

DELEGATED DECISION REPORT

HPK/2024/0244
Valid 18/07/2024

**LAND TO THE EAST OF
THE THRESHING BARN
LANESIDE ROAD
NEW MILLS**

**RETROSPECTIVE
APPLICATION FOR
RETENTION OF
AGRICULTURAL SHED 8' X 10'**

(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Green Belt
- Design and Landscape Character
- Amenity

DESCRIPTION OF SITE

The application relates to a small parcel of land within a much larger agricultural parcel of land that lies beyond the narrow residential curtilage associated with 'The Threshing Barn', a two storey residential barn conversion, granted permission in 2001.

The host property is one of a cluster of properties accessed via a 4x4 track from Laneside Road, on the southern slopes of New Mills, in the Open Countryside and in the Green Belt. A public right of way runs parallel to the site boundary on its southern and eastern side.

PROPOSAL

Following an enforcement complaint and subsequent investigation, the applicant seeks retrospective planning permission for a structure described as an "agricultural shed". The structure lies outside of the domestic curtilage at the edge of the larger agricultural parcel of land, adjacent to the Public Right of Way.

The following photographs show the unauthorised structure within the context of the main residential property (The Threshing Barn) and the adjacent Public Right of Way.



RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Section 38(6) of the Planning and Compulsory Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application.

The Local Development Plan for this site comprises the High Peak Local Plan (2016). Adopted Supplementary Planning Guidance documents and the National Planning Policy Framework (NPPF) are also material considerations in determining applications.

High Peak Local Plan 2016

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- EQ3 Rural Development
- EQ4 Green Belt Development
- EQ6 Design and Place Making

Supplementary Planning Documents

High Peak Design Guide SPD (2018)

National Planning Policy Framework 2023

Achieving Sustainable Development	Chapter 2
Achieving Well Designed and Beautiful Places	Chapter 12
Protecting Green Belt Development	Chapter 13

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/0003/9674 Change of Use of Redundant Barn to House
(Approved 04/04/2001)

CONSULTATIONS

Publicity

Site Notice expiry date: 6th September 2024
Neighbour consultation period ends: 29th August 2024
Press Advert: N/A

Public Comments

3no.neutral comments have been received in connection with this application, contents of which are summarised as follows:

- Applicant wishes to store mower in this building but this is not physical possible without removing front panel
- Applicant states that field is unused but that it is used for football with full size goal nets for more than 28 days in a calendar year
- Concerns that if this building is granted it would change the use of the land and allow more development to occur

2no. objections have been received in connection with this application that raise the following concerns:

- The building is not agricultural, it is being used as a shed
- Location of shed is visually intrusive and objects neighbours view

New Mills Town Council Comments

No objection.

Derbyshire County Council Highways

No objection.

OFFICER COMMENTS

Principle of Development & Green Belt

The application seeks retrospective planning permission for development described as an “agricultural shed”, on a site that lies outside of the domestic curtilage of the converted residential property, in the open countryside and in the Green Belt.

As such, the starting point for assessing this application is Local Plan (LP) Policies EQ3 and EQ4, which relate to Rural Development and Green Belt Development respectively.

Beginning with the statutory designation of the Green Belt, LP Policy EQ4 requires applications to be determined in accordance with national planning policies set out under Chapter 13 of the NPPF.

Paragraph 153 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 154 sets out the exceptions where new buildings in the Green Belt are not considered to be ‘inappropriate’. Such exceptions include “buildings for agriculture and forestry”.

The definition of agriculture is set out under Section 336 of the Town and Country Planning Act 1990 and reads as follows:

“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;

There is nothing to suggest that the wider parcel of land that the site relates does not have a lawful agricultural use. As such, it is accepted that – taken at face value – the principle of an agricultural building on this parcel of land does not amount to inappropriate development in the Green Belt, and is thus compliant with LP Policy EQ4 and relevant paragraphs under Chapter 13 of the NPPF.

However, when inspecting the building in question, it is clear that rather than being agricultural, the structure is simply a domestic shed, that is typically found in gardens within domestic curtilages, constructed in timber and of an extremely modest scale.

LP Policy EQ3 makes clear that support will be given to agricultural proposals and related development which help sustain existing agricultural enterprises which include new agricultural buildings.

Whilst the site in question is contained within a parcel of agricultural land, it is clear from a review of the submission that this building does not support an existing agricultural enterprise (i.e. a trade or business operating from the field, for example livestock, hay, fruit or vegetables). The applicant notes at his answer to the nature of the existing use on the applications form that “ The site is currently an agricultural feidl which is in passive use adjoining a residential property. As such the field is empty and has no machinery, livestock or any other thing on it.” Reference is made to the storage of a mower within the ‘shed’ however this is a domestic appliance, and is not required in relation to an agricultural enterprise.

