
Delegated report Officer: Jenny Blair

Application ref. DMPA/2026/0378

Retrospective application for the change of use of cow shed to seating area, erection of barbecue gazebo, children's trim trail and mini sewage treatment plant at Southwood House Farm, Unit 1, Staunton Lane, Calke, Ashby De La Zouch, LE65 1RG

Valid date: 19/03/2026

Consults expired: 15/05/2026

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

9/2011/0824 - The change of use from redundant cow sheds to micro-brewery with associated office space and toilet facilities, incorporating the provision of hardstanding for 3 no. Car parking spaces and improvement of the access track. Approved subject to conditions 19/01/2012.

Southwood House Farm received Listed Building Grade II status - Historic England - 28 August 2013

The farmhouse at Southwood House Farm, originating in the C17 or possibly earlier, with C18 and C19 extensions, is listed at Grade II for the following principal reasons:

** Architectural interest: it is a good example of the evolution of a gentleman's farmhouse over at least three centuries, retaining evidence of each historical phase;*

** Plan form: the C17 three-unit plan form of the north-east range, including the position of the boxed-in stair, is still clearly legible; and the configuration of the early C19 south-west range has remained intact;*

** Interior: the surviving C17 and C18 fixtures suggest that it was a house of some status, and the early C19 joinery and fittings, notably the oak staircase, moulded cornices, panelled window surrounds and fireplaces are of good quality design and craftsmanship;*

** Group value: it has group value with the Grade II listed early C19 garden wall with bee boles which, along with the other (unlisted) buildings on the farmstead, form an important architectural and historic context for the farmhouse.*

9/2014/0572 - The change of use from redundant agricultural building to general use and storage area ancillary to the use of the adjoining microbrewery. Approved subject to conditions 11/08/2014.

9/2018/1186 - The conversion/renovation/alteration and extension to existing barn (including installation of a mezzanine floor) to extend and link to existing brewery and create a function area and associated facilities, alterations to existing access and creation of parking facilities. Approved subject to conditions 26/09/2019.

DMPA/2024/0063 Installation of solar panels on brewery roof. Approved subject to conditions 24/05/2024.

Responses to consultations and publicity

County Highway Authority - No objection (23 April 2026).

Council's Conservation Officer - No objection overall. However consider that there is a level of harm (less than substantial - low) to setting of listed building in relation to the sewage treatment plant and play area equipment. They have not taken into account the historic and rural setting which is a shame as betterment could have been achieved. The barbecue and use of outbuilding is acceptable - no harm to the listed building. The design of the barbecue structure could be of better quality but it is likely to be temporary given the materials and build. (19 May 2026)

Relevant policy, guidance and/or legislation

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 comprises a statutory duty to give special regard to the desirability of preserving a listed building or its setting or any features or special architectural or historic interest which it possesses.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications shall be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.

The relevant Development Plan policies are:

- Local Plan Part 1 (2016): S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), BNE1 (Design Excellence), BNE2 (Heritage Assets), BNE4 (Landscape Character and Local Distinctiveness), E7 (Rural Development), SD1 (Amenity and Environmental Quality), SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure), INF2 (Sustainable Transport), INF8 (The National Forest), INF10 (Tourism Development),
- Local Plan Part 2 (2017): BNE5 (Development in Rural Areas), BNE10 (Heritage)

The relevant local guidance is:

- South Derbyshire Design Guide Supplementary Planning Document (SPD)

The relevant national policy and guidance is:

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

Emerging Local Plan

On 10 March 2025 the South Derbyshire Local Plan Part 1 Review was published for its period of formal representations under Regulation 19 (of the Local Plan Regulations) prior to submission to the Secretary of State (The Publication Version). This is the version of the Local Plan that the Council intends to submit for examination, and it is a material consideration in the determination of planning applications.

The weight to be attached to emerging local plans is set out in paragraph 49 of the NPPF.

With regard to paragraph 49a) the plan is at an early stage of preparation having not reached examination. In terms of 49b) there remain unresolved objections to the plan from its Regulation 18 consultation and the comments made under Regulation 19 have been reviewed with unresolved objections which were reported to Environmental and Development Services committee on 6th November 2025. The Local Plan will be submitted in summer 2026. Although the plan is in general conformity with the NPPF (paragraph 49c) it has been published to benefit from the transition arrangements set out in paragraph 234 of the NPPF, meaning the Local Plan will be examined under the 2023 version of the NPPF. For all these reasons the weight to be attached to policies in the publication version of the Local Plan is low.

