

DELEGATED DECISION REPORT

HPK/2025/0467
Valid 24/11/2025

LAND REAR OF 10
KELSONS AVENUE
BUXTON

RETROSPECTIVE
APPLICATION FOR THE
ERECTION OF A TIMBER
CHICKEN SHED

(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Design
- Amenity
- Trees

DESCRIPTION OF SITE

The application site comprises 10 Kelsons Avenue, a semi-detached dwelling located within the Kelsons Avenue cul-de-sac. To the rear of the property lies associated horse stables and riding fields. The site is situated outside the defined settlement boundaries and within the open countryside.

There are no heritage constraints affecting the site

PROPOSAL

Retrospective planning permission is sought for the erection of a timber chicken shed.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan 2016

S 1 Sustainable Development Principles
S 1a Presumption in Favour of Sustainable Development
S7 Buxton Sub-area Strategy
EQ 2 Landscape Character
EQ 3 Rural Development
EQ 5 Biodiversity
EQ 6 Design and Place Making
EQ9 Trees, Woodland and hedgerows
CF 6 Accessibility and Transport

National Planning Policy Framework

Chapter 4 – Decision-making

Chapter 12 – Achieving well-designed places

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

- HPK/0003/7817 - Approved 1999, Erection of Wooden Stable – Approved.

CONSULTATIONS

Publicity

Site Notice expiry date: 01/01/2026

Neighbour consultation period ends: 17/12/2025

Press Advert: N/A

Public Comments

By the end of the consultation period the one neighbouring objection was received.

Neighbouring Objection:

“We object to the building of the timber alleged chicken shed, at the land rear of 10 Kelsons Avenue. We are astonished that such a huge building is being classed as a so called ‘chicken shed’ as it could fit a tractor in it. We have never seen such a monstrosity being classed as a ‘chicken shed’ unless it’s for commercial use. How many chickens are they planning to have? I expect it would run into 100’s if it’s a ‘chicken shed’. They already have a normal size chicken shed there, why would you need such a huge building there unless it’s for commercial use or it’s going to be used for other purposes possibly to put vehicles in it or they have other intentions.

HPBC Arboricultural Officer

Trees protected by Derbyshire County Council Tree Preservation Order no 3 (W8) are closely adjacent to or within the site for the proposed shed. The area utilised for construction is noted as hardstanding. However, it is not clear when this was constructed or whether trees were considered when it was constructed. Construction of the shed may also have impacted retained trees. Derbyshire County Council are a consultee on the application and may have further comments as the enforcing body for the tree preservation order in question. Further comments may be made once DCC have responded.

Derbyshire County Council Tree and Woodland Conservation Advisor

Having reviewed the photos and application; it does not appear that the development has directly impacted the trees covered under the TPO. Applicant should be reminded that any works completed to the trees or near the trees in the future will need an appropriate TPO application to DCC for consideration.

Derbyshire Wildlife Trust

Comment summary - The site lies within the Buxton Youth Hostel Grassland Local Wildlife Site (LWS). The chicken shed is located within a clearing in woodland in the south west of the LWS. This woodland is identified as a Priority Habitat and should be conserved and enhanced. Impacts on the key grassland features of the LWS are considered unlikely. However, there is a general concern regarding piecemeal degradation of the site over time. No specific planning conditions are recommended. An informative is advised.

Derbyshire County Council Highways

There appears to be no material impact on the public highway and therefore the Local Highway Authority (LHA) has no further comments to make.

OFFICER COMMENTS

Principle of Development

Local Plan Policy S2 outlines that all areas outside of the settlement boundary of settlements, including Green Belt and the Countryside which do not have a settlement boundary as defined on the Policies Maps, development will be strictly limited to that which has an essential need to be located in the countryside or comprises affordable housing in accordance with policies EQ3 and H5.

Retrospective planning permission is sought for the erection of a timber chicken shed, which the applicant states is essential for supporting the health and welfare of the chickens currently kept on the site due to the current outbreak of avian flu. Policy EQ3 supports proposals for agriculture and related development which help sustain existing agricultural enterprises, including small scale farm shops selling local produce, complementary farm diversification and new agricultural buildings that maintain the landscape quality and character of the countryside. Policy EQ3 supports small-scale rural activities/ agriculture therefore the principle of development within the countryside is considered acceptable.

Design

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.

Paragraph 135 of the NPPF states amongst other matters that new developments should add to the overall quality of the area, be visually attractive as a result of good architecture and sympathetic to the surrounding built environment.

