

DELEGATED DECISION REPORT

HPK/2023/0353
Valid 23/10/2023

**LAND OFF, COMBS ROAD,
CHAPEL-EN-LE-FRITH,
DERBYSHIRE, SK23 9UW**

**RETROSPECTIVE PLANNING
FOR NEW ACCESS,
INCLUDING RELOCATION OF
THE HEDGEROW, NEW
AGRICULTURAL TRACK
ACCESS, 4NO. CONTAINERS
AND ASSOCIATED FENCING
AND GATES
(FULL – MINOR)**

MAIN ISSUES

- **Principle of Development**
- **Design Considerations**
- **Impact upon Residential Amenity**
- **Highway Safety**
- **Impact on Protected Sites**

DESCRIPTION OF SITE

The application site relates to land which is located within an area of open countryside, as defined by the Local Plan policies map. The site is located off Combs Road, with roadside frontage located between Maple House and Wood Mayne. The site relates to a field and has a post and wire fencing, and a land drain which cross the site. Combs Reservoir is located on the opposite side of Combs Road which is a local green space and SSSI. Site boundaries comprise fencing, hedgerows and trees. A new access from Combs Road, track, and storage containers, all of which are the subject of the application, are located on the site.

PROPOSAL

This application proposes permission for various works on the site. These include:

- Creation of a new access from Combs Road;
- New hardstanding area, adjacent to Combs Road;
- New track across the site;
- 4 x storage containers. Two storage containers are located adjacent to Combs Road, and two are located deeper in the site, at the end of the access track;
- Additional landscaping, including replacement hedgerow; and,
- Fencing throughout the site.

Works have commenced and the proposals are retrospective. The application form suggests that the containers would be used for storage and distribution. However, the application plans indicate that the works, in their entirety would be for agriculture.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan (Adopted 2016)

S1 Sustainable Development Principles
S1a Presumption in Favour of Sustainable Development
S6 Central Sub-area Strategy
EQ1 Climate Change
EQ2 Landscape Character
EQ3 Rural Development
EQ5 Biodiversity
EQ6 Design and Place Making
EQ9 Trees, Woodlands and Hedgerows
CF6 Accessibility and Transport

Chapel-en-le-Frith Neighbourhood Development Plan

TR1 – Information required to support planning applications
C1 – Local Green Spaces
C2 – Biodiversity

Supplementary Planning Guidance/Documents

High Peak Design Guide (2018)

National Planning Policy Framework

Section 6: Building a strong competitive economy
Section 12: Achieving Well-designed Places
Section 15: Conserving and enhancing the natural environment

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS

Publicity

Site Notice expiry date: 07/12/23
Neighbour consultation period ends: 16/11/23
Press Advert:

Public Comments

Six letters of objection received on following grounds:

- Not suitable for storage and distribution;
- Containers are unsightly;

- Road unsightly;
- Lack of drainage;
- Poor connection to highway;
- Poor access/limited visibility;
- Landscape sensitive to development;
- Adjacent to Combs Reservoir SSSI/LGS, incompatible;
- Adverse effect on amenity and tourism;
- Intensification of substandard access;
- Combs Road is unsuitable for further growth;
- Loss of protected hedgerow;
- Impact on habitats and species;
- Eyesore and not in keeping with local area;
- Risk of collision;
- What is to be stored and distributed;

Town / Parish Comments

None received

DCC Highways

The modification to the site access is an improvement over the former access which was positioned at an angle to the carriageway, had severely restricted visibility in the northerly direction and was much narrower than the current access. It is noted, however, that the construction of the verge crossing has not been approved and is of loose material. The applicant will be required to apply to Derbyshire County Council for a licence under S184 of the Highways Act 1980 to construct the access within the highway extents to a suitable standard. There is also evidence that large stones/boulders have been placed on the verge; these will need to be removed as they can present a hazard to highway users. The application also proposes the provision of 4 no. containers within the site for storage and distribution; according to the application form, the scale of the containers amounts to 37.5 sq m. Whilst the size of the containers is small, it is not clear what the containers are to be used for i.e. are they for personal storage associated with agricultural activities on the site or will the containers be used to operate a storage business? Although there are no objections to the modified access, this is based on the site only continuing agricultural activities without generating additional vehicular traffic through the site access. I would be grateful if this can be confirmed. Should additional activities be operated from the site, more details will be required to allow the highway authority to fully assess the suitability of the site access.

Canal and River Trust

No comment

LLFA

No comment

OFFICER COMMENTS

Principle of Development

The application proposes development within the open countryside as defined by the Local Plan policies map.

Policy EQ3 relates to rural development and states that development in rural areas will be strictly controlled and that the support will be given to proposals for agricultural and related development which help sustain existing agricultural enterprises and new agricultural buildings that maintain landscape quality and the character of the countryside.

