The site comprises an open, undeveloped field bound by hedgerows, trees and stone walls. The site is accessed via a gate at the northern edge of the existing church carpark. Across the site, land levels fall gradually in a northerly direction.

Proposals

- 2.4 Full planning permission is sought for the construction of a scout hut. The proposed building would comprise stone clad walling materials and a dark grey standing seam/ zinc roof. The building would comprise a gable end roof design, with its ridge running north-south. The majority of the building's openings would be positioned at its eastern elevation, which would provide the main entrance to the building.
- 2.5 The footprint of the proposed building would measure approximately 19.5m x 14m. The proposed building would comprise eaves and ridge levels of 2.6m and 6.7m respectively, when measured from ground level.

The building would comprise a main hall, lobby, kitchen, toilets, back room and store rooms at ground floor level, with additional storage in the roofspace.

- 2.6 This application is a resubmission of application NED/18/01159/FL, which was refused under Delegated Powers in May 2019. The resubmission is supported by a planning statement (including a heritage appraisal) and a tree survey. Appendices 2 and 3 of the planning statement comprises a number of letters expressing support for the proposed development.

3.0 Relevant Planning History

- 3.1 The planning history for the site comprises a single application, which is summarised as follows:

18/01159/FL – Application for construction of a scout hut (Conservation Area) (Amended Plans) – Refused.

4.0 Consultation Responses

- 4.1 The **Ward Member** and **Parish Council** were consulted on the application:

- The Ward Member raised comments in support of the proposed development and requested that the application be determined by Committee rather than under Delegated Powers.
- The Parish Council made comments in support of the application on the basis of the proposals being beneficial for young people.

- 4.2 **Derbyshire County Council Highways Officers** were consulted on the application, reiterating the comments made in relation to application reference number 18/01159/FL, in which no objections were raised from a highway safety perspective, subject to conditions.

- 4.3 **NEDDC Environmental Health Officers** were consulted on the application, advising that they have no objections to the proposed development from an environmental protection viewpoint.

- 4.4 **The Water Authority (Yorkshire Water)** were consulted on the application – no comments were received.

5.0 Representations

- 5.1 The application was publicised by way of neighbour letters and the display of a site notice – 4 letters of objection were received and can be summarised as follows:

- Highway safety issues and disruption for residents caused by increased vehicular movements, particularly given the limited width of Park Avenue and existing traffic generating uses in the locality such as the Church and public house.
- Concerns regarding the stated means of foul and surface water disposal.
- Negative impact on trees and hedgerows within the Conservation Area and Green Belt.
- Impact of the development in heritage terms.
- The proposed building would have an appearance of a 2 storey industrial unit.
- There are other buildings in the vicinity of the application site that could be used by the scout groups, should they wish to.
- The application site is not a practical location for the proposed use.
- Disruption and damage to the highway during the construction phase.

6.0 Relevant Policy and Strategic Context

North East Derbyshire District Local Plan

6.1 The North East Derbyshire Local Plan (adopted November 2005) forms the Development Plan for the area. The Local Plan policies most relevant to the proposals are set out below:

- BE1 General Design Principles
- BE9 Development in the Vicinity of a Listed Building
- BE11 Development Within and Adjoining Conservation Areas
- GS2 Green Belt
- GS6 New Development in the Countryside
- T2 Highway Access and the Impact of New Development

6.2 The emerging Local Plan was submitted for examination in May 2018, with public hearings taking place in November/December 2018 and March 2019. The Inspector issued her interim findings in letters dated 18 February and 21 March, 2019. Following local elections in May 2019, the Council paused the Plan, pending consideration of its options around housing numbers and Green Belt release. On 27 February, 2020 the Council announced the un-pausing of the Plan to allow it to proceed to the next stage of consultation on the Main Modifications. It is expected that this consultation will take place in Spring, with Plan adoption by the end of 2020. The emerging Local Plan is therefore at an advanced stage and should be attributed appropriate weight in decision making.

National Planning Policy Framework

- 6.3 The overarching aims of the National Planning Policy Framework (NPPF) have been considered in the assessment of this application.
Planning (Listed Building and Conservation Areas) Act 1990
- 6.4 Section 66 of the Planning (Listed Building and Conservation Areas) Act sets out the general duty as respects listed buildings in exercise of planning functions. It states that the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.5 Section 72 of the Planning (Listed Building and Conservation Areas) Act sets out the general duty as respects listed buildings in exercise of planning functions. It states that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

7.0 Planning Issues

Green Belt Considerations

- 7.1 It is stated in Paragraph 133 of the National Planning Policy Framework (NPPF) that the government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 7.2 Paragraph 134 of the NPPF sets out that Green Belt serves the following purposes; a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.3 Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. That being said, Paragraphs 145 and 146 of the NPPF identify a number of defined exceptions to inappropriate development in the Green Belt which includes the provisions of appropriate facilities for outdoor sport and outdoor recreation, as long as the facilities preserve the openness of the Green Belt.
- 7.4 Planning permission is sought for the construction of a scout hut on land within the North East Derbyshire Green Belt. Officers do not consider that the proposals comply with any of the defined exceptions set out in the

Policies described above. Officers are of the view that the proposed scout would not principally relate to outdoor sport or outdoor recreation. It is the view of Officers that the building would primarily support indoor recreation. Moreover, the proposed building is of significant scale and would be sited on an otherwise undeveloped parcel of land divorced from the defined settlement of Holmesfield. It is therefore considered that the proposed development by virtue of its scale and siting would fail to preserve the openness of the Green Belt in this locality and would represent an encroachment into the countryside.

