

DELEGATED DECISION REPORT

HPK/2015/0602
27/11/2015

MOORSIDE FARM HIGHER
CHISWORTH
CHISWORTH

PROPOSED CATTLE SHED /
LIVESTOCK BUILDING

(FULL - MINOR)

- Agricultural Need
- Green belt
- Impact on countryside/landscape
- Highway matters
- Residential amenity
- Archaeological Matters

RELEVANT POLICIES

High Peak Local Plan April 2016

S1 – Sustainable Development Principles

EQ2 – Landscape Character

EQ3 – Rural Development

EQ4 – Green Belt

EQ6 – Design and Place Making

EQ7 – Built and Historic Environment

CF6 – Accessibility and Transport

National Planning Policy Framework

Paragraph 17

Section 3 – Supporting a prosperous rural economy

Section 6 – Delivering a wide choice of high quality homes

Section 7 – Requiring Good Design

Section 9 – Protecting Green Belt

Section 11 – Conserving and enhancing the natural environment

Section 12 – Conserving and enhancing the historic environment

RELEVANT PREVIOUS APPLICATIONS

DET/2015/005 - New Agricultural building – Objection.

DET/2006/0007 - Resubmission of DET/2006/0005 for agricultural building, site to be made level and landscaping on completion of erection of building – No objection.

DET/2006/0005 – Agricultural building, site to be made level and landscaped on completion of building – Objection.

HPK/2015/0603 – Proposed cattle shed / livestock building - Pending

HPK/2015/0604 - Proposed agricultural workers dwelling – Pending

CONSULTATIONS

Publicity

Site Notice expiry date: 5/1/16

Neighbour consultation period ends: 1/1/16

Press Advert: 31/12/15

County Highways – No objection subject to the development remaining ancillary to the agricultural operations of Moorside Farm only with no future sub letting or selling off.

Ramblers Association - The development would inject an industrial and/or urban character to the area. The visual impact from footpaths and public right of ways would be significant and harmful to the visual amenity of the area. The reference to walkers being a “plague” in the rights of way section of the supporting information is inflammatory. Surrounding footpaths are in a state of disrepair due to cattle being allowed to wander onto the footways.

Environmental Health Officer –The facility to house increased numbers of livestock will give rise to increased generation of animal manures. Nearby domestic properties rely on private water supplies (e.g. springs, wells, boreholes) and as such as susceptible to pollution of water resources caused by the incorrect storage and handling of animal manures. Therefore recommend that a condition be imposed requiring the submission of a manure management scheme.

Peak District National Park – Objection. Having visited the site (Landscape Officer) the site is well screened from the majority of viewpoints within the National Park due to intervening topography, the site is very prominent from Robin Hoods Picking Rods, this route into the national park is important as a gateway and forms an important part of the setting of the two scheduled monuments including Picking Rods and a Cup marked stone. The existing agricultural building on the site forms a significant feature of visual distraction upon the setting of the National Park and scheduled monuments, and when taken together (applications 603 and 604) would substantially increase built development at the site and this would inevitably lead to a greater and more harmful visual impact. When viewed together the building would appear as a large range of modern utilitarian farm buildings which would not integrate into or relate well to the surrounding landscape.

County Archaeologist - In terms of historic environment impacts I would question the reason for three separate applications for what is in effect one complex of buildings. A single application would provide a simpler vehicle to assess and understand environmental impacts in the round.

There is no historic precedent for a complex of buildings in this location, which historic mapping suggests has been enclosed moorland with some 19th century quarrying activity until the erection of the existing agricultural building on the site.

The site is c400m north-west of a Scheduled Monument, 'Robin Hood's Picking Rods', thought to represent the remains of a medieval wayside and boundary cross located in its original location on a route across open moorland. A second Scheduled Monument – a prehistoric cup-marked stone – is located 70m to the east along the track.

