12. FULL APPLICATION – REMOVAL OF AGRICULTURAL RESTRICTIONS ATTACHED TO EXISTING FARMHOUSE AND FARM COTTAGE AND ERECTION OF REPLACEMENT AGRICULTURAL WORKER’S DWELLING. ALTERATIONS AND EXTENSION OF MAIN FARMHOUSE AND FARM COTTAGE TO FORM A SINGLE PRIVATE DWELLING, INCLUDING LINK EXTENSION AND CONVERSION OF COURTYARD BARN TO ADDITIONAL LIVING ACCOMMODATION INCLUDING USE OF ONE BEDROOM FOR B&B ACCOMMODATION, DEMOLITION OF DILAPIDATED FARM BUILDINGS, AND ERECTION OF NEW BARN AND FARMYARD, CONVERSION AND CHANGE OF USE OF DETACHED COURTYARD BARN FOR CHEESE PRODUCTION AND ASSOCIATED STORAGE, REPOSITIONING OF EXISTING VEHICLE ACCESS, REINSTATEMENT AND MANAGEMENT OF THE NATURAL LANDSCAPE SURROUNDING THE FARM, COW CLOSE FARM, HATHERSAGE (NP/DDD/0213/0087, P5987, 18.02.2013, 423369 382916/KW)

APPLICANT: MR & MRS T & L TURNER

Site and Surroundings

Cow Close Farm is situated on the westerly slope of the hillside 1 km north of Hathersage village and 200m east of Brookfield Manor, a recently refurbished group of buildings which was previously a residential training centre. Cow Close Farm is a complex of traditional and more modern buildings, including a traditional stone main farmhouse with a detached range of traditional farm buildings situated within a courtyard to the south. A farm worker’s cottage was built on the western end of the farmhouse in 1992. To the south-west of the traditional courtyard are a range of dilapidated modern agricultural buildings. The farm complex is set within an attractive agricultural pastoral landscape with a wooded area on the rising ground to the east.

The main vehicular access is via 200m single width track off Birley Lane to the north of the farm complex, although there is a secondary farm access track leading south, eventually joining Baulk Lane, which runs to the main street in the centre of Hathersage village. A public footpath passes the eastern side of the farm complex in a north-south direction and there is a further public footpath that passes 70m to the west of the complex. These footpaths form part of a popular network of public footpaths to the north of Hathersage village.

As part of the approval for the farm cottage in 1991, agricultural occupancy conditions were attached to both the new farm cottage and the main farmhouse.

Cow Close Farm is also the subject of a National Trust Restrictive Covenant, which requires any proposed developments to be authorised by the National Trust.

Proposal

The proposed scheme involves several elements, which are summarised as follows (unless otherwise stated, the elements below were part of the original application refused in 2012):

- Removal of agricultural occupancy restrictions on both the existing farmhouse and cottage.

- Demolition and clearance of the existing dilapidated farm buildings on the eastern and south-western sides of the farm complex and their replacement with a smaller ‘L’ shaped modern farm building to the south-west side of the traditional farm complex, constructed in traditional materials. The new farm building would be partly set within the rising higher ground levels.

- Erection of a new agricultural worker’s dwelling attached to the western end of the proposed new modern farm building. This would have an agricultural occupancy restriction and be tied to the land holding at Cow Close Farm through the attaching of a Section 106 legal agreement. This new dwelling and attached barn would effectively
create a new farmyard occupying a smaller and more contained footprint than the existing range of modern farm buildings. The remainder of the footprint occupied by the previous buildings would then be re-graded and assimilated back into the surrounding agricultural landscape.

- Enlargement of the existing main farmhouse by incorporation of the existing farm cottage as additional living accommodation for the main farmhouse along with refurbishment and removal of unsympathetic extensions to the north elevations of the main farmhouse and existing farm cottage. These to be replaced by 11.5m x 3.5m single-storey lean-to living room extension. In addition the existing flat roofed porch on the southern elevation will be replaced by one with a traditional lean-to roof.

- Erection of a single-storey lean-to dining/kitchen extension on the eastern gable elevation of the main farmhouse. This extension projects beyond the wall of the main farmhouse and connects to the northern gable wall of the adjacent 30m x 5.5m detached traditional farm building, providing an internal link so that the farm building can be used as additional living accommodation for the main farmhouse. This has been reduced in size from the previous application.

- Conversion of the two-storey 30m x 5.5m barn to a utility room, office, store, prep room and admin area (presumably for the cheese-making business as this part of the building is linked to the proposed creamery) for the main farmhouse via proposed link. The first floor of the two storey section would provide additional living accommodation (2 bedrooms), which would be used for visitors and guests. The proposals for this building are revised from the previous application, which largely proposed this as additional living accommodation and an office.

- Repositioning of the existing vehicular access. The existing vehicular access track passes along the eastern side of the main farmhouse before turning at right-angles through the present narrow 3.5m gap between the main farmhouse and the adjacent detached farm building. A new 90m section of farm track is proposed which passes along the western side of the farm complex. This track would then serve the traditional courtyard of buildings and the proposed new farmyard containing the new agricultural workers dwelling and the new-build modern farm building, allowing the original farmyard and the new farmyard to be accessed separately. The applicant has submitted photographs to show that this access is too narrow for any larger vehicles, including farm machinery and large tractors with trailers.

- Extension of the garden curtilage on the eastern side of the main farmhouse on land partly occupied by the demolished modern farm building and the original access track.

- Conversion of the two storey barn at the southern end of the yard to provide a creamery and cheese-making unit, with associated storage. This would be linked to the range of barns along the eastern side of the yard by a single storey link. This is a new element of the scheme.

