

## PLANNING COMMITTEE – 12 January 2021

**REFERENCE NUMBER:** 20/00484/FL      **Application Expiry Date:** 15/01/2021  
**Application Type:** Full application

**Proposal Description:** Proposed building for tractor, implements and log store (Amended Plans)  
(Amended Title)

**At:** Barn Adjacent Walnut Barn, Ashover Hay, Ashover

**For:** Mr & Mrs J Bedford

**Third Party Reps:** 64 letters of objection & 1 supporting  
**Parish:** Ashover

**Ward Name:** Ashover

**Author of Report:** Emily Cartwright

**Date of Report:** Monday 21<sup>st</sup> December 2020

**MAIN RECOMMENDATION:    CONDITIONALLY APPROVE**



Fig 1: Site Location Plan

## **1.0 Reason for Report**

- 1.1 Local ward member, Councillor Armitage has formally requested that the application be considered by members of planning committee due to the impact of the landscape.

## **2.0 Proposal and Background**

### **Site Description**

- 2.1 The application site relates to a field to the east of the Barn adjacent to Walnut Barn; an agricultural building which has planning consent to be converted into a dwelling (planning reference 20/0044/FL).
- 2.2 The field forms part of a land holding amounting to approximately 2.5 acres/1 hectare which also comprises of the adjacent field to the north which runs west to east from the orchard at Hay House down towards Stonerows Lane.
- 2.3 The site is bounded by open fields to the east, an orchard to the north, a narrow county lane known as The Hay to the west, and a converted stone barn conversion known as Walnut Barn to the south.
- 2.4 A Public Right of Way (PRoW 84) is located approximately 90m to the west of the site in an elevated position on the ridge of Ashover Hay running in a north to south direction. A second PRoW 83 runs to the south east of Walnut Farm.
- 2.5 The area is predominately open in character to the east with views across the valley. The site is set down lower down than The Hay to the west, with the land falling away to the east.
- 2.6 The site is located within open countryside, which is designated as a Special Landscape Area.

### **Proposal**

- 2.7 Full permission is sought for the construction of an outbuilding for the storage of a tractor and implements and a log store for the upkeep of the land associated with the Barn.
- 2.8 The proposed building would measure maximum dimensions of 6.6m deep by 6.8m wide with a ridge height of 4m. The tractor and implement store would measure 6.6m deep, 4.5m wide with a ridge height of 4m and the log store would measure 6.6m deep, 1.8m wide with a ridge height of 2.8m.
- 2.9 The proposed building would be constructed from 100mm/10cm deep single blockwork finished externally, with Yorkshire tanalised vertical timber cladding. The tractor and implement section of the building would be finished with profile 23/1000 Jacksons corrugated metal cladding to the roof, finished in a Juniper colour and the log store roof would be finished in natural slate roof tiles to match Walnut Barn.

- 2.10 The tractor and implement store would feature a single door opening within the north (facing) elevation.
- 2.11 Access to the proposed building would be utilised by the existing field access.

### **3.0 Amendments**

- 3.1 The agent has submitted revised plans, omitting the stable part of the scheme and reducing the scale of the building.

### **4.0 Relevant Planning History**

- 4.1 13/00001/FL – Conversion and alteration of redundant barns to single dwelling including alterations to existing accesses (Conditionally Approved (CA))
- 4.2 15/00379/FL- Conversion and alteration of redundant barns to single dwelling including alterations to existing access (resubmission of 13/00001/FL) (CA)
- 4.3 15/01077/DISCON – Discharge of Conditions 3,4, 6, 9, 11 and 13 relating to 15/00379/FL (Discharged)
- 4.4 16/01227/FL – Proposed mixed use building for tractor store and stable/tack room with change of use of land to allow keeping of horses (CA)
- 4.5 20/00044/FL – Conversion and extension to rear of agricultural building to 4 bed dwelling with rooms in roof spaces (CA)

### **5.0 Consultation Responses**

- 5.1 The **Parish Council** does not support the application under Ashover Parish Neighbourhood Plan Policies AP11 (scale), AP13 (impact on the landscape character), AP16 (loss of a dry stone wall), highway access, loss of privacy to a neighbouring property, impact on wildlife, over development of the site and lack of justification (holding number).