The proposal site is clearly visible from Robin Hood's Picking Rods when looking along the track to the west. The existing farm building in what is a very prominent and visible location represents a large and incongruous modern intrusion into what is otherwise an elevated open moorland landscape with isolated clusters of vernacular farm buildings. Because these views along the trackway, and experience of a largely unchanged moorland setting, constitute part of the significance of the medieval cross remains, I feel that this represents harm to the significance of the Scheduled Monument through its setting. The addition of a further two agricultural buildings to this complex would magnify this level of harm, though still representing 'less than substantial harm', *sensu* NPPF.

With regard to the prehistoric cup-marked stone to the east, I do not feel that the proposal site makes any particular contribution to significance through setting, and I therefore advise that there is no clear heritage objection in terms of the setting of this monument.

In determining the application the local planning authority should consider whether the harms to the significance of the Scheduled Monument are given 'clear and convincing justification' (NPPF para 132) and whether these harms are shown to be outweighed by public benefits of the development proposals (NPPF para 134). In justifying the proposals I would expect the applicant to have considered less harmful options – such as siting the proposed buildings in less prominent locations and/or exploring a more visually recessive design.

Natural England – The application is within or in close proximity to a European designated site (also commonly referred to as Natura 2000) and therefore has the potential to affect its interest features. European site are afforded protection under the Conservation of Habitats and Species Regulations 2010. The application site is in close proximity to the Peak District Moors (South Pennine Moor Phase 1) and South Pennines Moors Special Protection Area and Special Area of Conservation which are European site. The site are also notified at a national level as Dark Peak Site of Special Scientific Interest. Compstall Nature Reserve SSSI is also in close proximity.

Peak District Moors SPA and South Pennine Moors SAC – No objection. The scale of the project as proposed and the distance between the application site and the designated features would indicate that there will be no likely significant effects on the conservation features of these site.

Dark Peak SSSI and Compstall Nature Reserve SSSI - Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application will not damage or destroy the interest features. Therefore the SSSI does not represent a constraint in determining this application.

This application may provide opportunities to incorporate into the design features which are beneficial to wildlife. This should be secured.

Historic England - The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

The Coal Authority - The proposed agricultural workers dwelling and the proposed livestock buildings as set out on the attached Site Plan would clearly be sited just outside of the defined Development High Risk Area. Accordingly, there is definitely no requirement for a Coal Mining Risk Assessment to accompany planning applications for those two proposals (note: should the layout for the dwelling be amended to move it as little as 10m in a westerly direction this would take it into the Development High Risk Area and require a Coal Mining Risk Assessment). The LPA should simply include our short Standing Advice note within the decision notice should planning permission be granted for these two developments. The proposed fodder store does just fall within the Development High Risk Area.

Neighbours – 48 letters of objection have been received raising the following concerns:

- The construction of the barn and house immediately above Moorside Farm (a total of 3 properties) and the subsequent waste and slurry and the water required will have an adverse affect on the water supply to these properties.
- The site address is confusing, as the original Moorside Farm is located to the north of the site.
- The development is inappropriate development in the green belt, which by definition is harmful. The extensive foot print, size and bulk would reduce the openness of the green belt and therefore conflicts with paragraphs, 89 and 90 79 of the NPPG.
- The development would bring about significant and have an adverse impact on the countryside, special landscape area and transform the rural and undeveloped character of the area, contrary to policies BC5, GD4, OC1, OC3, OC4 and OC6 and draft Local Plan Policies EQ2, EQ3, EQ5 and EQ6.
- The assertions made in the Essential Needs Appraisal are incorrect. The applicant does not use the existing building frequently. The applicant has not lived at Encroft Farm since 1963. Other properties have come up in Chisworth and Higher Chisworth for purchase, why has the applicant not pursued these?
- The location is unsustainable, with no public access available. Therefore the proposals fail policies TR1 and TR5.
- The development cannot be adequately drained and supplied with running water.
- There will conflict between the pedestrians and vehicles using the access track.
- Paragraph 55 of the NPPF advises that new dwellings in the countryside should be avoided unless special circumstances are demonstrated. The applicant lives close enough to reach the land.

