

DELEGATED DECISION REPORT

**HPK/2023/0272
VALID 10/07/23**

**FAR WOODSEATS BARN,
FAR WOODSEATS LANE,
CHISWORTH,
DERBYSHIRE, SK13 5RS**

**RETROSPECTIVE
APPLICATION FOR
DEMOLITION AND RE-BUILD
OF EXISTING AGRICULTURAL
BARN
(FULL - MINOR)**

MAIN ISSUES

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

DESCRIPTION OF SITE

The application relates to a site which is located within the countryside and within the Green Belt as defined by the Local Plan policies map. The application relates to an agricultural barn of stone and tile construction which was in a very poor state of repair and unusable. At the time of the officers site visit the barn was being reconstructed. 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 adjacent to the site. The surrounding area is predominantly in agricultural use.

PROPOSAL

This is a retrospective application for the demolition of the remains of the previous barn and its reconstruction. The building is constructed from stonework to match the previous, while roof tiles are also provided. The building occupies the same location as the earlier barn. Its external parameters are broadly similar to the earlier barn (when it was fully constructed) although slightly narrower. The building is set over two levels and, due to a change in land levels appears as a single storey structure from the south west, and two storey from the north east. Three windows and a door are provided within the southwest elevation. Two larger openings with roller shutters are within the north east elevation. Each side elevation has a door, while the northwest elevation includes a window. The building is separated into a number of small rooms.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan (Adopted 2016)

S1 Sustainable Development Principles

S1a Presumption in Favour of Sustainable Development
S5 Glossopdale 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

HPK/2021/0518 - Partial retrospective application for a retaining wall and reprofiling of land for use for agricultural purposes – Approved – 27/02/23

Adjacent building:

HPK/2019/0153 – Variation of condition 2 of HPK/2017/0472 – Approved – 03/06/2019

HPK/2017/0472 - Proposed change of use of barn to dwelling – Approved – 18/12/17

CONSULTATIONS

Publicity

Site Notice expiry date: 15/08/23
Consultation period ends: 23/10/24
Press Advert: N/A

Public Comments

3No. comments received.

1 letter of objection on following grounds:

- Loss of light
- Overbearing
- Impact on biodiversity mitigation for adjacent barn conversion
- Impact on bats/bird (within barn)
- Not shown to be reasonably necessary for agriculture
- No very special circumstances for development in Green Belt
- Visible from footpaths

- Inaccurate plans

2 letters of support on following grounds:

- Rebuild in fitting with surrounding buildings
- Tastefully done
- Does not affect light from property (The Owd House)

Town / Parish Comments

Chisworth Parish Council do not object to this application providing that the re-build

1. Does not extend beyond the boundaries of the demolished barn, and
2. That the facing wall does not have any new apertures facing the neighbouring property, which could affect the neighbours privacy

Derbyshire Wildlife Trust

No ecological information was submitted with this application. We have checked our biological records database and can see records of common pipistrelle bat roosts and a suspected brown long-eared bat roost at another building on the Far Woodseats Farm site, from 2017.

It is not known if the barn, which is the subject of this application, was suitable for roosting bats but it should have been subject to a Preliminary Bat Roost Assessment as a minimum, to determine this and whether nocturnal surveys were necessary. It is easily possible that roosting bats could have used the barn, given the presence of other known roosts on site, and it is disappointing that no bat survey work was undertaken, especially given the level of good quality survey work on the previous application.

The stage of construction should be clarified to determine if it is worth undertaking any bat work at this point. Given that the application is retrospective and assuming bat survey work is not appropriate, we advise that bat boxes should be secured either internally or externally, depending what stage the construction is at. This should be secured via condition. There is also the chance that barn owl or swallow nest sites could have been lost but again this cannot be known at this stage. Barn owl and common redstart were recorded as part of the 2017 application. We advise that some form of nesting bird provision is secured, appropriate to the site.

OFFICER COMMENTS

Principle of Development

The application proposes the reconstruction of a barn. It is suggested that the building would be used for agricultural purposes. The building has been constructed and as such the application seeks retrospective consent. The site lies within the Green Belt as defined by the Local Plan policies map.

Policy S2 confirms that the Green Belt will be protected from inappropriate development. Policy S5, which sets out the strategy for this part of the plan area,

seeks to protect the designated Green Belt. 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. This includes “*buildings for agriculture and forestry*”.

The previous building was in a dilapidated state and, due to its condition, appears as though it had not been used for any meaningful agricultural use for some time. Planning permission was granted for the reprofiling of the adjacent land for that area to be used for storage in connection with agricultural purposes (Ref: HPK/2021/0518) which included storage for various vehicles and machines. Much of that area is laid to grass and, at the time of the officers site visit, did not appear overly agricultural in nature or use.

As part of this application, which has been submitted as a development for an agricultural building, the applicant has provided detail of land which is in their ownership. This includes a number of fields within the vicinity of the site. The submitted plans also show the intention for the building by identifying areas of use for various areas of storage and a hayloft. However, the extent of the overall agricultural operation remains unclear.

