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| <b>APPLICATION NUMBER</b>                    |  | 23/00012/FUL   |   |
| <b>SITE ADDRESS:</b>                         |  | Hardhurst Barn, Breamfield Lane, Wirksworth, Derbyshire, DE4 4AF |   |
| <b>DESCRIPTION OF DEVELOPMENT</b>            |  | Erection of agricultural storage building                        |   |
| <b>CASE OFFICER</b>                          | Mr. G. A. Griffiths  | <b>APPLICANT</b>   | Mr Graham Hunt                                    |
| <b>PARISH</b>                                | Wirksworth   | <b>AGENT</b>   | Crowley Associates Ltd                            |
| <b>WARD MEMBERS</b>                          | Cllr. D. Greatorex<br>Cllr. L. Peacock<br>Cllr. P. Slack   | <b>DETERMINATION TARGET</b>                                      |   |
| <b>REASON FOR DETERMINATION BY COMMITTEE</b> | Requested by Ward Member given concerns of local residents | <b>REASON FOR SITE VISIT (IF APPLICABLE)</b>                     | To assess the proposed development in its context |

## MATERIAL PLANNING ISSUES

- Introduction – policy principle
- Justification for the development
- Impact on the character and appearance of the open countryside
- Highway safety
- Impact on amenity
- Impact on trees

## RECOMMENDATION

Approval subject to conditions.

# 1. THE SITE AND SURROUNDINGS

- 1.1 The site is a field with St Helen's Lane to the west and Breamfield Road to the east. There is a further field to the north in the applicant's ownership. There is a former barn to the south east of the field along the Breamfield Lane boundary. This was granted permission for conversion to a holiday let in 2011 (ref: 07/00459/FUL) and subsequently a variation of condition was approved to allow the barn to be used as a dwelling (permission 16/00407/VCOND) and permitted development rights were removed. The applicant owns this property.
- 1.2 The field is accessed by a field gate located on the north eastern corner with access off Breamfield Lane. This was granted a retrospective planning permission (ref: 21/00846/FUL) in 2021.



## 2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for the erection of a storage building for agricultural and domestic purposes. This is a resubmission further to the refusal of planning permission for a building that was proposed to the north west corner of the field (ref: 22/00297/FUL) which was refused for the following reason:

*The proposed building, by reason of its scale and height would be an unjustified encroachment and intrusion in the open countryside and its construction has the potential to harm trees. In addition, the access proposed to the building would present a visual scar across the field which would again harm the character and appearance of the open countryside. As such, the proposals would detract from the character, appearance and amenity of this part of the open countryside and be contrary to the aims of policies S1, S4, PD1, PD5 and PD6 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained in the District Council's Landscape Character and Design Supplementary Planning Document (2018).*

- 2.2 The land holding was at the time advised to be some 0.8 hectares which was modest and was only being used for keeping chickens and a few sheep. The proposed building had a footprint of approximately 82 square meters and a height of 5m to ridge and little justification had been provided as to why the building is required to be so large, and so high, for the purposes of managing the associated land given the nature of the equipment identified to be housed. The applicant also referred to the building being required for domestic storage and there was a concern that the scale of the building was being partly justified by a building that related to domestic usage set within a field. This raised some concern that the applicant may have been wishing to domesticate this field to the rear of the dwellinghouse by having a building part utilised for domestic related purposes.
- 2.3 The current submission seeks to provide further clarification as to the need and purpose of the building. The applicant now proposes the building to be sited to the east of the field, to the north of the barn which has been converted to his dwellinghouse, and adjacent to the boundary wall to the highway to the east. The revised building is again proposed to be a steel framed storage building but is now proposed to measure 6.00m wide and 9.14m long occupying an approximate footprint of 54.86m<sup>2</sup>. The agricultural building has been reduced in size since the previous application, by approximately a third, with one of three bays previously proposed having been removed. In terms of its height, the building is still proposed to be 5.06m to ridge and 4.2m to eaves.
- 2.4 In terms of appearance, the building is again proposed to be faced with vertical cladding which would be a single skin (0.5mm) plastisol coated steel sheeting and would be in a grey colour. The roof of the proposed building would be clad in natural colour profile 6 sheeting with translucent sheets to create roof lights. A hand operated roller shutter door is proposed in the northern elevation of the building to allow for security, and a steel security door is proposed to be fitted on one side of the building to allow for pedestrian access. Black PVC gutters are proposed to be fitted to each side of the building, with downpipes to suit, and all rainwater would be directed into a soakaway.
- 2.5 The applicant advises that the building would provide storage space for their tools and machinery to aid them in their agricultural operation and it is advised that there are currently no buildings on site which can be used to safely house their equipment. The types of tools which would be stored, but are not limited to, include grass maintenance equipment, a tractor trailer, a quad bike, a field topper and dry stone wallage equipment. In addition, it is proposed to keep feed for the applicant's hens and a few sheep would also be kept there.
- 2.6 It is advised that the applicant owns the field within which the building is proposed and the adjoining field to the north, as detailed with the previous planning application. However, the