Ashover Parish Council requests that a Wildlife Survey is undertaken and has concerns that the ground levels would be substantially altered. Members found it unusual for an agricultural building to be constructed of double-skinned walls and considers a breeze block construction to be the norm. Members request that justification for the proposal is fully determined and that previous conditions imposed on application 16/01227/FL are confirmed. Ashover Parish Council considers the proposal does not conform to Ashover Parish Neighbourhood Plan Policy AP1 sections a), b) and d).

- 5.2 The **Ward Member** called the application into committee on the grounds of impact on the landscape.
- 5.3 County **Highways Authority** were consulted, and raised no objections in principle to the proposed building.

5.4 **Derbyshire Wildlife Trust** (DWT) were consulted, however no comments have been received at the time of drafting this report for committee. Any comments received prior to the planning committee meeting will be reported to members as late representations.

## 6.0 Representations

6.1 The application was publicised by way of neighbour letters and the display of a site notice. One letter of support and 64 letters of objection have been received from a number of local residents which can be summarised as follows:

### Supporting comments:

- I have no objection to the building of an outbuilding, it would be reasonable for an outbuilding to accompany the building of a new domestic residence. Provided that laws and regulations are followed, I have no objection.

### Objections:

#### Supporting Statement/Justification

- The supporting statement is misleading as the owner has never owned horses contrary to the 2016 consent [*Officer note: the stables no longer form part of this application*]
- The owner does not farm the land or own any agricultural machinery
- The location plan is wrong and misleading, the property has been split with 2.5 acres of the 3.4 acre plot having been sold off to the new owners of Walnut Barn leaving under 1 acre of land. There is no longer any viability for its construction as the property is no longer large enough to support the keeping of horses.
- The planning statement is not valid. The applicants chose not to use the building as per the planning permission granted to them and have never kept horses. Therefore, neither the 2017 building nor the land usage has ever been established or accepted.
- The owner is a property developer and uses the current building for storage of tooling for his commercial activities in the building trade
- No substantive justification has in fact been submitted
- The land has never been used by horses, instead it has for the last five years, been used and managed by a local farmer to graze cattle
- The proposed elevations plan shows an Agricultural Building whereas the title looks to have now been changed to 'tractor, implements and log store'. Revised drawings have been submitted on 5 occasions including the recent change of title. This again confirms that there is no justification, need or requirement for this building which is totally different from the original application.

#### Policy

- The continued development of this site is not in line with the Neighbourhood Plan
- The ANP clearly states that Ashover Hay is a Level 4 settlement, this is the 4<sup>th</sup> development in under 5 years on the Walnut Barn site.

- The proposed development is not sustainable development, as the building is an unneeded intrusion into the open countryside with no agricultural value and does not comply with the plan clear intention to protect local environment for further generations to enjoy.
- As per the ANP, I do not believe the application 'protects the natural, built or historic environment'
- Ashover Hay is a level 4 settlement, there will be no allocations in these settlements. Development will be restricted to limited infill development to meet the local need in line with criteria policy SS13. [*Officer note: the proposed development is for an agricultural building, not new dwelling.*]
- Not in compliance with AP1a, AP13a and P15 of the Ashover Neighbourhood Plan
- AP2 states 'in all cases development will not be seriously intrusive in the countryside and will respect the character of existing settlement and their setting'. The proposed building would be very large and seriously intrusive to neighbouring properties either side and opposite.
- Conflict with the Development Plan in particular Policies GS7, GS1 and GS6 and Policy 15 of the NPPF.
- The proposed development would be contrary to a number of policies, namely BE1, NE2 and GS6
- The application is contrary to Policies NE1 and NE2 of the adopted local plan as the location of Ashover Hay is predominately rural, with a highly sensitive landscape character that is of immense value to local residents and visitors alike. The field patterns and drystone walling are key features and the proposal siting would harm this intrinsic characteristic.
- NPPF paragraph is NPPF 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