- Landscaping/tree planting to enhance the ecological opportunities on the site, and to enhance the character of the surrounding landscape.

The application is accompanied by a Design and Access Statement which provides an analysis of site context, including the existing buildings and their setting, assessing the impact of and benefits arising from the proposed extensions, alterations and demolitions, together with a sustainability appraisal. The application also includes a ‘Sustainable Farm Plan’ which sets out the applicants’ objectives.

The application includes supporting letters from Bagshaws, briefly setting out the justification for the agricultural development, a letter of support from a local resident/business, and a letter from
the National Trust, approving the proposals in respect of the covenant on the property.

The application is also accompanied by a draft Section 106 obligation which would restrict the occupancy of the proposed new dwelling so that it would be ancillary to Cow Close Farm and shall not be occupied as an independent dwelling and that the occupation of the dwelling would be limited to a person solely or mainly employed or last employed within the locality in agriculture as defined in Section 336 of Town and Country Planning Act 1990 or in forestry or a dependant of such a person residing with him or her or a widow or widower of such a person (based on the standard wording of such agreements). It does not include any restriction on the occupancy of the existing main farmhouse, but the application does state that the occupancy restrictions on both the existing farmhouse and cottage would be removed.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

1. The erection of replacement dwelling would be contrary to Core Strategy policies GSP2, HC2 and Local Plan policies LC12, LH3. No functional agricultural need to justify the erection of the proposed new-build agricultural worker’s dwelling.

2. In the absence of a detailed justification, the removal of the agricultural occupancy condition on the main farmhouse would contrarily to policy LH3.

3. The proposed agricultural dwelling and its associated domestic curtilage is situated in a prominent position on the southern edge of the existing farm complex. The proposed dwelling site is visible from the nearby public footpaths which pass to the east and west of the farm complex. The erection of a new dwelling in open countryside, without special justification, would detract from the landscape character of the locality and the National Park, contrary to Core Strategy and Local Plan policies GSP1, GSP3, L1.

Key Issues

1. The principle of the erection of a new-build agricultural worker’s dwelling to serve the 24 hectare (60 acre) land holding, together with the removal of the agricultural occupancy conditions from the existing farmhouse and cottage.

2. The impact of the proposed removal of the modern farm buildings and creation of the new farmyard on the landscape character of the surrounding area.

3. Design issues relating to the proposed new extensions and the conversion of the adjacent traditional outbuildings to additional living accommodation.

4. The landscape impact of the proposed new farm access track and extended curtilage.


6. Whether the overall enhancement of the farm complex and its prominent setting is sufficient to justify an exception to the Authority’s Core Strategy and Local plan policies in relation to the provision of new agricultural dwellings.

History

2013 – Planning permission granted for conversion of barn to north-west of Cow Close Farm to visitor accommodation (NP/DDD/0312/0301)
2012 – Planning application for redevelopment of Cow Close Farm refused. This application was similar to the current application, but also included the creation of a pond to the west of the buildings, which has been omitted from the current application.

1991 - Consent granted for the erection of a second, farmworker's dwelling (internal floor area – 65m²) attached to the western gable of Cow Close Farmhouse. The dwelling was required for the farmer's son who worked full-time on the farm. Agricultural occupancy conditions were attached to both the new farm cottage and the main farmhouse, which had previously been unrestricted.

1989 – Application for retrospective consent refused for the erection of a farm building on the southern edge of the farm complex. Enforcement proceedings were authorised requiring improvements to the appearance of the building and landscaping. Some of these improvements were undertaken and enforcement proceedings were not pursued in respect of the building.

1962 – Consent granted for lean-to implement shed attached to the modern Dutch barn.

1951 – Consent granted for the erection of a single-storey farm building attached to southern gable of the eastern traditional stone building.

Consultations

Highway Authority – Raised no objection to previous application on basis of all commercial activity on the site being directly associated with farming operations only e.g. no customer visits to the proposed office for any other purposes, but request further information in respect of current application because of potential for increased activity from proposed barn conversion (now approved) and the proposed B&B/short family breaks within the extended farm house, a creamery with visitor gallery and giving opportunity for dog trainers and their dogs to stay for short periods. It is unclear from the details what the level of each of these activities may be, whether they could be concurrent or what trip generations may result. The access driveway to the site forms a part of the route of a Public Right of Way (PROW). I have not been able to inspect the full distance of this shared route but would suggest that pedestrian safety should be considered if there is to be intensified vehicular use. Requests further details to clarify the level of each element of use of the proposed development, the likely trip generations and identify measures to allay any highway concerns that may arise as a result of intensified vehicular activity e.g. intervisible passing opportunities, level verges adjacent to the driveway/PROW, visibility splays at the access with Birley Lane, etc

Outseats Parish Council – recommend that the application should be refused in its current form. In particular, the need for the proposed farmworker's cottage and the viability of the proposed farm and cheese making business are very questionable. Furthermore, it requests that the Authority consult it again should any amendments be proposed to this scheme in such a sensitive site. It also recommends that members of the Planning Committee should visit the site before making any decision.

Highlight that Cow Close Farm occupies a historic site in a sensitive location. It fills an open vista on the hillside underneath the historically significant North Lees Hall and Stanage Edge and is visible for miles around. It is also visible from the main footpaths that lead from the village of Hathersage to North Lees Hall and Stanage Edge and so will be visible to the many visitors to this area of outstanding beauty. The Council applaud the applicant for his focus on ecological enhancement within this application and for his efforts to ensure that nature is accommodated within the proposed development.

