

DELEGATED DECISION REPORT

HPK/2024/0505
Valid 20/12/2024

LAND ADJACENT STABLE
LANE
BUXTON

ADDITIONAL BAY TO
EXISTING AGRICULTURAL
STORE AND WORKSHOP

(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Design, Character and Appearance
- Amenity
- Parking Provision and Highway Safety

DESCRIPTION OF SITE

The application relates to a parcel of land adjacent to Stable Lane, a single un-made track that extends north east from its junction with the A53 Leek Road, and runs parallel to the rear of properties fronting Leek Road.

The site sits east of Stable Lane and adjacent to a parcel of agricultural land which has an Agricultural Holding No (37/073/0073), which is within control of the applicant.

The site is understood to form part of a quarry, which was returned to agricultural use under HPK/0001/0414 and up until the mid 2000's contained a somewhat random cluster of a number of buildings associated with 'agricultural storage'.

In 2006, an application was granted under HPK/2006/0276 and subsequently implemented which sought to replace two smaller buildings with one larger replacement "*Agricultural Implement Store Building*". A further application approved under HPK/2008/0772 granted planning permission for the replacement of two further buildings with a replacement building referred to within the description of development as an "*Agricultural Implement Store*" of a similar scale to that approved in 2006. This permission was also implemented.

In 2012, a third building was granted permission for a two more buildings referred to as "*Agricultural Implement Storage Buildings*" one of which stands to the north of the site and of a similar scale and footprint to the other buildings approved in 2006 and 2008, with a much small fourth building situated at the eastern fringes of the site.

In 2017, an application was made for a further agricultural implement store building situated immediately south of the existing buildings of a similar scale, height, massing and visual appearance. This application was refused under HPK/02017/0531 for the following reasons:

1. *The application site falls within the Countryside, outside of the settlement boundaries and sites allocated for development as defined on the Policies Map. The proposed development does not constitute appropriate development in the Countryside as outlined by policy EQ3. As such the proposed development would fail to protect the landscape's intrinsic character and distinctiveness; and character and appearance. This application therefore fails to accord with policy EQ3 of the High Peak Local Plan.*
2. *The proposed development would result in the intensification of the existing storage capacity on the site. Derbyshire County Council Highway Authority are not in a position to support any increase in the use of Stable Lane and its junction with Leek Road due to their substandard nature. This application is therefore considered contrary to policy CF6 of the High Peak Local Plan and National Planning Policy Framework as it fails to achieve safe and suitable access.*

The existing buildings form an 'L' shaped footprint and arranged around the concrete yard. The external appearance of existing building are characterised by corrugated sheeting to the roof and walls and large roller shutter doors to the front, and have somewhat of an industrial appearance.

The assessment of the 2017 application contained within the Delegated Report that informed the decision to refuse planning permission, primarily on grounds of principle, can be summarised as follows:

- *The (existing) buildings are used for the storage of agricultural plant and machinery, which are used in direct associated with the applicant's agricultural plant and machinery contracting business.*
- *On the face of it, the structures, along with the proposed, are used for storage and distribution of plant and machinery, albeit for agricultural purposes, which amounts to a B8 use and does not constitute appropriate development in the Countryside as outlined under Local Plan Policy EQ3.*
- *It cannot be ignored that the Council has accepted and approved a number of applications for a series of buildings intended to be used for the storage of plant and machinery in association with applicant's plant and hire business. However, the former applications formed part of a wider objective of tidying the site, which primarily involved the replacement of former buildings of poor and unsightly condition, offering a landscape character benefit.*
- *The 2012 application (submitted for a building for the same use) was approved on the understanding that it comprised the "third and final phase of an on-going site regeneration which began in 2006 and complete the applicant's foreseeable regeneration and 'clean up' of this site. "" (as per the Design and Access Statement)*

- *The need for the building was clearly evidenced and benefits arising in terms of landscape character and visual amenity were considered to outweigh harm arising from the development.*
- *This (2017) application does not propose to ‘replace’ an existing structure, nor does it present any landscape character betterment. No evidence has been presented to demonstrate the need for the structure beyond a written statement to say that “machinery has increased in size and as such more space is required to store the existing machinery”, which is then contradicted by a further statement which notes “the growing success of the business has meant a need for the buildings to grow from their current size”. It is not clear what implements are currently stored and which have increased further in size over the six year period since the last consent in 2012 to justify further buildings on site.*
- *It is the view of the Council that the predominant use of the site as it stands today is of storage and distribution (B8 Use) and cannot reasonably be described as ancillary to agriculture. It is not considered that sufficient evidence has been submitted to demonstrate that the proposed development accords with LP Policy EQ3.*

PROPOSAL

Following the withdrawal of an application for similar development under HPK/2024/0404, this application seeks full planning permission for the erection of an additional bay (extension) to an existing agricultural store and workshop.

