

APPLICATION NUMBER		23/01284/FUL	
SITE ADDRESS:		Longford Hall Farm, Long Lane, Longford, Derbyshire	
DESCRIPTION OF DEVELOPMENT		Change of use of 2no. agricultural buildings to commercial use (Class E, B2 and B8) [Part Retrospective]	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Ms L Wolfenden
PARISH	Longford	AGENT	Planning Design Practice Ltd
WARD MEMBERS	Cllr. G. Bond.	DETERMINATION TARGET	8 th March 2024
REASON FOR DETERMINATION BY COMMITTEE	Major Application	REASON FOR SITE VISIT (IF APPLICABLE)	Deemed unnecessary as main consideration is Policy principle

MATERIAL PLANNING ISSUES

- Principle of development
- Impact on the Character, Appearance and Setting of Listed Buildings and Longford Conservation Area
- Highway Matters
- Amenity
- Ecology and Biodiversity
- Climate Change

RECOMMENDATION

That planning permission be granted subject to conditions.

1. THE SITE AND SURROUNDINGS

- 1.1 The buildings, the subject of this application, are located on Longford Hall Farm. The farm extends to approximately 250 hectares and has been farmed historically both for arable crops and with a dairy herd. The dairy operation has recently ceased. Immediately to the south of the farm group, but in separate ownership, is Longford Hall (Grade II*) and the Grade I Parish Church. The farm has two points of access from Long Lane, with the westernmost one used predominantly for farm traffic. The listed buildings under the control of Longford Hall Farm comprise a Grade II* stable block / coach house which abuts the application site immediately to the south, a Grade II* '1760' barn which is adjacent to the recently clad building 1, the Gardeners Cottage (Grade II), Grade II gas works, Grade II kitchen garden walls and the Grade II cowshed.
- 1.2 The farming operation extends into modern buildings to the north east of the core of listed buildings and Longford Conservation Area creates an envelope around these buildings.



2. DETAILS OF THE APPLICATION

- 2.1 Planning Permission (ref: 20/00120/FUL) has previously been granted for a change of use of other agricultural buildings at the property to 5 no. commercial units (B1, B2 and B8 use classes) and associated external alterations (part retrospective). The proposal is the next phase in the future planning of the farm diversification scheme to fund the renovation of the Listed barn complex.
- 2.2 The applicant has run the Longford Hall Farm for many years and due to the modernising of farming methods and machinery, the applicant is able to consolidate the farming activities within the remaining agricultural buildings within the site. The current planning application is for the change of use of two agricultural buildings to commercial use and associated building operations. One of the units is currently used for storage, the other is a cow shed but there are sufficient agricultural buildings on the farm to ensure that the storage needs are met and the farm can continue to operate.
- 2.3 The proposal is for up to 4 commercial units, three within Building 1 and an additional unit in Building 2. Minor alterations are also proposed to Building 2, which will see a single roller shutter door included on the front elevation and the existing cladding to be continued, in order to enclose the barn completely.
- 2.4 This planning application forms part of, and aims to support, a wider scheme of farm diversification, which seeks to future-proof the enterprise and protection of the listed building through pursuit of variety of revenue streams rather than reliance solely on the farm. The buildings are no longer required for the farming operations on site and the applicant seeks to utilise the buildings in such a way that will enable funds to be raised to maintain the heritage assets that are located within the farm. Some of this revenue will be used to help fund the upkeep and maintenance of the listed farm complex, which is in varying degrees of disrepair.
- 2.5 The existing buildings are advised to be structurally sound. Alterations to Building 1 were completed in order to provide better pest protection and security whilst the building was in agricultural use, rather than being completed in preparation for commercial use. The applicant advises that the units will offer a secure, dry facility in which goods can be stored safely. They would also be suited for other business use and it is therefore considered that a flexible B1, B2, and B8 use will provide the most viable opportunity for the buildings.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017)

S1	Sustainable Development Principles
S4	Development in the Countryside
S9	Rural Parishes Development Strategy
PD1	Design and Place Making
PD2	Protecting the Historic Environment
PD3	Biodiversity and the Natural Environment
PD5	Landscape Character
PD6	Trees, Hedgerows and Woodlands
PD7	Climate Change
PD8	Flood Risk Management and Water Quality
PD9	Pollution Control and Unstable Land
HC19	Accessibility and Transport
HC21	Car Parking Standards
EC1	New Employment Development

EC3 Existing Employment Land and Premises
 EC5 Regenerating an Industrial Legacy
 EC10 Farm Enterprise and Diversification