The Council principally question whether the farm can remain functionally and financially viable as an agricultural unit. The original Cow Close Farm covered approximately 120 acres, whereas the current farm is only of approximately 60 acres. Furthermore, the land that has gone was pasture of a reasonable quality, while most of the land that remains is on very steep gradients
and much of it is bracken, scrub and woodland. The net result is that there are probably only about 15 acres of productive land. In addition, the applicant states an intention to produce cheese using specialist Friesland sheep. These are a lowland breed that require a much higher quality of pasture than the breeds of sheep that would normally be expected to be found on a very small hill farm with severely disadvantaged land, such as Cow Close Farm.

The Parish Council question the viability of the proposed farm and cheese production business on this site and this must call into question why an additional farmworker's cottage is required. Perhaps a full business plan for the proposed farm and cheese business would help the decision making process and illustrate whether there is true functional and financial viability?

Refer to Local Plan Policy LH12 and question whether the farm and cheese business is viable. Also note that the second dot point in the policy is very important as there is suitable accommodation in the locality, namely the main farmhouse. Therefore, the Council strongly question the need for the development of the additional agricultural farmworker's home in the application.

Refer to Local Plan Policy LH3 and comment that if Cow Close Farm is viable as a farm and cheese business, then the existing farmhouse should retain the obligation to occupancy by the agricultural workers employed in that business. Therefore, there is no need for the additional farmworker's cottage. If, on the other hand, the agricultural business is not viable, then there is no need for the farmworker's cottage for obvious reasons. Therefore, whether or not there is a viable farm, there is no need for the additional farmworker's cottage proposed in the application.

The Parish Council is aware that there is National Trust covenant on the appearance of the land at this site. The proposed changes, including the new driveway, which will have a significant and detrimental impact on the landscape, would affect this appearance. The parish council recommends that no decision be made on this application until the full terms of the covenant have been reviewed.

Also highlight the significant environmental issues related to the disposal of whey, which is a by-product of cheese making. PDNPA should satisfy themselves that the large quantities of whey that will probably be produced by the cheese business can be disposed of without polluting local water courses. This disposal may also have an effect on the financial viability of the cheese business and should be included in the business plan proposed above.

Derbyshire Dales District Council, Environmental Health – No objection to this application. However if consent is granted the new business must comply with the requirements of food safety law and, with regard to both the B&B business and the food production business, must also comply with the Private Water Supply Regulations 2009 (note the property is currently on DDDC private water supplies register).

Natural England - No objection, but refer to standing advice.

Representations

Three letters of support have been received from the NFU, and two Agricultural Surveyors, which comment as follows:

- The proposed farmworker's cottage and buildings are sympathetic with the surrounding area.
- The demand for a 60 acre farm unit is very high, and is expected to remain strong as the agricultural industry is a very strong part of the local economy. Whilst 60 acres may seem a relatively modest area from which to make a living, occupiers of similar units tend to rent further land, and use the farmstead as a base, or engage in other activities related to the agricultural industry.
- There are a number of agricultural activities that could be carried out on the holding, ranging from traditional upland farming to more intensive production. The holding is
capable of being managed to ensure it remains both viable, and is designed to benefit the landscape, the wildlife and the local economy.

- There are a very small number of holdings available that have not been separated from the original residential dwelling, and there is little opportunity for new entrants to gain entry into agriculture. It is therefore fair to assume that there would be a significant interest in the property if it were to be offered for let.

A letter of representation has been received from an agent acting for the owners of the adjacent property (Brookfield Manor). They support the application in principle, but raise a number of queries, as follows:

- The farm proposal described for specialist sheep cheese is innovative and ambitious, but cannot interpret how this is reflected in the proposal. It is a farming application yet it is noticeable that there are no details of the livestock area. Raise questions about number of sheep, how they will be handled, layout of dairy and ask where cheese will be cured and stored
- Question scale of B&B and the associated space for office accommodation, and visitor space.
- Yard for private house is larger than that for the farm
- Suggest that submission of a Business Plan is necessary.
- Question whether if the farming business proves unviable, what would their default proposal be for redundant space – conversion to business use or dwelling?
- Suggests that Authority satisfies itself on these matters before it approves the application.

A letter of objection from an individual states that the application is largely unchanged from the previous application, which was refused and to which the Friends of the Peak District objected. He echoes those objections.

Friends of the Peak District (FPD) – wishes to object to the application and refer to their letter regarding the previous application NP/DDD/0312/0301 for the same site. All the points made in that letter still stand in relation to the current application, with the addition of the following comments:

- Note that the applicant now proposes a small element of bed and breakfast accommodation and the operation of a cheese production facility. Whilst we welcome the applicant’s efforts to establish a viable, ongoing business basis for the farm, this does not provide any justification for removing the agricultural restrictions from the farmhouse and farm cottage. Chief concern is that removing these restrictions will lead to the subsequent separation of the existing farmhouse as an open market dwelling that will not be in any way associated with the agricultural function of the site, which would be an inappropriate change of use.
- The applicant makes a valiant attempt to mitigate the visual impact of the proposed development through removal of dilapidated buildings and the design of the proposed additions. However, none of this can mitigate the functional impact of the proposals which result in the domestication of a distinctively agricultural set of buildings, thereby losing their distinctiveness irrespective of any particular design details.