#### Special Landscape Area/ Countryside

- The proposed development affects the sensitive land of the area
- The development is proposed to be beyond the existing eastern building line of the hamlet of Ashover Hay
- The building would not enhance the built environment and would be seen from Ogston Reservoir (an SSI site)
- The proposed structure is an unneeded intrusion into an open countryside site.
- It would be 13.6m x 7.6m (footprint of over 100sqm) and would stand out alarming and would stand out from the footpath on top of Ashover Hay, from Littlemoor and across the valley in Woolley Moor and from Ogston. [*Officer note: the proposal has been reduced in scale from the original submission*]
- The building will by way of its size and material detract impact and will be intrusive for the surrounding area not just Ashover Hay.
- All properties on the eastern side of Ashover Hay are situated close to the road in a traditional ribbon development. The proposed building will run 90 degrees to all other buildings, protruding significantly into the landscape
- The application makes no reference to the need for a hard surfaced track/driveway to where the building is to be located nor that there would need

to be significant hard standing created in front of the building to enable vehicles to turn at 90 degrees. This along would have a further significant visual impact on the immediate landscape.

- The proposed building would be a large encroachment into the historically open fields.
- Ashover is recognised as a 'Gateway to the Peak' and lies within the Derbyshire Peak Fringe and Lower Derwent Character Area, and is in an area designated as being of "multiple environmental sensitivity" by DCC in relation to "its(...) historical and landscape sensitivity", which is another recognition of the high character value of the landscape.

### Design/Scale

- The building (2017 application) was hugely over specific in construction terms resulting in it being far easier to now convert into a dwelling. The proposed building is of similarly high specification and the possibly has to be considered that the same route will be followed as previously, resulting in an application to convert a dwelling.
- The building would be big and hugely disproportionate when judged against the remaining land available.
- The design and appearance of the development is not in keeping with the surrounding building structures, and the impact of the landscape is detrimental
- The proposed materials have been selected to replicate those used on the current tractor/implement store/stable/tack room. This is completely out of character with all other building in Ashover Hay.
- Even though the plans are amended and reduced the building is still too big
- The plans no longer show cavity walls. The plans do show the fact that quite substantial foundations remain together with block work rising to the height of the roof. An agricultural building in the countryside will typically have block-work to a certain height (not to roof level) laid on a concrete pad with either timber boarding or metal sheets added to the required height. Even the largest of agricultural buildings are built in this way with no foundations and certainly no cavity walls.
- Building the very large log store on one side of the wall and moving the building 1 metre into the field will avoid the need to take down the stone wall and apply tanking to the walls. However, attaching the log store has the advantage to the applicants of achieving a much larger footprint for the building.
- The rationale for joining the log store to the agricultural building is never stated. As the 'log store' is of considerable size itself - 6 meters x 1.5 meters plus 215mm blockwork and timber cladding and is to be constructed on a separate parcel of land to the agricultural building, one could surmise that a building of this size would warrant planning permission in its own right and that perhaps by joining the two structures together at roof level the applicant is hoping to avoid having to make such an application. The justification of a slate tiled roof to the log store is given as matching Walnut Barn. The applicant does not own Walnut Barn and it is no longer a directly associated building. Again, this is over specification, perhaps with a view to the roof of the agricultural building also altered in the future to a tiled roof as is proposed on the conversion of the existing tractor store.

- Joining the log store and the 'secure machinery storage' area in this way will require an existing drystone wall to be dismantled and replaced by a 3.4 meter high blockwork wall which will be tanked on the bottom portion. This will have a significant impact on the drainage of surface and ground water from the area of land above the machine store. No account of this is taken in the plans provided and from personal experience I know that this area of land quickly becomes saturated during heavy rainfall. This will also affect the habitat and breeding area of the established common toad colony as stated in my previous letter.
- The plans submitted also show footings of 750mm for the back wall of the agricultural building in addition to a concrete slab. What is the justification for this? The proposal is for a single story agricultural building for which a standard concrete slab would be sufficient. If there were to be future extensions to the building including an increase in height, then the additional footings might be necessary.
- Looking at the plans, even considering the recent cavity wall amendment, it would seem clear this structure is 'over-engineered' for its proposed usage?
- Compare the proposed machinery store area with that of the 'secure lockable section' of the general purpose agricultural building on neighbouring Walnut Farm. The secure portion of this building is 12 square metres (the open, lambing shed portion is larger). The enclosed machinery store of the amended proposal being discussed is double that, at 24 square metres. This is despite the fact that Walnut Farm has more land (2 acres), has vegetable beds, greenhouses, an orchard and livestock.
- The log store portion of the building also seems out of keeping with the average number of logs needed per household each winter for a log burner, which is shown in the planning permission as the source of heating for the building adjacent Walnut Barn/Hay Up.
- The amended plan has 34.66 square metres of floorspace (using the internal measurements provided by the applicants' architect – I note external measurements have not been included). The average UK house since 2010 has 67.8 square metres of floorspace, excluding hallways and staircases. If a conversion of the property to a dwelling is sought and a second floor is added to the current footprint, this would bring it above the average floorspace of new UK house at 69.33 square metres

