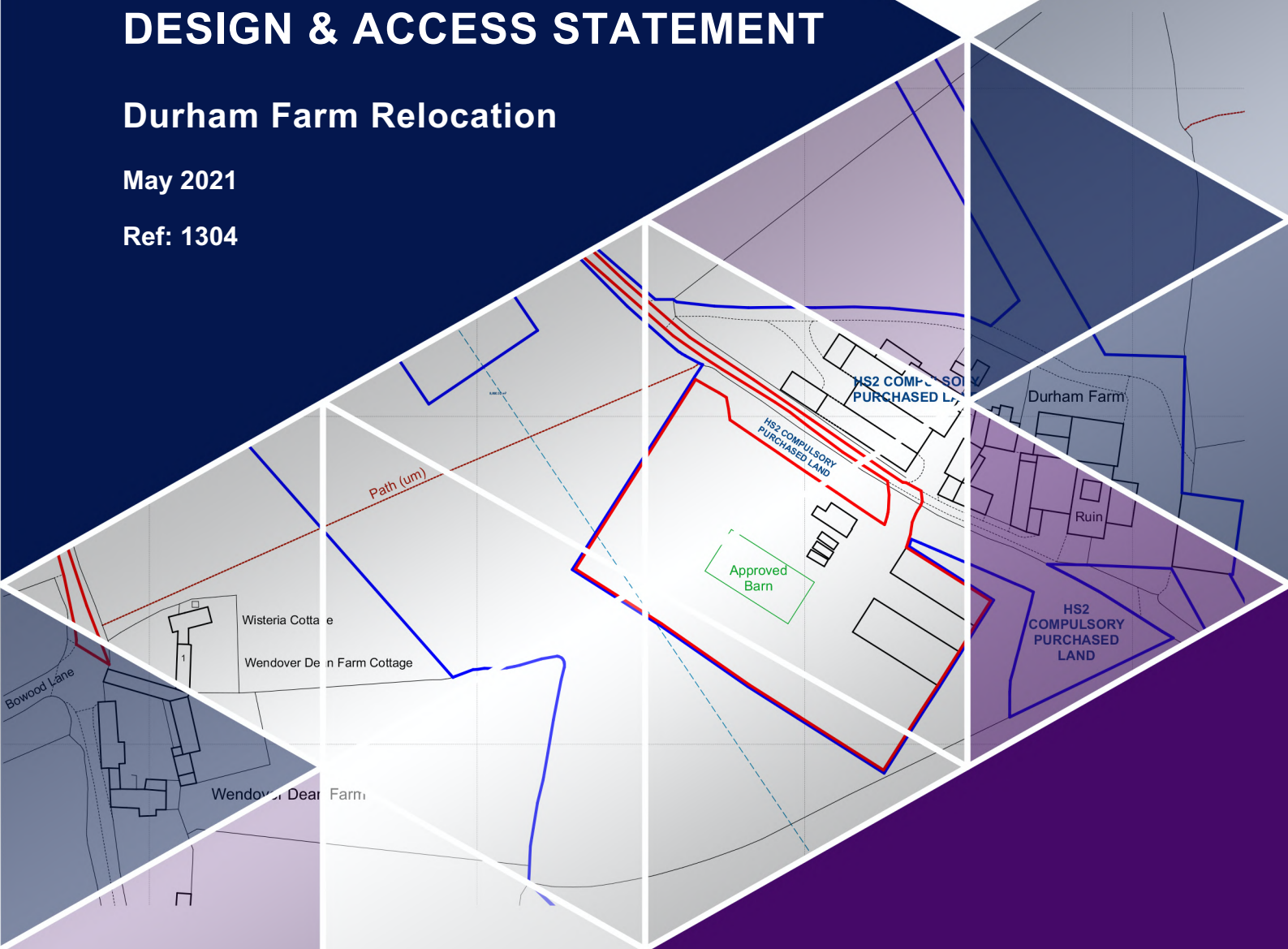


DESIGN & ACCESS STATEMENT

Durham Farm Relocation

May 2021

Ref: 1304



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A Design and Access Statement produced by

JCE Planning & Architectural Consultancy

on behalf of Ben Bramble relating to

The relocation of Durham Farm agricultural buildings, farmhouse, farm office, following the compulsory purchase and total demolition of the former farmstead by HS2