applicant now advises that a significantly larger field to the east of Hardhurst Farm is in the ownership of his parents and that he takes on much of the farming operations. To this end, it is advised that the building is proposed to be sited, for practical and security purposes, close to the applicant's dwelling. It is also advised that, whilst there are a number of buildings located with the applicant's parents' property on the opposite side of the road, none are deemed suitable for storage as an alternative to the proposed development.

- 2.7 The applicant recognises that the Officer's preference, in terms of impact on the open countryside, would be to see any building sited as close as possible to existing buildings. Therefore, the applicant is now proposing to site the building adjacent to Breamfield Lane and the car parking area which serves the dwelling. The orientation of the building would be such that the roller shutter door would be north facing. Having noted the Local Planning Authority's concerns with the access track proposed under the previous application, it is now the intention to have no formal track laid between the access point and the building in order to retain the open aspect and agricultural appearance of this part of the site.
- 2.8 The current application also relocates the proposed building away from proximity to the trees on the north western side of the field but places it adjacent to other trees on the north eastern boundary. Given the above, the applicant has submitted an arboricultural statement to justify the revised siting of the building. This details trees around the field boundary and advises that the building's optimal position on the site, in visual terms, causes a very small portion of it to be within the identified Root Protection Area (RPA) of T2 (Plum Tree). This is a highway tree (outside the applicant's ownership) which is identified by AWA Tree Consultants as being a Category C, semi-mature Ash with low amenity value and the building would not encroach beneath the canopy of this tree. The applicant considers this encroachment is so minor that the effect on the health and longevity of the tree is considered by the consultant to be immaterial. Notwithstanding the tree being located at road level, the site sits below road level and, as such, it is advised that it is highly unlikely that the tree's roots encroach onto the application site.

### **3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

#### 3.1 Adopted Derbyshire Dales Local Plan (2017)

|     |  |
|-----|--|
| S1  | Sustainable Development Principles       |
| S4  | Development in the Countryside           |
| PD1 | Design and Place Making                  |
| PD3 | Biodiversity and the Natural Environment |
| PD5 | Landscape Character                      |
| PD6 | Trees, Hedgerows and Woodlands           |
| PD7 | Climate Change                           |

#### 3.2 Derbyshire Dales District Council Landscape Character and Design Supplementary Planning Document (2018)

#### 3.3 Derbyshire Dales District Council Climate Change Supplementary Planning Document (2018)

#### 3.4 National Planning Policy Framework

#### 3.5 National Planning Practice Guidance

#### **4. RELEVANT PLANNING HISTORY**

22/00297/FUL   Erection of storage building for agricultural and domestic equipment -  
Refused

#### **5. CONSULTATION RESPONSES**

##### Town Council

- 5.1 - no comment  
- Wirksworth Town Council has declared a climate emergency and therefore supports any development or change that seeks to reduce the carbon footprint.

##### Local Highway Authority (Derbyshire County Council)

- 5.2 - no objections to the proposed development from a traffic and highway point of view

##### Arboriculture and Landscape Officer (Derbyshire Dales District Council)

- 5.3 - comment on impact on trees on roadside  
- accept that some trees may not be constraints due to Ash dieback but that T3 (plum) and T5 (sycamore) are semi-mature trees and are not described as showing any disease symptoms  
- appears no reason to consider that they are likely to have a reduced life expectancy and are likely to live for many more decades, developing over time into fine mature trees, and recommend that they should be considered as constraints to development  
- accordingly, their rooting systems should not be potentially harmed by development (including ground level change, excavation, construction, surfacing) in their root protection areas as calculated according to BS 5837:2012.