Where there is any conflict between policies in the publication version of the Local Plan and existing adopted Local Plan policies the decision should be taken in line with the adopted Local Plan policies. Paragraphs 50 and 51 of the NPPF are also relevant which clarify that refusals of permission in line with emerging policies will seldom be justified before a plan has been submitted for examination. The plan is intended to be submitted for examination in June 2026.

Planning considerations

The determining issues are as follows:

Principle of development;

Design and impact on the character and appearance of the area, including the impact on the setting of the heritage assets.

Planning assessment

Application site and proposal

The wider site of Southwood House Farm comprises a Grade II listed farmhouse (and listed garden walls) and associated outbuildings in the rural area south of Ticknall and the Calke Abbey National Trust Registered Park and Garden. The National Trust are landowner of the application site, with the current occupiers long term tenants of the site. The Southwood House farmhouse building itself was listed as a Grade II listed building in 2013. The application site comprises elements of the associated outbuildings and surrounding site to the east, north east, and north, of the host dwelling Southwood House. While the outbuildings themselves are not considered to be curtilage listed due to the conversion to a micro-brewery occurring prior to the listing being made, the outbuildings do form an important part of the setting of the listed building, and have heritage value in their own right. The applicant's submitted Heritage Statement acknowledges that 'the buildings around the fold yard may be considered a non designated heritage asset by virtue of their historic grouping with nearby listed buildings, or at the very least, as buildings whose development could materially affect the settings of the nearby listed buildings'. Officers agree with this statement and while Listed Building Consent was not deemed necessary for the proposed development, it is noted that the site is of heritage importance, is sensitively located and in the setting of the Grade II listed farmhouse.

The proposals are linked to the brewery, known as Tollgate Brewery, and the associated drinking and eating areas, both inside the buildings and within the courtyard, known as The Milking Parlour.

The application seeks the regularisation of development which has occurred without the benefit of planning permission and is therefore a retrospective application. These matters came to light following an officer site visit. The application includes the following elements:

- Change of use of the cow shed to seating area and food store- this is within the south western barn of the quadrangular fold yard, and the last remaining barn out of the four outbuildings in the quadrant to be converted from agricultural use. No physical changes have been made to the barn, but it has been cleared of any previous agricultural use or storage, and is now used for drinking and eating with seats and tables present for informal dining. The most northern corner of the building is used for a closed off food store containing fridges.
- Erection of a barbecue gazebo - this is relatively modest structure, and appears temporary in nature due to its timber construction and makeshift appearance in the north western corner of the quadrant. It has half open sides to create a counter/hatch appearance with a lean-to roof cover. The applicant's submitted Heritage Statement describes this structure as having 'rustic simplicity'.
- Children's trim trail - an area to the south west of the converted outbuildings has been given over to a fenced off children's play area with children's play equipment present aimed at younger children.
- Mini sewage treatment plant - to enable the toilet block to be brought into use, a sewage treatment plant has been installed to the north of the application site, adjacent to the main driveway to Southwood House Farm. The applicant set out verbally to the case officer that this location was chosen due to accessibility for maintenance and land levels for drainage purposes.

Principle of development

While there is no specific policy in the development plan for development associated with a brewery and drinking/eating establishment, the proposals have policy support in principle through Policy E7 (Rural Development) and Policy S2 (Presumption in Favour of Sustainable Development) as the proposals are linked to existing permissions, support an existing rural business and are not deemed to conflict with other policies within the development plan. The proposals are also considered to be in line with INF10 (Tourism Development) and INF8 (National Forest) noting that the site lies within the National Forest and encourages the diversification of the rural economy. It is noted that the proposals are retrospective, that the business is existing and it appears to be successful and popular in the area. The application has been supported by a Business Case setting out the success of the business which

grew during the Covid pandemic.

Design and impact on the character and appearance of the area, including the impact on the setting of the heritage assets

The 1990 Planning (Listed Buildings and Conservation Areas) Act places a duty on local planning authorities to preserve or enhance conservation areas, listed buildings and their settings. This is underpinned by Paragraph 212 of the NPPF which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Local Plan policy BNE2 states that development that affects South Derbyshire's heritage assets will be expected to protect, conserve and enhance the assets and their settings; and Policy BNE10 expands upon these requirements. Additionally, Policy BNE1 sets out principles for design excellence, which is supported by the detail within the South Derbyshire Design Guide SPD.