- 3.2 Derbyshire Dales District Council Climate Change Supplementary Planning Document (2021)
- 3.3 Derbyshire Dales District Council Landscape Character and Design Supplementary Planning Document (2018)
- 3.4 National Planning Policy Framework
- 3.5 National Planning Practice Guidance

4 RELEVANT PLANNING HISTORY

0889/0743	Cattle Building	Granted	10/10/1989
0295/0065	erection of dairy/parlour and grain store to replace existing	Granted	25/04/1995
0197/0061	erection of livestock building	Granted	21/03/1997
0197/0060	erection of livestock building	Granted	13/03/1997
06/00411/FUL	Refurbishment and alterations of stable block to form 3 no. apartments, change of use of garage and former ballroom to form 2 no. apartments and external alterations	Granted	27/02/2007
06/00412/LBALT	Alterations to listed building - Refurbishment and alterations of stable block to form 3 no. apartments, conversion of garage and former ballroom to form 2 no. apartments and external alterations	Granted	13/02/2007
10/00082/EXF	Extension of Time Limit - Refurbishment and alterations of stable block to form 3 no. apartments, change of use of garage and former ballroom to form 2 no. apartments and external alterations	Granted	31/03/2010
10/00083/EXL	Extension of Time Limit - Alterations to listed building to include refurbishment and alterations of stable block to form 3 no. apartments, conversion of garage and former ballroom to form 2	Granted	31/03/2010

	no. apartments and external alterations		
18/00742/FUL	Redevelopment of farm outbuildings to create six holiday lets and five B1/B8 use units	Granted	13/11/2018
18/00743/LBALT	External and internal alterations to facilitate conversion	Granted	13/11/2018
20/00120/FUL	Change of use of agricultural buildings to 5no. commercial units (B1, B2 and B8 use classes) and associated external alterations (part retrospective)	Granted	17/07/2020

5 CONSULTATION RESPONSES

Parish Council

- 5.1 - no objection
- please note the location plan shows the Church, Churchyard and Longford Hall in ownership of Longford Hall Farm, which is incorrect
 - an application to divert FP3 needs to be in place before planning permission is granted
 - passing places required on the access drive
 - nestboxes should be installed
 - noise needs to be managed.

Environment Agency

- 5.2 - development falls within flood zone 1 and therefore have no fluvial flood risk concerns associated with the site
- there are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency.

Local Highway Authority (Derbyshire County Council)

- 5.3 - have previously commented on application 20/00120/Ful which was also for other agricultural building being converted to commercial use
- no highway objections were raised subject to visibility at the access and passing places being provided
 - would like to ensure these improvements are provided and conditioned as part of this application unless you consider they are already suitably secured
 - note requested to be attached to any consent granted that the application site is affected by several Public Rights of Ways (Footpaths number 4,5,6, 8 Longford on the Derbyshire Definitive Map) and that the routes must remain unobstructed on their legal alignment at all times and the safety of the public using them must not be prejudiced either during or after development works take place.

Public Rights of Way (Derbyshire County Council)

- 5.4 - Longford Public Footpaths No. 3, No. 8, No. 6, No. 4 and No. 5 are all in some way affected by the proposals
- either run through or adjacent to the proposed development site, or connect to it

- Longford Public Footpath No. 3 is currently obstructed by barns, and has been for some time
- understand that there was an intention to divert the footpath when one of the barns was built but it was never legally diverted and is therefore now obstructed by a barn that is the subject of this application
- seems that the line of the path on the ground may have been unofficially diverted, but the legal line will remain as it is until such time as a public path order takes effect
- as it is an offence to obstruct a public right of way, this situation must be remedied
- if planning approval is to be granted, a condition should be added stipulating that an acceptable diversion application must be submitted to DCC PROW within an agreed time period - will need to be a Highways Act 1980 Section 119 application, as the barn already exists
- if a condition of this nature is not possible, then the Rights of Way Section must object to the proposals on the grounds that the barn in question is obstructing a public right of way, which is an offence
- advise on footnotes.

Peak and Northern Footpaths Society

- 5.5
- strong objection
 - can see nowhere in the documents can that the current buildings obstruct the definitive, legal route of Longford Footpath 3
 - on the application form it is stated that no diversions of public rights of way are required - this is obviously wrong
 - the footpath must be diverted onto a route suitable for walkers which meets the tests of the relevant legislation
 - Longford Footpath 8 runs adjacent to the buildings and it would be desirable for this to be diverted away from the buildings so that the use of the footpath was more enjoyable for the public.

