

DELEGATED DECISION REPORT

**HPK/2023/0407
VALID 09/10/2023**

**LAND AT CHINLEY HOUSE
FARM, DOLLY LANE,
BUXWORTH, DERBYSHIRE**

**THE DEMOLITION AND
PARTIAL DEMOLITION OF
AGRICULTURAL BUILDINGS
AND THE CHANGE OF USE OF
THE RETAINED PART FROM
AGRICULTURE TO THE
SITING OF A BATTERY
STORAGE FACILITY AND AN
ELECTRICITY SUB STATION
(FULL - MINOR)**

MAIN ISSUES

- **Principle of Development (Green Belt)**
- **Design Considerations**
- **Impact upon Residential Amenity**
- **Impact on Highway Safety**
- **Impact on Biodiversity**

DESCRIPTION OF SITE

The application site relates to agricultural buildings which are located within an area of countryside and in the Green Belt as defined by the Local Plan policies map. The site relates to two buildings located at the north eastern corner of the site. The buildings were for the accommodation of pigs but are no longer in use. The buildings are low level with flat roofs and have pen doors within their side elevations. The buildings are located on land which ascends south to north. A public right of way HP8/16/1 runs east to west to the south of the buildings.

PROPOSAL

This application proposes the demolition of one building and partial demolition of the second building. The application proposes the change of use of the retained building for battery storage. The building would accommodate thirteen 1,000kva batteries and inverters to provide an energy storage facility. The scheme also includes the siting of an electricity substation to be enclosed within fencing. The scheme includes the creation of new openings in the walls and the replacement of the existing roof covering with the same materials. The facility would connect to the existing network via the existing overhead lines located to the north of the site.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan (Adopted 2016)

S1 Sustainable Development Principles
S1a Presumption in Favour of Sustainable Development
S4 Maintaining and Enhancing an Economic Base
S6 Central Sub-area Strategy
EQ1 Climate Change
EQ2 Landscape Character
EQ3 Rural Development
EQ4 Green Belt Development
EQ5 Biodiversity
EQ6 Design and Place Making
E4 Change of Use of existing Business Land and Premises
CF6 Accessibility and Transport

Supplementary Planning Guidance/Documents

Residential Design (2005)
High Peak Design Guide (2018)

National Planning Policy Framework

Section 6: Building a strong and prosperous economy
Section 11: Making effective use of land
Section 12: Achieving Well-designed Places
Section 13: Protecting Green Belt land
Section 14: Meeting the challenge of climate change, flooding and coastal change
Section 15: Conserving and enhancing the natural environment

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None relevant

CONSULTATIONS

Publicity

Site Notice expiry date: 09/11/23
Neighbour consultation period ends: 02/11/23
Press Advert:

Public Comments

None received

Town / Parish Comments

Initial Comments:

The Parish Council does not object in principle to the battery storage facility housed within the retained part of the redundant agricultural building. There would be negligible visual impact and it would not impact adversely on the green belt.

However, we are concerned about the lack of information to be able to form a clearer view on the full implications of the development, most notably:

- 1.) Where would the electricity to be stored be generated? There is concern that this could be linked to the development of a solar farm or an array of solar panels, particularly given previous entirely inappropriate proposals for such a development off Dolly Lane.
- 2.) What would be the arrangements for transmission of the electricity to the national grid? Would this entail the erection of additional overhead power lines across the countryside?
- 3.) Given the proximity of the proposed storage facility to a well-used public footpath, what arrangements would be put in place to ensure there is no risk to public safety of fire or explosion?
- 4.) With the unsuitability of Dolly Lane and Marsh Lane for heavy goods vehicles what arrangements would be made for access by construction traffic?

Further Comments:

Many thanks for following up the Parish Council's queries with the applicant's agent. The Parish Council found this approach to be very helpful. At their meeting last night, the Parish Council agreed that their queries had been answered satisfactorily and no further comments were raised prior to determination.

DCC Highways

It is considered that the proposed battery storage facility and electricity sub-station will have no detrimental highway impact and on that basis there are no highway related objections to the application.

HPBC Environmental Health

A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition/renovation of the existing buildings. The enforcing authority for this type of work is the Health and Safety Executive (HSE) and it is recommended that you contact them directly to discuss their requirements:

<http://www.hse.gov.uk>

I can confirm that High Peak Borough Council, Environmental Health have no further observations to make concerning this application.