A building built for agriculture will normally be functional in character and appearance because its design will be fit for purpose with a specific use in mind. They will normally be well ventilated with wide openings and spaces to provide access for machinery and can be relatively easy to dismantle if the agricultural use ceases and a planning condition requires their removal.

A number of court judgements provide us with the applicable tests to determine whether a building has been ‘built for agriculture’ and ultimately should be considered as not inappropriate in the Green Belt. The correct tests are concerned only with the physical layout and appearance of the building and they are derived from *Belmont Farm Ltd v MHLG* (1962) and *Mckay and Walker v Secretary of State for the Environment* [1989]. The applicant’s current or future intentions and the uses he has currently made, or insists that he can make, of the building are of no relevance to this consideration. The character and purpose of a structure falls to be assessed by examining its physical and design features. The actual use made of the building does not alter the answer to be given. Where Inspectors have applied these tests in subsequent cases their approaches have been endorsed in the court judgements of *Sage-v-Secretary of State for the Environment, Transport and the*

Regions [2003] and *Binabik Holding Ltd v Secretary of State for Communities and Local Government* [2009].

In this case the building has been constructed with domestic not agricultural features, and as something that appears more like a dwelling not as a building to be used for agricultural purposes. It has been constructed with block cavity walls and exterior stone work, although whether insulation has been provided between the two could not be established. Window and door openings appear to be arranged and proportioned with human habitation in mind. These include ornate cills and lintels that are typical of a dwelling not a building which is of agricultural use. A first floor has been installed with the internal arrangement within the building having each area served by an external opening.

While the applicant's submitted plans indicate the use of the upper floor as a hay loft, it does not appear to have sufficient ventilation for its intended use. The largest area within the ground floor is for a tractor store, although the depth of this room is just 5m while the height of the opening leading to this room is in the region of 2.3m. It would not appear as though that room would be fit for its intended use as a vehicle store. The largest openings are within one of the side elevations. The openings to this elevation appear to be of similar size to enable patio doors to be installed. Internally the building's layout is subdivided across its width by concrete block walls and there are door gaps providing passage between the rooms.

Therefore, as a matter of fact and degree, it is considered that, having regard to its layout and appearance, this building has not been built 'for agriculture' and was not designed as such. It is perhaps best described as a dwelling house that is in course of construction (at the time of site visit). The development therefore, does not sit within the first exception listed within the NPPF as building for agriculture or forestry. Similarly, the LPA cannot be satisfied that the development would not result in a replacement building which is within the same use.

When assessed against these criteria, the development therefore relates to inappropriate development within the Green Belt.

Effect on openness

The building replaces a former dilapidated barn. The barn was partially collapsed with missing parts of the external walls and no roof. The barn has been replaced by a more complete structure which is more substantial and has a greater sense of permanence. Therefore it would permanently occupy more space when compared to the previous building. Therefore, the building erodes the spatial component of openness.

Visually, the building is set against existing built form and is not prominent within the surrounding landscape. It has a clear visual association with adjacent buildings. The visual component of openness would not be adversely affected.

While there would be very little visual effect on openness, there would be a spatial loss of openness. This loss of openness would be minor, with limited harm arising.

Nonetheless, it does represent additional harm arising from the development which weighs against it.

Purposes of including land in the Green Belt

The NPPF, at 143, sets out the purposes for including the land within the Green Belt. This seeks to safeguard the countryside from encroachment. Other purposes, in regard of this assessment would not appear to be relevant.

As with the conclusions on openness above, it is additional built form would result in some very minor encroachment into the countryside. This is lessened by its visual association with existing built form. The encroachment into the countryside would result in very limited harm against the development.

Conclusions on initial Green Belt test

The LPA are of the opinion that the development is not for agricultural purposes and would not meet the exceptions for Green Belt development as set out in the NPPF.

Paragraph 153 of the NPPF confirms that inappropriate development is, harmful to the Green Belt, by definition 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. The NPPF confirms that substantial weight should be given to any harm to the Green Belt.

Consideration of benefits of the development are considered later after the full extent of harm has been established.

Grey Belt

The latest version of the NPPF has now introduced the concept of grey belt. Paragraph 155 states that:

The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b. There is a demonstrable unmet need for the type of development proposed;*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.*

The glossary to the NPPF defines the grey belt as:

For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

While the site could not be considered to be previously developed land (its former use being agricultural), it is likely that the land does not strongly contribute to purposes a), b) or d). The areas or assets in footnote 7 are not relevant to this site. Therefore, the land could be considered to be grey belt.

However, for development to not be inappropriate there would be a requirement to demonstrate that there is unmet need for the type of development proposed and that the development would be in a sustainable location.

The application applied for is for an agricultural building. Notwithstanding the LPA's conclusions on whether this is truly an agricultural building, it has not been demonstrated that there is currently an unmet need for this type of development in the area.