As such, whilst the general principle of an agricultural building is acceptable on Green Belt land, the reality in this case is that the building is not ‘agricultural’ in so far as it does not relate to, or enhance, an existing agricultural enterprise (trade or business), and as such, is in conflict with LP Policy EQ3. Moreover as the building is not regarded as an agricultural building, and does not meet any of the other exceptions in paragraph of 154 of the NPPF, the development amounts to inappropriate development in the green belt, which by definition is harmful to the green belt.

Notwithstanding any other material planning considerations, the principle of development is not supported.

Design & Landscape Character

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 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.

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.

The High Peak Design Guide SPD contains useful guidance for proposals within the rural areas, to ensure that developments are well designed and both appropriate to and respect their context. Such guidance includes:

3.2 *In the countryside or on the edge of a settlement, buildings should sit comfortably in the landscape. This is best achieved by emulating the horizontal, ground hugging form of traditional buildings with their strong eaves and ridge lines and simple, low, silhouette with the contours.*

Paragraph 135 of the NPPF states amongst other matters that decisions should ensure that developments will add to the overall quality of the area, be visually attractive as a result of good architecture and sympathetic to the surrounding built environment.

Paragraph 139 goes on to state that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Whilst the proposed structure is of a very modest scale, with a small footprint and low height, there is nevertheless clear and obvious harm arising from its isolated siting in relation to other built development, its proximity to the nearby public right of way, and its striking timber appearance in contrast to the traditional stone seen in the nearby cluster of converted farm buildings.

Objections have been raised in relation to the detrimental visual harm to views from residential properties. Whilst the loss of a view is not a material planning consideration, any harm to the visual amenity of the immediate and wider rural landscape is, and having regard to its domestic use, outside of a defined residential curtilage, in an open and prominent location, it is considered that by virtue of its siting and design, irrespective of its function, the proposed structure results in adverse harm to the immediate rural landscape, thereby resulting in a poor form of design, contrary to LP Policies S1, EQ3 and EQ6, the High Peak Design Guide SPD and relevant paragraphs under Chapter 12 of the NPPF.

Amenity

LP Policy EQ6 requires all new development to have a satisfactory relationship with existing land and buildings and protects the amenity of the area, which includes residential amenity of neighbouring properties. Aspects of residential amenity include impacts such as a loss of sunlight, overshadowing and overbearing impacts, loss of outlook, and loss of privacy.

Paragraph 135 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.

The site forms part of a wider agricultural parcel of land a short distance from a cluster of properties, and close by to a public right of way. Whilst there are clear concerns with regards to the principle of development and visual harm, there are not considered to be any issues with regards to the amenity of neighbouring residents or the general public, given its very modest scale, and its use as a domestic 'shed'. The shed is positioned approximately 27m from the closest neighbour, Croftbank Cottage, which is considered to be a suitable distance to ensure that there is no overshadowing or overbearing impact.

Other Matters

Observations have been raised from nearby residents with regards to the use of the wider parcel of land (i.e. the field) as an area of garden, which includes full size football goals, and that this use has occurred for more than 28 days in the calendar year.

It should be noted that this use as described would not be considered to amount to development under S55 of the Act, the use of land for recreational purposes does not in any way amount to the land being deemed as domestic curtilage, and that the use of the land for such purposes has no bearing on the assessment and determination of this application. A temporary use of the land for 56 days per year can take place without the need for planning permission.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework.

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The application seeks retrospective planning permission for development described as an “agricultural shed” on a parcel of land that falls outside of the domestic curtilage associated with the property within the same ownership as the applicant, within the open countryside and the Green Belt.

An assessment of the application has found that the structure is not agricultural in the use as it does not support an existing agricultural enterprise and therefore in principle fails to comply with LP Policies EQ3 and EQ4, and relevant restrictive policies relating to the Protection of the Green Belt contained under Chapter 13 of the NPPF.

Furthermore, the isolated siting of the structure, close by to a public right of way in a prominent location, together with its domestic shed like appearance results in harm to the rural landscape, as a consequence of poor design, thereby being in conflict with LP Policies S1, EQ3 and EQ6, the High Peak Design Guide SPD, and relevant paragraphs under Chapter 12 of the NPPF.

For the above reasons, the application is considered to be in conflict with relevant Local Development Plan policies and thus constitutes an unsustainable form of development, contrary to LP Policy S1a and paragraph 11 of the NPPF. As such, the application is recommended for refusal.

OFFICER RECOMMENDATION : Refuse

Case Officer: James Stannard

Recommendation Date: 10th September 2024

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Signed by: Jane Colley Signature

On behalf of High Peak Borough Council