##### Councillor P. Slack

- 5.4 - have received number of objections from residents of Breamfield, Wirksworth Moor to the application  
- objections have stated that the owner is a builder and he's not involved in farming  
- his relations are involved in farming and do sometimes farm animals into the field  
- to fully assess the position, ask for the application to go to Committee for Councillors to make decision.

##### Councillor M. Ratcliffe

- 5.5 - concerns raised with respect to the intended use of the building and whether it may result in it be used for a workshop rather than for agricultural storage  
- type of equipment being housed is also questioned as being more suited to engineering operations than farming  
- ask that these matters be raised with the agent before moving to planning recommendation.

#### **6 REPRESENTATIONS RECEIVED**

6.1 One letter of representation has been received which is summarised as follows:

- site changed from a discreet area under trees along Breamfield Lane to a new site which would be more visible - Council's Tree Officer has changed the position of the proposed barn
- suggest building is reduced to one bay in size with door to the east to be in keeping with the size of the existing property which has limited machinery which is a good compromise

## 7 OFFICER APPRAISAL

### Introduction – Policy Principle

- 7.1 The principal matters to be assessed are whether the building is justified and whether the development will impact on the character, appearance and amenity of the area.

### Justification for the Development

- 7.2 The building is proposed to serve as an agricultural building to manage the field within which it is proposed to be sited and the adjacent field to the north, which are both grazed by sheep. In addition, it is advised that the machinery stored in the building would be used to a significantly larger field to the east of Hardhurst Farm, which is in the ownership of his parents, which he takes on much of the farming operations. To this end, it is advised that the building is proposed to be sited, for practical and security purposes, close to the applicant's dwelling. It is also advised that, whilst there are a number of buildings located with the applicant's parents' property on the opposite side of the road, that none are deemed suitable for storage as an alternative to the proposed development.
- 7.3 Concern has been raised regarding the use to which the proposed building would be put, and it is advised that the owner is a builder and not involved in farming, albeit his relations are involved in farming and, it is advised, sometimes farm animals into the field. Nevertheless, as the applicant's parents are elderly, there would be the potential for Hardhurst Farm to be sold in the future as a separate entity and hence the applicant requires the building for the purpose of managing his own land and the farming operation.
- 7.4 To address the concerns raised, it is considered reasonable to ensure that the building is used for the purposes identified by the applicant. To this end, it is considered that if planning permission were to be granted for the building, that a condition is attached that the building shall only be used for the purposes of upkeep of the applicant's land holding and, should it no longer be required for such a purpose in the future, that the building be removed.

### Impact on the Character and Appearance of the Area

- 7.5 The original proposal, which was refused planning permission (ref: 22/00297/FUL), was to site the building away from the current buildings and adjacent to St. Helens Road, directly underneath established trees, and it was proposed to be greater in size. It was considered that such a development, by reason of the proposed scale and height of the building, would be an unjustified encroachment and intrusion in the open countryside and its construction has the potential to harm trees. This also entailed a field access being proposed across the field, down the slope to an associated hardstanding and the building, which was considered a visual scar in the landscape.
- 7.6 To this end, the proposed re-siting of the building, contextually with the converted barn, is considered more appropriate in the grouping of buildings. Whilst the size of the building has been reduced by a third, the height remains as previously proposed. However, the height of the building would not be so apparent from Breamfield Lane given that the land is slightly lower than the road. Nevertheless, it would still be an encroaching structure and, as advised above, the building is only justified for the purposes of the upkeep of the applicant's land holding and, should it no longer be required for such a purpose in the future, will need to be removed. Conditions would be required regarding the levels of the building, its materials and any hardsurfacing.

## Highway Safety

- 7.7 The Local Highway Authority has raised no objections to the proposed development

## Impact on Amenity

- 7.8 Other than the applicant's dwellinghouse, it is considered that the building is sited sufficiently far away from neighbouring dwellinghouses to not constitute a significant loss of amenity to the owners of properties in the area.

