

DELEGATED DECISION REPORT

DET/2022/0020
Valid 06/12/2022

EDGEMOOR BISHOPS
LANE
BUXTON

GENERAL PURPOSE
AGRICULTURE BUILDING

(AGRICULTURAL/FORESTRY
DETERMINATION)

MAIN ISSUES

- Whether the proposed development complies with Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended
- Whether Prior Approval is required with regards to the Siting, Design, and Appearance of the proposed development

DESCRIPTION OF SITE

The application relates to a small area of land adjacent to a cluster of existing agricultural buildings that are associated with Edgemoor Farm, Bishops Lane, Buxton. A review of the planning history shows that Edgemoor Farm has been referred to by Officers as an “*established agricultural enterprise*”

The agricultural unit covers a large area of some 710 acres, with some 210 acres farmed by the applicant (Agricultural Holding No. 09/128/0054. A previous application under HPK/2019/0470 for a general purpose agricultural building to house, feed, and lamb sheep and to store fodder and implements.

The specific site subject to this application is located a short distance to the north-east of Bishops Lane in a relatively open location, visible from neighbouring public footpaths.

The site lies in the open countryside in the ‘Moorland Fringe’ Landscape Character Area, and within the catchment of the River Wye which forms the Peak District Dales Special Area of Conservation (SAC).

PROPOSAL

This Prior Notification application seeks consent under Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended for a ‘general purpose agricultural building’.

OFFICER COMMENTS

1. **Whether the proposed development complies with Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended**

Part 6 of the GPDO relates to agricultural development, with Class A specifically relating to development on an agricultural unit of 5 hectares or more. The Application Form, accompanied by supporting information and taking into account the planning history on site, confirms that the land is associated with Edgemoor Farm, which in turn is a large well established agricultural unit in excess of 5 hectares.

As such, the proposed development can be assessed in relation to Class A, which is set out below.

Class A permits the carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of:

- (a) works for the erection, extension or alteration of a building; or**
- (b) any excavation or engineering operations**

which are reasonably necessary for the purposes of agriculture within that unit.

The application is supported by a Letter that makes the following statement:

“There is an existing group of farm buildings located around the farmhouse of Edgemoor Farm. The applicant is in the process of purchasing a Holstein Fresian dairy herd and the main farm building is being re-fitted for a milking parlour and for accommodation the dairy herd during the winter months. The existing buildings will therefore be utilised to house cattle and as a lambing shed during the Spring together with storage of some fodder required for the holding. The other existing agricultural building at Edgemoor is fully utilised for the storage of agricultural machinery.

The existing buildings on site are inadequate for the needs of the holding. This application proposes an additional agricultural building which would be used primarily for storage for straw. Cattle are housed in open plan buildings at Edgemoor Farm on straw bedding for improved animal welfare. The business buys straw in bulk during the summer when prices are competitive and the straw is stored on site for use during the winter. A large open plan building is required for storage due to the bulky nature of the big bales and to enable them to be handled by tractor.

This site has been chosen because it is significantly more accessible by the large heavy goods vehicles that transport straw, than the buildings at Edgemoor Farm which are accessed by a steep single-track lane. Large deliveries are often made to Edgemoor and then transported to Edgemoor Farm by the applicant. Straw would be stored in the building and transported as and when required by tractor from Edgemoor to Edgemoor Farm.

The building would be designed for its purpose being constructed of blockwork built up to 1800mm and plastic-coated profile sheeting coloured to match the adjacent buildings. The location of the proposed building was selected to ensure it is well related to the existing buildings on site.

The new building is reasonably necessary for the purposes of agriculture within the unit. The overall scale of the proposals is not unreasonable given the size of the holding.

The detailed Statement above confirms that the proposed building is clearly reasonably necessary for the purposes of agriculture.

A.1 Development is not permitted by Class A if –

- (a) the development would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area**

The application is supported by a large Location Plan (1:2500) which shows the vast majority of the land holding associated with the agricultural unit and a Block Plan (1:500) that shows the relationship between the proposed building and the existing cluster of buildings.

These plans show that the building would not be located on a separate parcel of land and therefore the application is compliant with Paragraph A.1(a).

- (b) It would consist of the erection or extension of any agricultural building on an established agricultural unit (as defined by paragraph X of Part 3 of this Schedule) where development under Class Q or 2 of Part 3 (changes of use) of this Schedule has been carried out within a period of 10 years ending with the date on which development under Class A(a) begins**

The land in question has not been subject to any planning application for the change of use of an agricultural building under Schedule 2, Part 3, Class Q or S of the GPDO and as such the application is compliant with Paragraph A.1(b).

- (c) It would consist of, or include the erection, extension or alteration of a dwelling**

The building proposed is for agricultural purposes and would not consist of or include the erection, extension or alteration of a dwelling. The application is thus subject to Paragraph A.1(c).

- (d) It would involve the provision of a building, structure or works not designed for agricultural purposes**

The Floor and Elevation Plans submitted with the application show the building to have a simple rectangular form, with dual pitched roof. Walls are shown to be finished in green vertical profile sheeting above a base constructed in natural stone,

with a roof finished in similar vertical sheeting with 4no. velux rooflights on either roof slope.

The building is considered to have a typical agricultural appearance and is considered to be compliant with Paragraph A.1(d).