Ramblers Derbyshire Dales Group

- 5.6
- object as Longford FP 3 is obstructed by a barn and this obstruction should be resolved before planning permission is given
 - a diversion may be acceptable and PRow should be consulted for advice
 - once the above is satisfactorily resolved and FP 3 is open and walkable, the objection would be withdrawn
 - Longford FPs 3, 4, 5, 6 and 8 should remain unaffected at all times, including the path surface, both during and after any development
 - consideration should be given to the safety of members of the public using the Right of Way both during and after the proposed works
 - any encroachment of the path would need consultation and permission with/from the DCC Rights of Way Team

Historic England

- 5.7
- not offering advice but suggest seeking the views of DDDC specialist conservation and archaeological advisers.

Development Control Archaeologist (Derbyshire County Council)

- 5.8
- proposals will have no archaeological impact.

Environmental Health (Derbyshire Dales District Council)

- 5.9 - no objections to B1 or B8 use with a restriction of normal working hours for collection or delivery of items for the B8 use
- should B2 used be planned, then consideration should be given to noise from this activity and also what insulation may be required to the relevant building
 - recommend conditions with respect to no deliveries or despatches shall be made to or from the site, and no delivery or despatch vehicles shall enter or leave the site (whether laden or unladen), before the hours of 0800 nor after 1800 Monday to Saturday, or at all on Sundays and Public Holidays
 - in relation to B2 use, recommend condition that before use of the development commences, a noise mitigation scheme shall be submitted in writing and approved in writing by the Local Planning Authority detailing measures that will be implemented to ensure that any noise associated with the development does not cause detriment to amenity or a nuisance, especially to those living and working in the vicinity.

Derbyshire Wildlife Trust

- 5.10 - currently no records of protected species or notable habitats on site
- site is not covered by statutory or non-statutory nature conservation designation.
 - records of bird species such as house martin (2021), whitethroat (2018) and lapwing (2018) are present in the parkland adjacent to the site at Longford Hall but are unlikely to be affected by these proposals
 - works have already been completed in Unit 1 (metal cladding barn) for pest protection and security, but not in preparation for commercial use - consider this building as unlikely to support roosting bats
 - consider Unit 2 (timber cladding barn) to offer some bat roosting potential but as the structure of the building is retained, and alterations will be relatively minor, do not consider a roost assessment to be necessary in this instance
 - the development is unlikely to have an adverse impact on biodiversity but recommend the informative and conditions.

6 REPRESENTATIONS RECEIVED

6.1 None

7 OFFICER APPRAISAL

Principle of Development

- 7.1 The main issues in relation to this application are the impacts on the heritage assets and the benefits to them in terms of farm diversification revenue to fund their restoration. The applicant advises, as with previous planning permissions, that the revenue from the proposed change of use would be used to fund the upkeep and maintenance of the listed farm complex. The existing buildings are advised to be structurally sound and their conversion is considered to represent a cost effective way to generate an income.
- 7.2 The site is located within the countryside and involves the change of use of existing agricultural buildings to B1, B2 and B8 uses. Policy S4 (Development in the Countryside) states that planning permission will be granted for the conversion of an existing building for employment use, provided it is appropriate to its location and does not have an adverse impact on the character and appearance of the rural area and comprises enabling development that is requires to maintain a heritage asset. Any conversion should also involve a building that positively contributes to an established local character and sense of place. The Policy also advises that safe access should be provided and that traffic generation should not cause sever impacts or require improvements to rural roads that would be detrimental to their character.

- 7.3 Policy EC1 (New and Existing Employment Development) supports farm diversification and other development that supports the rural economy. Policy EC10 (Farm Enterprises and Diversification) states that development which forms part of a farm diversification scheme will be permitted where the proposal can demonstrate the viability of farming through helping to support, rather than replace or prejudice, farming activities on the rest of the farm. This Policy also requires the proposed development to stimulate economic activity with a use compatible with its location, which maintains the relative sustainability of a rural area, does not generate traffic inappropriate to rural roads and makes full and effective use of existing buildings.

Impact on the Character, Appearance and Setting of Listed Buildings and Longford Conservation Area

- 7.4 Whilst the application buildings do not make a positive contribution to the local character, their conversion would directly benefit the important listed buildings that are at risk of deterioration or loss of fabric. Policy PD2 requires development proposals impacting on heritage assets, such as listed buildings and Conservation Areas, to demonstrate how the proposal has taken account of their local distinctive character and setting and how this has been reflected in the layout, design, form, scale, mass, use of materials and detailing. In relation to developments that affect a heritage asset and/or its setting.
- 7.5 The National Planning Policy Framework (NPPF) also states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation, and the more important the asset, the greater the weight should be given (paragraph 199). Whilst some are given equal importance, no other planning concern is given a greater sense of importance in the NPPF. Any harm or loss to significance 'should require clear and convincing justification' (paragraph 200).
- 7.6 To this end, there could be considered to be some harm to the setting of the listed buildings. However, the application buildings currently exist and the modifications would be deemed to be of less than substantial harm. However, this does not equate to acceptable harm and requires clear and convincing justification and must be considered against the public benefits associated with the scheme. To this end, the proposed conversions are part of a wider scheme to diversify the farm and enabling works for the listed buildings on site and the income from the industrial units would both enable the repair works. The development would also allow potential employment opportunities. As such, the proposal is considered to have public benefits and is considered compliant with Policy PD2 and the guidance within the NPPF.

Highway Matters

- 7.7 Condition 16 and 17 of planning permission 18/00742/FUL required visibility splays at the access and passing places along the access track to be completed prior to the occupation of the holiday lets. The Local Highway Authority has also previously commented on application 20/00120/FUL, which was for other agricultural buildings being converted to commercial use. No highway objections were raised subject to visibility at the access and passing places being provided.
- 7.8 The Local Highway Authority advise that they would like to ensure these improvements are provided and conditioned as part of this application, unless it is otherwise considered they are already suitably secured. Whilst a visibility splay is evident, it is unclear as to whether this meets the Local Highway Authority's requirements and passing places do not appear to have been provided as previously advised. As such, it is considered reasonable to repeat the previous conditions but to place a time constraint to ensure that these are provided.

Public Right of Way

- 7.9 Derbyshire County Council's Public Rights of Way Section advise that Longford Public Footpath No. 3 is currently obstructed by barns, and has been for some time. It is understood that there was an intention to divert the footpath when one of the barns was built but it was never legally diverted and is therefore now obstructed by a barn which is the subject of this application.
- 7.10 As it is an offence to obstruct a public right of way, it is advised that this situation will need to be remedied. Therefore, it is requested that, if planning permission is granted, a condition should be added stipulating that an acceptable diversion application must be submitted to the County Council within an agreed time period. It is further advised that, if a condition of this nature is not possible, then the Rights of Way Section must object to the proposals on the grounds that the barn in question is obstructing a public right of way, which is an offence.
- 7.11 However, it is not in the remit of granting a planning permission to attach a condition to it that such is undertaken, given that this is a separate legal matter under highways legislation. Therefore, such a condition could not reasonably and lawfully be enforced by the Local Planning Authority if there were to be a breach to such a condition. To this end, it is considered reasonable, with any grant of planning permission, to attach a footnote to the applicant to make them aware of this matter.

Amenity

- 7.12 There is a terrace of three residential properties that share the access of the farm and are at the entrance to the farm complex to the south west. Whilst the traffic associated with the conversion is advised to be acceptable from a highways perspective, it is considered that hours of use of deliveries should be restricted in the interests of the residential amenity of these properties and that this can be secured by condition.

Ecology and Biodiversity

- 7.13 Derbyshire Wildlife Trust have assessed the proposals and note that works have already been completed in Unit 1 (metal cladding barn) for pest protection and security, but not in preparation for commercial use. However, it is considered this building is unlikely to support roosting bats. It is considered that the timber clad, Building 2 offer some bat roosting potential but, as the structure of the building is retained, and alterations will be relatively minor, DWT do not consider a roost assessment to be necessary in this instance and that the development is unlikely to have an adverse impact on biodiversity but recommend the conditions be attached to secure a bat box and no development to take place in the bird breeding season unless otherwise agreed.

Climate Change

- 7.14 The applicants make no reference to Policy PD7 (Climate Change) which seeks to mitigate against the carbon footprint of any development and guidance is also contained in the District Council's Climate Change Supplementary Planning Document (2021). Nevertheless, there would be opportunities to address such matters in the conversion and it is considered reasonable to attach a condition that measures to mitigate the carbon footprint of development be submitted to and approved in writing by the Local Planning Authority.

Conclusion

- 7.15 The proposal has two principal benefits; one is in relation to the viability of the existing agricultural enterprise and another is in securing the repair and conversion of the listed buildings within the farm complex that are on Historic England's the 'Buildings at Risk'

register. The proposals would also present opportunities for employment generation. To this end, the proposals would be compliant with the aims of Policies S1, S4, S9, PD1, PD2, PD2, PD5, EC1 and EC10 of the Adopted Local Plan (2017) and it is recommended that planning permission be granted subject to conditions.

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 development hereby approved shall be undertaken in accordance with Drawing Nos. 4395 – 001, 003, 006A Rev. B and 007 received on 7th December 2023 except insofar as may otherwise be required by other conditions to which this permission is subject.

Reason:

To define the permission for the avoidance of doubt and to ensure the satisfactory appearance of the development to comply with Policies S1, S4, PD1, PD2 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

3. The materials to be used in the cladding of Building 2, and the door details and colour, shall match those of Building 1 unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S4, PD1, PD2 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

4. Within six months of the date of this permission, the existing access onto Long Lane shall be modified to provide visibility splays of 2.4m x 103m, the area in advance maintained free from any obstructions exceeding 1m (600mm if vegetation) relative to the adjacent carriageway channel level, throughout the life of the development.

Reason:

For the avoidance of doubt that such works are necessary in the interests of highway safety in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).

5. Within six months of the date of this permission passing bays shall be provided along the access road from Long Lane in accordance with details to be submitted to and approved in writing by the Local Planning Authority and, once formed, shall be retained thereafter free from any obstructions to their designated use for the life of the development.

Reason:

For the avoidance of doubt that such works are necessary in the interests of highway safety in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).

6. The premises, the subject of this permission, shall not be taken into use until on-site car parking and manoeuvring space has been provided in accordance with the application drawings.

Reason:

To ensure adequate parking provision in the interests of highway safety in accordance with Policy HC21 of the Adopted Derbyshire Dales Local Plan (2017).

7. No deliveries or despatches shall be made to or from the site, and no delivery or despatch vehicles shall enter or leave the site (whether laden or unladen), before the hours of 0800 nor after 1800 Monday to Friday, 08.00 - 13.00 on Saturday with no operations on Sundays or bank holidays.

Reason:

In the interests of amenity in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

8. Before any building is brought into a Class B2 use, a noise mitigation scheme shall be submitted and approved in writing by the Local Planning Authority detailing measures that will be implemented to ensure that any noise associated with the development does not cause detriment to amenity or a nuisance, especially to those living and working in the vicinity.

Reason:

In the interests of amenity in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

9. Prior to Building 2 being reclad, measures to mitigate against the carbon footprint of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. These mitigation measures shall thereafter be provided prior to Building 2 being brought into use.

Reason:

To mitigate against the carbon footprint of the development to comply with Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained in the District Council's Climate Change Supplementary Planning Document (2021).

10. No stripping, demolition works or vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Reason:

To safeguard protected species to comply with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

11. Prior to the buildings first being brought into use, at least one external woodcrete/woodstone bird box shall be installed in a suitable location on the building, close to eaves level and avoiding south facing elevations. Evidence that these measures have been implemented shall thereafter be submitted to the Local Planning Authority for approval within one month of completion of development.

Reason:

In the interest of biodiversity enhancement to comply with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

1. Derbyshire County Council Public Rights of Way Section advise the following:

Longford Public Footpaths No. 3, No. 4, No. 5, No. 6 and No. 8 are all in some way affected by the proposals. They either run through or adjacent to the proposed development site or connect to it. Longford Public Footpath No. 3 is currently obstructed by barns and has been for some time. It is understood that there was an intention to divert the footpath when one of the barns was built. However, it was never legally diverted and is therefore now obstructed by a barn that is the subject of this application.

It seems that the line of the path on the ground may have been unofficially diverted, but the legal line will remain as it is on the attached plan, until such time as a public path order takes effect. As it is an offence to obstruct a public right of way, this situation must be remedied. An acceptable diversion application must be submitted to DCC PROW. It will need to be a Highways Act 1980 Section 119 application, as the barn already exists. The Applicant is also advised of the following:

- The footpaths must remain open, unobstructed and on their legal alignments wherever possible, and on their used routes where not.
 - There should be no disturbance to the path surfaces without prior authorisation from the Rights of Way Section.
 - Consideration should be given to the safety of members of the public using the paths during any works. A temporary closure of paths will be permitted on application to DCC where the path(s) remain unaffected on completion of the development.
 - There should be no encroachment of the paths, and no fencing should be installed without consulting the Rights of Way Section.
 - Information on applying for a diversion can be found on the following link. Public Path Orders - Derbyshire County Council Pre application advice is also available, if requested.
2. Precautionary Informative (Bats) - Works should proceed with caution and vigilance for any unexpected bat presence. As a precautionary measure, Derbyshire Wildlife Trust advise employing a sensitive placement of the proposed additional timber cladding. If any roosting bats are discovered, works should cease immediately and a suitably qualified ecologist should be contacted for advice.
 3. 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 is £145.00 per request. The fee must be paid when the request is made and cannot be required retrospectively.

4. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.
5. This decision notice relates to the following documents:

Drawing Nos. 4395 – 001, 003, 006A Rev. B and 007 received on 7th December 2023
Planning Statement received on 7th December 2023.