

13 March 2024

The Kingairloch Settlement
c/o John G Hills & Partners
The Estate Office
High Street
Leyburn
DL8 5EW

Dear Andrew,

Planning Consultancy Advice: Barns North of Swainsley Farm, Belper DE56 2US

Thank-you for instructing me to provide you with planning consultancy advice in relation to the barns to the north side of Swainsley Farm and for the site meeting which took place on 28 November 2023. I have now spent time further researching the planning context for the property and considering the potential development options.

This document is accompanied by an Appendix which provides photographs of the property, and there is also a view of the property from the entrance shown below.



First it might be helpful to, very briefly, set out my background for readers of this report. I worked in the planning team at North East Derbyshire District Council for over 16 years and I have operated my own planning consultancy in the Derbyshire area and beyond, for almost nine years. I am therefore very familiar with the relevant planning policies for the Derbyshire area as well as the National Planning Policy Framework. I have extensive experience of the preparation, submission and management of planning, listed building and other applications in Amber Valley and many other Local Planning Authority areas including the Peak District National Park. I therefore believe I am ideally placed to provide you with planning consultancy services.

Property Context

I confirm that the property:

- Is known as Swainsley Farm, Milford, Belper DE56 2US
- Lies within the Borough of Amber Valley
- Is within the Ward of Belper South
- Sits in the rural area to the south-west of the town of Belper
- Is accessed off the west side of Chevin Road via a private lane/driveway which runs east to west, sloping up into the property
- Generally slopes up from south to north as well as from east to west.
- Originally included a farmhouse to the top west of the driveway on the southern side, with a domestic garden to the south and an extended garden/paddock area to the south and east (it is understood this is to be retained by the current owner)
- Has linear barns to the east side of the farmhouse immediately to the south side of the driveway (again, to be retained by the current owner)
- Includes barns and stores to the north side of the driveway set back from the drive with a courtyard in front and a further courtyard to the rear/north
- Has various farms and a few businesses in the immediate locality, and more extensive shops and services can be accessed in Belper within a few miles
- Contains no designated Wildlife Sites within or adjacent to the property
- Is in a countryside location
- Is within the Derwent Valley Mills World Heritage Site or buffer zone (WHS)
- Is within the Green Belt
- Lies within the Belper and Milford Conservation Area.
- Does not contain any Listed Buildings or Scheduled Ancient Monuments (although the WHS and Conservation Area means there is significant heritage interest).

Information about Tree Preservation Orders (TPO) was not available online and will need to be checked. The Conservation Area means that consent would be required for any tree works within the CA regardless of any TPO.

Planning Policies

None of the buildings at Swainsley Farm are Listed but the World Heritage Site (WHS) means that any development at this property would be considered in the context of the WHS status and setting/buffer zone.



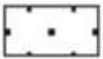



More info on the WHS and the management plan can be seen here:

<https://www.belpertowncouncil.gov.uk/community/world-heritage-site-dvmwhs/>

<https://managementplan.derwentvalleymills.org/>

Below is a relevant extract from the adopted Local Plan map:



-  **Derwent Valley Mills World Heritage Site Buffer Zone EN29**
-  **Special Landscape Area EN6**
-  **Derwent Valley Mills World Heritage Site EN29**
-  **Green Belt EN2**
-  **Conservation Area EN26, EN27, EN28**
-  **Proposed multi user route TP2**

The Conservation Area lies to the south of the brown/orange line and thus includes the whole property.

The World Heritage Site (WHS) lies to the south of the black line with semi-circles, as marked by the black dots, thus the northern barns in question lie outside this WHS designation although it is within the buffer zone. The southern part of the original farm is within the WHS.

The whole site is designated as green belt and Special Landscape Area.

There are numerous potentially relevant Local Plan Policies, as well as policies in the NPPF.

The Amber Valley Local Plan can be seen here:

<http://www.cartogold.co.uk/AmberValley/>

The NPPF can be seen here:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

It is worth noting that Saved policy EN2 of the Local Plan states that within the Green Belt, as shown on the Proposals Map, planning permission will only be granted for appropriate development, including (amongst others):

“d) the re-use of existing buildings, providing that:

1. the proposals would not have a significantly greater impact than the existing use on the openness of the Green Belt and the reasons for including land within the Green Belt

2. strict control is exercised over any future extension of the building and any associated land uses which might conflict with the openness of the Green Belt and the reasons for including land within the Green Belt

3. the buildings are of a permanent and substantial construction and capable of conversion without major or complete reconstruction

4. the form, bulk and general design of the buildings are in keeping with their surroundings

Any proposals for housing development will also need to satisfy the criteria in policy H12”.

Development Opportunities

The green belt designation, combined with the Conservation Area and World Heritage Buffer status, will significantly restrict the types of development that are likely to be acceptable at this property.

New Build Housing without Justification

As this is a countryside location which is classed as a ‘rural area’ and not within a settlement, it is not an area which is designated for new housing development.