For information, the original objection raised the following points:

- There is no need for an additional agricultural unit. The farm has 60 acres of land historically used for sheep farming. It is a small upland holding which already has two properties with agricultural restrictions. There is no need to build a new dwelling as ample accommodation exists. Doubt that 60 acres is sufficient to sustain a tenant farmer. The previous tenant lives in the village and farms 200 acres near Hurst Clough. Policy HC2 states that new housing for key workers in agriculture must be justified by functional and financial tests. This application fails both tests.
- If there is need for agricultural worker’s accommodation, there are opportunities to utilise the existing traditional buildings.
- The applicant must explain why the current accommodation is no longer needed for an agricultural worker in order for the occupancy restrictions to be removed and a private residence created. However, doing so would contradict the need for a separate worker’s dwelling.
- The proposed alterations to the farmhouse would have a detrimental impact on the agricultural character of the farmhouse. Overall the farm complex would be domesticated by the proposed changes and those made to its setting.
- FPD is not convinced that the replacement dwelling and alterations to the farm will significantly enhance its appearance and bring a net benefit to the landscape, the creation of a new dwelling and new access track in front of the ‘private house’ will be more damaging to the landscape.
- The removal of the unsightly agricultural structures could be achieved without the new dwelling and barn. Whilst there may be a need to consolidate structures, given the size of the smallholding and its appearance there is ample room to do this within the existing farmhouse, worker’s dwelling and barns.
- The area identified as garden space behind the farm appears to encroach on to the line of a public footpath. This would require a modification order by Derbyshire County Council.

A letter of objection has been received from a person who objects to the permanent diversion of the footpath from the existing high level route to a lower path. He says he has walked on this path around 6 times a year for the last 25 years. He says that it provides a nice round walk into Hathersage. The lower route is not much different to the path to the west which he often returns on, particularly as we have lost the path through Brookfield Manor a few years ago.

**Main Policies**

Relevant Core Strategy policies:

Policy GSP1 states, amongst other things, that all policies in the Core Strategy must be read in combination and where there is an irreconcilable conflict between the statutory purposes, the Sandford principle will be applied and the conservation and enhancement of the National Park will be given priority.

Policy GSP2 states, amongst other things, that opportunities for enhancing the valued characteristics of the national Park will be identified and acted upon. Proposals intended to enhance the National Park will need to demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area. They should not undermine the achievement of other Core Policies. When development is permitted, a design will be sought that respects the character of the area and, where appropriate landscaping and planting schemes will be sought that are consistent with local landscape characteristics and their setting, complementing the locality and helping to achieve biodiversity objectives.

Policy GSP3 states, amongst other things, that development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development proposal. Particular attention will be paid to, amongst other things, impact on the character and setting of buildings; scale of development appropriate to the character and appearance of the National Park; design in accordance with the National Park Authority design guide; form and intensity of proposed use or activity; impact on living conditions of communities; impact on access and traffic levels, use of sustainable modes of transport.

Policy DS1 relates to development strategy and seeks to promote a sustainable distribution and level of growth and support the effective conservation and enhancement of the National Park. It refers to the forms of development that will be acceptable in principle in all settlements and in the countryside outside the Natural Zone. These include agriculture, forestry and other rural enterprises requiring a rural location; conversion or change of use for housing preferably by re-
use of traditional buildings; extensions to existing buildings; Policy DS1 also permits other
development in principle and alternative uses needed to secure effective conservation and
enhancement.

Policy L1 states, amongst other things, that development must conserve and enhance valued
landscape character, as identified in the Landscape Strategy and Action Plan, and other valued
characteristics.

Policy HC1 states, amongst other things, that provision will not be made for housing solely to
meet open market demand. Exceptionally, new housing (whether newly built or from re-use of
an existing building) can be accepted where it provides for key workers in agriculture, forestry or
other rural enterprises in accordance with core policy HC2.

Policy HC2 states that new housing for key workers in agriculture must be justified by functional
and financial tests. Wherever possible it must be provided by re-using traditional buildings that
are no longer required for their previous use. Additional the agricultural dwelling shall be tied to
the land holding or rural enterprise for which it is declared to be needed.

Policy T3 states, amongst other things, that transport infrastructure, including roads, will be
carefully designed and maintained to take full account of the valued characteristics of the
National Park.

Policy T6A states, amongst other things, that the Rights of way network will be safeguarded from
development, and wherever appropriate enhanced to improve connectivity, accessibility and
access to transport interchanges.

Relevant Local Plan policies:

Policy LC12 states, amongst other things, that the need for a new agricultural worker’s dwelling
will be considered against the needs of the farm business concerned and not the personal
preferences or circumstances of any individuals involved. The policy also sets out detailed
criteria for assessing applications.

Policy LH3 states, amongst other things, that the removal of a condition or obligation which
restricts the occupancy of a dwelling to a person employed or last employed in agriculture will
not be permitted unless it can be demonstrated that;

(i) Reasonable attempts have been made to allow the dwelling to be used by a person
who could occupy it in accordance with that restriction.

(ii) The long term need for the dwelling in the locality has ceased and removing the
restriction would be more appropriate than a temporary relaxation.

Where, exceptionally, permission is granted for the release of an agricultural occupancy
restriction, the occupancy of the dwelling will be limited, by an obligation, to local persons as
described in Policy LH2. Where a local person cannot be found to occupy the dwelling,
permission will be given, on a personal basis, to let the dwelling for holiday use until such time as
an agricultural or local need arises again.

Policy LC8 states that conversion of a building of historic or vernacular merit to a use other than
that for which it was designed will be permitted provided that it can accommodate the new use
without changes that would adversely affect its character. The new use should also not lead to
changes to the building’s curtilage or require new access or services that would adversely affect
its character or have an adverse impact on its surroundings.