## Impact on Trees

- 7.9 The District Council's Arboriculture and Landscape Officer has assessed the proximity of the proposed building to trees aligning Breamfield Lane and considers that the rooting systems of these trees are very likely to extend for many metres into the site. This is because the field soil there would likely be highly favourable for root function, in contrast to the heavily compacted soil/road base beneath the road which would not be favourable for root growth. It is therefore likely that the majority of the rooting systems of the verge trees would be in the field and, furthermore, because they are unlikely to extend beneath the road, the roots are likely to compensate by extending into the field further than the default distance given by the BS5837:2012 RPA calculations.
- 7.10 Additionally, these trees are currently only semi-mature and have the potential to grow significantly larger. It is foreseeable that their canopies will extend further toward, or even over the proposed location of the building which would result in perceived/real risk of branches falling onto the building. To address this risk, the owners/occupiers of the building would likely wish to prune the trees' branches to reduce this risk. This has potential to harm the trees and reduce their amenity value. There may be pressure to remove the trees.
- 7.11 The District Council's Arboriculture and Landscape Officer is of the view that the verge trees make a significant contribution to the character and appearance of the local landscape and, accordingly, they should not be placed at risk; this could be achieved by relocating the building further from them. It is also the view, when considered as a group, the trees close to the proposed location of the building have a greater value than that of BS5837 category C which was given to them as individuals in the applicant's arboricultural report.
- 7.12 Category C implies that the trees should not be regarded as a constraint on development. However, the District Council's Arboriculture and Landscape Officer considers a category B would be appropriate for them when considered as a group and that this would indicate that they should be retained and appropriately protected and successfully incorporated into the development for the long term. In summary, the proposed location of the building is considered to be too close to the trees located on the highway verge and should be relocated further from them to a suggested minimum distance of 12m between building and trees.
- 7.13 In addition, no details of specification, positioning or timing of installation and removal of temporary tree protection fencing have been submitted. This fencing is important in order to indicate and protect those areas around retained trees that are likely to contain the majority of their rooting systems and as such should not be used for any site activity or development.
- 7.14 The applicant referred the comments to their arboriculturalist who describes the trees G1 to T6 as being located at a higher level than the site and beyond a stone retaining wall. In their view, these features are likely to limit root spread into the site (to the west), probably as much as the road to the east of the trees. As such, they stand by the RPAs as detailed in their report, where it states that any *detailed modifications to the shape of the RPA would largely be based on conjecture and so have been avoided.*

- 7.15 In response to the District Council's Arboriculture and Landscape Officer advises that that category B would be more appropriate for trees G1 to T6, when considered as a group, the applicant's arboriculturalist stands firm on their position that the trees should be category C. They consider this appropriate because of the presence of Ash dieback disease and that the trees are very unlikely to have a life expectancy of at least 20 years (which is essential for category B trees), as noted in section 3.2.8 of their report and the tree data. The applicant's arboriculturalist further comments that it may be appropriate for G1 and T2 to fall under category U, due to being infected with pathogens of significance to health.
- 7.16 Whilst the applicant has advised that he is content to relocate the building so that there is no encroachment into the plotted RPAs, they consider a 12m separation would result in the building being sited in the centre of the site and potentially isolated from existing built form, which were matters of concern in the determination of application reference: 22/00297/FUL.
- 7.17 Given the above, the trees were reconsidered by District Council's Arboriculture and Landscape Officer who has advised that, if there is Ash dieback, then quality category C could be applied to them and that they should not be considered as constraints on development. However, T3 (plum) and T5 (sycamore) are semi-mature trees and are not described as showing any disease symptoms. In the District Council's Arboriculture and Landscape Officer opinion, there appears no reason to consider that they are likely to have a reduced life expectancy and are likely to live for many more decades, developing over time into fine mature trees. The District Council's Arboriculture and Landscape Officer therefore recommends that they should be considered as constraints to development and that their rooting systems should not be potentially harmed by development (including ground level change, excavation, construction, surfacing) in their root protection areas as calculated according to BS 5837:2012.
- 7.18 To this end, it is considered reasonable to attach a condition that details of excavation works around trees T2 and T5 be submitted for approval and means of mitigating the impact on tree roots be explored. It is also considered reasonable to attach a condition that two trees are planted within the field, in an appropriate location to be determined, to offset the impact on biodiversity associated with the development and to go some way to mitigating against climate change.

