

DELEGATED DECISION REPORT

HPK/2024/0445
Valid 23/10/2024

WINTERHILL FARM
PADFIELD MAIN ROAD
PADFIELD
GLOSSOP

LIVESTOCK SHED FOR THE
REARING OF CALVES

(FULL - MINOR)

MAIN ISSUES

- Principle of Development & Green Belt
- Design Character and Appearance
- Amenity
- Ecology
- Trees
- Highway Safety

PROCEDURAL MATTERS

During the consultation process, United Utilities identified that not all of the land contained within the site boundary, defined by the red line on the Location Plan was within the control of the applicant, and owned by United Utilities.

As such, the applicant has completed and submitted Certificate B, served notice on this land owner through the appropriate notice as required by the General Management Procedure Order, and a 21 day consultation period has passed.

The application is therefore able to be lawfully determined as any civil matters including access to land not within the applicants control is not material to the assessment of the application.

DESCRIPTION OF SITE

The application relates to a small rectangular parcel of land located within an existing farmstead known as Winterhill Farm, which comprises two existing agricultural buildings, further to consents being granted in the mid 2010's, an internal access extending south-westwards from the public highway and a detached agricultural workers dwellinghouse, constructed following outline consent granted in June 2018. Reserved Matters consent was granted in January 2019, and subsequent variations thereafter.

The site is bounded on its western side by the TransPennine long distance trails and bounded by mature trees and vegetation, with residential properties beyond. The southern boundary is characterised by an allotment, with the fringes of Padfield village located some 175m to the south-east.

For the purposes of the Local Development Plan, the site lies within the open countryside and in the Green Belt.

PROPOSAL

The application seeks full planning permission for an agricultural building to be located within the immediate context of the two existing agricultural buildings, accessed via the existing agricultural access track that extends south-westwards from the public highway.

The building is shown to have a rectangular form, with its length running parallel to and 2.5m distant from the western boundary, spanning a width of 9.14m and length of 18.29m. The elevation plan notes that the building will reach an eaves height of 4.27m, with a dual pitched ridgeline standing at 5.67m, made up of concrete panels rising 2m above ground floor level, with timber Yorkshire boarding on the gable ends, with grey profile cement cladding to the rear and profile steel sheets.

The building is shown to be open on its southeast elevation with all other side finished in Yorkshire Boarding. As confirmed by email the roof is shown to be finished in a Juniper green metal sheeting (RAL 160-20-10), characterised by solar panels and roof lights. Rainwater goods are to be UPVC finished in a black colour.

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
- EQ2 Landscape Character
- EQ3 Rural Development
- EQ4 Green Belt Development
- EQ5 Biodiversity
- EQ9 Trees Woodland and Hedgerow
- EQ10 Pollution and Unstable Land
- CF6 Accessibility and Transport

Supplementary Planning Documents

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

National Planning Policy Framework 2024

Building a Strong Competitive Economy	Chapter 6
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed	Chapter 12
Protecting Green Belt Land	Chapter 13
Conserving and Enhancing the Natural Environment	Chapter 15

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2013/0433	Proposed general purpose agricultural building (Withdrawn)
HPK/2013/0640	Proposed agricultural building (Approved 13/01/2014)
HPK/2015/0422	Proposed agricultural building (Approved 27/10/2015)
HPK/2016/0431	Proposed agricultural building, extension of existing animal rearing unit (Approved 10/10/2016)
HPK/2017/0554	Erection of agricultural workers dwelling (Approved 04/06/2018)
HPK/2018/0393	Approval of reserved matters, affecting access, appearance, landscaping and layout relating to HPK/2017/0554 for the erection of 1 No. dwelling for agricultural worker (04/01/2019)
HPK/2018/0542	Extension to approved barn (Approved 07/01/2019)
HPK/2020/0076	Variation of Conditions 2 and 3 relating to HPK/2018/0393 (Approved 27/10/2020)
HPK/2020/0346	Variation of Condition 5 relating to HPK/2017/0554 (Approved 27/10/2020)
HPK/2021/0730	Single Storey Rear and Side Extension (Withdrawn)
NMA/2021/0020	Non Material Amendment relating to HPK/2020/0076 to alter chimney breast from integrated to external (Approved 29/07/2021)
HPK/2022/0217	Resubmission of HPK/2021/0730 for Single Storey Rear and Side Extension (Approved 25/01/2023)
HPK/2023/0445	Wooden stable on concrete base for use as a farm shop to supplement the existing farm and milk round business (Approved 10/05/2024)

CONSULTATIONS

Publicity

Site Notice expiry date: 4th December 2024

Neighbour consultation period ends: 20th November 2024
Press Advert: N/A

Public Comments

1no. neutral comment has received that seeks to make the Council aware of the applicant's history.