The proposed extension is shown to have a rectangular form that is situated some 4.5m behind the principal elevations of the existing building, with a depth of 13.7m and width of 9.5m. The extension would mirror the form of the existing buildings with regards a dual pitched roof with principal elevation defined by a roller shutter door. The extension would be finished in materials consistent with what exists on site.

The application is supported by a Planning Statement which confirms the following position with regards the existing agricultural operations relating to the site and the applicant and the justification for the proposed development:

Background and Context

- Applicant is a well-established local family farm. The adjacent agricultural land covered by an Agricultural Holding (37/073/0073) is primarily a beef operation, which includes land either side of the Derbyshire/Staffordshire boundary, and extends to approximately 126ha, of which 4ha are located at Stable Lane, 67ha located at Peakstones Farm, and 36ha at an area at SK17 0TD, all of which are freehold

- The balance of the land is long-term leasehold, extends to 19ha and is located to the south of Buxton on the A515 at DE45 1JQ.
- Other land is farmed on an annual or seasonal tenancies brought in on an “as and when” required basis.
- In common with other farmers, the applicant also provides a limited mutual contracting service to other farmers
- Operations are centred on two parts of the holding; the Stable Lane site for vehicle and equipment storage and maintenance (the applicant operates all vehicles and machinery and there is no hiring to third parties), and Peakstones Farm being the livestock centre.
- Number of animals on the farm total 459, made up of 265 calves, 3no stock bulls, 20no breeding sow pigs, 170no piglets, and 1no stock boar.
- In common with most farming operations, the applicant assists neighbouring farms and vice versa, at peak times and other services like hedge cutting

Need for Proposed Development

- Applicant has a number of tractors and a wider range of towed equipment, all services at Stable Lane and most valuable items securely stored in the existing buildings
- Due to the increases in size and taking into account the values of machines and equipment across the board, it is no longer possible to store all of the most valuable items at Stable Lane, which (as can be confirmed upon inspection) is at full capacity. Maintenance is only possible by putting some into the yard or onto the adjacent agricultural land.
- The applicant has been forced to make short term arrangements to store some items in third party buildings close to the farm holding. Unfortunately, the applicant is unable to make its own security arrangements at these locations.
- Applicant is anxious to keep operations as secure as possible and is therefore seeking to extend his existing facilities which are the operating base, to provide more protection and reduce the need to find off-site temporary facilities and the associated security concerns. It will also reduce the number of journeys made solely for the purpose of bringing in equipment for service and maintenance.

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
- S2 Settlement Hierarchy
- S7 Buxton Sub-area Strategy
- EQ3 Rural Development
- EQ6 Design and Place Making
- CF6 Accessibility and Transport

Supplementary Planning Documents

Design Guide SPD (2018)

National Planning Policy Framework 2024

Achieving Sustainable Development	Chapter 2
Building a Strong Competitive Economy	Chapter 6
Promoting Sustainable Transport	Chapter 9
Making Effective Use of Land	Chapter 11
Achieving Well Designed Places	Chapter 12
Conserving and Enhancing the Natural Environment	Chapter 15

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/0001/0414	Reclamation Of Disused Quarry And Associated Spoil Heaps With Return To Agriculture, Forestry And Recreational After-use (Approved)
HPK/2006/0276	13.82m X 9.15m Agricultural Implement Store Building To Replace Existing (Approved 30 th May 2006)
HPK/2008/0772	New Agricultural Implement Store Building To Replace Existing (Approved 2 nd March 2009)
HPK/2012/0330	Erection Of Two Agricultural Plant & Machinery Storage Buildings Ancillary To Agriculture (Approved 14 th August 2012)
HPK/2014/0501	Proposed erection of single dwelling adjacent to existing buildings with some matters reserved (Refused 30 th March 2015)
	Appeal Dismissed (APP/H1033/W/15/3128719) 14 th Dec 2015

HPK/2017/0531	Proposed construction of agricultural implement store ancillary to agricultural use (Refused 4 th February 2019)
HPK/2024/0404	Additional bay to existing workshop for agricultural machinery (Withdrawn 4 th December 2024)

CONSULTATIONS

Publicity

Site Notice expiry date: 6th February 2025
 Neighbour consultation period ends: 28th January 2025
 Press Advert: N/A

Public Comments

None

Town / Parish Comments

N/A

Derbyshire County Council Highways

The submitted Design and Access Statement (D&AS) mentions refused application HPK/2017/0531 and withdrawn application HPK/2024/0404 where the HA's response to HPK/2024/0404 was sent on 10 October 2024 and concluded:

'However, it is noted that the Reason 2 of refused application HPK/2017/0531 is: 'intensification of the existing storage capacity on the site' and not an intensification of vehicle movements, so information regarding the previous, existing or expected vehicle trip movements onto Leek Road (A53) should be provided so that it can be assessed by the County Council to see if the proposal constitutes a safety hazard.'