Derbyshire Wildlife Trust

We have reviewed the Preliminary Bat Roost Assessment Report (Batworker, 2023). The report concludes that the existing agricultural building has negligible potential to support roosting bats. On the basis of the information submitted, we advise that bats should not present a constraint on the proposed development and no further surveys regarding bats are considered necessary in this instance.

We advise that sufficient information regarding bats has been submitted to enable the Local Planning Authority to reach an informed decision in accordance with

Circular 06/2005 and to discharge its duty in respect of the requirements of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

Derbyshire Fire Authority

No comments received

OFFICER COMMENTS

Principle of Development

The application proposes the change of use of an agricultural building which lies within the Green Belt as defined by the Local Plan policies map. Policy E4, which relates to Green Belt development, states that development in these locations will not be permitted unless it is in accordance with national planning policy.

The NPPF identifies that the construction of new buildings within the Green Belt will be considered to be inappropriate development and will only be allowed where it meets one of the exceptions identified within paragraph 149. The application proposals do not relate to the construction of a building, however paragraph 150 relates to other forms of development which may be appropriate.

Paragraph 150 allows for, inter alia, *“d) the re-use of buildings provided that the buildings are of permanent and substantial construction; e) material changes in the use of land”*.

The application proposes the re-use of an existing building. The existing building is of permanent and substantial construction. While it is proposed that the existing roof will be replaced, this will be on a like for like basis and not considered to be a significant alteration in this instance. Any development under paragraph 150 is required to preserve openness and not conflict with the reasons for including the land in the Green Belt.

Impact on Openness

There is no definition of openness within the NPPF although it is accepted that the openness has both visual and spatial components.

The application proposes the demolition of one building and the partial demolition of a second building. The remainder of that building would be retained and brought into alternative use. While the roof would be replaced, this would be on a like for like basis and, as such, there would be no increase in mass or scale of the building. On the contrary the scheme includes the demolition of buildings which would result in the reduction of built form at the site. The proposals would preserve the openness of the green belt both spatial and visually.

Impact on the purposes of including the land in the Green Belt

The NPPF, at paragraph 138, highlights that the Green Belt serves 5 purposes which includes, inter alia, safeguarding the countryside from encroachment which is considered to be the most pertinent purpose in this instance.

The proposed development would not expand beyond the existing built parameters of the site. As the proposals are wholly contained by the existing site, along with no increase in scale and mass of the buildings, the proposals would safeguard the countryside from encroachment.

No conflict with including the land within the Green Belt are therefore identified.

Green Belt Conclusions

As identified above, the proposals would result in a form of development which would preserve the openness of the Green Belt and would safeguard the countryside from encroachment, thereby according with the purposes of including the land in the Green Belt. The proposals therefore represent appropriate development within the Green Belt.

Therefore, harm to the Green Belt has not been identified and it is not necessary to carry out a balancing exercise against the benefits of the scheme.

Loss of Agricultural Land

Policy E3 relates to rural development which states that the Council will seek to strictly controlled new development to protect the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment and the setting of the Peak District National Park, whilst also facilitating sustainable rural community needs, tourism and economic development. Policy E3 states that support will be given to commercial enterprises where a rural location can be justified, while supporting complementary agricultural diversification schemes.

The proposed development is located close to the existing energy network and away from sensitive land uses. A rural location for a development of this nature can be justified.

The proposals would result in the loss of buildings of agricultural use. At the time of the officers site visit these buildings were vacant. The application supporting documentation identifies that regulations have restricted the quantum of pigs which can be held at a site to 2000. The site has the capacity to hold 3800 pigs. There are sufficient buildings on the site to fulfil the primary farming activities at the site and their loss can therefore be carried out without affecting the rural economy.

The utilisation of the buildings for the proposed use is therefore considered to be compliant with Policy E3 as appropriate development in the countryside as agricultural diversification.

Policy EQ1 relates to addressing the effects of climate change and states that the Council will *“meet part of its future energy needs through renewable or low carbon*

energy sources and will therefore encourage and support the provision of renewable and low carbon technologies, including both stand-alone installations, and micro-renewables integrated within new or existing development”.

