

DELEGATED DECISION REPORT

DET/2024/0031
Valid 28/08/2024

CHINLEY HOUSE FARM
DOLLY LANE
BUXWORTH

APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR RE-
CLADDING OF THE ROOF OF
TWO EXISTING PIG
BUILDINGS

(AGRICULTURAL/FORESTRY
DETERMINATION)

MAIN ISSUES

- Whether the application constitutes Permitted Development having regard to relevant parameters under Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended
- Whether Prior Approval is required and whether details are acceptable having regard to matters of Siting, Design and External Appearance of the building

DESCRIPTION OF SITE

The application relates to a cluster of buildings that together make up Chinley House Farm, located north-east of Dolly Lane, Buxworth.

No information has been submitted within the supporting Covert Letter regarding the background of the existing agricultural unit to which the building subject of the application relates.

The Local Authority, in determining a previous Prior Notification application (DET/2018/0008) for an agricultural building on land associated with Chinley House Farm – whereby the site location is located within land edged blue on the Location Plan submitted with this application – concluded that this site did amount to an agricultural unit of more than 5ha and as such benefits from Permitted Development rights under Part 6, Class A of the GPDO.

PROPOSAL

The description of development set out on the Application Form states the following:

“The Proposal is to re-clad the roof of two existing pig buildings. The buildings are constructed from rendered concrete blocks and currently have a corrugated asbestos cement roof covering which has reached the end of its useful life. The

proposal is to partly re-roof two buildings and to cover an open passageway between them.”

For the purposes of this report, the description of development has been shortened. However, the above provides useful context and detail.

The application is supported by a Cover Letter, which makes the following statements:

- *Development amounts to the partial replacement of the roof cladding of a number of pig buildings at Chinley House Farm, which includes covering an open passageway.*
- *Work required because the existing roof cladding which is corrugated asbestos cement roof sheeting has come to the end of its useful life and needs to be replaced, proposed to be reclad with box profile roof sheets which are not a like for like replacement*
- *1,500sqm of roof covering proposed as shown on the Plan submitted with the application.*
- *Product to be used is manufactured by Coverworld UK and is a non-drip galvanised prepainted steel box profile sheet suitable for agricultural buildings, as set out on accompanying technical specification sheet*
- *Sheets are available in a range of colours and it is proposed to use slate blue (RAL-18B29). Whilst we would expect this colour to be acceptable, if a different colour is preferred no doubt you will let us know*

The application is not accompanied by any elevation or roof plans showing the details of the proposed roof covering.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan 2016

S1 Sustainable Development Principles
EQ2 Landscape Character Assessment
EQ3 Rural Development
EQ6 Design and Place Making

Supplementary Planning Documents

Landscape Character Assessment SPD (2006)
Design Guide SPD (2018)

National Planning Policy Framework

Achieving Sustainable Development
Achieving Well Designed and Beautiful Places

Chapter 2
Chapter 12

OFFICER COMMENTS

1. Whether the application constitutes Permitted Development having regard to relevant parameters under Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended

Schedule 2, Part 6 of the GPDO relates to Agricultural and Forestry development. Class A permits the following:

A. *The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of—*

- (a) *works for the erection, extension or alteration of a building; or***
- (b) *any excavation or engineering operations, which are reasonably necessary for the purposes of agriculture within that unit.***

The Application Form makes clear that the agricultural unit (Chinley House Farm) consists of 24.2ha and as such land within that holding benefits from permitted development rights under Class A above, which includes works for the alteration of a building, which would include alterations to the roof of a building.

In order to be permitted, the application must demonstrate compliance with all relevant parameters under Paragraph A.1, and assessment of which is carried out below.

A.1 Development is not permitted by Class A if—

- (a) the development would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area;**

The buildings subject of proposed alterations lies within the agricultural unit, not a separate parcel of land, and as such the application is compliant with Paragraph A.1(a).

- (b) it would consist of the erection or extension of any agricultural building on an established agricultural unit (as defined in paragraph X of Part 3 of this Schedule) where development under Class Q or S of Part 3 (changes of use) of this Schedule has been carried out within a period of 10 years ending with the date on which development under Class A(a) begins;**

A review of the planning history associated with the site confirms that no Prior Notification application under Part 3, Classes Q or S have not been submitted or determined and thus the application is compliant with Paragraph A.2(b).