One objection has been received, raising the following concerns:

- Number of buildings have surpassed the scale of the holding
- Only small amount of sheep and pigs residing on the land
- Site is untidy and harmful on landscape character

An objection has also been received from a local neighbourhood group called 'Padfield Resident's Society' which raised the following concerns on behalf of some residents:

- Continued erosion of the Green Belt
- Overdevelopment of the site
- Impacts on amenity (noise and odour)
- Environmental pollution
- Lack of consultation with local residents
- The site is an eyesore full of scruffy machines and ramshackle buildings.

Town / Parish Comments

N/A

Derbyshire Wildlife Trust

It is our understanding that the proposed building is situated within an existing farmyard and therefore will qualify under the 'de minimis' exemption from mandatory 10% BNG.

The site is located within a SSSI Risk Zone, however the proposed development does not appear to match any of the descriptions which would trigger consultation with Natural England.

We do not anticipate any impacts to habitats or protected species, based on the information provided in the Design and Access Statement and a review of our biological records database. A vegetated rail line is present immediately north-west, which should be protected from lightspill to avoid impacts to foraging and commuting bats and other nocturnal wildlife. A lighting condition should be attached if lighting is necessary.

A sparrow terrace is currently proposed under the eaves of the south-west elevation. Whilst we would welcome the intention to provide an ecological enhancement, as an alternative, we would recommend 3no. swallow cups attached internally to roof beams or similar. This is due to the loss of swallow nesting opportunities resulting

from conversion and demolition of rural buildings. Drawings could be amended at this stage to reduce the requirement for a separate condition.

United Utilities

United Utilities land (title number DY220443) has been included within the red line boundary. We request that the applicant amends the application to remove land belonging to United Utilities.

It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site and also to demonstrate the exact relationship between United Utilities assets and the proposed development. The applicant should not rely solely on the detail contained within asset maps when considering a proposed layout.

Applicant should consider drainage plans in accordance with the drainage hierarchy as set out in the NPPF and NPPG.

Environmental Health

The small holding has been subject to a significant number of complaints due to odour from an adjacent barn used for fattening pigs to slaughter weight. Whilst to date, nuisance has not been proven, any intensification of the site could give rise to a significant loss of amenity to surrounding properties. To protect amenity, a condition is recommended which prohibits the use of the building to accommodate pigs at any time.

Derbyshire County Council Highways

No objection.

OFFICER COMMENTS

Principle of Development & Green Belt

The application site that lies outside of the built-up area boundary, in the open countryside and in the Green Belt, and as such is subject to Local Plan (LP) Policies EQ3 and EQ4.

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 proposals for agriculture and related development which sustain existing agricultural enterprises, including new agricultural buildings that maintain landscape quality and the character of the countryside.

LP Policy EQ4 requires development proposals in the Green Belt to be assessed and determined in line with national policies contained under Chapter 13 of the NPPF.

Paragraph 153 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 of the NPPF sets out the exceptions to where the construction of new buildings are regarded as inappropriate development. These exceptions include:

a) buildings for agriculture and forestry;

The outline application for the Agricultural Workers Dwelling determined under HPK/2017/0554 was approved following a detailed and comprehensive appraisal of the farming business operations operating from the site that was independently verified by a suitably qualified professional. It was concluded that the dwellinghouse was justified to serve the holding.

Owing to this permission, and subsequent reserved matters consent, the Council have accepted that an agricultural enterprise operates from the site. The proposal has clearly been designed for agricultural purposes and therefore falls within the above exception to inappropriate development. The principle of a new building to support this enterprise is acceptable.

The Design and Access Statement that accompanies the application details the status of the existing agricultural business and operations on site, which can be summarised as follows:

- Applicant has built up his farming enterprise over a 20 year period
- Agricultural land owned by applicant spread out over wide geographical radius
- Holding comprises 30 acres of owned land and 120 acres of rented land
- Further 250 acres of moorland is subject to the annual grazing licence
- Livestock comprises
 - 400 ewes producing approx. 600 lambs
 - 650 fattening pigs
 - 28 mixed beef store calves, increasing to 90 once building is built
- One of existing buildings is used to fatten pigs, the other is used for lambing, storage of fodder and machinery and the rearing a small number of calves in winter
- A building in Gamesley used to store plant and machinery in winter months to make space for lambing

The proposed building would be used for the rearing of calves, thereby allowing the beef herd to be increased. The above presents a justification for an additional agricultural building within the confines of Winterhill Farm which would support an existing agricultural enterprise. As such, it is judged that the principle of development is supported by LP Policies EQ3 and EQ4, relevant paragraphs under Chapter 6 of

the NPPF supporting the enhancement of rural businesses, and relevant paragraphs under Chapter 13 of the NPPF regarding development proposals in the Green Belt, subject to all other material considerations.