- 7.5 On the basis of the above considerations, Officers are of the view that the proposed development represents an inappropriate form of development in the Green Belt and would also be in conflict with the stated purposes of including land in Green Belt, namely safeguarding the countryside from encroachment.
- 7.6 Paragraph 143 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 7.7 Paragraph 144 of the NPPF adds that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 7.8 The rationale for the proposed development is set out in the submission and Officers accept that there would be some social benefits arising as a consequence of the creation of a community facility. That being said, as set out in the National Planning Policy Framework, substantial weight must be given to any harm to Green Belt and very special circumstances will not exist unless the identified harm is clearly outweighed by other considerations. In this instance, Officers do not consider that the social benefits arising as a consequence of the proposed development would outweigh the identified Green Belt harm by way of inappropriateness and the resulting encroachment into the countryside.
- 7.9 For the above reasons, Officers are of the view that to grant planning permission would be contrary to Policy GS2 of the North East Derbyshire Local Plan and the aims of the National Planning Policy Framework.

Heritage Considerations

- 7.10 Policy BE9 of the North East Derbyshire Local Plan relates to development in the vicinity of a Listed Building. The Policy states that

development affecting the setting of a Listed Building will only be permitted if it preserves or enhances that setting, and includes where appropriate the retention of trees and other landscape features.

- 7.11 Moreover, Local Plan Policy BE11 relates to development within and adjoining Conservation Areas. The Policy sets out that development proposals are required to preserve or enhance the character of the Conservation Area. In addition, Local Plan Policies require the design and detailing of proposals in and adjacent to Conservation Areas to respect the prevailing traditional built features of that Conservation Area.
- 7.12 The abovementioned Local Plan Policies relating to matters of heritage are not entirely consistent with the NPPF. Paragraph 196 of the NPPF stipulates that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 7.13 In this instance, the proposed development would result in the introduction of a substantial building of a relatively utilitarian appearance on an otherwise open and undeveloped parcel of land within the Holmesfield Conservation Area. The character of this part of the Conservation Area is defined by open countryside, as it comprises a field outside the built framework of the village. Furthermore, the application site provides an open and rural setting to the settlement of Holmesfield and Grade II Listed St Swithin's Church.
- 7.14 The proposed development of the site is considered to fail to preserve or enhance the character of the Conservation Area in this locality. Moreover, the proposed building, which comprises a functional appearance, is not considered to preserve the rural setting of the Grade II Listed St Swithin's church.
- 7.15 In this instance, the public benefits of the creation of a new community facility are not considered to outweigh the harm to the abovementioned designated heritage assets. Consequently, the proposed development is considered to fail to accord with the fundamental requirements of North East Derbyshire Local Plan Policies BE9 and BE11, and the NPPF when read as a whole.

Neighbouring Amenity Considerations

- 7.16 Given the comparatively remote location of the proposed scout hut, Officers are satisfied that the proposed development would not give rise to any unduly harmful impacts in neighbouring amenity terms. Furthermore, NEDDC Environmental Health Officers were consulted on the application,

advising that they have no objections to the proposed development from an environmental protection viewpoint.

Highway Safety Considerations

- 7.17 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.18 Derbyshire County Council (DCC) Highways Officers were consulted on the application, ultimately advising that they have no objections to the proposed development from a highway safety viewpoint, reiterating their comments made in relation to the previous application NED/18/01159/FL:
- 7.19 Highways Officers advised that it is inevitable that traffic generated by the development will result in the potential for some congestion and delay on the local highway network, particularly around group start and finish times, and whilst it is acknowledged that this is likely to be an annoyance to existing local residents, the level of traffic generated is unlikely to occur to a degree that would justify a technical highway-based objection which could reasonably be sustained in the event of an appeal; particularly given that this will be for a period of short duration, and on a limited number of days.
- 7.20 On the basis of the above advice from DCC Highways Officers, it is not considered that the proposed development would result in any unacceptable impacts in highway safety terms.

8.0 Summary and Conclusion

- 8.1 Planning permission is sought for the construction of a scout hut on land within the North East Derbyshire Green Belt. It is considered that the scout hut would not principally relate to outdoor sport or outdoor recreation but would primarily support indoor recreation. Furthermore, the proposed building is of significant scale and would be sited on an otherwise undeveloped parcel of land, divorced from the defined settlement of Holmesfield.
- 8.2 It is therefore considered that the proposed development, by virtue of its scale and siting, would fail to preserve the openness of the Green and would represent an encroachment into the countryside. Consequently, the proposed development represents an inappropriate development in the Green Belt.