- (c) it would consist of, or include, the erection, extension or alteration of a dwelling;**

N/A

- (d) it would involve the provision of a building, structure or works not designed for agricultural purposes;**

The proposed alterations relate to buildings that are used to accommodate pigs in connection with the established agricultural unit, and thus the application is compliant with Paragraph A.1(d).

- (e) the ground area which would be covered by—**

- (i) any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations would exceed 1,000 square metres]; or**
- (ii) any building erected or extended or altered by virtue of Class A would exceed 1,500 square metres, calculated as described in paragraph D.1(2)(a) of this Part;**

Paragraph D.1(2)(a) defines the area of the building under (e)(ii) above as follows:

“an area “calculated as described in paragraph D.1(2)(a)” comprises the ground area which would be covered by the proposed development, together with the ground area of any building (other than a dwelling), or any structure, works, plant, machinery, ponds or tanks within the same unit which are being provided or have been provided within the preceding 2 years and any part of which would be within 90 metres of the proposed development”

The Plan submitted with the application shows that the proposed alterations to the roof does not apply to the entirety of the two buildings (which in total amount to some 1,800sqm). However the completed application form and the red edge on the Location Plan do shown the roof alterations to cover an area of 1,500sqm.

As such, provided that the alteration works to the roof of both buildings does not exceed 1500sqm as shown on the Location Plan, the application is compliant with Paragraph A.1(e).

- (f) the height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;**

The site does not lie within 3km of an Aerodrome and as such is subject to Paragraph A.1(g) below.

- (g) the height of any part of any building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;**

Whilst no Elevation Plans have been submitted with the application, it is clear that the buildings subject of this application do not exceed 12 metres in height. As such, the application is compliant with Paragraph A.1(g).

- (h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;**

The site lies in excess of 330m from the nearest classified road to the south, and as such the application is compliant with Paragraph A.1(h).

- (i) it would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400 metres of the curtilage of a protected building;**

The Application Form described the building as being used to accommodate pigs (i.e. livestock) and as a consequence, in order to be permitted, these two agricultural buildings must be located in excess of 400m from the nearest protected building.

A 'protected building' is defined within Paragraph D.1(1) as:

“any permanent building which is normally occupied by people or would be so occupied, if it were in use for purposes for which it is designed; but does not include—

- (a) a building within the agricultural unit; or*
- (b) a dwelling or other building on another agricultural unit which is used for or in connection with agriculture;”*

An assessment of the site context shows a large number of properties situated within the hamlet of Brierley Green near to the B6062 with the nearest protected building being situated some 280m distant. As such, the application fails to comply with Paragraph A.1(i) and as does not constitute permitted development.

- (j) it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming;**

N/A

- (k) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system—**
 - (i) would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land within the unit; or**
 - (ii) is or would be within 400 metres of the curtilage of a protected building; or**

N/A

- (l) the erection or extension of a building would be carried out on land or a building that is, or is within the curtilage of, a scheduled monument].**

The site does not contain a Scheduled Monument and as such is compliant with Paragraph A.1(I).

2. Whether Prior Approval is required and whether details are acceptable having regard to matters of Siting, Design and External Appearance of the building

Notwithstanding the fact that the application has been found to not constitute permitted development and requires full planning permission, due to the fact that the building subject of proposed alterations is used to accommodate livestock and lies less than 400m from the nearest protected building, the Council in considering siting and design would have concluded that prior approval was required for the reason set out below.

Chapter 12 of the NPPF contains relevant national planning policies relating to design. Paragraph 135 of the NPPF states amongst other things that decisions should ensure that developments will add to the overall quality of the area; are visually attractive as a result of good architecture; and are sympathetic to the surrounding built environment.

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. The policy supports extensions and alterations to existing dwellings provided they are subsidiary to the building and do not have an adverse impact on the character of the landscape.

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.

By virtue of no supporting elevation or roof plans, the application lacks sufficient detail to make a full assessment of the potential impacts of the proposed replacement cladding to the roofs of two large agricultural buildings, which are highly prominent from nearby public footpaths, including one that runs through the farmstead.

Given the sensitivity of the site, it is essential for the applicant to submit further information in the form of Elevation and Roof Plans in order to fully assess the immediate and wider landscape and visual impacts, and appropriateness of the chosen material including colour. As such, notwithstanding the fact that the proposed alterations are not considered to amount to permitted development, Prior Approval is required with regards to Siting, Design and Appearance.

OFFICER RECOMMENDATION : Prior Approval Required

Case Officer: James Stannard

Recommendation Date: 23rd September 2024

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Signed by: Jane Colley Signature

On behalf of High Peak Borough Council