(e) the ground area which would be covered by –

(i) any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations; or

(ii) any building erected or extended or altered by virtue of Class A

would exceed 465 square metres, calculated as described in paragraph D.1(2)(a) of this Part

The Floor Plans submitted with the application shows the building to have dimensions shown to be 22.8m x 15.2m, which equates to a total floor area of 346.5sqm. As such, the application is compliant with Paragraph A.1(e).

(f) the height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres

There are no aerodromes within 3km of this site and therefore the application is compliant with Paragraph A.1(f).

(g) the height of any part of any building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres

The proposed building is shown on the Elevation Plan to have an overall ridge height of 7.6m and as such the application is compliant with Paragraph A.1(g).

(h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road

The nearest road to the development site is Bishops Lane, however this is a non-classified road. As such, the application is found to be compliant with Paragraph A.1(h).

(i) It would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400 metres of the curtilage of a protected building.

The supporting letter submitted with the application submits that the proposed agricultural building would be used for the storage of plant and machinery. On this basis, the application is compliant with Paragraph A.1(i).

- (j) **It would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming**

N/A

- (k) **any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system –**
 - (i) **would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land within the unit; or**
 - (ii) **is or would be within 400 metres of the curtilage of a protected building**

N/A

2. Whether Prior Approval is required with regards to the Siting, Design, and Appearance of the proposed development

Having established that the proposed agricultural building complies with Part 6, Paragraph A.1 of the GPDO, and thus constitutes permitted development, an assessment of whether Prior Approval is required with regards to the siting, design and appearance of the proposed agricultural building having regard to conditions set out under Paragraph A.2(2).

LP Policy S1 sets out a number of sustainability principles which all new development proposals should incorporate in order to make a positive contribution towards the sustainability of communities and to protect, and where possible enhance the environment.

LP Policy EQ2 seeks to protect, enhance and restore the landscape character of the Plan Area by requiring development to have particular regard to maintaining the aesthetic and biodiversity qualities of natural and man-made features within the landscape, and that are sympathetic to and are informed by the distinctive landscape character areas as identified in the Landscape Character Supplementary Planning Document. Proposals will be resisted which harm or be detrimental to the character and appearance of the local and wider landscape.

LP Policy EQ3 refers to rural development proposals which lie outside of the defined built-up area boundaries and seeks to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness. The policy supports agricultural development which helps sustain existing agricultural enterprises including new buildings, that maintain landscape quality and character of the countryside.

LP Policy EQ6 states that all development should be well designed to respect and contribute positively to the character, identity and context of High Peak's townscapes, having regard to matters of scale, height, density, layout, appearance and materials.

With regards to its siting, the proposed building is shown to be located outside of the existing well contained cluster of buildings which includes the most recent building approved under HPK/2019/0470 which has, according to the supporting Letter been constructed and lies at the northern end of the site.

Whilst within close proximity, it is considered that the siting of this building outside of this well contained cluster of buildings in an open, prominent location may give rise to potential adverse landscape and visual impacts. As such, prior approval is required with regards to the siting of this building, to fully assess the potential landscape and visual impacts, and to understand whether there are more suitable alternative locations within the holding that has less of a landscape and visual impact.

In addition, the site lies within the the catchment of the River Wye which forms the Peak District Dales Special Area of Conservation (SAC). The Council has been notified that action must be taken to address exceedances of phosphorus in the River. As such, the Council cannot grant consent for development unless it can rule out “likely significant effects” on the SAC. A Habitats Regulations Assessment (HRA) will be required when the plan or project creates a source of water pollution or has an impact on water quality and when it is within the catchment of the SAC. Initially, a screening assessment will be required to consider if “likely significant effects” (alone or in-combination) on the SAC can be ruled out. If not, this will be followed by an “Appropriate Assessment” where the impact of the plan or project is considered in detail.

Guidance published by Natural England on 16th March 2022 was supplemented by a letter from Chief Planning Officer which makes clear that in light of this guidance, and in practical terms, this means that before granting any new permissions, LPA’s will need to be confident that the development in question does not require nutrient neutrality to be acceptable under the regulations or that nutrient neutrality is secured, as part of the proposal.

The proposed is not directly connected with or necessary for the conservation management of a European Site. The proposal will not increase overnight stays. However, the proposal does involve an additional roof area and will therefore increase surface water run-off.

As such, in the absence of comments from Natural England and the time constraints associated with this type of application, it is considered that matters of Nutrient Neutrality and impact on the Peak District Dales SAC is, in addition to potential landscape and visual impacts, a second reason as to why Prior Approval is required with regards to the siting of the proposed agricultural building.

Whilst Prior Approval is required with regards to its siting, it is considered that the proposed building is of a proportionate scale and height for the practical functional purpose and is of constructed of material that are appropriate for its proposed use.

In conclusion, the proposed building does constitute permitted development. However, Prior Approval is required with regards to its siting, design and appearance

due to the potentially harmful landscape and visual impacts, and potential impacts on the Peak District Dales Special Area of Conservation (SAC).

The applicant must therefore erect a site notice and provide evidence that this has been completed, submitting further details for consideration, in accordance with relevant conditions set out under Paragraph A.2

OFFICER RECOMMENDATION : Prior Approval Required

Case Officer: James Stannard

Recommendation Date: 14th December 2022

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council