### Use

- The doors on the north facing side are not stable doors as required and questions the intent of the applicants to ever use this building to house horses
- The applicants had claimed for storage of farm machinery, equipment, tractor and stabling for horses justification for the 2017 application, and have done so again on the latest application. I do understand that sometimes a stable and tractor store may have to be built before the horses/tractors are actually on site. However, in this case a building has been available since 2017 without horse or tractor appearing, and the applicants surely cannot make the same argument twice.
- Change of use granted in 2017 to allow keeping of horses, clause 2 of the attached condition states 'no mobile field shelters, other shelters or structure etc. shall be located on the fields/paddocks associated with this approval'. This clause should alone be enough to deny this further development

- Highways have already noted that access to the site is difficult but have given permission as long as it used solely for the purpose of tractors/horse boxes accessed the proposed building. If the building is not used for storage of tractors/horses the permission would be unjustified
- The newly proposed building may be smaller but is still substantial enough to be converted, albeit in stages, to a dwelling.
- The proposed building shown in the amended application straddles a dry stone wall boundary between land where the proposed “log store” is shown and the land where the “secure machinery store” is shown. The smaller portion, the proposed “log store”, is on land which is within the curtilage of a domestic building – the 4 bedroom house, planning permission granted early 2020, reference 20/00044/FL. The remaining, larger, portion of the building is outside the curtilage and in an open field. The larger portion is now, as of 13th November 2020 when further amendments were submitted, referred to as “secure machinery store (for the upkeep of the land)”, is on land which was granted change of use under planning decision 16/01227/FL, and is no longer “agricultural”, all permitted development rights having been withdrawn from that land, the Decision Notice stating:- “3. No mobile field shelters, other shelters or structures, trailers or horse boxes, shall be located, parked or stored on the fields/paddocks associated with this approval.”
- The “domestic”, “agricultural” and “equestrian”, are mutually exclusive and should be considered carefully
- Is the ‘mixed use’ really what is being applied for?
- The machine store is not ancillary to the dwelling approved under 20/00044/FL. It is located outside the curtilage of the dwelling on Greenfield land.

#### Amenity

- The proposed building would be intrusive and impinging on our private being within 20m of our boundary.

#### Access/traffic

- There is no footpath for safe passage when walking or pushing prams/wheelchair. This causes vehicles to drive on our gardens/paths and driveways when two cars meet. This will get more hazardous as more large vehicles use the land
- It is not clear if Highways have taken into consideration that the access will also be used for access, turning and parking of cars for the converted building. Conditions applied to the conversion require that there is sufficient space at the rear for parking/turning. If this is the case there will not be room for tractors/horse boxes to navigate and access this area.
- The roads to and from the site are mostly single track, narrow lanes where in places, there is limited visibility for traffic. This application is approved would see more unnecessary traffic on these lanes which would threaten safety of resident and regular users of these highways.
- The applicant has ticked no, when in fact they have already widened the access onto the public highway without planning permission and in the process demolishing an ancient well which was embedded in the wall.