- Encroft Farm has been significantly extended in recent years (approval by Stockport MBC).
- The journey times from Encroft Farm are exaggerated.
- The existing agricultural building is visible from miles around, to extend this building will have a significant visual impact on the character of the countryside.
- The existing building should never have been granted consent.
- Existing buildings at Encroft Farm should be used and converted.
- The building will be visible from Robin Hoods Picking Rods and Cown Edge Way, a national trail less than 100m away.
- The scale of development is not appropriate to the need, there is no proven need for the development, and the essential needs assessment is emotive and factually inaccurate.
- The proposed materials for the agricultural buildings comprising metal and concrete which is not sympathetic to the character of the area.
- The development will harm the setting of the Robin Hood Ricking Rods, an scheduled ancient monument.
- The development will harm nesting birds.
- The site is less than 400m from the boundary with the Peak District National Park.
- The proposal does not meet paragraph 55 of the NPPF.
- 100 animals adjacent to Moorside Farm, Moorside Bar and The Old cow she will have a significant impact on these properties and breach the Human Rights Act.
- There is no mains drainage or water supply in this area.

A petition (by change.org) has been signed by 48 people raising the concerns listed above.

OFFICER COMMENTS

This application seeks consent for a new agricultural building for use by cattle and livestock on land to the south of the original farmhouse, Moorfield Farm and to the east of Gunn Road. The new building would measure 12m by 30m and have a ridge height of 5.5m and an eaves level of 3.66m. The building has been designed as modern agricultural building with corrugated metal sheeting and concrete panels and Yorkshire boarding to the walls. Access would be taken along the existing track from Gunn Road (designated as a public right of way and bridleway) turning northwards toward the existing agricultural building and towards the residential properties of Moorside Farm, Moorside Barn and The Old Cow Shed.

The site lies within the Green Belt, having commanding 360 degree views, with the boundary to the Peak District National Park some 200m to the south. Immediately adjacent (to the west) to the application site is an identical agricultural building. This application is accompanied by an application for an identical agricultural building to the west of the existing building (HPK/2015/0603)

The applicant currently resides at Encroft Farm, which has two key workers dealing with the farming enterprise across both sites (Encroft Farm and Moorside).

Essential Need

Paragraph 28 of the NPPF supports and promotes economic growth in rural areas, identifying that all types businesses and enterprises in rural areas should be supported. Accompanying the application is HPK/2015/0604 which seeks consent for a new agricultural workers dwelling. Following a review of the Essential Needs Appraisal in support of this application, it is accepted that there is both a functional and financial justification for the dwelling, however this is one basis that in reconfiguring the present farming activities across both Ernocroft Farm and the land at Moorside, the two new agricultural building, (subject of this application and HPK/2015/0603) is provided prior to the construction of the dwelling.

Policy EQ3 of the adopted Local Plan reflects the guidance in the NPPF in that support is given to agricultural development which helps sustain an existing enterprise and provided that any new buildings maintain landscape quality and the character of the countryside

The applicant currently farms 56 hectares of land in the vicinity of the application site, in addition to land at Ernocroft Farm (some 3km as the crow flies) which extends over 36.5 hectares. In total the applicant farms 161 hectares, which includes land which is currently rented. The farming business relates to the breeding and rearing of sheep and cattle, with current stock amounting to 800 ewes and a herd of 40 suckling cows and 50-60 young stock. The sheep flock graze across both farms, but for lambing purposes are split between both sites (those expecting twins at Ernocroft Farm and those expecting single lambs at Moorside). During the summer and early autumn total sheep numbers are in excess of 2000. The suckler cow herd and calving takes places at Ernocroft Farm. Concurrent with this application are two further applications for an agricultural building, ref HPK/2015/0603 and a new dwelling, ref HPK/2015/0604.

The farming enterprise is managed by the applicant's husband and son, who currently reside at Ernocroft Farm. Its is stated by the applicants that having two centres causes significant management issues along with difficulties with animal welfare. The collective proposals would not result in additional livestock or a change in the agricultural enterprise, rather, it would involve a restructuring of the farming activities across both sites.