- 8.3 Officers are of the view that the public benefits arising from the creation of a new scout hut in this location would not outweigh the harm to the Green Belt, by way of inappropriateness and encroachment into the countryside. Therefore, it is not considered that any very special circumstances exist.
- 8.4 The proposed development would result in the introduction of a substantial building of a utilitarian appearance on an otherwise open and undeveloped parcel of land within the Holmesfield Conservation Area. The character of this part of the Conservation Area is defined by open countryside, as it comprises a field outside the built framework of the village. The proposed development of the site would detract from the character of the Conservation Area in this locality. The public benefits of the creation of a new community facility are not considered to outweigh the harm to the Conservation Area.
- 8.5 The application site provides an open and rural setting to the settlement of Holmesfield and the Grade II Listed St Swithin's Church, which adjoins the application site. The proposed building, which comprises a functional appearance, is not considered to preserve the setting of the Grade II Listed St Swithin's church.

Whilst the harm to the setting of the Listed Church is considered to be less than substantial, the public benefits arising from the creation of a new community facility are not considered to outweigh the harm to the designated heritage assets affected by the proposals.

- 8.6 On the basis of the above considerations, to grant planning permission would be contrary to the requirements of Policies BE9 (Development in the Vicinity of a Listed Building), BE11 (Development Within and Adjoining Conservation Areas), GS2 (Development in the Green Belt), and GS6 (New Development in the Countryside) of the North East Derbyshire Local Plan, and the NPPF when read as whole.
- 8.7 There are no technical objections to the proposed development.

9.0 Recommendation

- 9.1 In light of the above considerations, it is considered that the proposals represent an unacceptable form of development. Officers therefore recommend that the application should be **refused**.

Reasons for Refusal

- 1) It is stated in Paragraph 133 of the National Planning Policy Framework (NPPF) that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by

keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 134 of the NPPF sets out that, inter alia, Green Belt serves to assist in safeguarding the countryside from encroachment.

Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. That being said, Paragraphs 145 and 146 of the NPPF identify a number of defined exceptions to inappropriate development in the Green Belt, which includes the provisions of appropriate facilities for outdoor sport and outdoor recreation as long as the facilities preserve the openness of the Green Belt.

In this instance, planning permission is sought for the construction of a scout hut on land within the North East Derbyshire Green Belt. It is considered that the scout would not principally relate to outdoor sport or outdoor recreation but would primarily support indoor recreation. Furthermore, the proposed building is of significant scale and would be sited on an otherwise undeveloped parcel of land divorced from the defined settlement of Holmesfield. It is therefore considered that the proposed development by virtue of its scale and siting would erode the openness of the Green Belt in this locality and would represent an encroachment into the countryside. Consequently, the proposed development represents an inappropriate development in the Green Belt.

Paragraph 143 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In this instance, no very special circumstances exist that would outweigh the harm to the Green Belt by way of inappropriateness.

- 2 Policy BE9 of the North East Derbyshire Local Plan relates to development in the vicinity of a Listed Building. The Policy states that development affecting the setting of a Listed Building will only be permitted if it preserves or enhances that setting, and includes where appropriate the retention of trees and other landscape features.

Paragraph 196 of the National Planning Policy Framework (NPPF) stipulates that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

The application site provides an open and rural setting to the settlement of Holmesfield and the Grade II Listed St Swithin's Church, which adjoins the application site. The proposed building, which comprises a functional

appearance, is not considered to preserve the setting of the Grade II Listed St Swithin's church.

Whilst the harm to the setting of the Listed Church is considered to be less than substantial, the public benefits arising from the creation of a new community facility are not considered to outweigh the harm to the designated heritage asset.

On the basis of the above, the proposed development is considered to fail to accord with the fundamental requirements of North East Derbyshire Local Plan Policy BE9 and the NPPF when read as a whole.

- 3 Local Plan Policy BE11 relates to development within and adjoining conservation areas. The Policy sets out that development proposals are required to preserve or enhance the character of the Conservation Area. In addition, the Policy requires the design and detailing of proposals in and adjacent to Conservation Areas to respect the prevailing traditional built features of that Conservation Area.

Paragraph 196 of the NPPF stipulates that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

In this instance, the proposed development would result in the introduction of a substantial building of a utilitarian appearance on an otherwise open and undeveloped parcel of land within the Holmesfield Conservation Area. The character of this part of the Conservation Area is defined by open countryside, as it comprises a field outside the built framework of the village. The proposed development of the site would detract from the character of the Conservation Area in this locality.

The public benefits of the creation of a new community facility are not considered to outweigh the harm to the Conservation Area. Therefore, to grant planning permission would be contrary to Policy BE11 of the North East Derbyshire Local Plan, and the NPPF when read as a whole.