

## Planning Assessment

The 4 applications are being considered in this report rather than on an individual basis, as they are all interrelated.

The proposal as a whole is for the establishment of a new enterprise in the countryside. The applicant has free range egg enterprises over the whole country. This proposal is a new element of that business in that the number of hens is much reduced and the enterprise would rely on the premium on the price that comes from organic produce.

In terms of the need for the buildings to be located in the countryside, an agricultural operation requires a rural location. The land has not been in agricultural use for some years as it was required for the construction of the A50. However, the farm requires a countryside location, so in principle, it is acceptable.

The proposal for the mobile home is reliant on the egg production business. Otherwise it cannot be justified in this location. However, in this case it is considered to be appropriate to allow a mobile home on the holding to enable supervision of the stock on the farm. However, the applicant is requesting that the mobile home be permitted for 5 years rather than the usual 3 years.

Officers are aware that the Soil Association requires that land be free of any artificial fertiliser or other man made chemicals for a period of 2 years before it will give accreditation to the land as organic. In these circumstances, a period of 5 years temporary permission would appear appropriate so that the full market picture can be obtained before an application for a permanent dwelling is considered.

The arrangement of the buildings is reasonable. The barn is a large structure near the road. It needs to be in sight and sound of the dwelling. The barn is not excessive in terms of its size and would not have an adverse impact on the area. As its colour and appearance can be controlled by condition the barn is considered to be acceptable.

In response to the concerns raised by the Parish Council (see comments on the agricultural buildings) and others, the applicants have confirmed that there are no farms immediately to the north of this site that would warrant their vehicles travelling up Willowpit Lane. On this point there would be no justification for restricting the right of vehicles to use the public highway particularly as the highway authority do not object to the submission.

The issue of lights is noted. In view of this a condition requiring details of all lighting to be submitted for approval is recommended.

## Recommendation

**GRANT** permission subject to the following conditions:

1. This permission shall be for a limited period only, expiring on 31 May 2006 on or before which date the structure shall be removed and the site reinstated to the satisfaction of the Local Planning Authority unless, prior to that date, an application has been made and permission has been granted for an extended period.

Reason: In order that the viability of the enterprise can be assessed in the light of Housing Policy 8 of the adopted South Derbyshire Local Plan.

2. The occupation of the dwelling shall be limited to the family and/or dependents of a person employed, or last employed, wholly or mainly, in agriculture, as defined in Section 336 of the Town and Country Planning Act 1990, or in forestry.

Reason: Site is within open countryside where the Development Plan provides that development shall be confined within the limits of an existing town or village, except where the needs of agriculture or other overriding reasons justify a departure from that policy. The Local Planning Authority is concerned to ensure that agricultural workers' dwellings are maintained available to meet the needs of the locality and to avoid proliferation of dwellings in the countryside.

3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the appearance of the area.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance of the area.

5. No development shall take place until details including proposed surface materials of a vehicular turning area within the site curtilage adequate to enable all vehicles to enter and leave the site in a forward direction have been submitted to the Local Planning Authority. The turning area as approved by the Local Planning Authority shall be laid out and hard surfaced accordingly prior to the first use of the development and be retained available for that purpose thereafter.

Reason: In the interests of highway safety.

6. No development shall take place until details of a scheme for the disposal of surface and foul water have been submitted to and agreed in writing by the Local Planning Authority. The septic tank shall be installed in accordance with the approved details before the development is first brought into use.

Reason: In the interests of pollution control

Informatives:

To contact the Area Engineer South, Trent Valley Area, Derbyshire County Council, Director of Environmental Services, County Hall, Matlock, Derbyshire (Tel. 01629 580000 xt 7595) at least six weeks before the commencement date of the proposed works in order to arrange the necessary supervision of works on the highway crossing.

