

DELEGATED DECISION REPORT

DET/2024/0038 Valid 02/12/2024	GREENBOTHAM FARM UNNAMED ROAD FROM NEW ROAD TO A6 BRIDGEMONT WHALEY BRIDGE	NEW PORTAL STEEL FRAME BUILDING, CONCRETE FIBRE ROOF, YORKSHIRE BOARD SIDES, CONCRETE BLOCK WALLS TO BE USED SOLELY FOR THE PURPOSES OF ACCOMMODATING AGRICULTURAL PLANT AND MACHINERY AND THE STORAGE OF HAY (AGRICULTURAL/FORESTRY DETERMINATION)
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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 small parcel of land situated within a wider parcel of land totalling some 9.5ha associated with an existing agricultural holding known as Greenbotham Farm, which lies north of the B6062 New Road.

The existing farmstead is made up of a cluster of buildings including the farmhouse. To the immediate south of the farmstead in land not within the applicant's control is a detached property known as 'Greens Deep' which is not associated with agriculture.

The site is within close proximity to two public footpaths; public footpath (HP8/5/1) runs a short distance east of the farmstead, whilst public footpath (HP8/4/2/) is located some 150m to the north.

PROPOSAL

The application as submitted sought approval via the Prior Notification procedure under Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended for development described as follows:

“Portal Steel Framed Building, Concrete Fibre Roof, Yorkshire Board Sides, Concrete Block Walls”

The Application Form also stated that the building would be used to accommodate livestock.

However, having been advised by Officers that the proposed building would not be permitted owing to the fact that the building would be sited less than 400m from a protected building (i.e. a residential property not associated with agriculture), the applicant has agreed to a revised description as confirmed in writing by email, and therefore the description has been revised to read as follows:

“Portal Steel Framed Building, Concrete Fibre Roof, Yorkshire Board Sides, Concrete Block Walls to be used solely for the purposes of accommodating agricultural plant and machinery and the storage of hay.”

At the request of Officers, scaled Site, Floor and Elevation Plans have also been submitted. Both the revised description of development and the additional plans submitted during the consultation period are the subject of assessment within this report having regard to relevant legislation.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan 2016

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- EQ2 Landscape Character Assessment
- EQ6 Design and Place Making

Supplementary Planning Documents

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

National Planning Policy Framework 2024

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 (Greenbothom Farm) consists of 9.5ha and as such land within that holding benefits from permitted development rights under Class A above, which includes the erection of a new agricultural 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;**

At the request of Officers, scaled plans have been submitted which clearly show the location of the building in relation to the wider parcel of agricultural land and buildings contained within.

As such, it is accepted that the development would not be carried out on any separate parcel of land forming part of the unit which is less than 1 hectare in area, and therefore 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 revised description of development makes clear the building would be used for agricultural purposes which amounts to the storage of agricultural plant and machinery and storage of hay, which align with the definition of agricultural operations set out under Section 336 of the Act 1990. The Elevation Plans submitted show the building to have an appearance typically associated with agricultural uses.

As such, it is considered that 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 Application Form, supported subsequently by scaled Floor Plans, shows that the building would span a length of 18 metres, a breadth of 18 metres (324sqm), and as such falls comfortably within the maximum dimensions for a building designed to accommodate livestock (1000sqm).

The application is thus 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;**

The Application Form makes clear that the ridge height of the building would stand at 4.5m and as such the application is compliant with Paragraph A.1(g). Whilst Elevation Plans submitted appear to contradict this measurement, with the building shown to have a height of 5.5m from its nearest ground floor level, and 7.7m from the lowest part of the ground.

In any event, the proposed building still falls significantly below the maximum height of 12 metres and 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 100m 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 livestock and as a consequence, in order to be permitted, the proposed agricultural building 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 that the nearest residential property not associated with agriculture (e.g. a farmhouse) is a detached property called Greens Deep, situated immediately to the south of the cluster of buildings that make up Greensbotham Farm, located just 60 metres from the broad location of the proposed agricultural building.

As a consequence of the above, the application as submitted, which made reference to the building being used to accommodate livestock, failed to comply with Paragraph A.1(i).

However, upon learning of the fact that the proposed building would not be permitted, the applicant has agreed to a revised description of development which makes abundantly clear that the building will solely be used for the storage of agricultural plant and machinery and storage of hay. This equates to the building not

being used to house livestock, and therefore in its revised form the building is now compliant with Paragraph A.1(i).

- (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(l).

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

Having established that the proposed agricultural building, having regard to the amended description of development and written submissions by the applicant, the Council are duty bound to consider whether Prior Approval is required having regard to matters of Siting, Design and External Appearance of the building.

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.

Paragraph 139 of the NPPF states 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. Conversely, significant weight should be given to:

- a) development which reflects 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; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings

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.

The site lies in a potentially sensitive location in the open countryside being located within relatively close proximity to two public footpaths. As such, it is crucial that matters of siting, design and external appearance are fully assessed and any amendments as required secured by way of revised plans before granting prior approval.

Whilst it may transpire that the plans as submitted including proposed materials are acceptable, it is not possible to conclude this until such time as Officers have fully appreciated the context of the site, the relationship between the proposed building and existing buildings, and relationship between the proposed building and wider rural landscape, including visual impacts from nearby receptors (public footpaths), particularly given the scale and height of the building, and level changes in the land.

In light of the above, it is recommended that Prior Approval for matters of siting, design and materials is required.

OFFICER RECOMMENDATION : Prior Approval Required

Case Officer: James Stannard

Recommendation Date: 17th December 2024

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council