## Wildlife

- The applicants' agent has not provided any evidence that there are no protected or priority species on, adjacent to or near the site.
- DWT have not been consulted
- There are protected/priority species adjacent to or near the proposed development site that will be adversely impacted by the proposed development.
- Bats which are protected by law will be negatively impacted by the proposal. Bats clearly use the application site. There is moderate to high suitability for bats to commute and forage.
- The proposed development may affect commute, foraging and/or refuges of local newts. Such survey work should be undertaken.
- Badgers in the area use this site and the proposed development will reduce their foraging area
- Common lizards and other reptiles use the site and dry stone walling. No survey work has been undertaken. The proposal will disturb their habitat and impact foraging
- Birds, protected species such as Brambling, Fieldfare, Barn Owl, Kestrel, Dunnock, Mistle Thrush, Tree Sparrow and Bullfinch, these being either red or amber listed will be adversely impacted by the proposed development.
- Schedule 41 priority species such as Common Toad, Common Lizard, Hedgehog and Wall Butterfly may be impacted by the proposed development
- The lack of assessment in relation to these species means that there is no proposed prevention or mitigation proposed. The proposal should show what action has been taken to prevent harm to biodiversity features on site.
- Development should adequately mitigate, or, as a last resort, compensated for, then planning permission should be refused'
- No proposals for the enhancement of biodiversity at the site have been submitted. The National Planning Policy Framework (13) states that plans should, as stated in section 174 b), 'promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity'. The applicants have not shown how they intend to ensure the above in their proposal.
- Ashover Hay is a biodiverse area which provides habitat for protected and priority species. The planning application has not adequately accounted for the presence or protection needs of local wildlife, nor does it state how it will support net gains for biodiversity.
- Adjacent natural pond and its inhabitants could be adversely impacted by the proposed development
- The amended plan has not rectified the issue of proper surveying for wildlife that may be present on the property or shown that appropriate persons or organisations have been consulted regarding how species may be impacted, positively or negatively, by the development, or how it will mitigate any negative impacts. In particular, the new plan includes the removal of a section of drystone wall. Aside from this being contrary to policy AP16 of the Ashover Neighbourhood Plan, drystone walls are known habitat for reptiles including Common (Viviparous) Lizards, which are present on Ashover Hay. The proposed development may therefore mean disturbance and harm to reptiles, and fragmentation of habitat. The amended application should therefore

demonstrate how the applicants intend to moderate and remediate any potential harm to local reptiles, but it does not.

### Other Comments

- The granting of this planning permission would set a precedent allowing others to build similar structures adjacent to it
- Poses a pre-cursor to another 'change of use' application in 2 years' time for a further new dwelling on Ashover Hay.
- No site notices for this application has been posted by the applicant [*Officer note: Site notice published on the site gatepost*]
- Believe the proposed structure will be used to store commercial equipment, and has no agricultural value
- Question the need for such a large barn on this small piece of land
- Since completion in 2017 the tractor shed and stables (16/01227/FL) have been used as a domestic garage and storage space.
- The driveway to the building has been widened without planning permission
- Existing breaches of the planning regulations and planning permissions issued
- This land which was once part of walnut Barn has become overdeveloped. Your planning department back in November 2016 seeing this as a concern when approval was given to application no. 16/01227/FL gave permission based on some conditions. Please could you revisit this as condition 3. States that 'no mobile field shelters, other shelters or structures, trailers or horse boxes, shall be located, parked or stored on the fields or the paddocks associated with this approval'.
- In 2016, the same applicant at the same address applied and was granted planning consent to built stables and a tractor store. These were built with foundations, cavity walling and insulation, commensurate with a residential dwelling. I was not surprised when planning was submitted/granted to convert this into a residential dwelling. I believe this was the intension from the outset and fully expect that is this application is granted the building will be constructed in the same way.
- The applicant suggests that roof water could be discharged to external main drainage. It would be interesting to see how he proposes to do this as the building concerned is to be sited below the external main drain. In addition the use of soakaways is problematical. I own the adjoining paddock and know that there is a clay base often running at less that 15cm below the surface. This gives rise to the possibility that the surrounding land would have difficulty in dealing with run off from such a large roof volume.
- The applicant has ticked that there are no trees in the area. There are in fact two trees, planted by the Bedford's themselves.
- No mention of how the applicant will deal with materials that will need to be excavated prior to the construction. The applicant has undertaken two previous developments on this site and has left large piles of waste building materials, stone and earth for over two years in the paddock he plans to retain. These piles have only recently been removed prior to the two latest application. These spoil tips have had an impact not only visually but also on field drainage in the area. So much so that the local farmer who has use of this land has had dig out trenches to deal with the changed drainage, not only on the applicants land but also on that of the immediate neighbour