Policy LH4 states that extensions and alterations to dwellings will be permitted provided that the
proposal does not detract from the character, appearance or amenity of the original building, its
setting or neighbouring buildings; dominate the original dwelling where it is of architectural,
historic or vernacular merit; amount to the creation of a separate dwelling or an annexe that could be used as a separate dwelling.

Local plan policy LC13 states, amongst other things, that new agricultural and forestry buildings, structures and associated working spaces will be permitted provided that they are close to the main group of buildings wherever possible and make best use of existing buildings, trees, wall and other landscape features. Additionally they should respect the design, scale, mass and colouring of existing buildings and building traditions characteristic of the area, reflecting this as far as possible in their own design. They should avoid harm to the area’s valued characteristics including important local views, making use of the least obtrusive or otherwise damaging possible location. They should not require obtrusive access tracks, roads or services. These should be designed with particular respect for the landscape and its historic patterns of land use.

Other relevant Policies

National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government’s intention is that the document should be considered to be a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority’s Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park’s statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF with regard to the issues that are raised.

Assessment

Introduction

This application is a resubmission following the refusal of an application in 2012 for a similar development. Since the refusal the applicant has been in discussion with officers and has had a pre-application meeting with the Director of Planning and the Chair and Vice-chair of the Planning Committee on a “without prejudice” basis.

By way of background, the applicants bought the site in 2010. Up to then Cow Close Farm was operated by a local family for many years, primarily as a sheep farm, with around 24 hectares (60 acres) owned land surrounding Cow Close, but with further substantial tenanted land. The farm complex comprises a traditional main farmhouse and attached farm cottage with a detached range of traditional gritstone outbuildings set around a courtyard. Modern farm buildings have been erected to the east and south of the traditional buildings. The modern farm buildings are in need of repair and refurbishment and the buildings on the south side of the complex are in a dilapidated state.

The applicant has identified five key principles in developing this scheme:
1. Upgrade the existing Farm House to provide a single family residence.
2. Create a modern sustainable farm unit which sits sympathetically in the landscape.
3. Introduce diversification within the farm to ensure its sustainability.
4. Significantly improve the ecological setting of the farm within the surrounding landscape.
5. Promote and protect the wildlife within the farm and its surroundings.

In order to achieve these objectives, the applicants are aware that the agricultural occupancy conditions on the existing main farmhouse and farm cottage need to be removed to provide an unencumbered dwelling. The applicants propose to erect a new-build agricultural worker’s dwelling upon which they have offered to have an agricultural occupancy restriction secured via a
Section 106 agreement. The S.106 would also tie this dwelling so that it would be ancillary to Cow Close Farm The applicant considers that this will maintain the presence of an agricultural worker’s dwelling on the site, whilst enabling significant enhancement of the complex of traditional buildings and their setting.

**Issue 1 - The principle of the removal of the agricultural occupancy conditions from Cow Close farmhouse and the attached cottage and their replacement with the erection of a new-build agricultural workers dwelling**

The agricultural occupancy conditions were attached to the existing main farmhouse and the existing farm cottage in 1991 when planning permission was granted for the farm worker’s cottage. The applicant has previously argued that there is a case that the agricultural occupancy conditions were improperly imposed at the time, particularly in respect of the main farmhouse, but this does not form part of the submission for the current application and the restrictions were not challenged at the time they were imposed.

It should be noted that whilst the current application specifically refers to the removal of the agricultural occupancy restrictions on both the main farmhouse and the farm cottage, there is no detailed justification for their removal. In discussion with the applicant he is clearly aware of the conditions and would seek to comply with them if they are not removed and the Authority seeks to enforce them, but this may be difficult to achieve if the occupants are not solely or mainly employed in agriculture. In the absence of any detailed justification for the removal of the occupancy conditions there is no basis upon which to accept their removal, even if a case could be made that there is only an essential agricultural need for one dwelling on this holding.

In effect the application seeks consent for the erection a replacement new-build agricultural worker’s dwelling and an amalgamation of the existing two restricted farm dwellings and a part of the adjacent barn, together with extensions, into a single unrestricted dwelling. The previous application was refused on the grounds that, amongst other things, that the creation of the amalgamated and extended larger main farmhouse would be of a scale which is excessive and no longer commensurate with the agricultural needs/size and future sustainability of a farm enterprise on a holding of this scale.

Whilst it may be possible to consider the narrower issue of replacing the existing cottage with a replacement dwelling, thereby not increasing the number of dwellings on the holding, as the applicant has argued, this would be contrary to the Authority’s policies and to guidance in the NPPF if the new dwelling is not properly justified on the basis of an essential agricultural need. In discussions with the applicant, officers have advised that a different approach should be considered. This would involve considering whether there is an agricultural need for two dwellings on the holding, assessing how dwellings are actually required and how this need should be met. If the need is for one dwelling, then the expectation is that this should be met by one of the existing tied houses. There is no justification for a new dwelling, even if it is a replacement of an existing dwelling. If there is a need for a dwelling to meet the needs of the applicant’s daughter (who is expecting to operate the creamery/cheese making business), then other options should be considered, such as retaining and using the existing tied farm cottage or possibly converting one of the traditional barns to ancillary accommodation, an affordable local needs dwelling or, if a case can be made, for an open market dwelling under policy HC1 C.

In support of his proposal, the applicant has submitted a letter from Bagshaws, an established agricultural surveyor, stating that the holding could be operated as a viable holding, but the letter does not provide a detailed agricultural assessment or justification for a new or replacement dwelling.