29/05/2001

**Item** A13**Reg. No.** 9 2001 0352 F**Applicant:**

Mr J Bowler  
Suffield Manor  
Sutton On The Hill  
Ashbourne  
Derbyshire

**Agent:**

Alan Taylor  
Talbot Associates  
Liberty Farm  
Findern Lane  
Burnaston  
Derbyshire  
DE656LJ

**Proposal:** The erection of an organic egg production unit to be known as unit 2 on land forming part of O S Field Numbers 4644 And 4556 Willow Pit Lane Hilton Derby

**Ward:** Hilton

**Valid Date:** 10/04/2001

**Site Description**

As for 9/2001/0355

**Proposal**

As for 9/2001/0355

**Applicants' supporting information**

As for 9/2001/0355

**Planning History**

As for 9/2001/0355

**Responses to Consultations**

Hilton Parish Council has no objection in principle but requests a condition limiting traffic along Willowpit Lane that is not suited to heavy goods traffic.

Severn Trent Water has no objection

**Responses to Publicity**

As for 9/2001/0355

**Structure/Local Plan Policies**

As for 9/2001/0355

**Planning Considerations**

As for 9/2001/0355

**Planning Assessment**

As for 9/2001/0355

**Recommendation**

**GRANT** permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of one year from the date of this permission. In the event that the business should not succeed, the building shall be removed from the site and the land restored to its existing use as agricultural land in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority unless permission for their retention has been granted in response to an application made in that regard.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990, and to ensure that, having regard to the changing needs of agriculture and the general policy of the approved Structure Plan to restrict development in the countryside. In the interests of the appearance of the countryside, the buildings are unsuited to other forms of agricultural use in isolation without further consideration of the situation at the time by the Local Planning Authority.

2. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the appearance of the area.

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance of the area.

4. Prior to the development hereby approved commencing details of all lighting proposed to be placed on the building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, no lighting other than that approved shall be installed.

Reason: In the interests of the amenity of the area.

29/05/2001

**Item** A14**Reg. No.** 9 2001 0353 F**Applicant:**

Mrs J Bowler  
Suffield Manor  
Sutton On The Hill  
Ashbourne  
Derbyshire

**Agent:**

Alan Taylor  
Talbot Associates  
Liberty Farm  
Findern Lane  
Burnaston  
Derbyshire  
DE656LJ

**Proposal:** The erection of an organic egg production unit to be known as unit 1 on land forming part of O S Field Numbers 4644 And 4556 Willow Pit Lane Hilton Derby

**Ward:** Hilton

**Valid Date:** 10/04/2001

**Site Description**

As for 9/2001/0355

**Proposal**

As for 9/2001/0355

**Applicants' supporting information**

As for 9/2001/0355

**Planning History**

As for 9/2001/0355

**Responses to Consultations**

The Environmental Health Services Manager has no comments

**Responses to Publicity**

As for 9/2001/0355

**Structure/Local Plan Policies**

As for 9/2001/0355

**Planning Considerations**

As for 9/2001/0355

**Planning Assessment**

As for 9/2001/0355

**Recommendation**

**GRANT** permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of one year from the date of this permission. In the event that the business should not succeed, the building shall be removed from the site and the land restored to its existing use as agricultural land in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority unless permission for their retention has been granted in response to an application made in that regard.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990, and to ensure that, having regard to the changing needs of agriculture and the general policy of the approved Structure Plan to restrict development in the countryside. In the interests of the appearance of the countryside, the buildings are unsuited to other forms of agricultural use in isolation without further consideration of the situation at the time by the Local Planning Authority.

2. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the appearance of the area.

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance of the area.

4. Prior to the development hereby approved commencing details of all lighting proposed to be placed on the building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, no lighting other than that approved shall be installed.

Reason: In the interests of the appearance of the area.

