

Mr James Stannard
High Peak Borough Council
Planning Department
Buxton Town Hall
Market Place
Buxton
Derbyshire
SK17 6EL

14 February 2023
EP ref: 22-611

Dear Mr Stannard

Re: Application DET/2022/0019: Prior approval for General Purpose Agricultural Building at Edgemoor Farm, Bishops Lane, Buxton, Derbyshire, SK17 6UP
Application DET/2022/0020: Prior approval General Purpose Agricultural Building at Edgemoor, Bishops Lane, Buxton, Derbyshire, SK17 6UP

Further to our letter of 24th January 2023 with regard to the above-mentioned applications for agricultural permitted development under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 2015 we enclose additional information prepared by Barnes Walker as follows:

- Landscape layout for Edgemoor (M3639-PA-01-V1)
- Landscape and Visual Commentary for Edgemoor (M3639-LVC-02.23-V1)
- Landscape layout for Edgemoor Farm (M3640-PA-01-V1)
- Landscape and Visual Commentary for Edgemoor Farm (M3640-LVC-02.23-V1)

The decision notices for DET/2022/0019 and DET/2022/0020 dated 28th December 2022 advise that prior approval would be required for the siting, design and external appearance for the proposed general purpose agricultural buildings. This was, first, to allow landscape and visual impacts to be assessed and, second, to allow potential impacts on the Peak District Dales Special Area of Conservation (SAC) to be assessed.

Landscape and visual impacts: Edgemoor Farm (DET/2022/0019)

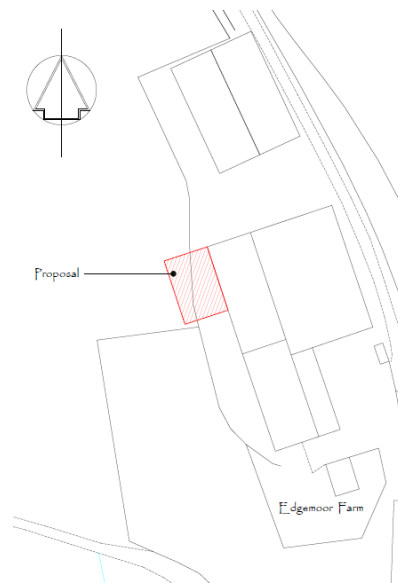
In respect of landscape, the officer's delegated report for Edgemoor Farm states:

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.

The proposed building is sited immediately adjacent to existing buildings as shown on the extract below:



The location was selected to ensure the building is well related to the existing buildings on the site so as to have minimal impact on the landscape and be well related to existing development on site. Clearly any building will result in some landscape change and this is envisaged by the legislation in granting the permitted development right in the first place.

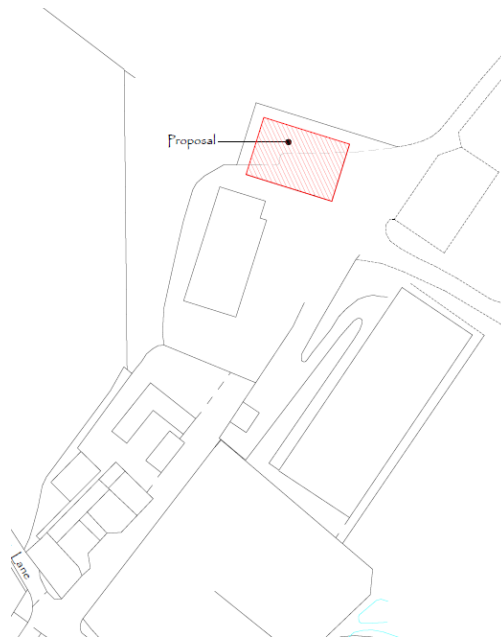
The building proposed for Edgemoor Farm particularly would be well screened by other buildings and the topography of the land. This is set out in detail in the landscape and visual commentary prepared by Barnes Walker. This building which was granted planning permission in 2019 was found to be acceptable in landscape terms and in respect of Policy EQ3. No landscape information was submitted with the 2019 application and nor was any further justification requested by the Council. The proposed building would be less prominent in the landscape to that approved in 2019.

Landscape and visual impacts: Edgemoor (DET/2022/0020)

The officer's delegated report for DET/2022/0020 copies verbatim the quote above in respect of Edgemoor Farm. Part if not all of this assessment is irrelevant to Edgemoor as the building constructed under reference HPK/2019/0470 is a substantial distance from the proposed building at Edgemoor Farm and would not impact on its siting.

Furthermore, the building at Edgemoor is sited adjacent to a building that was subject to a prior notification application in 2014 and was deemed not to require prior approval. There has been no fundamental change in how applications for agricultural prior notification should be assessed since this time.

The proposed building would form part of the existing well contained cluster as shown on the plan extract below and would not be sited outside of it. This is addressed in detail in the landscape and visual commentary prepared by Barnes Walker.



Nutrient neutrality

The officer's report for both prior notifications states:

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.

We understand that in the case of prior notifications/approvals the applicant is not required to address the issue of nutrient neutrality at the prior notification/approval stage. A prior notification application can therefore be

approved without the Regulation 77 assessment taking place. However, development cannot lawfully commence until the separate application under Regulation 77 is approved. Other authorities are placing an informative on the decision advising accordingly in situations where a regulation 77 is required. For example:

In accordance with Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) the permitted development cannot lawfully commence until an application under regulation 77 of the Conservation of Habitats and Species Regulations has been submitted to and approved in writing by the Local Planning Authority. Failure to gain approval under Regulation 77 of the Habitats Regulations prior to commencement of the development will render the development unlawful.

It is also our experience that this applies to development where there would be a direct or indirect result in additional nutrient loading i.e. in circumstances where overnight accommodation is provided and to agricultural development where this would lead to an increase in herd size. In this case, the proposals are for machinery storage which does not fall within this category.

Should you have any queries or concerns relating to the above or require any further information please do not hesitate to contact me.

In the meantime, I would be grateful if you could acknowledge receipt of this application.

Yours sincerely
Emery Planning

Caroline Payne

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Director

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Enc. Photographs and site location plan