

25 August 2016

Delivered by email

Mr Mark Ollerenshaw
High Peak Borough Council
Buxton Town Hall
Market Place
Buxton
SK17 6EL

Dear Mr Ollerenshaw

Objection to Planning APplication (LPA ref. HPK/2016/0386) for Proposed erection of cattle shed/livestock building, erection of cattle shed with handling facilities and hay storage, erection of general equipment storage building and erection of agricultural workers dwelling

I am instructed, on behalf of our clients, Mr & Mrs Thornley, to submit an objection to the planning application HPK/2016/0386 for the erection of a cattle shed, equipment storage building and agricultural workers dwelling on land off New Mills Road, Chisworth, High Peak.

Our clients are the owners and occupiers of Oakwood Farm, c. 300m to the north-west of the application site. They share the access road which is also to serve the proposed development.

The objection is made as the planning application fails to accord with the provisions of planning legislation, policy and guidance and should not be supported by officers. Our client's specific observations and concerns, as proprietors of the adjacent farm, are set out below:

- (a) Inappropriate development in the Green Belt.
- (b) Impacts on Landscape Character.
- (c) Impacts from waste on residential amenity and water quality.
- (d) Impacts from the inappropriate use of the existing access.
- (e) Local opposition.
- (f) Failure to address sustainability requirements.

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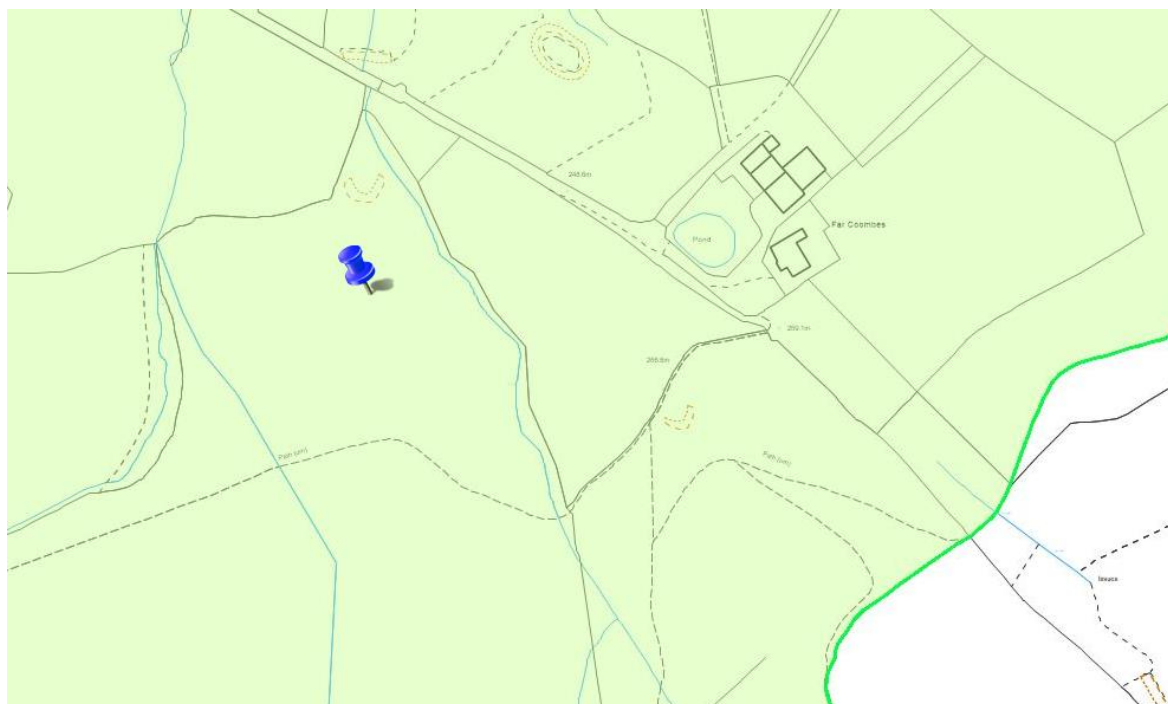
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Each of these matters of objection is considered in detail below.