Ref:1304

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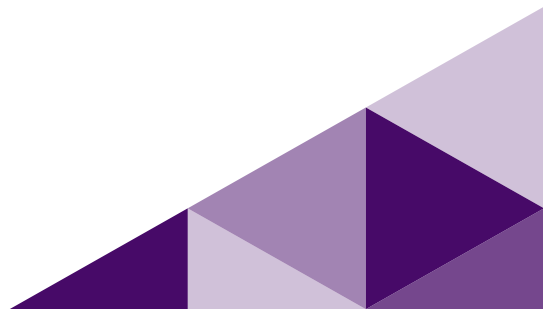
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1. INTRODUCTION & SUMMARY

- 1.1. This Design and Access Statement supports a full planning application relating to the relocation of the former Durham Farm farmstead following its compulsory purchase and subsequent demolition by HS2 Ltd, in order to make way for a viaduct to support the new rail line.
- 1.2. The Applicants Ben & Charlene Bramble are the current owner occupiers of the farm, which has been tended to and passed down through the generations of the Bramble family for more than 100 years. The Applicants' retired parents, who lived with the family in the original farmhouse prior to its compulsory purchase, now live nearby in HS2 owned rented accommodation.
- 1.3. The Applicants, including their young child, have been forced to live on another part of their farmland in temporary mobile facilities to enable them to remain on site, so that they can continue to be in sight and sound of their livestock. This has been essential to ensure the safety and security of their livestock and valuable farm equipment. In view of these farming constraints, the working family have been unable to move to rented accommodation unlike their retired parents, due to the need to be on site at all hours to tend their animals.
- 1.4. In 2017 the Applicants instructed Browns & Co to deal with the planning work for the relocation of the farmstead. This resulted in a number of "pre-application" meetings and discussions with the Council, culminating in the submission of a single planning application under Ref 19/02501/APP in early July 2019.
- 1.5. Despite the numerous "pre-application" discussions, the formal planning application lacked essential information which did not allow the Council to consider the application properly, with a planning statement only being provided towards the end of September 2020.
- 1.6. Browns & Co have since been disinstructed in respect of the planning submissions but are retained in their negotiations for compensation from HS2.
- 1.7. Despite the failures of the initial planning application, it has become clear that the Council does not feel it can support the currently proposed scheme, mainly due to its apparent impact on the character and appearance of the surrounding area and other minor matters. However, we consider that this main concern can be resolved together with the other minor issues raised.
- 1.8. The Council has suggested that the current application be withdrawn, as it cannot be supported in its current form, and has requested a fresh application be submitted with



the proposed farmstead re-sited to the north-western corner of the site near existing dwellings.

- 1.9. However, this is not a viable neighbourly or legal option, for two reasons: Firstly the location suggested by the Council is not on land within the ownership of the Applicants and, secondly, the buildings housing livestock need to be located a reasonable distance from nearby residential properties to avoid un-unneighborly development caused by noise and smell from farm animals.
- 1.10. It should also be noted that the location of the buildings in the current application is no longer an option as, since the submission of that Application, HS2 has initiated further compulsory purchase orders including the land included within that Application.
- 1.11. Given all of the foregoing, this fresh application has been submitted in order to provide a new farmstead for the Applicants that relates to land they own, and which should be considered acceptable by the Council for all the reasons set out in this Design & Access Statement.
- 1.12. The Council has suggested that further pre-application advice be sought prior to the submission of any second planning application. However due to the length of time it has taken to date, this would cause unnecessary disruption and further distress to the Applicants. Also, given the limited options that remain for the re-location, any further delay caused by yet another “pre-application” submission is simply not feasible.
- 1.13. The proposal that this Design and Access Statement supports would relocate the farmstead directly across the farm access track, adjacent to the former farmhouse, thus integrating with the existing and now approved farm buildings already located on this side of the track. This includes the grain store recently approved under Application ref: 21/00886/AGN and the two other existing agricultural buildings on this part of the site.
- 1.14. This Application is supported by all relevant Technical, Planning and Agricultural Justification Reports which set out the requirement for each of the proposed farm buildings, as well as the need for the Applicant farmers to live on site within sight and sound of their livestock.