Following review of the Appraisal by the Councils consultant, the greatest requirement for an on site presence is during the lambing season, which requires on site supervision for animal welfare purposes. Whilst this in itself was found not to justify a new dwelling (HPK/2015/0604), with the change in farming practices across both sites (movement of cows over to Moorside) and the need to improve the level of risk and livestock management, this would justify the provision of two new buildings (also see HPK/2015/0603), including the building the subject of this application for cattle and livestock.

The overall reconfiguring of the farming enterprise would support this need an additional agricultural building at Moorside, therefore in terms of the principle of

development, it is considered that the development in part meet the terms of Policy EQ3.

Green Belt Considerations

Section 9 of the NPPF outlines Green Belt policy, with its main aim being to prevent urban sprawl by keeping land permanently open. Paragraph 80 outlines the five purposes that the Green Belt serves; to check unrestricted sprawl of large built-up areas, to prevent merging of neighbouring towns, to preserve the setting and special character of historic towns, to assist urban regeneration and assisting the safeguarding the countryside from encroachment.

Paragraph 89 of the National Planning Policy Framework states that new buildings within the Green Belt will be regarded as inappropriate, unless they fall within one of the exception categories which include;

- Buildings for agriculture and forestry
- Appropriate facilities for outdoor sport, outdoor recreation and cemeteries, provided that it preserves the openness of the Green Belt;
- The extension or alteration of a building, provided that it does not result in a disproportionate addition over and above the size of the original building;
- Replacement buildings, provided that the new building is in the same use and not materially larger than the one it replaces
- Limited infilling or affordable housing;
- Limited infilling or the partial or complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and purpose of including land within it than existing development.

Policy EQ4 of the adopted Local Plan seeks to protect the green belt and maintain its openness. It identifies that only development which accords with the NPPF will be permitted. As the proposed development falls within one of the exceptions categories (agriculture) in paragraph 89 of the NPPF, it is considered that the development complies with Policy EQ4 of the adopted Local Plan and therefore is an acceptable form of development in the Green Belt.

Impact on the Landscape/Countryside

The site lies within the Enclosed Moorland landscape character area. Although the site, and indeed the wider area was designated Special Landscape under the previous local plan, this designation no longer exists. Notwithstanding this, the Councils adopted Landscape Character Assessment provides a detailed account of the characteristics associated with this area. The Assessment identifies that the landscape is one of open and elevated landscape, largely bare of trees, with expansive views and broad rolling hilltops. This is considered to be an accurate description of the application site and its relationship to the wider landscape. With respect to development, which is limited, settlements are largely confined to isolated farmsteads with fields enclosed by gritstone walls. It acknowledges that where development is permitted it should be nestled into the moorland side below the summit with trees planted around development for shelter.

The existing agricultural building, due to its size and scale is a highly prominent feature in the landscape. It is positioned on the summit of the hill and when viewed from the north (Monks Road, Charlesworth, Broadbottom and Coombes Edge) is a significantly harmful feature in the landscape. It is also highly visible from the south (Peak District National Park) and particularly from several public rights of way and a bridleway (HP9/10/2 and 3). Indeed, when viewed from the south the building, and the National Park, it is large and intrusive feature. Overall it does not respect the inherent character of the landscape and sits as an isolated and harmful feature.

The proposed building, which would be attached to the existing building, would, in combination with the application for the other agricultural building and new dwelling (HPK/2015/0603 and HPK/2015/0604) have a significant urbanising effect on the landscape. The proposed agricultural building, would be sited on top of the summit of the hill, and therefore when viewed from the surrounding footpaths and wider area (Broadbottom and Charlesworth, Monks Road) form a significant and highly prominent development. To add a further agricultural building onto the existing building would serious harm the rural character of the landscape. Due to its sensitive location, any development in this area would form an incongruous feature in the landscape (as with the existing agricultural building) and therefore fail to reflect the intrinsic character and distinctiveness of the wider landscape and setting of the National Park. Buildings should be nestled into the hillside, as evident in the immediate landscape and not positioned to occupy prominent locations. As such the development would fail to comply with Policy EQ3 of the adopted Local Plan and paragraph 109 and 115 of the NPPF.

