

DELEGATED DECISION REPORT

HPK/2024/0117 VALID 26/03/24	LAND OPPOSITE THE OWD HOUSE, FAR WOODSEATS FARM, FAR WOODSEATS LANE, CHISWORTH, DERBYSHIRE, SK13 5RS	RETROSPECTIVE APPLICATION FOR FISH POND IN AGRICULTURAL LAND (FULL - MINOR)
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MAIN ISSUES

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

DESCRIPTION OF SITE

The application relates to a field which is located within the countryside and within the Green Belt as defined by the Local Plan policies map. The field is within agricultural use. The site is fairly isolated, access off a single lane road (Far Woodseats Lane) which joins Glossop Road (A626) to the south. There are a small cluster of dwellings located to the east of the site. The surrounding area is predominantly in agricultural use.

PROPOSAL

This is a retrospective application for the construction of a pond within the agricultural field. The pond is 3.2m long and 2m wide, and is surrounded by paving slabs of 600m width. The pond is slightly elevated with sloped edges to the surrounding land.

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
- EQ2 Landscape Character
- EQ3 Rural Development
- EQ4 Green Belt Development
- EQ6 Design and Place Making
- CF6 Accessibility and Transport

Supplementary Planning Guidance/Documents

High Peak Design Guide (2018)

National Planning Policy Framework

Section 12: Achieving Well-designed Places

Section 13: Protecting Green Belt land

Section 15: Conserving and enhancing the natural environment

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

No

CONSULTATIONS

Publicity

Site Notice expiry date: 15/05/24

Neighbour consultation period ends: 01/05/24

Press Advert:

Public Comments

None

Town / Parish Comments

None

DCC LLFA

No comments to make

Coal Authority

Do not object

OFFICER COMMENTS

Principle of Development

The application proposes retention of a pond. The site lies within the Green Belt as defined by the Local Plan policies map.

Policy EQ3 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 EQ4, 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 154. The proposals do not relate to the construction of a building. However, paragraph 155 identifies other forms of development which may be appropriate in the Green Belt.

Paragraph 155 states that *“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it”*. This includes, at b) *“engineering operations”*. The construction of a pond would be considered to be an engineering operation for the purposes of assessing the acceptability in the Green Belt.

Therefore, it is considered that the proposal could be considered to be appropriate development subject to preserving openness and not conflicting with the purposes of including the land within 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 development is small with an overall coverage of just over 14sqm. The nature of a pond is that it is generally low lying, although in this instance, the pond is slightly raised above the original land level. While this has changed the landform, the degree of raising and its spread is not significant, while the banks have been grassed. Spatially the effect on the openness of the green belt is minor. Visually, the works are visible, although this is limited to a small number of vantage points, while the low level nature of the proposals minimises the prominence of the development allowing it to assimilate into the surrounding landform. Therefore, both visually and spatially, it is considered that the proposed development preserves the openness of the Green Belt.

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

The NPPF, at paragraph 143, 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.

As identified above, the development is minor in coverage and scale. While it introduces development to a field which was previously free from any development, the limited scale of the proposals ensures that any countryside encroachment is limited. The development therefore does not result in any adverse encroachment into the countryside and, as such, does not conflict with the purposes of the Green Belt.

Green Belt Conclusions

It is considered that the development is an engineering operation which preserves the openness of the Green Belt and does not conflict with any of the purposes of including the land in the Green Belt. The proposal is therefore appropriate development within the Green Belt which is acceptable as a matter of principle.

Design Considerations/Impact on Landscape

The application site is located within a rural area where policy EQ3 requires equestrian 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.

Due to the sites location, visibility of the development from the public highway would be limited to close views from Far Woodseats Lane and the track to the south leading to Boarfold campsite. Field boundaries are generally well vegetated which help to screen the development. The nature of the proposals means the development is low level and, due to the grass banking ensures the development generally harmonises with the surrounding field. The hardstanding apron is due to its slight elevation is not prominent either and the bridleway to the north. It could be argued that the banking does create a somewhat "engineered" feature in an otherwise open agricultural landscape. However, it is considered that with suitable landscaping, and planting this impact could be minimised. This could be secured by condition. Subject to this the proposals are therefore not prominent on the landscape and do not cause harm to the character and appearance of the area.

It is therefore considered that the development protects the landscape, as required by EQ2.

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.

Highway Safety

The application site is accessed via Far Woodseats Lane, and it is not proposed that the development would amend the point of access from the public highway. The pond is small and is unlikely to be used for any commercial or recreational use, although this could be restricted by condition.

There would be no impact on the PROW to the north.

CONCLUSION

It is considered that the proposals would accord with the policies contained within the Development Plan and guidance within the NPPF, and as such it is recommended that the application be approved.

OFFICER RECOMMENDATION: APPROVE

Case Officer: Declan Cleary

Recommendation Date: 20/09/2024

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council