The D&AS has included the following information:

'As requested by DCH in December 2024, the following are day-to-day movements on Stable Lane involving the Applicant's vehicles, comparing the position in 2017 and 2024:

*Winter 2017: 10no tractor with equipment, trailers and muck spreader movements
 Summer 2017: 20no tractor with equipment, trailers, rakes and balers movements
 Winter 2024: 8no tractor with equipment, trailers and muck spreader movements
 Summer 2024: 15no tractor with equipment, trailers, rakes and balers movements*

The increased size and efficiency of tractors and machinery has reduced the numbers of journeys by about 20 per cent as greater areas of the farm can be dealt with at each visit. However, these larger tractors and machines are (as indicated above) extremely valuable and need both larger secure storage and physically bigger areas for servicing and maintenance, hence the reason for the application.'

Therefore, based on the analysis of the information submitted and a review of Local and National policy the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion because the reason for the refused application for the proposed construction of agricultural implement store ancillary to agricultural use Land off Stable Lane (not publicly maintainable highway), Buxton, reference HPK/2017/0531 (Reason 2 of the Decision Notice) was,

'The proposed development would result in the intensification of the existing storage capacity on the site. Derbyshire County Council Highway Authority are not in a position to support any increase in the use of Stable Lane and its junction with Leek Road due to their substandard nature. This application is therefore considered contrary to policy CF6 of the High Peak Local Plan and National Planning Policy Framework as it fails to achieve safe and suitable access.'

So as the D&AS states the vehicle numbers will decrease, there are no justifiable grounds on which an objection could be maintained and offer no objections.

OFFICER COMMENTS

Principle of Development

The site lies in the open countryside and thus the starting point for assessing the principle of development, is Local Plan (LP) Policy EQ3, which seeks to ensure that development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness. The policy aims to achieve this (amongst other things) by:

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

Paragraph 88 of the NPPF states that decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings, and also enable the development and diversification of agricultural and other land-based rural businesses.

This application follows a number of previous planning applications for similar development, on a previously developed land which has an established lawful use for those in associated with agriculture, as defined within Section 336 of the Town and Country Planning Act 1990.

The position taken by the Local Planning Authority in 2017 was based on limited details provided at the time in relation to the agricultural unit and operations associated with the site, and led Officers to conclude that contrary to the building being related to an existing agricultural enterprise, it was proposed in relation to a storage and distribution business, thereby failing to comply with LP Policy EQ3 and thus not being acceptable as a matter of principle.

This application has been supported by further detailed evidence regarding the agricultural operations associated with the land holding within the control of the applicant, which was not a material consideration under the previous applications refused under HPK/2017/0531 and withdrawn under HPK/2024/0404.

On the basis that the agricultural machinery to be stored within the proposed extension building on site is to be used directly in relation to agricultural processes (i.e. farming cattle and livestock) which are covered by S336 of the Act and having regard to the dictionary definition of the term “enterprise” which amounts to “an undertaking”, or “a business or company”, and in light of additional information that accompanies this application, the LPA now accept that the proposed development would relate to and support an existing agricultural enterprise.

The proposed use of the building would be entirely consistent with existing buildings previously approved on site, and it is recommended that in order to control this use, a condition be applied that makes clear that the building shall only be used solely in connection with agricultural purposes as defined under S336 and for no other purpose.

It is acknowledged that consideration was previously had to the premise that no further development was required beyond the 2012 development. However, this is not considered to be material to whether or not additional development can be accommodated on site; it is simply a matter of demonstrating compliance with LP Policy EQ3 in relation to the existing lawful use of the site, and its relationship and role in how this assimilates with the applicants’ wider agricultural enterprise, details of which were not previously known in detail.

As such, subject to the application demonstrating that the building would preserve the intrinsic character of the rural landscape by virtue of its siting, design and appearance, it is concluded that in light of additional information and clarification surrounding the proposed use of the building and the site more generally, the application is compliant with LP Policy EQ3 and relevant paragraphs contained under Chapter 6 of the NPPF, notwithstanding 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 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 Design Guide SPD (2018) provides further useful guidance relating to the siting, design and appearance of development in a manner that responds well to and respects the existing context and character of an area. Extensions and alterations should respect the scale and height of the parent building reading as a subordinate and secondary addition and respecting the character and appearance of the building through an appropriate choice of materials.

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 comprises previously developed land bounded to the west by a mature conifer hedgerow, characterised by a concrete yard and a number of buildings constructed in corrugated sheeting. There are limited views of the site from nearby public vantage points, and given the existing character and appearance of the site, the sensitivity of the site for accommodating development is considered to be low.