(a) Inappropriate development in the Green Belt

The proposed development is within the Green Belt as defined in the adopted High Peak Local Plan (HPLP) (April 2016) and shown at **Figure 1**.

Figure 1: Extent of Green Belt



The HPLP Policy EQ 4 Green Belt reverts to guidance from National planning policy. In this instance, such policy is drawn from Section 9 of the National Planning Policy Framework (NPPF).

That section of the NPPF makes clear that the construction of new buildings in the Green Belt is inappropriate (paragraph 89). All inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 87). In accordance with paragraph 88, substantial weight is given to **any** harm to the Green Belt (emphasis added).

The NPPF establishes in paragraph 89 that new buildings within the Green Belt are inappropriate unless they fall into any of the categories listed in the Framework (paragraphs 89 and 90). Whilst buildings for agriculture (including in this case the proposed cattle shed and equipment storage building) are appropriate development, the erection of a dwelling is not.

Whilst the proposed dwelling is linked to the running of the agricultural business, it is a dwelling house and does not constitute an agricultural building as established in both high court and appeal decisions^{1 2}. As such, the proposed dwelling would be inappropriate development and is, by definition, harmful to the Green Belt.

¹ R (Lee Valley Regional Park Authority) v Broxbourne Borough Council [2015] EWHC 185 (Admin), Ouseley J

² Appeal Reference: APP/N4720/W/15/3004418

'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, **is clearly outweighed** by other considerations in accordance with Paragraph 88 of the NPPF (emphasis added).

In determining applications for inappropriate development in the Green Belt, a staged assessment process is required whereby the level of Green Belt harm (comprising definitional harm caused and the harm to the openness and purposes of the Green Belt) and other harm is first quantified. Having done so, this harm must be balanced against considerations which would weigh in favour of the development. Only if they **clearly** outweigh the harms will very special circumstances exist.

The proposed dwelling is inappropriate development in the Green Belt. No assessment of the harm caused to the Green Belt nor any other harm has been provided and no justification of considerations which would outweigh that harm has been advanced. Accordingly the application should be refused on the grounds that it is inappropriate development in the Green Belt which is harmful to its openness by definition.

Paragraph 55 of the NPPF states that isolated new homes within the countryside should be avoided unless, *inter alia*, such homes within the countryside are to meet an essential need for a rural worker to live permanently at, or near, their place of work in the countryside. This is reiterated in *Policy EQ 2 Landscape Character* and *Policy EQ 3 Rural Development* of the High Peak Local Plan (April 2016). This exception to the development of homes in the countryside does **not** apply to the construction of dwellings in the Green Belt, even where they are proposed for agricultural workers.

(b) Impacts on Landscape Character

HPLP *Policy EQ 2 Landscape Character* requires development proposals to protect and/or enhance the character and appearance of the landscape. The policy goes on to note that developments design should be: *truly outstanding or innovative, helping to raise standards of design more generally in rural areas; reflect the highest standards in architecture; significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area.* *Policy EQ 6 Design and Place Making* of the HPLP also requires development proposals to respect the local area, and be of a high quality design.

Limited design information has been submitted for the proposed cattle shed and equipment storage building, and it is certainly considered this information is insufficient to understand the impacts on the local landscape character. Furthermore, **no** information has been submitted to support the design of the proposed dwelling and how this protects and/or enhances the character and appearance of the landscape or constitutes a high quality design.

Impacts on landscape is a key reason the original applications (references: HPK/2015/0602, HPK/2015/0603, HPK/2015/0604) were all refused. This application has not addressed these concerns.

As such, the Applicant has failed to provide sufficient detail to address HPLP *Policies EQ 2, EQ 4 and EQ 6*.

(c) Impacts from waste on residential amenity and water quality

Concerns are raised regarding the disposal of waste. The proposal will result in an intensification of the agricultural use of the land, housing an increased number of livestock and a concentration of livestock in and around the cattle shed. This will in turn give rise to increased animal waste arising.