The application proposes a battery storage facility. While not a renewable energy development at face value the facility is related to the energy network and allows energy to be stored on site at times of low demand and put back into the network during higher demand. As the proposals store electricity the proposals help to reduce the demand for further energy generation at times of higher demand. In this regard the proposals would be compliant with the thrust of Policy EQ1 and the wider development plan and national planning policies for tackling the effects of climate change.

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 character and appearance of the area.

Policy EQ2 states that decisions will seek to protect, enhance and restore the landscape character of the area for its own intrinsic beauty and for its benefit to the economic, environmental and social well-being of the area. EQ2 states that development should be informed by, and be sympathetic to the distinctive landscape character area, and requiring that development proposals protect and/or enhance the character, appearance and local distinctiveness of the landscape and landscape setting of the Peak District National Park. EQ2 confirms that development which would harm or be detrimental to the character of the local and wider landscape should be resisted.

EQ6 seeks to achieve high quality design in all development by requiring development to be well designed to respect the character, identity and context of High Peak's townscapes and landscapes and that development contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings and landscape features.

The proposals would utilise an existing building while also demolishing a large area of existing built form. The design and appearance of the retained building would be of the same height and similar external finish to the existing building. There would be minimal overall effect on the character and appearance of the landscape.

The site is set well away from the public highway to the west. There is a public right of way immediately to the south of the site where the building is visible. Notwithstanding this, the built form will be moved away from the public right of way with the effect of the retained building being no greater than existing, while having no detrimental effect on the enjoyment on the countryside.

No landscape issues are therefore identified.

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 relatively isolated from nearby sensitive properties. It is not anticipated that any amenity issues would arise through loss of light, overbearing, overlooking or loss of privacy, noise or disturbance. It is noted that no objections have been received from Environmental Health.

Highway Safety

The application site is accessed via a track from Dollys Lane. The operational stage of the development would not generate any significant vehicular movements. While vehicular movements may increase during construction the effects of this would be short lived, while the scale of the proposal is not significant. In any event no objection has been raised by DCC Highways.

There would be no impact on the PROW, however it would be necessary to attach an informative on any permission, that the PROW should be kept free from obstruction during construction.

Biodiversity

The proposal includes the demolition and conversion of existing buildings in a rural location. The application has been supported by a Preliminary Bat Roost Assessment report. The report has confirmed that there is no reasonable likelihood of the site supporting bats. This has been reviewed by DWT who concur with the assessment.

The report suggests measures to deliver biodiversity net gain including the installation of bat boxes on trees across the site. This could be secured by condition.

Other Considerations

The Parish Council raised some initial queries regarding the proposed development including where the electricity would be generated, and if this would be in association with proposals for solar panels; how the development would be transmitted to the national grid; the risk of safety to the PROW; and the effect from construction traffic.

In response the applicant has confirmed that:

- a) electricity will be taken off the grid and not associated with solar panels;
- b) that there is no need for additional overhead power lines the development will utilise the existing overhead line;
- c) that the facility will be 25m away from the footpath and the applicant will erect security fencing so that there will be no prospect of anyone walking on the footpath getting any closer to the facility, and that the chosen batteries have

- features that make the risk from fire minimal and they can be flooded completely with water in a worst case scenario; and,
- d) that there are no objections to the application on highway safety grounds and as we have outlined in our report the current and historic use of the site has meant that there is regular use of the surrounding highway network by heavy goods vehicles albeit the scaling back of the scale of the pig enterprise has resulted in a reduction in vehicle movements. We do not agree that Dolly Lane is unsuitable for heavy goods vehicles but we agree that Marsh Lane is unsuitable and no traffic would use Marsh Lane.

The LPA consider that the application ought to be considered on its own individual merits and the development, as a standalone application, has been justified.

The existing overhead powerlines are close to the site and any additional infrastructure between the two would be minimal.

The safety of such sites is regulated and requires appropriate buffering and measures put in place. Such buffering has been delivered in the development as proposed. The LPA is satisfied that the effect on the PROW would be acceptable.

Consultation has taken place with Derbyshire Fire and Rescue Service. However, no comments have been received. In the absence of any objection from them it is not considered that a refusal on fire safety grounds could be sustained. Furthermore, the installation would need to comply with the other relevant safety regulatory regimes.

CONCLUSION

The proposal represents appropriate development within the Green Belt and is compliant with the policies of the Development Plan when considered as a whole.

OFFICER RECOMMENDATION: APPROVE

Case Officer: Declan Cleary

Recommendation Date: 20/02/2024

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council