- The concern is that given the planning history of the two immediately preceding applications relating to a 'brownfield' location, the proposed similar sized building as specified in the current application relating to a 'greenfield' location could at some future point, perhaps if sold, be the subject of further 'greenfield' site development contrary to the overarching environmental objective set out in the National Planning Policy Framework February 2019.
- The proposed development will not contribute towards a sustainable rural economy
- The proposed block plan does not show the fence which now runs diagonally NE from the proposed building.
- The proposed block plan shows a gate in place set back 5m from the highway. These gates should be marked 'proposed' as gates still remain on the edge of the highway despite the site being occupied.
- The log store is 6430mm x 1815mm although, as with the rest of the development, only smaller internal dimensions are supplied. This removes approximately 11.70 sqm of parking and manoeuvring space from the area designated as such under condition 8 of the Decision Notice for 20/00044/FL.
- If any building is approved what will the council do to ensure that, this time, the building is used as applied for and not as a garage and not extended and not turned into a house? Can the council guarantee that this will never happen? Will any conditions be legally binding and last for the lifetime of the building?

## **7.0 Relevant Policy and Strategic Context**

### **North East Derbyshire Local Plan (Adopted November 2005)**

- 7.1 The following policies of the Local Plan are material to the determination of this application:

GS1 Sustainable Development  
 GS6 Open Countryside  
 NE1 Landscape Character  
 NE2 Special Landscape Area  
 NE3 Protecting and Managing Features of Importance to Wild Flora and Fauna  
 NE6 Development Affecting Nationally Rare Species  
 BE1 General Design Principles  
 CSU4 Surface and Foul Water  
 T2 Highway Access and the Impact of New Development

### **Emerging North East Derbyshire Local Plan (Under Examination)**

- 7.2 The emerging Local Plan (eLP) 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.

7.3 This consultation is currently underway, with no further changes being proposed to the eLP prior to adoption, as such it should be given significant weight in the determination process.

7.4 The following emerging Local Plan policies are material to the determination of this application:

- SS1 Sustainable Development
- SS9 Development in the Countryside
- SDC3 Landscape Character
- SDC4 Biodiversity and Geodiversity
- SDC11 Flood Risk and Drainage
- SDC12 High Quality Design and Place Making

#### **Ashover Neighborhood Plan**

7.5 The Ashover Neighborhood Plan (ANP) was adopted on 9 February 2018. The following policies should carry weight in any decision:

- AP2 Development Proposals Outside SDL's
- AP11 Design
- AP13 Landscape Character
- AP16 Dry Stone Walls
- AP19 Dark Skies

#### **National Planning Policy Framework (NPPF)**

7.6 The overarching aims of the National Planning Policy Framework (NPPF) have been considered in the assessment of this application. The main sections are covered in the assessment below.

#### **Other Material Planning Considerations**

7.7 Successful Places Interim Planning Guidance, adopted December 2013.

## **8.0 Planning Issues**

### **Principle of Development**

8.1 The proposed site is located outside of any defined Settlement Development Limit (SDL), falling within a countryside location, designated as a Special Landscape Area.

8.2 Local Plan Policy GS1 states that all development proposal will be located within the defined SDL's, unless the development is acceptable in the countryside, or overriding exceptional circumstances are demonstrated. The purpose of the SDL's is to restrain development in the countryside and to focus development upon sites within the SDL's and/or allocated sites to achieve a sustainable pattern of development.