29/05/2001

Item A15

Reg. No. 9 2001 0354 F

Applicant:  
Mr S J Bowler  
Suffield Manor  
Sutton On The Hill  
Ashbourne  
Derbyshire

Agent:  
Alan Taylor  
Talbot Associates  
Liberty Farm  
Findern Lane  
Burnaston  
Derbyshire  
DE656LJ

Proposal: The erection of an barn on land forming part of O S Field  
Numbers 4644 And 4556 Willow Pit Lane Hilton Derby

Ward: Hilton

Valid Date: 10/04/2001

Site Description

As for 9/2001/0355

Proposal

As for 9/2001/0355

Applicants’ supporting information

As for 9/2001/0355

Planning History

As for 9/2001/0355

Responses to Consultations

Hilton Parish Council requests that officers investigate the height of the proposed barn in addition to previously stated comments.

Responses to Publicity

As for 9/2001/0355

Structure/Local Plan Policies

As for 9/2001/0355



### Planning Considerations

As for 9/2001/0355

### Planning Assessment

As for 9/2001/0355

### Recommendation

**GRANT** permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of one year from the date of this permission. In the event that the business should not succeed, the building shall be removed from the site and the land restored to its existing use as agricultural land in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority unless permission for their retention has been granted in response to an application made in that regard.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990, and to ensure that, having regard to the changing needs of agriculture and the general policy of the approved Structure Plan to restrict development in the countryside. In the interests of the appearance of the countryside, the buildings are unsuited to other forms of agricultural use in isolation without further consideration of the situation at the time by the Local Planning Authority.

2. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the appearance of the area.

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance of the area.

4. Prior to the development hereby approved commencing details of all lighting proposed to be placed on the building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, no lighting other than that approved shall be installed.

Reason: In the interests of the appearance of the area.



29/05/2001

**Item** A16**Reg. No.** 9 2001 0356 F**Applicant:**  
Mark Todd And Sarah Dawson  
Mill Farm  
Porters Lane  
Findern  
Derby  
DE65 6AJ**Agent:**  
Russell Light  
68 Gell Street  
Sheffield  
S37QW**Proposal:** The conversion and extension of the farmhouse, barn and outbuildings into two dwellings Mill Farm Porters Lane Findern Derby**Ward:** Etwall**Valid Date:** 10/04/2001**Site Description**

The site is a farm complex that is located to the north of and outside the built confines of the settlement at Findern. It is accessed via Porters Lane, which is also a public footpath. Hedges to its eastern and southern boundaries primarily enclose the site.

To the north, the applicants own additional land. This is enclosed by a mixture of fences and hedges.

**Proposal**

The applicants seek consent to extend the existing farm, convert a number of buildings on its northern side to residential use and to replace other buildings at the entrance to the courtyard with a new double garage, office, toilet and attic.

**Applicants' supporting information**

The applicant seeks consent to convert a number of redundant agricultural buildings at Mill Farm to a new dwelling which, along with the existing unit, would form two dwelling units.

The buildings the applicant wishes to convert are situated on the northern side of the building complex. These elements are in a sound structural condition and form part of a group of buildings, including the existing house, that are located around an enclosed courtyard.

The left side of the entrance to the courtyard is at present occupied by a subsidiary building group that is in a poor state of repair. The applicant proposes to demolish this section and replace it with a double garage, office, attic and disabled WC.

This new building element would be linked to the building that it is proposed to convert. The building to be retained is not contemporary with the barns and, by comparison, is quite poorly constructed. In order to achieve a satisfactory scheme certain other elements of the existing farmhouse and agricultural buildings are also to be demolished. This would result in a considerable improvement in the character and appearance of the building group generally.

The final element of the scheme is an extension to the farmhouse.

In summary, therefore, the proposal is to extend the existing farm, convert buildings on its northern side to residential use and to replace outworn buildings at the entrance to the courtyard with a new double garage, office, toilet and attic.

I note for the purposes of Section 54A of the Town and County Planning Act 1990 that the recently adopted Derby and Derbyshire Joint Structure Plan at General Development Strategy Policy 5 deals with development away from settlements.