Retrospective planning permission is sought for the erection of a timber chicken shed. During an officer site visit, it was observed that the structure remains unfinished, with only the initial skeleton frame constructed. Once completed, the building will measure 51.9m² and will be constructed using vertical timber boarding to the sides and rear, with a roof finished in Juniper Green metal sheeting, characteristic of agricultural buildings. The front elevation will remain open, enclosed only by wire mesh to provide ventilation for the chickens.

The building would be visible only minimally from Ashbourne Road, as it is largely screened by existing trees. Its size and design are considered to respect the surrounding countryside setting and would not result in harm to the street scene. However, it is recommended that the timber is painted or stained in a dark brown finish to further reduce the visual impact of the structure when viewed from Ashbourne Road.

The proposal is considered to comply with the requirements of Local Plan Policy EQ6, as well as the National Planning Policy Framework (NPPF).

Amenity

High Peak Local Plan Policy EQ6 seeks to secure development that does not result in unacceptable effects on the amenity of the area by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

The building would be positioned on a large plot of land to the north of the main dwelling. It is considered that the shed would not give rise to any adverse impacts on neighbouring amenity, as the closest neighbouring properties along Kelsons Avenue are located a minimum of approximately 40 metres from the structure.

An objection has questioned the size of the chicken shed, suggesting it is excessive for its intended use. The applicant has explained that poultry owners are required to comply with strict biosecurity and hygiene measures to prevent the spread of avian influenza. It is stated that "As of the 13th of November 2025 Great Britain (England, Scotland and Wales) is in an avian influenza prevention zone (AIPZ). There are currently 56 cases of confirmed cases of avian flu in England. By law bird owners follow strict biosecurity and hygiene rules to [prevent bird flu and stop it spreading](#). The rules require that if you have more than 50 birds you must house them. This applies to all types of birds. If you keep less than 50 birds but you do sell or give away their eggs, poultry products or live birds, you must house them. These birds are known as 'poultry'. The applicant falls into both categories."

The existing wooden chicken shed is 2.4 metres by 2.4 metres (5.76m²) in area. Whilst this is sufficient to house the birds overnight it is much too small to keep them in permanently indoors for long periods. Hence, the need for the proposed chicken shed. Not able to go outdoors the hens need a minimum of at least 1m² of space each.

While the existing wooden chicken shed is adequate for overnight shelter, it is not of sufficient size to accommodate the birds indoors for extended periods. The proposed larger structure is therefore required to ensure the health and wellbeing for the birds.

On this basis, it is considered that the applicant has adequately justified the need for the scale of the proposed chicken shed. The proposed building maintains an acceptable relationship with surrounding properties and therefore complies with Local Plan Policy EQ6.

Trees

Policy EQ9 of the adopted local plan seeks to protect existing trees, woodland and hedgerows from loss or deterioration.

As noted by the Council's Arboricultural Officer, there are trees in close proximity to the site which are protected by Derbyshire County Council Tree Preservation Order No. 3 (W8). Derbyshire County Council Trees were consulted and provided with photographs of the partially constructed shed in context to inform their assessment. Following review, they advised that the development does not appear to have directly impacted trees protected by the TPO. In addition, the applicant has confirmed within the submitted Planning Statement that the proposal would have no impact on the nearby trees. On this basis, it is considered that the proposal would not result in unacceptable impacts on trees protected by the Tree Preservation Order.

Biodiversity

Policy EQ5 seeks to conserve and where possible enhance biodiversity and geological interests of the plan area.

The site lies within a Local Wildlife Site. Its classification as "Unfavourable – Maintained" indicates that while the site is not currently meeting its ecological objectives, appropriate management is in place to prevent further deterioration. The site therefore retains ecological value and is sensitive to adverse impacts, with potential for future recovery through enhanced management. Derbyshire Wildlife Trust has not raised an objection to the proposal. Given the siting of the development within a woodland clearing, impacts on the grassland (the primary feature of the LWS) are considered unlikely, although there is some potential for minor woodland degradation. DWT note that they intend to carry out further survey work to assess the condition of the habitats present and consider whether any boundary changes are necessary.

Overall, it is considered that the development does not harm the features of importance in the wildlife site. It is noted that the keeping of chickens on the land, even if damaging the wildlife site, in its own right, would not require planning consent. Moreover the development is exempt from BNG as it is a retrospective application.

CONCLUSION / PLANNING BALANCE

The proposed development is acceptable in principle and would and is not considered to be inappropriate development in the countryside. The proposal is therefore recommended for approval.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Agatha Dutton

Recommendation Date: 20/03/2026

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council