

From: [Planning Comments \(HPBC\)](#) Comment
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Application Reference No. : HPK/2023/0272

Site Address: Far Woodseats Barn Far Woodseats Lane Chisworth Derbyshire SK13 5RS Glossop

Comments by: Philip Barnes

From:

Far Woodseat Farm
Far Woodseats Lane
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Glossop
Derbyshire
SK13 5RS

Phone:

Email:

Submission: Objection

Comments: Re: Planning Application HPK/2023/0272 : Far Woodseats Barn, Chisworth, SK13 5RS

Dear Mr Cleary,

I wish to make you aware of a number of objections that I have in respect of the above referenced application for a new agricultural barn. This proposal does not comply with various policies as set out in the High Peak Local Plan, or National Planning Policy. These are further detailed below, along with some other relevant points that this application raises.

High Peak Local Plan Policy EQ6 ¿ Design & Place Making

¿Requiring that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity¿

This development totally covers the rear aspect of the adjacent property, Owd House, obscuring all natural light into the rear of that property. At this point the development is nearly 5 metres high, and only about 5 metres from the rear door & windows of Owd House. If the council were to apply the BRE guidance (25 degree rule) this application would surely fail.

In relation to the next adjacent property, Far Woodseats Farm, the rear garden of this property is at a lower level, so this development stands about 8 metres above that garden, at a distance of less than 10 metres and is particularly over-bearing, also cutting out sunlight into the garden, and with the North gable end window impacts on the privacy of that garden space.

High Peak Local Plan Policy EQ5 ¿ Biodiversity

¿This policy is designed to contribute to the above aims by minimising the potential impacts of development on biodiversity and geodiversity and to provide net gains in biodiversity where possible¿.

Condition 12 on HPK/2017/0472 states ¿No works to the building shall commence until an EPS licence has been granted by Natural England. Mitigation will be agreed in the licence and shall be in line with Section 4 of the Bat Survey Report¿, and condition 13 states ¿Mitigation for nesting birds shall be incorporated within the

development hereby approved in line with Section 4 of the Bat Survey report (NLG Ecology, 2017) submitted with the application before the occupation of the dwelling hereby approved.

These conditions were to be discharged (see DOC/2020/0057) with the installation of bat boxes and bird boxes on the building proposed to be demolished. These have now been lost or moved. I used to see 3 or 4 bats every night throughout the summer, I have not seen a single one this year. Natural England's advice, which is a material planning consideration, states that If the proposal is likely to affect bats, the developer must apply for a bat mitigation licence and that to disturb or obstruct access to a place of shelter for bats is an offence under the Wildlife and Countryside Act 1981.

High Peak Local Plan Policy EQ3 : Rural Development

: Supporting proposals for agriculture and related development which help sustain existing agricultural enterprises, including small scale farm shops selling local produce, complementary farm diversification and new agricultural buildings that maintain the landscape quality and character of the countryside.

All applications for new agricultural buildings should include an appraisal to show the development is reasonably necessary for the purposes of agriculture within the unit. This has not been supplied, there is currently no agricultural use of the application site and the applicant does not generate an income from agriculture.

High Peak Local Plan Policy EQ2 : Landscape Character

: The Council will seek to protect, enhance and restore the landscape character of the Plan Area for its own intrinsic beauty.

The proposed barn is quite large (I estimate a volume of 520 cubic metres), is quite dominant in the landscape, and is visible from most of Chisworth, particularly from the main A626, parts of Charlesworth, including from the public footpath around Coombes, and even parts of Broadbottom, eg the main road by the railway station and the Hodge Fold area.

National Planning Policy Framework : Paragraph 130

: will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

The proximity of this development to Owd House will render that property virtually unmarketable in the future, it will only ever be an annex to Far Woodseats Barn, and hence reduces future housing supply.

National Planning Policy Framework : Paragraph 148

: When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. : Very special circumstances: will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

No supporting documentation has been supplied to show the very special circumstances that are required for development within the Green Belt.

Queries relating directly to the application

The council should be aware that the applicant is not in the agricultural industry, I do not understand the need for a building to support a non-existent activity.

The application states that the site cannot be seen from a public road or footpath. This is untrue as the site is within yards of Chisworth Footpath 24 and is clearly visible. It is also quite visible from Charlesworth Footpaths 67 & 69, as well as some main roads in the area as detailed above referencing EQ6.

Application states there is no reasonable likelihood that protected species could be present. This cannot be considered true when the applicant was responsible for installation of the bat boxes on the building.

The proposed floor plan must be inaccurate ; there appears to be no way to access the interior of the southern portion of the building unless there are multiple levels within that are not shown.

The lean to type extension on the North side is missing from the floor plan, is this part of the application or not?

Other Issues

The existence of this application, in particular it being retrospective, results in planning conditions 12, 13 and 15 of approved application HPK/2017/0472 being unable to be discharged. I presume this will render that permission invalid and a new application being requested.

Noting that this proposed building has been substantially completed, I would ask the council to remind the applicant of their obligations in respect of working time (every bank holiday has seen continued work, as well as Saturday afternoons, and sometimes from 7:30am), noise regulations (noise levels have been in excess of 85 decibels in my garden on approximately 75 days often for hours at a time), and dust suppression (no use of water suppression on stone cutting equipment). The council should also consider the cumulative effect of works on this site, which have been ongoing 6, and sometimes 7, days a week since March 2019, and the effect this has on the amenity of neighbouring properties.

I would query again the use of this property as an agricultural building. Its construction includes damp proof membranes, and cavity walls with insulation in the walls and roof ; this seems over-engineered for it;s supposed use and more in line with a domestic build. Indeed, on the original application for converting Far Woodseats Barn, the following statement was used in the supporting documentation (Planning statement, paragraph 1.2): ;The buildings on site have all been vacant for some time ;.. not designed to meet the needs of modern agriculture and therefore the likelihood of them being brought back into their former agricultural use now is considered to be extremely low;.

In conclusion

The application is in direct conflict with all relevant stated council policies as published in the local plan, as well as national planning policy, and raises amenity issues with the adjacent properties. It also raises a number of issues relating to conditions set on HPK/2017/0472 which the council should investigate (NPPF section 59: „Effective enforcement is important to maintain public confidence in the planning system“).

I also highlight the likely criminal offence that has taken place in respect of the bat boxes, and ask that the council follow up on this with the relevant authorities.

I believe it would be a gross mis-application of policy, and without a bat survey possibly illegal, for this application to be granted approval. I urge the council to take my objections into consideration when deciding this application.

Yours sincerely

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Phil Barnes

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