In such locations, the new policy states that the proposed development will be permitted if it can be shown to be appropriate in such a location and can be designed and positioned to minimise adverse impact on the environment. In this context, the re-use, adaptation or change of use of buildings will be permitted only if the proposed use involves a building or group of buildings whose character, form or structure are worthy of preservation. In addition, alterations should be sympathetic in bulk and general design to the character of the building or group and in keeping with its surroundings. Development should not result in environmental or traffic problems.

I appreciate that preference is given to business rather than housing use unless the circumstances of the building or location dictate otherwise and I return to this aspect below.

The South Derbyshire Local Plan of May 1998 shows Mill Farm to be outside the village confines for Findern on inset 12 of the Proposals Map. Accordingly, the provisions of Housing Policy 7B must apply. This says that the conversion of buildings outside settlements to residential accommodation will be permitted providing the building is of a form and bulk and general design in keeping with its surroundings and it is suitable for conversion without extensive alteration, rebuilding and/or extension. The conversion must be in keeping with the character of its surroundings.

I note also that Housing Policy 13 applies to residential extensions and indicates that these should be of a scale and character that is in keeping with the property and not detrimental to the amenities of adjoining properties or the general character of the area.

Both the recently adopted Structure Plan and Local Plan reflect national policy contained in the Department of the Environment's Planning Policy Guidance Note PPG7. Here, there can be little doubt that because of its structural condition, the building is suitable for conversion without extensive alteration, rebuilding or extension. It is of a form, bulk and general design that is in keeping with its surroundings. Indeed, the building is an essential component of the group of buildings around the enclosed yard at Mill Farm. It is therefore vital that beneficial use is found for it.

In this instance, I do not consider that an employment use would be appropriate. The building is itself quite closely related to Mill Farm itself so that activities on an employment-generating nature carried out within it and around it would tend to be

detrimental to the amenities of Mill Farm unless they are of a passive rather than an active nature. Here, as can be seen from the drawings submitted with the application, the proposal is, in effect, to create a mixed use because of the provision of the office space within the redeveloped building at the entrance to the site. This key component of the development renders it acceptable from the point of view of land use policy in my opinion.

Whilst the conversion can, in itself, be carried out without significant rebuilding works, the condition of the garage block at the entrance to the courtyard is such that the new build is warranted. The careful use of materials of construction that match the existing building group will ensure that a satisfactory development results. Indeed, it will ensure that long-term viability of the conversion project.

Insofar as the alterations and extensions to the farmhouse are concerned Mill Farm is situated in a secluded position wherein a design solution of the type envisaged in the application is not likely to be controversial because of its prominence. The flat roofed terrace will be much lower than a traditional structure and will not, therefore, detract from the mass of the main buildings. Whilst careful account will be taken of the use of traditional materials, it is considered that, in this instance, the type of design that is proposed will both satisfy the applicant's accommodation requirement and allow a beneficial extension to be carried out to the existing dwelling.

In summary, this is a location where the conversion to a beneficial use will clearly have positive implications. The long and slightly inconvenient access to the site means that a conversion, for example, to business units would not be appropriate. There are the additional difficulties arising from the close proximity of the existing dwelling. The type of mixed use proposed in the application is, however, sympathetic in nature and will represent a long-term solution to the retention of this important building group. The extensions to the farmhouse, whilst not following traditional local design principles, respect the secluded nature of the site.

### **Responses to Consultations**

Findern Parish Council has no objection.

The County Highways Authority has no objection subject to the provision of passing places along the route of the track.

The Environment Agency has no objection if the septic tank system is capable of successful operation.

### **Structure/Local Plan Policies**

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 1 & 4 Housing Policy

Local Plan: Environment Policy 1 Housing Policy 7 & 13.