The siting of the extension would be located within the existing planning unit and would be read in conjunction with existing development. The introduction of a significant set back behind the existing principal elevation allows the extension to read as a subordinate addition to the larger footprint of the existing development, and the materials would be consistent with existing development, in accordance with supplementary design guidance.

In light of the above, it is considered that the proposed development achieves an acceptable design, with regards to its siting, scale, massing and visual appearance that respects and preserves the character and appearance of the existing site and the wider rural landscape, in accordance with LP Policies S1, EQ3 and EQ6, Design Guide SPD (2018) and relevant paragraph contained 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 local planning authorities 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. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and limit the impact of light pollution from artificial light on local amenity.

The proposed building would be located in excess of 30m to the south west of the nearest residential dwellinghouse. Whilst it is inevitable that the introduction of this extension would lead to a modest intensification of the site, planning conditions that limit the use of the building solely for the purposes of agriculture will ensure that this is in accordance with the existing established use of the site, and would not give rise to any activities that would lead to any unacceptable noise impacts. In any event, noise and disturbance are controlled under separate Environmental legislation.

It is therefore concluded that the proposed extension would not subject to appropriate conditions give rise to any harm to public or neighbouring residential amenity in accordance with LP Policies EQ6 and EQ10 and relevant paragraphs under Chapter 12 and 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 of the NPPF 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.

Further to previous comments provided by the Highways Authority and the second reason for refusal attached to HPK/2017/0531, the applicant has provided further details relating to trip generation within the supporting Planning Statement. On reviewing this additional information, the Highways Authority have confirmed that they do not consider there to be any sustainable reasons for refusal on highway safety grounds.

In light of the above, there are not considered to be any adverse impacts in relation to highway safety in accordance with LP Policy CF6 and relevant paragraphs under Chapter 9 of the NPPF.

Other Matters

Biodiversity Net Gain

The Environment Act (2021) places a legal requirement on all developments to provide a 10% uplift in Biodiversity Net Gain on site, or, if this cannot be achieved, off-site, unless otherwise exempt.

Whilst the development exceeds the threshold with regards to its floor area, it is the case that the site is characterised in full by a hard (sealed) surface with no habitat value within the area of land subject of this application.

As such, there is no requirement in this case for the application to demonstrate BNG.

Nutrient Neutrality

The site lies within the catchment of the River Wye which forms the Peak District Dales Special Area of Conservation (SAC). The Council has been notified that action must be taken to address exceedances of phosphorus in the River. As such, the Council cannot grant consent for development unless it can rule out “likely significant effects” on the SAC. A Habitats Regulations Assessment (HRA) will be required when the plan or project creates a source of water pollution or has an impact on water quality and when it is within the catchment of the SAC. Initially, a screening assessment will be required to consider if “likely significant effects” (alone or in-combination) on the SAC can be ruled out. If not, this will be followed by an “Appropriate Assessment” where the impact of the plan or project is considered in detail.

Screening Assessment

The proposal is not directly connected with or necessary for the conservation management of a European site. The proposal will not increase overnight stays. However, the proposal does involve additional roof area and will therefore increase surface water run-off. However, given the very limited extent of the additional roof and that the building would be built on existing hardstanding it will not significantly increase run-off from the site and in turn will not risk having a significant negative effect on the SAC either on its own or in combination with other proposals and therefore it is not necessary to carry out an Appropriate Assessment.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework. It states that planning applications that accord with relevant policies in the Local Plan will be approved without delay.

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:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii) 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination

The application seeks full planning permission for an extension to an agricultural implement store building, on a site that has a lawful use for agricultural purposes further to applications for similar development being approved in 2006, 2008 and 2012.

The site consists of previously developed land that lies within the open countryside and is not constrained by any statutory designation.

In assessing a similar application under HPK/2017/0531 the LPA concluded that the proposed building relates to a business that whilst connected to agriculture, amounted to a storage and distribution enterprise under B8 and thus was not acceptable in principle having regard to LP Policy EQ3.

As set out in detail within the body of this report, this application is supported by a Statement that contains much more detail with regards the agricultural operations undertaken by the applicant and the role that the site plays in supporting that enterprise.

After carefully reviewing all material considerations, and subject to a condition that strictly limits the use of the building to those which are solely relating to Section 336 of the Act 1990, does in fact support an existing agricultural enterprise and is acceptable in this regard in relation to LP Policy EQ3 and relevant paragraphs contained under Chapter 6 of the NPPF.

Having accepted that the principle of development is acceptable in light of additional information being provided, the proposed development has been found to be acceptable in all other respects with regards to its siting, design and potential impacts on amenity and highway safety.

Therefore in conclusion, the application is considered to constitute a sustainable form of development and in line with LP Policy S1a and paragraph 11 of the NPPF is recommended for approval subject to appropriate conditions.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 27th May 2025

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council