In policy terms, the proposals raise two issues. Firstly, for the agricultural restrictions to be lifted on the existing properties, the applicant has to demonstrate that reasonable attempts have been made to allow the dwellings to be used by persons who could occupy them in accordance with the restriction, and that the long term need for the dwellings has ceased. Local Plan policy LH3
also states that where permission has been granted for the release of the occupancy condition, the occupancy of the dwelling will be limited, by an obligation, to local persons. Secondly, policy LC12 of the Local Plan states that the need for new farm worker’s dwellings will be considered against the needs of the farm business concerned and not the personal preferences or circumstances of any individuals involved. New farm dwelling proposals must also be accompanied by detailed appraisals demonstrating that there is a genuine and essential functional need for the worker concerned.

In this case, as stated above, the applicant has not submitted a justification demonstrating that the existing agricultural dwellings have been offered to agricultural workers or that the long term need for agricultural workers dwellings in the locality has ceased to justify an exceptional release from the agricultural restrictions. It is implicit in the application that he accepts that there is a need for one dwelling. In the event that a case is made, policy LH3 states that where permission is granted for the release of an agricultural occupancy restriction, the occupancy of the dwelling will be limited, by an obligation, to local persons as described in Policy LH2; any exception to this would be made on the basis that the accommodation is not suitable to affordable local needs by virtue of its size and type.

In respect of the proposed new agricultural worker’s dwelling, whilst there is no longer any established agricultural enterprise being operated from Cow Close, the applicant has submitted information about the business he and his firm intend to operate. Information has been submitted by the applicant stating this if planning permission is granted to convert the existing stable block at the farm into a creamery it will allow them to develop a small range of cheese from the start of their occupation at the farm and during the construction/conversion period. The applicants considers that it is also important that they have this facility from the beginning as their daughter and her husband are planning to be living on the farm from the early stages and they need to start the various lines of income as soon as possible. During the early development period milk it is intended that will be sourced from a cooperative near Preston in Lancashire, although delivery costs and profit margins make this route to production unviable in the long-term, it will allow them to develop the products they intend to sell. Once the new barn is built a flock of Friesland sheep will be introduced to the farm. The cheese production will be aimed at a small high value niche in the market. The farm sustainability plan also refers to free range chicken rearing, B&B accommodation in the farmhouse, visitors using the (now approved) accommodation in the barn to the east of the farmyard complex, and visitors who come as part of the Support Dogs Charity training.

Whilst these are worthy projects in themselves, they do not provide a clear justification for a replacement dwelling. In the absence of a viable farm enterprise, there is no justification in planning policy terms for the erection of a replacement agricultural dwelling, particularly in this case, where there are two existing restricted agricultural dwellings. The applicant considers that his proposal is unusual in that he does not perceive his proposal as the creation of new agricultural workers dwelling, but the repositioning of the existing farm cottage. This is acknowledged, but as with any replacement dwelling proposal, it needs to be justified and assessed against policy.

Taken as a whole, the removal of the occupancy condition from the farmhouse and the erection of a replacement dwelling have not been justified on the basis of an analysis of the agricultural needs of the holding. In policy terms, therefore the principle of removing the agricultural restrictions from the existing dwellings and the erection of a new-build agricultural workers dwelling does not comply with Local plan policies LC12 or LH3. It is considered important that any new-build agricultural worker’s dwelling is agriculturally justified as without sufficient justification, the validity of the agricultural restriction could be successfully challenged in the future.

As with the previous application, officers have been in discussion with the applicant and have advised that, had there been a justification for a replacement dwelling, a more acceptable solution in landscape terms and on enhancement grounds would be to convert part of the range
of traditional barns to the south east of the farmhouse or the detached to the south of the existing farmhouse (now proposed to accommodate the creamery). This would provide a beneficial long term use for the building and avoid the need for a new-build dwelling. It is possible that the detached barn to the south could be accepted without the need for an agricultural justification as it would be the conversion of a valued vernacular building, although any advice has been given on a “without prejudice” basis.

The applicant acknowledges that his proposals are exceptional, but wishes the overall package of proposals and enhancements to be taken into account when the application is considered. He considers that the benefits of the scheme as a whole will meet the long term needs of the holding and represent sufficient enhancement to justify an approval. Your officers consider, however, that there is insufficient justification to depart from the stated policies and that there is no basis from reaching a different conclusion on this issue as compared to the decision on the application in 2012.

**Issue 2 - The impact of the proposed removal of the modern farm buildings and creation of the new farmyard on the landscape character of the surrounding area**

The existing farm complex is situated in a relatively prominent hillside position, within an attractive pastoral landscape, with fairly dense wooded slopes to the east and Brookfield Manor (a listed building) and its landscaped gardens to the west. The site is clearly seen from Birley Lane to the north west and from the two well-used public footpaths that pass the site to the east and the west.

The layout of the existing site follows the existing line of contours as they run through the valley from north to south. The Cow Close complex comprises the main farmhouse and farm cottage, with a detached range of traditional buildings forming a courtyard. A 15.5m x 6.5m modern lean-to farm building is attached to the eastern side of the eastern traditional farm building. To the south of the traditional farm buildings there is a 24.5m x 11m Dutch barn with an 18.7m x 5.8m lean-to addition and beyond this is a 21m x 10m modern lean-to building. This range of modern farm buildings stretches out in a southerly direction 55m into the field beyond the traditional barn complex. These buildings are in a dilapidated condition and although they are perhaps typical of the appearance of many working farms throughout the National Park, they do nevertheless detract from the landscape character of the immediate area. There is therefore clearly scope for enhancement through either repair or replacement with associated landscape works.