The Planning Act confirms that *““agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly”*.

In this instance, the application has not been supported by any information with regard to the extent of agricultural operations occurring at the site. At the time of the Officers site visit there was very little evidence of agricultural operations occurring. In the absence of any compelling information in this regard, the LPA cannot be satisfied that the proposal represents acceptable development within the countryside in association with an existing or new agricultural use. It is acknowledged that the application cites that the proposals would be associated with agriculture. However this alone, in this instance would not be sufficient to determine the extent of nature of the operations proposed.

Therefore, there is insufficient information to establish whether the principle of the proposed development is acceptable.

Design Considerations/Impact on Landscape

The application site is located within a rural area where policy EQ3 requires development to not have an adverse impact on the landscape. Policy EQ3 seeks to support 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.

Policy EQ2 states that the Council will seek to protect, enhance and restore the landscape character of the Plan Area, including its own intrinsic beauty. Policy EQ6 requires development to be well designed and respond positively to its environment requiring development to be respect the character, identity and context of the landscape.

As identified above, the application has not been supported by any information with regard to the extent of operations occurring or proposed at the site. Therefore, the need for the storage containers, and hardstandings, insofar as sustaining an existing agricultural enterprise has not been demonstrated. New developments are required to maintain landscape quality and character and designed accordingly.

Part of the application site is located immediately adjacent to Combs Road. Storage containers have an industrial appearance, and are not considered to be an appropriate form of development within the countryside. The proposed containers close to the site frontage are in a prominent location. These containers appear incongruous on the landscape and cause undue harm on the overall intrinsic rural character and appearance of the area. Two further storage containers are proposed deeper within the site and are glimpsed from the public highway. While these are less prominent in terms of location, it remains that they are a form of development which would fail to be sympathetic to the landscape character of the area.

The proposed hardstanding and track across the site is also unsightly although it is accepted that this may not be the “finished” appearance for those elements of the scheme. Nonetheless, the proposed hardstanding area fills the width of the site frontage and is considered to be excessive and poorly sited. The hardstanding has an urbanising effect on the countryside undermining the rural character of Combs Road. Furthermore, it is suggested that the hardstanding would be for external hay storage. External storage immediately adjacent to the highway would not be in the best interest of the character and appearance of the countryside. In addition, the proposed track is lengthy and cumulatively adds to the urbanising effect the development has on the character and appearance of the countryside.

The removal of the hedgerow has created greater exposure and visibility of the site. While it is noted that new landscaping has been proposed this would take time to establish. In any event, it is not considered that a replacement hedgerow would be sufficient to address the negative effect that the development has on the landscape.

The proposal would have an unacceptable harmful effect on the landscape and would be contrary to Policies S1, S6, EQ2, EQ3 and EQ6 of the Local Plan.

Amenity

Policy EQ6 requires 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.

The application site is located between dwellings fronting Combs Road. The proposed storage containers and hard standing areas are sited immediately adjacent to residential curtilages. While there is insufficient clarity with regard to the nature of the uses proposed, the proposed use of the containers and the hardstanding for storage would inevitably increase activities immediately adjacent to residential properties. The intensification of activities in this tranquil rural area in such close proximity to neighbouring dwellings has the potential to have a negative effect on the

living conditions enjoyed by the occupants of neighbouring properties through noise and disturbance which would be unacceptable.

The proposals would therefore be contrary to Policy EQ6 of the Local Plan.

Highway Safety

The access is an amendment to a previous access onto Combs Road. That earlier access was not perpendicular to the public highway and as such had severely restricted visibility in a northerly direction. The new access provides greater visibility to the north and, as such, DCC Highways have raised no objection to the proposed development in this regard.

Comment has been raised with regard to the construction of the access which is not appropriate. However, this matter could be resolved through the required approvals under the Highways Act.

The Highways Officer has questioned the nature of development occurring at the site. This links to the principle of development section above.

Effect on Designated Sites

Policy EQ5 states that biodiversity resources will be conserved by ensuring that development proposals will not result in significant harm on biodiversity interests.

Combs Reservoir lies on the opposite side of Combs Road. Combs Reservoir is a Site of Special Scientific Interest. The application site lies within an Impact Risk Zone of the SSSI, as confirmed by the DEFRA Magic Map. The proposed development is a category of development which has the potential to affect the SSSI. No information has been provided to demonstrate how any impacts on the SSSI have been avoided or mitigated.

In the absence of such information the LPA cannot be satisfied that biodiversity interests will be conserved.

CONCLUSION / PLANNING BALANCE

It is considered, that the proposals would fail to comply with the policies contained within the Development Plan, guidance within the NPPF and relevant legislation, and as such it is recommended that the application for planning permission be refused.

OFFICER RECOMMENDATION: REFUSE

Case Officer: Declan Cleary
Recommendation Date: 13/12/23

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council