- 8.3 Policy GS6 states that new development will only be supported where it is in keeping with the character of the countryside and should not represent a prominent intrusion into the countryside.
- 8.4 Policies NE1, NE2, NE3 and NE6 states that development will only be permitted where it would not materials detract from the surrounding landscape, not adversely affect the setting of any heritage or wildlife resources.
- 8.5 The Council is now at an advanced stage in the production of a new Local Plan (eLP) which reflects national guidance in the NPPF and provides for the development needs of the district for the period 2014 – 2034. The eLP was submitted to the Secretary of State for examination at the end of May 2018. This document has been subject to extensive consultation and sets out clearly the Council's strategy for sustainable development and should be afforded weight in decision making. The eLP policies SS9 and SDC3 seek to safeguard the countryside from inappropriate development.
- 8.6 The Ashover Neighbourhood Plan (ANP) is a material consideration when determining planning applications. Policy AP2 states that development outside the settlement development limit will be supported providing it is not seriously intrusive in the countryside and will respect the character of existing settlement and their setting.
- 8.7 The NPPF set out a general presumption in favour of sustainable development, and Paragraph 15 of the NPPF seeks to contribute and enhance the natural and local environment
- 8.8 In principle, an agricultural building on this site is considered acceptable as the development is for the operation of a use appropriate for its location, and the 2.5 acres of land is deemed a reasonable amount of land in which an agricultural building would be required to maintain the land.

### **Design and Impact on Countryside**

- 8.9 The application site is rural in character, comprising a traditional ribbon of residential development in the open countryside bounded by fields to the east and a steeply sloping hillside to the west.
- 8.10 The block plan illustrates that the proposed building would be closely associated with the application building, sited approximately 12m to the east. The building would be orientated 90 degrees; following the mixed pattern of building orientations within Ashover Hay (Walnut Farm and Hay Ho Cottage both orient 90 to The Hay). The change in levels through the site have been utilised with the building sited up against the dry stone wall and the majority of the building constructed at a lower ground level to lessen its impact.
- 8.11 Whilst it is acknowledged that the building would extend 4.5m beyond the existing dry stone wall to the east. The building would not protrude any further into the open countryside than the neighbouring agricultural building at Hay

Farm, and is not considered by officers to represent a prominent intrusion into the countryside.

- 8.12 It is considered by officers that the much reduced scale of the building is now appropriate to its setting, land holding and use and is not too dissimilar to the neighbouring outbuilding at Walnut Farm. The single skin construction and design of the building is of a suitable standard of construction for its proposed purpose. The proposed utilitarian timber cladding and sheet roofing materials are fit for the agricultural use of the building and are considered by officers to be appropriate to the character and appearance of the Special Landscape Area and would be in keeping with the surrounding countryside setting.
- 8.13 Due to the open nature of the site and surrounding topography of the land, the building would be visible both locally and for far reaching views across the valley. However, it is considered by officers that whilst visible, the building would be read in context with the existing built form on The Hay.
- 8.14 It is noted that a 6.6m section of the existing dry stone wall would be removed to allow for the building. This would be mitigated by the construction of a new dry stone wall to the north. Officers consider that this rebuilding of stone walling would mitigate the loss of a short section of wall and be acceptable to the character and appearance of the site and the special landscape area.
- 8.15 No lighting is proposed on the building, and a condition restricting any external lighting on the building could be included on any decision to ensure that the building is not inappropriately illuminated, which is identified as a dark skies location in the ANP.
- 8.16 No details of levels have been provided, as such it considered necessary to include a levels condition on any decision to ensure that the proposed development would be in keeping with the character and appearance of the site and the surrounding special landscape area.
- 8.17 Furthermore, it is considered that no hard standing should be included to limit any localised harm from the proposed development.
- 8.18 In view of the above, Officers consider that the proposed building would represent appropriate development that would be of a siting, design and finished material in keeping with the special character of the surrounding countryside and other agricultural buildings in the area, furthermore it would not represent a prominent intrusion into the countryside.

### **Privacy and Amenity Considerations**

- 8.19 The layout plan indicates that the proposed building would be sited approximately 20m away from the closet neighbouring property; Walnut Barn and 46m to next closest neighbouring property; Hay House.

- 8.20 The proposed building would be used for the storage of machinery associated with tending to the land holding and would feature a single door opening within the north (facing) side elevation.
- 8.21 Given the separation distance from neighbouring properties, and the proposed storage use of the building it is not considered to have a detrimental impact upon the neighbouring residents.
- 8.22 In view of the above, officers consider that the proposed store building would not give rise to any loss of privacy and amenity to neighbouring residents.