The erection of new dwelling(s) without any form of justification would be resisted by the Council as inappropriate development in the Green Belt and harmful to the countryside, Conservation Area and WHS.

The local and national policies do not support a new build housing this location without any form of justification. As a result, a new build dwelling on this site without any justification or special circumstances stands no chance of getting planning permission.

Justification could be, for example, a dwelling required for the operation of an agricultural business, but I think it’s extremely unlikely it would be possible to meet the

required functional and financial tests particularly given that there is already a dwelling on the site, and there are barns which could also potentially provide living accommodation (and therefore a new build dwelling would not be necessary even if it could be argued that a dwelling met the required tests).

Class Q Conversions

Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 grants permitted development rights for the conversion of agricultural buildings to dwellings. This means that full planning permission is not required for these conversions subject to meeting certain conditions.

The building must be agricultural and not equestrian and must be structurally capable of being used as a dwelling. There are various conditions and case law stipulations which have tightened up the Class Q process.

Unfortunately, the national Class Q legislation currently prevents its use in Conservation Areas (as well as in various other protected areas such as the National Park).

There has been recent talk of Class Q being allowed in National Parks so it is possible that the Conservation Area restriction may also be relaxed.

Please note that Class Q can be used for a vacant building as long as its last use was agriculture, but at the current time Class Q does not apply to this site due to the Conservation Area designation.

Full planning permission for Barn Conversions

The conversion of the existing stone barns to separate dwellings, holiday accommodation, live-work units or commercial workshop use could be acceptable in principle provided the buildings are structurally capable of conversion without significant rebuilding, alteration or extension.

Having viewed the northern barns I consider that they are generally in very good condition and appear to be capable of conversion without significant rebuilding.

The design of the conversions would need to make use of the existing window and door openings (keeping any new openings to a minimum).

This would have to be a true conversion scheme i.e. not demolition and rebuild.

Detailed consideration would need be given to the design of the conversions as well as items such as parking and gardens and how these could be accommodated without landscape harm. Having viewed the existing courtyard areas there is potential to deliver outside spaces for conversions without impacting on the wider countryside.

The subdivision of the buildings and external areas would also need to be carefully considered to ensure that any proposals for separating gardens or parking area do not result in harm to the character and setting of the buildings. There also would have to be sufficient privacy and amenity for each of the proposed units and the relative positions of windows etc would need to be considered in detail.

I consider that the provision of holiday accommodation within the barns could work well. Generally, holiday lets can be more closely physically related to each other without too many concerns, with shared amenity spaces for example.

Highway safety would also be a material consideration for conversions, and visibility at the access is restricted, particularly to the north. The conversion of barns is likely to result in a material increase in the use of the access. It will be necessary therefore to consider how to maximise visibility at the access (potentially via tree works undertaken with consent prior to any planning application for conversions).

Access to any conversion of the northern barns would need to be via shared use of the existing access and driveway. The creation of a new driveway across a field is not supported by green belt policies.

Conversions/change of use have to be applied for in full. Outline planning permission cannot be applied for change of use, so full planning applications would be needed with all the necessary supporting information and designs. Each planning application would need to be accompanied by a Heritage Impact Assessment, ecology reports (including bat surveys that can only be undertaken in summer), tree survey and potential work on highways and drainage issues, as well as full architectural plans.

Full planning permission for a Conversion to Commercial Use

As stated above, in principle a barn conversion for commercial use could be in accordance with planning policies. This could for example be office use or craft workshops.

However, commercial conversions (other than holiday lets) is rarely a viable option when compared with a residential use. Offices, and even craft workshops, would require a fairly significant degree of alteration and upgrading to the buildings to comply with building regulations - for example to provide bathroom and kitchen facilities, security, heating and insulation etc.

Business uses also raise questions about highways impact. Business uses would potentially result in significant traffic movements which it is more difficult to estimate than for residential use, particularly if customers/clients would visit the site and there is a mix of different commercial activities.

It is also possible that the Council would say that some business uses would be better suited to a settlement location from a sustainability perspective (for example so employees and customers can attend the site using public transport).

Residential conversion is more likely to result in a viable prospect for the site and it is significantly more straightforward to predict the impacts on issues such as highway safety and parking. Live-work units are a possibility however they would narrow the market to people looking for that type of accommodation.

Conclusion/Way Forward

In my opinion, the barns to the north of Swainsley Farm offer significant potential for sensitive conversion of the existing stone barns.

The barn conversions could deliver either additional, separate, dwellings (for sale or lease), or holiday accommodation or craft workshops. Any combination of uses on site would need to be carefully considered in the context of the need to ensure privacy and amenity for each residential unit as well as addressing highway safety and other technical issues.

Any development proposals would need to retain and enhance the character, appearance, design, materials and setting of the existing buildings of vernacular rural appearance. The context of the Conservation Area and World Heritage Site status, washed over by the Green Belt, must be central to any development proposals.

Yours Sincerely

Charlotte

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