### Conclusion

- 7.19 Whilst concern has been raised as to the future use of the building, the applicant has stipulated that it is for agricultural use associated with his land holding. In this regard, the building is considered appropriate in its scale and design to serve such a function. It is now proposed to be sited contextually with other built form and considered to have less impact in its surroundings than the previously proposed development. It is considered reasonable to require samples of the materials to be submitted prior to the building being faced/roofed and for details of tree planting to be provided to offset any loss to biodiversity and to mitigate against climate change. Given that the building is also specifically required for agricultural purposes, it is considered reasonable to attach a condition that it be removed, and the land reinstated, should it no longer be required solely for the purposes of agriculture.

## **8 RECOMMENDATION**

That planning permission be granted subject to the following conditions:

1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.

Reason:



This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

2. The building hereby approved shall only be used for purposes associated with agriculture in the management of the land detailed in the application submission. When no longer required for agricultural purposes, the building shall be removed from the land within 12 months of the agricultural use ceasing and the land shall be reinstated as field within six months of the building's removal.

Reason:

The building is only justified for the purpose of agriculture associated with the landholding and is otherwise an unnecessary and encroaching intrusion into the open countryside and would otherwise be contrary to the aims of Policies S1, S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

3. Prior to the building being erected, cross section drawings detailing the level of the building on the site, to include any cut and fill of the land and means to mitigate against impact on tree roots, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be provided in accordance with the approved details

Reason:

To ensure the satisfactory appearance of the development, and to protect existing trees, to comply with Policies S1, S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

4. Prior to the building being faced, details of the materials and colour treatment of the elevations, roof and doors of the building shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be provided in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

5. Prior to the building being brought into use, details of any hardsurfacing, to include the access and any hardstanding, shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be provided in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

6. The development hereby approved shall be undertaken fully in accordance with the Arboricultural Development Advice contained in the Arboricultural Report (A.W.A. Tree Consultants) (July 2022) received on unless otherwise agreed in writing by the Local Planning Authority. The retained trees shall be protected by fencing in accordance with BS 5837:2012 during the development phase, in accordance with protective fencing specifications and construction methods close to the retained trees to be submitted to and approved in writing by the Local Planning Authority.

Reason:

To seek to retain trees which make a positive contribution to the character and appearance of the open countryside and seek to preserve biodiversity and to mitigate against climate change in accordance with Policies S1, S4, PD1, PD3, PD5, PD6 and PD7 of the Adopted Derbyshire Dales Local Plan (2017).

7. Prior to the building being brought into use, details of further tree planting shall be submitted to and approved in writing by the Local Planning Authority. The approved trees shall thereafter be planted in accordance with the approved details in the first planting season after the building is brought into use. Any such tree which, within a period of five years, dies, is removed, or becomes seriously damaged or diseased, shall be replaced in the next planting season with another tree of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To seek to enhance biodiversity and to mitigate against climate change in accordance with Policies S1, S4, PD1, PD3, PD5, PD6 and PD7 of the Adopted Derbyshire Dales Local Plan (2017).

#### **NOTES TO APPLICANT:**

1. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority £116 per request. The fee must be paid when the request is made and cannot be required retrospectively.
2. The Local Planning Authority have prior to and during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which overcame concerns regarding the previous planning application.
3. This decision notice relates to the following documents:

Site Location and Block Plan 1:1250 received on 6<sup>th</sup> January 2023

Drawing No. 22038 – 1 received on 6<sup>th</sup> January 2023

Planning Statement (Crowley Associates) received on 6<sup>th</sup> January 2023

Arboricultural Report (A.W.A. Tree Consultants) (July 2022) received on

Tree Constraints Plan 1:200 6<sup>th</sup> January 2023

Additional information received on 26<sup>th</sup> January 2023, 14<sup>th</sup> February 2023 and 1<sup>st</sup> March 2023.