Nearby domestic properties (including our client's property c. 400m from the proposed cattle shed) will potentially be affected by odours from such waste (unless properly managed).

Some residential properties also rely on private water supplies (e.g. springs, wells, boreholes) and as such are susceptible to pollution of water resources caused by the incorrect storage or disposal of animal manures.

Accordingly there is the potential subsequent impact on residential amenity, human health and the environment resulting from waste associated with the proposed development being poorly managed.

I am advised of some existing issues arising from dirt from farm vehicles associated with the applicant's existing farming operation (see photos at Appendix 1). Should such issues arise as a consequence of the proposed development dirt and mud is likely to be deposited onto the access road (and potentially the public highway), which would subsequently impact on the residential amenity on the surrounding farms through dust nuisance.

HPLP *Policy EQ 5 Biodiversity* requires developments to protect and/or enhance biodiversity resources and not result in significant harm to biodiversity or geodiversity interests, including watercourses. *Policy EQ 6 Design and Place Making* requires that developments do not cause unacceptable impacts by reason of, *inter-alia*, pollution or other impacts on local amenity. *Policy EQ 10 Pollution Control* requires developments do not cause adverse effects from pollution, including pollution of watercourses.

No information has been submitted with the application to understand how waste deriving from the development will be disposed and/or managed, including the protection of watercourses and on local facilities such as the local road network. The Applicant has therefore failed to provide sufficient detail to address HPLP Policies *EQ 5, EQ 6, and EQ 10*.

(d) Impacts from the inappropriate use of the existing access

The site is accessed via a narrow track leading from New Mills Road (itself a very narrow minor road). It forms a junction with limited visibility.

It is not clear whether the existing access road and its junction with New Mills Road proposed to be used by the applicant is suitable for increased usage of agricultural vehicles and heavy good vehicles associated with the operation of the farm, and heavy goods vehicles associated with the construction of the proposal. The Applicant has failed to supply sufficient technical information to understand the effects on highway safety in accordance with HPLP *Policy CF 6 Accessibility and Transport*.

Given the nature of the access track and its junction with New Mills Road, this is a serious omission and must be addressed prior to the determination of the application.

(e) Local Opposition

Paragraph 66 of the Framework states that applicants are expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. It is clear that the Applicant has failed in this duty.

A vast number of objections were received in relation to the original applications and our client is aware that the revised application is of great concern to a large number of people within the locality. Moving forward, a large number of objection letters raising valid planning issues are likely to be submitted in opposition to the application. Officers and Members should place appropriate weight upon the views of the local community in reaching a decision.

(f) Failure to address sustainability requirements

No supporting information has been provided by the Applicant to demonstrate how the new development will seek to adopt the principles of energy efficiency to help contribute to reducing CO2 emissions. It is

therefore considered that the application does not adequately address the requirements of HPLP *Policy EQ 1 Climate Change*.

Summary and Conclusion

In line with the concerns raised in this letter, our client strongly objects to the application for the proposed development.

The proposed dwelling is deemed to be inappropriate development within the Green Belt, which is harmful by definition. No assessment been provided on the level of harm to the Green Belt or other harm and very special circumstances have not been demonstrated to exist. The proposal therefore conflicts with policy EQ 4 of the High Peak Local Plan and paragraph 88 of the NPPF and must be refused on this basis.

Furthermore, there are a number of significant inadequacies with the application which prevents a full and complete assessment of the proposal against the adopted High Peak Local Plan, including information on impacts on landscape character (*policies EQ 2 and EQ 6*), impacts on pollution (*policies EQ 5, EQ 6, and EQ 10*), effects on highway safety (*Policy CF 6*).

Accordingly, the Applicant has therefore failed to provide sufficient detail to address a number of policies in the adopted Local Plan, and the application must be refused.

Yours sincerely

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1. Appendix 1 Images of proposed access



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