The proposed scheme removes all of the modern farm buildings and proposes a replacement farm building with the relocated farm dwelling and garage attached to this. The internal floor area of the farm dwelling is 127.4m². This range of buildings is re-orientated on an east-west axis, with a new farmyard contained by the new buildings and traditional farm barn complex. The new modern farm building has an rough ‘L’ shaped plan form and measures 18m x 13m (maximum dimensions). The new farm building would be built further into the higher adjacent ground levels in order to minimise its impact. The consolidation and re-orientation of these buildings significantly reduces the site area occupied by the previous modern farm buildings. This allows an area of 286.91m² to be re-graded and given back to field/agricultural use along with a reduction in linear length of the farm site by 26.5m.

The accompanying Design and Access Statement (DAS) states that the agricultural accommodation has been designed around the specific needs for the proposed scale of sheep farming operation and will contain the activities and equipment within the designated farm yard area. The proposals also incorporate extensive landscaping to soften the impact of the consolidated site on the surrounding area. These measures include remodelling and regrading parts of the existing embankment to the west of the farmyard. Other measures include new drystone boundary walling, extensive tree planting and re-routing of overhead services to facilitate the removal of existing telegraph poles to the lower slopes of the site adjacent to the public footpath. The intention of the landscape works is to reinstate the natural contour levels across the front of the farm, thus softening the site frontage when viewed from the surrounding
landscape. The DAS also includes photomontages which compare the existing building group to the proposed building group, together with site plans which also show the reduction in "footprint".

In landscape terms, Officers accept that the removal of the existing relatively modern but dilapidated farm buildings and their replacement with a smaller range of buildings of a more traditional form and materials, together with the re-orientation of the buildings on a reduced footprint, would significantly enhance the Cow Close farm complex and its setting within immediate locality. This would be in accordance with Core Strategy policy GSP2, which states, amongst other things, that opportunities for enhancing the valued characteristics of the national Park will be identified and acted upon. Proposals intended to enhance the National Park will need to demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area. However, the policy also goes on to say that such proposals should not undermine the achievement of other Core Policies. In this context officers remain concerned that the replacement buildings must have a clear agricultural justification and should be designed for that purpose. Whilst the replacement buildings are of high quality and would enhance the appearance of the site, they are of a design and form which is not readily suited to modern agricultural use and, in the absence of an existing farming business, the agricultural justification for them is relatively weak.

**Issue 3 - Design issues relating to the proposed new extensions and the conversion of the adjacent traditional outbuildings to additional living accommodation**

The existing main farmhouse has an ‘L’ shaped plan form with the more recently built farm cottage attached to the western facing gable end of the main farmhouse (this was a replacement of an earlier single storey lean-to). To the south-east of the main farmhouse is traditional two-storey farm building with a more recently erected single-storey building attached to its southern gable. At right-angles to this building is an attractive two-storey traditional farm building. The farm dwellings, together with the adjacent traditional farm buildings form an attractive ‘U’ shaped courtyard of buildings which are of some architectural merit. The main farmhouse and the attached farm cottage have been the subject of unfortunate single-storey conservatory extensions on their northern elevations and the main farmhouse also has an inappropriate porch addition on its south elevation.

In pre-application discussions prior to submission of the previous applications, officers advised that the removal of these extensions and their replacement with more appropriately designed extensions would be acceptable in principle. Officers also advised that the creation of a single-storey link extension to the adjacent detached barn and its subsequent conversion to additional living accommodation for the main farmhouse would also be acceptable in design terms, but they could not reach agreement with the applicant over scale and design and the subsequent planning application was refused on these grounds (amongst others).

The current scheme involves the removal of the two conservatory extensions on the north elevations of the main farmhouse and farm cottage and their replacement with a single larger 11.3m x 3.4m single storey lean-to extension attached to the north elevation of the main farmhouse, providing additional living accommodation. A further lean-to extension is proposed on the eastern gable elevation, connecting the house to the north-facing gable wall of the adjacent traditional barn in order to provide a link with the main farmhouse, enabling the barn to be used for additional living accommodation for the main farmhouse. The flat-roofed porch on the south elevation of the main farmhouse would also be replaced with a lean-to porch.

The proposed barn conversion to additional living accommodation is sympathetic to the character of the barn and involves no new openings on the main west facing elevation. The proposed porch replacement is also acceptable and improves the appearance of the farmhouse.

Whilst the replacement of the conservatory additions and the provision of a link extension connecting the main farmhouse to the adjacent barn are still considered to be acceptable in principle, your officers still have concerns over the size and massing of the extensions. The
Design and Access Statement provides a detailed analysis of the proposed extensions and their impact, concluding that they are acceptable by virtue of their single storey nature, their aspect and orientation and their relatively well-screened location. The reduction in the size of the extension on the east gable, linking the house to the barn, is a welcome improvement.

The proposed living room extension to the northern elevation is considered to be too large in massing terms and covers too much of the northern elevation of the original house. In addition to this the combination of full-length glazing and a solid stone roof is not considered to be appropriate in design terms and is a dominant feature that detracts from the character and appearance of the original main farmhouse. However, an important material consideration is that the extension is considered to be “permitted development” as it is single storey extension on a rear elevation and does not exceed 4 metres in length (as permitted on some elevations of detached dwellings). The applicant is aware of this, having had correspondence with the Authority in 2012, following the refusal of the previous application. He has, however, decided to retain the extension within the application in the interests of providing the Authority and others with a comprehensive view of his proposals. In these circumstances, the size and scale of this rear extension cannot reasonably be part of a reason for refusal of this application.