Furthermore, the building is remote and isolated. It is accessed via a single lane track and has no convenient access to services and facilities or other means of transport. The occupation of the site is predominantly reliant on the use of a private motor car. It is noted that there is a public right of way near to the site, however this does not provide convenient access to services and facilities to improve its sustainability credentials. The site therefore could not reasonably be considered to be well connected or locationally sustainable.

Grey Belt conclusions

While it may be that the site is grey belt, it would fail to satisfy the tests of paragraph 155 and, therefore, it remains that the development is inappropriate in the Green Belt.

Other principle considerations

The application site is located within a rural area where policy EQ3 supports proposals for agriculture help sustain existing agricultural enterprises. As detailed above, based on the available evidence, the LPA is not satisfied that the building is for agricultural purposes.

EQ3 sets out other criteria where development may be acceptable in rural areas. The LPA is of the opinion that the development does not meet those criteria either.

Therefore, the development would fail to comply with this part of EQ3.

Design Considerations/Impact on Landscape

Policy EQ3 supports new agricultural buildings that maintain the landscape quality and character of the countryside. This also seeks to ensure that development is of high quality design and protects or enhances the landscape character.

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.

The replacement barn has similar siting, parameters and form as the previous barn would have been (prior to dilapidation). Its overall scale is not excessive in this regard. The building is constructed from stone and tiles, which are traditional materials for more historic agricultural barns. This results in a building that is of more permanent and substantial construction. While openings which have been introduced give the building a domestic character and appearance. The design therefore does not appear functional for its intended use.

While there are concerns "in principle" in this regard, it is unlikely that this would have a harmful effect on the receiving landscape. The lack of harm in this respect does not dilute the concerns of the LPA.

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 building is constructed close to existing dwellings. The close relationship means that the building has the potential to affect the living conditions of the occupiers of these properties. In this instance, the building replaces the remains of a previous barn on the site and the overall relationship would be similar. It is acknowledged that the building, prior to demolition was of reduced bulk due to collapsed roof and partially collapsed walls. Nonetheless, there was an established relationship.

The Owd House would have views towards the building at a distance of approximately 5m. However, their view was previously towards the barn and the

change in outlook and effect on light would not be so significant to have a harmful effect on living conditions.

The gable of the building is sited close to the garden of Far Woodseats Farm although it is set away from the boundary. This off set, coupled with the generally modest scale and height of the building is sufficient to ensure that the building does not significantly overbear the private amenity space of that property. Furthermore, for similar reasons, there would be no adverse effect on internal spaces.

The scheme as initially submitted included a red edge which crossed the rear garden of the barn conversion adjacent (approved under HPK/2017/0472). This would have resulted in a significant erosion of the private amenity space of that property to an unacceptable degree. This was an error on the plans and an amended site plan has subsequently been provided to show the land outside of the curtilage for that dwelling.

For the above reasons, the development complies with Policy EQ6 of the LP.

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 area of land would be accessed via existing points of access.

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

Effect on Biodiversity

Policy EQ5 (Biodiversity) states that biodiversity and geodiversity will be conserved and where enhanced, while ensuring that development proposals will not result in significant harm to biodiversity.

The application has not been supported by any preliminary ecological information as would be expected for a development of this nature. However, as the previous building has been demolished and the new building constructed any effects to protected species and/or their habitat (if any) would have already occurred. This is clearly unfortunate and any survey work would not be appropriate, as confirmed by DWT.

DWT have identified that species and their habitats could have been affected. Concern has also been raised by a third party, that the development has resulted in the loss of ecological mitigation/compensation that was required, by NE licence, in respect of HPK/2017/0472. As this is administered by Natural England, the LPA have not been able to establish whether this has been the case (and it would be for NE to investigate any breach of licence requirements).

Nonetheless, DWT have commented on the application and have reviewed the information available including documents associated with the adjacent development. They have advised that, in the event of an approval, a condition should be applied to ensure that a mitigation and enhancement plan for both bats and birds

be provided. In the circumstances, this would be a proportionate and reasonable approach.

Planning Balance and Conclusions

The development does not meet any of the exceptions for development in the Green Belt, including development on grey belt land, and therefore is inappropriate development. This attracts substantial weight against the development. The development should not be approved unless there are very special circumstances which clearly outweigh the harm to the Green Belt and any other harm identified.

In this instance, there would be additional harm arising from loss of openness and conflicting with the purposes of including the land in the Green Belt by failing to safeguard the countryside from encroachment. The harm in regard to these is limited and very limited respectively.

No harm would arise with regard to the effect on the landscape, residential amenity, or highways matters. Biodiversity matters can be dealt with via condition. The absence of harm in these respects are neutral in the overall planning balance.

The development has resulted in the removal of a dilapidated building. However, this development is not the only means by which those concerns could have been rectified. This is therefore a matter which only attracts limited weight in favour of the development.

There are no clear or convincing benefits of the development. As such, the LPA are of the opinion that very special circumstances, to outweigh all the harm identified, do not exist.

OFFICER RECOMMENDATION: REFUSE

Case Officer: Declan Cleary

Recommendation Date: 02/09/2025

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council