Highway Matters

Policy CF6 of the adopted Local Plan seeks to ensure that new development proposals provide a safe means of access and are located where the road network can accommodate additional traffic generation.

The existing agricultural building is accessed via single width track, and these arrangements would continue to serve the new agricultural building. The highway officer raises no objection to the proposals provided that the building remains connected to the agricultural use of the land. A condition could be imposed ensuring that the building was solely used for agricultural purposes.

Overall it is considered that the development would not generate significant levels of traffic movements to harm the operation of the public highway and with the imposition of a planning condition to secure pedestrian viability splays the development complies with Policy CF6 of the adopted Local Plan.

Residential amenity

Policy EQ6 of the adopted Local Plan, which reflects the provisions of paragraph 17 of the NPPF requires new development to respect to amenities of neighbouring properties taking into account matters such as overlooking, shadowing and noise. The closest residential properties are located at Moorside Farm, Moorside Barn and The Cow Shed, (a collection of original farm buildings which would have served the

land) being located 200m to the north of the application site. Given this distance, with intervening stone walls and a public right of way which runs through the centre of the former farmstead buildings, it is considered that there would be no harm to the amenities, in terms of overlooking and privacy, of the neighbouring houses.

Heritage Matters

Policy EQ7 of the adopted Local Plan seeks to conserve heritage assets in a manner appropriate to their significance. The application site is located 400m north west of the scheduled monument "Robin Hood's Picking Rods", the remains of a medieval wayside and boundary cross. A second scheduled monument, a pre-historic cup marked stone is located a further 70m to the east along the track. As noted in the response from the County Archaeologist, the existing agricultural building forms a highly prominent feature in an otherwise elevated and open moorland landscape.

It is considered that the landscape character of this location contributes significantly towards the setting of the scheduled monuments. Whilst the development, due to the distance to the cup marked stone would not harm its setting, the new agricultural building in combination with the agricultural building and dwelling the subject of applications HPK/2015/0602 and 604 would harm the setting of Robin Hood's Picking Rods.

As set out in paragraph 132 of the NPPF, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. In this case it is considered that the development in combination with the other two applications, as detailed above would have less than substantial harm to the scheduled monuments, given the distance to the application site (approx. 450m as the crow flies).

However as required by paragraph 134 of the NPPF, where less than substantial harm would occur, this should be weighed against the public benefits of the proposal. The benefits of the proposals would enable a covered area for use by cattle and livestock and therefore benefit the management of the farming enterprise. However the harm to the setting of the scheduled monuments and wider landscape, and thus the wider public benefits are considered to outweigh this. No consideration has been given to an alternative siting and given that the applicants owns over 50 hectares in the immediate area, there may be alternative sites which enable the setting of the monument to be maintained. It is therefore considered that the balance lies with the harm to the setting of the scheduled monument, contrary to Policy EQ7 and paragraph 134 of the NPPF.

Other Matters

A number of the adjacent residents raise concern over the impact on manure/animal waste and the potential pollution of water supplies. In response to this the EHO recommends a planning condition to address such matters and ensure a long term management plan is in place to prevent pollution. In terms of ecology matters, Natural England advises that despite the proximity of the Peak District Moors SPA and South Pennine Moors SAC the scale of the development and its distance to these areas would indicate that there will be no likely significant impacts on the

conservation features of the site. Furthermore, with respect to the Compstall SSSI again Natural England consider that the development will not harm the ecological interests in this location. With respect to the protected species, including nesting birds, no ecological survey work has been submitted to demonstrate that the development would not harm these ecology interests, therefore in the absence of this information the development would fail to meet the requirements of Policy EQ5.

RECOMMENDATION : REFUSE

Case Officer Jane Colley Date 31.05.2016

X *B.J. Haywood*

Signed by: Haywood, Ben

On behalf of High Peak Borough Council