In all other respects the proposals are alterations and extensions are generally well designed and sympathetic. If Members are minded to approve this application, design conditions would be required to ensure appropriate detailing and materials.

**Issue 4 - The landscape impact of the proposed new farm access track**

As with the previous application, the submitted scheme proposes the creation of a replacement new access track through the field to the north and west of the existing farm complex. The existing vehicular access track follows the eastern side of an existing field wall and enters the existing courtyard through a 3.5 m gap between the main farmhouse and the adjacent detached barn. The new access track is required for three reasons. Firstly, the existing access into the courtyard between the main farmhouse and the barn is quite awkward (the applicant has submitted photographs to illustrate this). Secondly, the new track is designed so that the proposed new farmyard on the southern side of the complex can be accessed separately without passing through the existing courtyard in front of the farmhouse. Thirdly, the main farmhouse could not be linked to the existing detached barn unless an alternative access arrangement was provided.

The first 45m of the proposed new section of access track is taken diagonally through the field to the north of the complex and then it curves for a further 45m in a southerly direction following the ground contours to the west of the farm complex. The access track is designed as a traditional farm track with two narrow stone wheel tracks with a grassed centre. The track will be visible from the adjacent public footpaths, but it is considered that as it largely follows the ground contours it will not have an adverse impact on the landscape character of the locality.

**Issue 5 - Landscaping/Ecological Issues**

The proposed scheme incorporates several ecological/landscape enhancement opportunities. These include:

- Promotion of riparian vegetation along the stream corridor.
- Diversify the structure of the woodland to the east of the farmhouse.
- Planting of a new generation of parkland trees.
- Retention and stabilisation of existing mature trees through sensitive remedial management.
- Provision of new nesting opportunities woodlands and trees along the stream corridor.
- Planting of new hedgerows along fence lines to improve habitat connectivity within the site.
- Planting up of gaps within hedgerows.
- Planting of rowan trees in the hawthorn scrub in bracken and rough pasture close to the
moorland fringe to provide a source of food for birds.
- Provision of a purpose built bat loft in the new proposed farm barn and the high barn.
- Provide access and nesting opportunities for swallows, house martins and house sparrows within the new farm buildings.

The pond which formed part of the previous scheme has now been omitted.

These measures are broadly welcomed by the Authority’s Ecologist with some minor reservations. In landscape terms these measures would also improve and enhance the landscape, subject to the submission of a comprehensive and detailed landscaping scheme.

**Issue 6 - Whether the overall enhancement of the farm complex and its prominent setting within the National Park landscape is sufficient to justify an exception to the Authority’s Core Strategy and Local plan policies in relation to the provision of new agricultural dwellings**

As with the previous application, the applicant has emphasised that the proposed scheme should assessed as a whole and considers that it represent an opportunity to provide significant enhancements to the character and appearance of the farm complex and its setting within the surrounding landscape. He believes that it provides an opportunity to address the situation where there are two tied dwellings on what is now a reduced holding and to improve the tied accommodation by relocating the agricultural worker’s dwelling to a purpose-built house closer to the new agricultural buildings and the creamery, at the southern end of the farm group. He also considers that it would provide better controls over the sustainability of the farm holding through the attaching of a S.106 legal agreement to the agricultural worker’s dwelling.

He considers that the removal of the existing relatively modern, but unattractive buildings and their replacement with smaller, more traditionally detailed buildings in natural stone would provide for a significant enhancement in accordance with National Park purposes and specifically Core Strategy policy GSP2. The significant reduction in massing and footprint cannot be achieved without a comprehensive redevelopment such as that now proposed. He considers that the proposed creamery/cheese making business is an appropriate use for the site as it would provide an income from a low-impact, high value product. He considers that it would allow the farm to develop in a sustainable way, providing employment and income for his daughter and her partner. The associated activities (B&B, visitor accommodation, free range chickens) would provide some diversity of income.

The applicant also points out that the scheme has been through a long and arduous planning and design consultation with the National Trust to ensure that the restrictive covenant is satisfied; however that is a separate non-planning matter between the owner and the National Trust.

Your officers accept that there are aspects of the proposed scheme that provide significant improvements and enhancements to the character and appearance of the farm complex and its setting within the landscape, in accordance with GSP2 and with National park purposes as a whole. However, GSP2 should be read in conjunction with other policies and the enhancement alone is not sufficient justification for the proposals, particularly the removal of the agricultural occupancy condition from the main house and the relocation of the farm cottage to a new-build dwelling.

The proposal to create a creamery which produces cheese from sheep raised on the holding is acceptable in principle, but it should be noted that in the short term the milk would be imported from elsewhere as there is not an established flock from which milk could be taken. The Highway Authority has raised some concerns about potential conflict between traffic and users of the footpath which follows the access road, but it is unlikely that the scale of use would result in any significant traffic movements, even when taken with other uses on the site (such as visitor accommodation).
The applicant is also aware of the recent relaxations in the General Permitted Development Order which would allow for a wider range of uses in agricultural buildings in the National Park. Whilst none of these appear to be directly relevant to the current application, it is possible that the buildings at Cow Close Farm could be used for other purposes without the need for planning permission. This would include shops, cafes, offices and workshops, although it is not clear whether a creamery would fall into the latter rather than being a *sui generis* use. Notwithstanding this, the possibility of other uses now being “permitted development” does not change the officer advice on this occasion.

In conclusion, it is therefore considered that the application should be refused on grounds that it would be contrary to Core Strategy policy GSP2, GSP3, HC2 and Local Plan policies LC4, LC12, and LH3.

**Human Rights**

Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil