
Delegated report Officer: Thomas Beardsmore

Application ref. DMPA/2021/0862

The erection of 1no. holiday let cabin on land at Badger Brook Barn, Hills Lane, Stanton By Bridge, Derby, DE73 7HY

Valid date: 30/06/2021

Consults expired: 06/08/2021

EIA development? No

Section 106 agreement? Not required

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Relevant planning history

9/2018/0426 The erection of an agricultural barn - Approved June 2018

9/2018/0950 The erection of 3 holiday let cabins and construction of a parking area - Approved April 2019

DMPN/2020/0056 Prior Notification for an extension to an existing agricultural building - Refused February 2020

DMPA/2020/0852 The erection of an extension to existing barn - Approved May 2021

DMPA/2020/0866 Continued use of part of agricultural building as overnight accommodation (change of use to mixed use as a dwellinghouse (use class C3) and agriculture) for a temporary period of two years - Refused May 2021

Responses to consultations and publicity

County Highway Authority - It would appear that the application site is served by an access off Hills Lane which was approved under application 9/2018/0950 to serve three holiday cabins on the site . The applicant asserts that the access and parking have been constructed in accordance with the approved drawings, all conditions relating to that application have been discharged and it is assumed that the Council is satisfied that the access remains as approved. On this basis, there are no objections to the proposal from the highway point of view subject to conditions being included in any consent in the interests of highway safety.

Derbyshire Wildlife Trust - Advise that they have checked their Biodiversity Alert Map and other data sources at DWT and they consider it unlikely that there will be any substantive ecological impacts associated with the proposed development.

Conservation Officer - Considered the setting of the conservation area as a heritage asset as is required via paragraphs 190 and 194 of the NPPF and conclude that its significance as a heritage asset it would not be harmed by this proposal.

Stanton by Bridge Parish Council - Planning Application DMPA/2020/0866 for temporary residential use in an agricultural building was recently refused. To stay on site it now seems that the owner wishes to build an additional log cabin, said to be for holiday lets. Of the three existing cabins, one appears to be permanently occupied by the owner's family in contravention to the Planning Permission granted. Additionally, a temporary mobile home is applied for "for the contractor". As the three existing cabins were constructed by the owner it seems unlikely that an external contractor will be used. The Derbyshire Mapping Portal continues to show the existing footpath, to the North of the land, continues to be to the South of the track but remains fenced off adjacent to the hedge on the North boundary. It is unclear on the Block Plan what the proposed treatment of the footpath will be. It is noted that the Design and Access Statement refers to "permission to construct 2 new cabins". For the sake of regularity this also needs to be corrected.

Peak & Northern Footpaths Society - No objection provided that the full legal width of Footpath 7 Stanton by Bridge remains unobstructed at all times.

3 objections have been received, raising the following comments:

- a) These buildings are too close together on a small site
- b) Provision for ten cars will create noise and disturbance for neighbours, and potential traffic on a very narrow lane will cause problems.
- c) Only two of the three cabins have ever been used as holiday lets. The third has been used as a permanent residence for over two years.
- d) Already too many log cabins on Hills Lane.
- e) Hills Lane is in a bad state of repair and further traffic will only make this condition worse.
- f) No reason for a mobile home for the contractor as no mobile home was needed when the three log cabins and the barn were previously constructed.
- g) It does not state on the planning application where the mobile home is going to be situated
- h) Once the mobile home has been constructed this will then be used as a permanent residence.
- i) Planning was not passed for residential purposes previously.
- j) There is an issue regarding the overflow water running into the brook which was never an issue before the cabins were built.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

- Local Plan Part 1 (LP1): S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), S6 (Sustainable Access), E7 (Rural Development), SD1 (Amenity and Environmental Quality), SD2 (Flood Risk), SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure), BNE1 (Design Excellence), BNE2 (Heritage Assets), BNE3 (Biodiversity), BNE4 (Landscape Character and Local Distinctiveness), INF2 (Sustainable Transport), INF8 (The National Forest) and INF10 (Tourism Development)
- Local Plan Part 2 (LP2): SDT1 (Settlement Boundaries and Development), BNE5 (Development in the Countryside), BNE7 (Trees, Woodland and Hedgerows) and BNE10 (Heritage)

The relevant local guidance is:

- South Derbyshire Design Guide Supplementary Planning Document (SPD)
- Stanton by Bridge Conservation Area Character Statement (CACS)

The relevant national policy and guidance is:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

Planning considerations

Taking into account the application made, the documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issues central to the determination of this application are:

- Principle of development;
- Design and landscape character;

- Highway Safety;
- Archaeology.

Planning assessment

Principle of Development

The application site is located outside of any settlement boundary as defined by Policy SDT1 and therefore constitutes development within the rural areas/countryside. Here Policy BNE5 governs the appropriateness, or not, of proposals, with support for development allowed for by certain policies including Policy INF10 which supports tourism within the district, especially within the National Forest. Although the site is located outside of the National Forest, the boundary is located 600m to the south of the site therefore due to the sites close proximity, it is considered that the same principles that the National Forest promote in terms of tourism would still be applicable for this site.

The site is located to the south of Stanton by Bridge, outside of the settlement boundary, here tourism development, which includes overnight accommodation is supported where identified needs are not being met by existing facilities. The National Forest Vision and Action Plan for Sustainable Tourism, identifies a need to expand tourist accommodation provision with an emphasis on self-catering accommodation in (and close to) the National Forest. The proposal is therefore considered to be meeting an identified unmet need within this part of the district.

Policy INF10 expects new tourist development to be provided in one of three ways;

- I. Provided though the conversion or re-use of existing buildings; or
- II. Accommodation of a reversible and temporary nature; or
- III. Sustainable well designed new buildings, where identified needs are not being met by existing facilities, subject to all other relevant policies in the local plan.

The proposal is for the erection of a new chalet building which would be situated close to the existing three chalets adjacent to the site and would be similar in size and appearance, subject to conditions to control the proposed materials to ensure timber cladding and grey traditional roof tiles are used, it would comply with criterion III above.

In principle therefore the proposed new building to be used as self-catering tourist accommodation is considered to be acceptable and is supported by Policy INF10. The proposed holiday accommodation would also supported by Policy E7 which supports development proposals which diversify and expand the range of sustainable employment activities on land outside of settlement boundaries. The proposal is also supported by the provisions of the NPPF which supports sustainable rural tourism and leisure development, which benefits businesses and communities in rural areas. This is subject to the imposition of conditions restricting the occupation of the building to a holiday let only.

Design and Landscape Character

The in-principle support for new tourist development is subject to development being sited and designed to avoid any undue impacts on the local landscape, natural environment or cultural heritage assets. There are no landscape or heritage designations associated within the site but the Stanton by Bridge conservation area does abut the site and includes the property adjacent to the north of the site, known as Behind the Hills. Any possible views into or out of the conservation area which might feature the proposed chalet would already feature views of the three existing

ones. As such there would be no cumulative impact by the addition of one further chalet, in all views it would be more distant than the existing chalets and would sometimes even sit behind them entirely. The Conservation Officer has also considered the setting of the conservation area as a heritage asset, as is required by paragraphs 190 and 194 of the NPPF and concludes that its significance as a heritage asset would not be harmed by the proposal.

The existing layout and design of the chalets is such that space is afforded between each of the three units, there is also an appropriate amount of outdoor amenity space provided for each unit. The proposed new chalet would confirm with the existing layout of chalets, and is to be situated to the west of the existing chalets and therefore forming a row of four, with some outdoor amenity space also included. The proposed chalet would be similar to the existing chalets in height and size and would therefore provide good integration with the existing character of the site and appear as a natural extension to the site. A condition would be attached to any consent granted to ensure that the proposed facing materials would be appropriate for the context of the site, with timber cladding considered to be most appropriate, given the rural nature of the site and what has been used for the existing chalets. The proposed chalet reflects the built structures supported by BNE1 and is considered to be suitable across the District for this type of accommodation as they also appear temporary in nature.

The character of the area is such that the site is a relatively small field in the countryside adjacent to a large agricultural building, which screens views of the site from Hills Lane to the east. The field is bounded by predominantly post and rail fencing with some hedgerows and trees also present. When assessing the chalet against the existing buildings, due to it being located close to the field boundary and close to the existing three chalets it would be viewed as an extension to the existing built nature of the site and the agricultural use of the adjacent fields and building as opposed to being separate built development set in the open countryside. It is considered that the addition of one extra chalet on the same of the existing chalets, would be the maximum number of chalets that is considered appropriate for this site without harming the existing character and landscape of this area. As such the proposal is considered compliant with Policies BNE1 and BNE4.

Highway Safety

The applicant proposes to utilise the existing access for the site which has recently been modified in order to accommodate the previous approval for three chalets, these chalets along with the access and parking area has now been completed. The proposed chalet would be located to the west of the three existing chalets and therefore the access for these buildings would simply be extended in order to accommodate the new building on site. The County Highway Authority have raised no objections to the proposal and as such it is considered that safe and suitable access to accommodate the site is provided and would be consistent with the requirements of Policies S6 and INF2.

Archaeology

Located in the neighbouring field approximately 120m to the west is evidence of an historic ridge and furrow site, which is covered by Derbyshire HER Ref no. 26426, this is labelled as a constraint on the Council's GIS system. Whilst no comments from DCC Archaeology were sought for this application, their previous comments for the application for the neighbouring three chalets would still be applicable for this proposal. In their previous comments they did not confirm that the site was within the exact area covered by HER 26426, however, they did state that the Derbyshire Historic Landscape Characterisation project describes the field patterns in this area as 'fossilized strip fields' – ridge and furrow earthworks often being associated with

mediaeval field systems of this type. Based on the impact the development would have in regards to ground works and the need for foundations and given the close proximity to a site of historical importance, a condition for archaeological monitoring is considered appropriate, as was the case with the previous permission.

Recommendation

Approve with Conditions

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation made:	18/11/2021
Report agreed:	18/11/2021
Authorised officer:	Sarah Beeby