Design Character and Appearance

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 EQ2 seeks to protect, enhance and restore the landscape character of the Plan Area by requiring development to have particular regard to maintaining the aesthetic and biodiversity qualities of natural and man-made features within the landscape, and that are sympathetic to and are informed by the distinctive landscape character areas as identified in the Landscape Character Supplementary Planning Document. Proposals will be resisted which harm or be detrimental to the character and appearance of the local and wider landscape.

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 Landscape Character Assessment SPD (2006) identifies that the site lies within the 'Settled Vale Pastures' Landscape Character Area (LCA). The general characteristics for the LCA include scattered farmsteads which lie outside of the compact settlements in a pastoral landscape, which is well wooded with tributary valleys and some hedgerows which define irregular fields.

The SPD contains useful design guidance in relation to larger scale development including agricultural buildings with regards to building form and detail, and includes the following:

Form

- *Materials that do weather well and are sympathetic to the landscape will be preferred, including vertical slatted boarding and painted concrete*
- *Buildings to be kept as small as practically possible and reflect the scale, proportions and form of existing traditional farm outbuildings*

Detail

- *Darker roofing and walling gives weight and reduces visual impact*

- *Some stone detailing helps to assimilate new development into the existing landscape setting*
- *Colours should reflect those of existing traditional gritstone buildings, warm brown tones or deep green colours in the wider landscape*
- *New buildings should be no brighter or lighter than existing buildings*

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.

The site relates to a parcel of land that sits within the confines of an existing farmstead, with a strong spatial and visual relationship with the two existing agricultural buildings that sit to the south-east. The site benefits from strong boundary treatment on its western and northern edge in the form of a line of mature trees and natural vegetation.

The proposed building is considered to be of a relatively modest scale, with a height that strikes the appropriate balance between the functionality and practicality of the building and the need to protect and enhance the character of the site and wider rural landscape.

It is important to note that this building would be subservient to the larger building used to fatten pigs that stands adjacent, with views from public vantage points limited to the public footpath some 100m distant to the south, with only glimpsed views occurring from the TransPennine Trail to the north due to extensive tree cover on the boundary. Looking northwards, the building would clearly be read as part of a cluster in connection with existing buildings, and owing to its modest scale and height, would not result in any adverse harm to landscape character.

Turning to the specific design of the proposed building, this is broadly typical of this type of building, with a rectangular form with a dual pitched roof. Officers requested specific details from the agent with regards to the materials to be used, which have been confirmed as Yorkshire tanalised timber boarding at each end of the building, with the profile sheeting being a Juniper Green colour. Whilst it is noted that some objectors consider the site to be visually poor, the existing buildings are agricultural in appearance, and very similar to other agricultural buildings which can be found throughout High Peak. They have a functional appearance, and their green/timber colour ensures that they reflect the wider landscape. It is noted that there are allotments to the south and south west of the agricultural building where a variety of sheds and ancillary structures can be found.

The design and appearance of the proposed building aligns with the design principles and guidance that applies to this Landscape Character Area and owing to its siting and relationship with existing agricultural buildings, is considered to be appropriate for its context and in accordance with LP Policies S1, EQ2, EQ3 and EQ6, the Landscape Character Assessment 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.

LP Policy EQ10 seeks to ensure that people and the environment are protected from adverse impacts relating to issues including air pollution, noise, light pollution or any other nuisance or harm to amenity, by securing appropriate mitigation by way of planning conditions and obligations.

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

Paragraph 198 of the NPPF requires decisions to ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

With regards to potential impacts on residential amenity concerning matters listed under LP Policy EQ6, the proposed building would be located in excess of 100m from the nearest residential property located south or west of the site, with intervening trees and landform standing in between. As such, it is not considered that the proposed development will give rise to residential amenity.

Objections have been received from local residents with regards to the existing odour emanating from the current agricultural buildings used to fatten pigs and raise concerns that an additional agricultural building will exacerbate this issue. The EHO has also raised concerns that odour has given rise to complaint by residents, although these have not amounted to a statutory nuisance.