### **Highway Safety Considerations**

- 8.23 The proposed development would utilise the existing access point, and would not include any new road infrastructure or additional hard standing.
- 8.24 It is noted that the proposed log store would take up a small area of the curtilage associated with the 20/00044/FL consent. This has been considered and officers are of the opinion that there is adequate space within the existing site for the parking of vehicles.
- 8.25 The County Highways Authority was consulted on the proposal, and raised no objections provided that the building issue for agricultural purposes. The proposed development is therefore not considered to lead to an adverse impact upon highway safety.
- 8.26 In view of the above, officers are satisfied that the proposed development would not lead to a demonstrable harm to highway safety.

### **Ecology and Biodiversity Considerations**

- 8.27 No ecological appraisal of the site has been submitted due to the existing use of the site and proposed use of the site.
- 8.28 Derbyshire Wildlife Trust (DWT) have been consulted on the application, however no comments have been received at the time of drafting this report to members. Any comments received prior to the planning committee meeting will be reported to members in the late representation report which is published prior to the meeting.
- 8.29 In view of the information before officers, it is considered that the proposed development would not result in a net loss of biodiversity.

### **Other Considerations**

- 8.30 The application site is within Flood Zone 1, which has a low probability of flooding. Concern has been raised that surface water from the site will exacerbate the drainage issues on and around the site. A scheme of surface water drainage can be included in any approval issued by the LPA.

- 8.31 The application site lies within a Development Low Risk Area as defined by the Coal Authority.
- 8.32 A number of representations have been received, all of which have been considered in the decision making process.
- 8.33 Concerns relating inaccurate plans, sizes and ownership of land holding/ownership have been raised. Revised plans were submitted, and the agent has confirmed that the correct ownership/landholding has been shown. Officers are satisfied with the submitted information and consider that there is sufficient information to allow the determination of this application.
- 8.34 It is noted that representations have been reference to the possibility of the building being converted into a dwelling. The application can only be considered on its merit, and it is considered that the scale would not lend itself to a dwelling.
- 8.35 A number of concerns have been raised relating to the history of the site, and previous consents/development that have been granted and taken place. Officers consider it necessary to place a restrictive use condition of any decision limiting the use to those identified within the application only. The building shall not be used in connection with the running of a business from the site.

## **9.0 Summary and Conclusion**

- 9.1 Having taken into account all the material considerations, it is considered that the proposed development is acceptable in principle and would have an acceptable impact upon the character of the countryside and Special Landscape Area.
- 9.2 The proposed development would not result in an adverse detrimental impact upon the privacy and amenity of nearby residential properties or neighbouring land uses, nor would it lead to an adverse impact upon highway safety or lead to a loss of net biodiversity.
- 9.3 It is therefore considered that the proposed development would be in line with the current development plan and emerging local plan policies of the Council along with the overarching aims of the NPPF, therefore the proposal should be granted subject to conditions.

## **10.0 Recommendation**

- 10.1 APPROVE Permission for the above reasons and subject to the following conditions:-

### **Conditions**

1. The development hereby permitted shall be started within 3 years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with

the following submitted plans, unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice:

- Proposed Block Plan Rev CA3 (date stamped 13.11.2020)
  - Proposed Elevations Rev CA3 (date stamped 13.11.2020)
  - Proposed Section Rev CA3 (date stamped 13.11.2020)
  - Proposed Layout Plan Rev CA3 (date stamped 13.11.2020)
  - Location Plan A3 (date stamped 29.07.2020)
3. The building hereby approved is to be used for a log store and the storage of a tractor and implements in association with the upkeep of the land serving the Barn adjacent to Walnut Barn and is not be used for any commercial or business use.
  4. Notwithstanding the submitted details, before any above ground works starts, details of the existing ground levels, proposed finished floor levels of the dwellings, along with the proposed finished ground levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
  5. Notwithstanding the submitted details, before any above ground works starts, precise specifications (including the manufacturer, range and colour details where applicable) of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
  6. The building hereby approved shall have no external lighting attached or affixed to it and shall not be in any way be artificially illuminated.
  7. With the exception of the development specifically hereby approved, and notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order) and specifically Class B of Part 6 of that Order, no extensions or alterations, plant or machinery, sewers, mains, pipes, cables or other apparatus, private ways or the provision of additional hard surfacing shall be erected/constructed/formed/installed without first obtaining planning permission.
  8. Before development commences, a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first use of the building and retained as approved for the lifetime of the development.