## Planning Considerations

The main issues central to the determination of this application are:

- The provisions of the Development Plan
- The suitability of the buildings for conversion.
- Sustainability issues
- The extent of the alterations to the building to be converted and the extensions to the dwelling.
- Access

## Planning Assessment

The policies of the development plan allow for the conversion of buildings to a residential use subject to the conversion being sympathetic to the character and appearance of the area. This is irrespective of the location of the buildings within or outside village confines. Therefore, in principle, the application is acceptable.

The policies of the recently adopted Structure Plan require that alternative business uses are considered for converted rural buildings ahead of residential uses. This reflects national guidance also. The applicant's views on this aspect are set out above.

Whilst the applicants state that part of the proposal is for an office it would be for the benefit of a future occupier. Notwithstanding this, the use of the buildings for business activities, in this case, would not be appropriate due to the close proximity of the buildings to existing residential uses and the narrowness of the access track leading to the site.

The applicants have submitted a structural survey that demonstrates that the buildings are generally capable of conversion where this is proposed. Additionally, an area of replacement building is proposed which would be on the footprint of existing buildings. This is acceptable particularly as this element would be single storey in design and complement the main structure.

The extensions proposed to the house would also be offset by some demolition of existing buildings and are also primarily single storey with a terrace constructed on the flat roof. The extension would not affect any other dwelling and, due to its single story nature, would not affect the character of the area. It would also appear subservient to the main house.

The conversion of the rest of the building is acceptable and would reflect the character of the building and its setting.

There would only be direct access to the site by the private motor car. It is located close to the village of Findern and the facilities in the village are accessible by foot from the site (it lies within 1 km of the village centre). The use is, therefore, sustainable. Additionally, the retention and re-use of the bulk of the original farm buildings would also in itself be sustainable.

The access to the site is via Porters Lane that is a narrow road that is also the route of a public footpath. Whilst the County Highways Authority has suggested that the lane would benefit from passing places, however, in this case, the level of development is not such that their provision would be justified.

## Recommendation

**GRANT** permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990

2. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the existing building and the locality generally.

3. Large scale drawings to a minimum Scale of 1:20 of external joinery, including sections, precise construction method of opening and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The external joinery shall be constructed in accordance with the approved drawings.

Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.

4. Notwithstanding any details submitted, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the area.

5. No development shall take place until details of a scheme for the disposal of surface and foul water have been submitted to and agreed in writing by the Local Planning Authority. The septic tank shall be installed in accordance with the approved details before the development is first brought into use.

Reason: In the interests of pollution control

6. Pointing of the existing/ proposed buildings shall be carried out using a lime mortar no stronger than 1:1:6 (cement:lime:yellow sand). The finished joint shall be slightly recessed with a brushed finish in accordance with Derbyshire County Council's advisory leaflet "Repointing of Brick and Stonework".

Reason: In the interests of the appearance of the buildings.

7. External joinery shall be in timber and painted to a colour and specification which shall have been previously agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the buildings and the character of the area.

8. All plumbing and service pipework, soil and vent pipes, electricity and gas meter cupboards and heating flues shall be located inside the building unless specifically agreed in writing by the Local Planning Authority. The type, number and position of heating and ventilation flues outlets shall be agreed in writing with the Local Planning Authority before development is commenced.

Reason: In the interests of the appearance of the building(s) and the character of the area.

9. Gutters and downpipes shall have a black finish and be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.

Reason: In the interests of the appearance of the building(s), and the character of the area.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the dwelling hereby permitted shall not be altered, enlarged or extended, no satellite dishes shall be affixed to the dwelling and no buildings, gates, walls or other means of enclosure (except as authorised by this permission or required by any condition attached thereto) shall be erected on the application site without the prior grant of planning permission on an application made in that regard to the Local Planning Authority.

Reason: To maintain control in the interest of the character and amenity of the area, having regard to the setting and size of the development, the site area and effect upon neighbouring properties and/or the street scene.

11. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the appearance of the area.

12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance of the area.