Whilst officers are sympathetic to any local resident who is experiencing odour issues from the existing buildings, this is an Environmental issue as opposed to a planning issue, as acknowledged by the Environmental Health Officer. However, in the interests of ensuring that no further harm to amenity with regards to odour occurs, it is considered both reasonable and necessary to apply a restrictive condition that prohibits the use of the building for accommodating pigs at any time.

Subject to this condition, it is considered that this will suitably mitigate any adverse harm to public and residential amenity in accordance with LP Policy EQ6 and EQ10 and relevant paragraphs contained under Chapters 12 and 15 of the NPPF.

Ecology

LP Policy EQ5 requires all new development proposals to demonstrate that any protected species and habitats within the site will not be adversely affected and

seeks to promote a nett gain in biodiversity by securing appropriate mitigation and ecological enhancements where appropriate.

Paragraph 193 of the NPPF states that when determining application, local planning authorities should apply a number of principles. One such principle is that should significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The site is not directly constrained by any statutory ecological designation, and, due to its siting on an existing sealed hard surface (i.e. an existing farmyard) is exempt from the statutory obligation to provide 10% Biodiversity Nett Gain (BNG) as required by Environment Act (2021).

The application is not supported by a Preliminary Ecological Appraisal. However, Derbyshire Wildlife Trust (DWT) have confirmed that they have no objection to the proposed development with regards to any potential impacts on protected species or habitat and have suggested minor amendments to the biodiversity enhancement measures incorporated into the proposed plans.

In order to avoid pre-commencement conditions, the applicant has submitted revised Elevations that align with the requests of Derbyshire Wildlife Trust, by incorporating 3no. swallow cups attached internally to roof beams of the building.

In light of the revised plans aligning with the requests of DWT, and subject to a compliance condition that requires a lighting assessment to be submitted and approved prior to any such external lighting being installed, it is considered that the proposed development will not give rise to any adverse harm to any protected species or habitat and provides an acceptable degree of biodiversity enhancement which is commensurate with the scale and nature of proposed development, in accordance with LP Policy EQ5 and relevant paragraphs contained under Chapter 15 of the NPPF.

Highway Safety

LP Policy CF6 seeks to ensure that development can be safely accessed in a sustainable manner and that all new development is located where it can be satisfactorily accommodated within the existing highway network and provides suitable off-street parking provision in accordance with guidelines set out under Appendix 1 of the Local Plan.

Paragraph 115 of the NPPF states that in assessing sites for specific applications, it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 116 goes on to state that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact impacts on the road network would be severe.

The site is served by an existing access which leads from the public highway to the yard area containing two existing agricultural buildings and an associated yard area. It is not proposed to change the access arrangements. It is not anticipated that the proposed building would give rise to any material intensification of vehicle movements or trip generation, and in the absence of any objections from the Highways Authority, the application is considered to be acceptable with regards to LP Policy CF6 and relevant paragraphs under Chapter 9 of the NPPF.

OTHER MATTERS

Drainage

United Utilities have requested that an informative be added to the decision notice which ensures that the drainage hierarchy is followed in the construction of the development. Subject to this informative, no further information or conditions are necessary in this regard.

As with the other consents at the site, a condition is recommended which will require the removal of the building in the event that it is no longer required for agricultural purposes, in the interest of the green belt.

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 full planning permission for an agricultural building in connection with an established agricultural enterprise at Winterhill Farm, Padfield, on a site that lies in the open countryside and the Green Belt. In considering the planning history associated with the site, and supporting information submitted with the application, Officers are satisfied that the proposed building is required to facilitate the established agricultural use on the land and to enhance an existing agricultural enterprise. Therefore the development is acceptable as a matter of principle, having regard to LP Policies EQ3 and EQ4 and relevant restrictive policies relating to Green Belt development under Chapter 13 of the NPPF.

Minor revisions and further written details have been secured which negates the need for pre-commencement conditions relating to Design and Biodiversity Enhancement and as such, subject to compliance conditions, the proposed building is considered to amount to an acceptable form of design that respects its immediate and wider context and aligns with relevant design principles set out under LP Policies S1, EQ2, EQ3, and EQ6, and relevant paragraphs under Chapter 12 of the NPPF.

Similarly, restrictive conditions have been recommended that will mitigate any potential impacts to public and residential amenity and protected species, with regards to the specific use and functionality of the building, and external lighting.

Having regard to the latest plans and all supporting information, Officers conclude that the proposed development amounts to a sustainable form of development that accords with all relevant Local Development Plan policies and other material considerations which includes restrictive policies relating to Green Belt Development under Chapter 13 of the NPPF.

In line with LP Policy S1a and paragraph 11 of the NPPF, the application is recommended for approval subject to appropriate conditions.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 24th March 2025

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council