Change of use of the cow shed to seating area

No physical changes have been made to the building, but a change of use has occurred to enable the building to be used for informal seating under cover for those eating and drinking at the Milking Parlour. A portion of the barn is also used as a food store including chilled units. It is considered that the agrarian character of the building has been preserved through this change of use and therefore the proposals would not conflict with policies BNE2 and BNE10 of the Local Plan, neither would they impact on the setting of the Southwood House Farm listed building.

Erection of a barbecue gazebo

The barbecue gazebo structure is considered to be of poor quality, however it is likely to be temporary in nature given the materials and build. Should a more permanent structure be sought in future, the applicant is advised to seek the advice of the Council's Conservation Officer. Given the location of the barbecue gazebo which is tucked in the (north-western) corner of the quadrangular fold yard, it is considered that the structure does not impact on the setting of the listed building, or cause undue harm to the character of the outbuildings and courtyard. The use is considered to be ancillary to the Milking Parlour venue, and therefore acceptable and in accordance with policies BNE1, BNE2 and BNE10 of the Local Plan.

Children's trim trail

A fenced off area comprising the children's trim trail, or play area, has been installed to the south of the quadrangular fold yard, in an area between the car park and Southwood Farm House. While the existing outbuildings do interrupt the view of the children's play area from the listed building Southwood Farm House, it is considered by the Council's Conservation Officer that there is a level of harm to the setting of the heritage asset, assessed as less than substantial harm (low). The level of harm is largely due to the nature of the play equipment which is bright in colour and urban in its design, detracting from the rural character of the setting. The choice of equipment is considered to be a shame, as more in-keeping play equipment is available, much like the National Trust employ at their heritage sites. In terms of the impact on the wider rural landscape, again, timber equipment for example would have been preferable, however the area itself is well related to existing buildings and car park, and it does not encroach unduly to the wider landscape.

Mini sewage treatment plant

The toilet block that was permitted through application ref. 9/2018/1186 has recently been implemented and to facilitate this, a biodigester sewage treatment plant (STP) has been installed on the site. As set out above, the applicant has stated that this location was chosen as it would allow easy access for maintenance but also due to land levels and drainage. The siting of the STP is considered to be unfortunate as not only is it visible when approaching the brewery, it also is very much within the setting of the listed building (Southwood House Farm) being along the main drive in front of the building by circa 70 metres. The STP has been fenced off by post and rail fencing and a green control pillar containing the electrical components lies adjacent. The STP does however sit mostly below ground with only the top composite lid visible above ground. The fencing is of a simple agricultural style and the planting to form a hedgerow will soften the appearance over time. Due to the siting of the STP in a relatively prominent location, it is considered by the Council's Conservation Officer that there is a level of harm to the setting of the heritage asset, assessed as less than substantial harm (low).

Less than substantial harm assessment

Due to the children's trim trail and sewage treatment plant, overall, the proposal would cause less than substantial harm to the special architectural and historic character and the setting of the building as a Listed Building as is described as a desirable objective within Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This identified harm would be at the low end of the scale of 'less than substantial' harm and, in line with Paragraph 215 of the NPPF, should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this instance, it is considered that there would be a public benefit of maintaining the long-term use of the site and allowing an existing business to expand and diversify, both for the rural and tourism economy, including the National Forest area.

The proposal would therefore be considered to conform to the requirements of the NPPF and the objectives of Policy BNE2 of the LP1 and BNE10 of the LP2 in that the significance of the heritage asset (setting of the listed building) would not be adversely harmed.

Conclusion and planning balance

The elements of the application relating to the change of use of the cow shed to seating area and the erection of a barbecue gazebo are considered to be acceptable and do not result in harm to the setting of the adjacent listed building (Southwood Farm House). The children's trim trail and mini sewage treatment plant on the other hand, are deemed to cause less than substantial harm to the heritage asset, at a low level. This harm is weighed against the public benefits of the scheme which as a whole, enable the continuation and expansion of a rural business and also provides tourism benefit being within the National Forest. On balance, it is considered that the benefits of the scheme outweigh the negatives, and the proposal is in accordance with the relevant policies of the development plan and the NPPF.

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:	18/06/2026
Report agreed:	18/06/2026
Authorised officer:	Sarah Beeby