2. PLANNING HISTORY

- **72/00067/AR** | Erection of agricultural worker's dwelling
Approved 20 April 1972
- **97/00104/AGN** | Erection of precast concrete HAY/SRAW STORE
Approved 12 February 1997
- **19/02501/APP** | Relocation of Durham Farm from its existing location to a new location along Durham Lane. To provide a replacement farmhouse with a linked workshop in the middle for a yard with a tractor shed at the rear including additional farm such as hay and cattle barns. | Undetermined
- **21/00886/AGN** | Erection of grain Store
Approved 31 March 2021

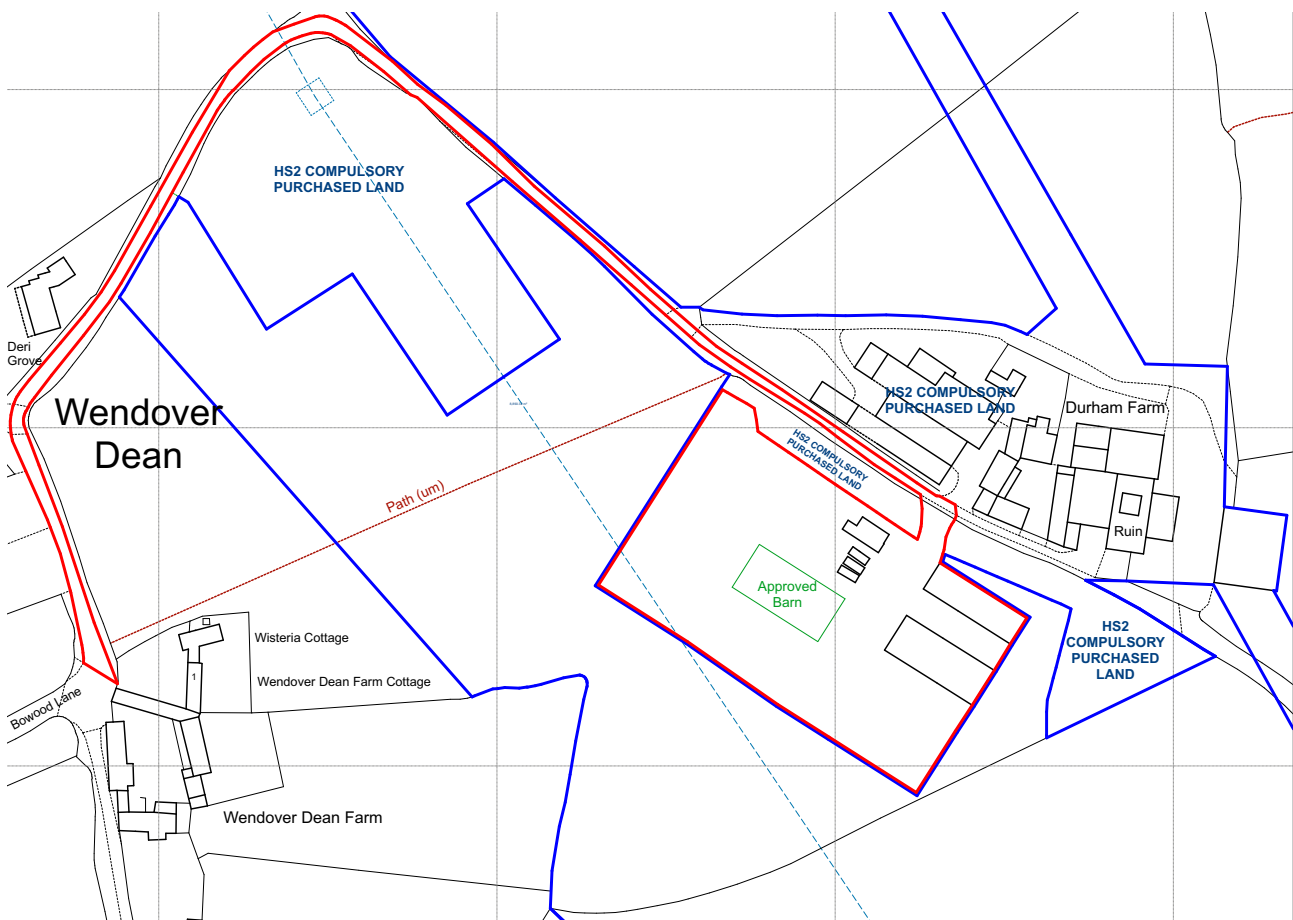


3. SITE & SURROUNDING AREA

- 3.1. The Application site is located to the South of the former farmstead at Durham Farm, which is within an area known as Wendover Dean, consisting of several groups of scattered farmsteads at the foot of a local valley off the A413.
- 3.2. There are several dwellings including listed buildings within the surrounding area, however the application site is located at such a distance from them, it is not possible for the scheme to impact their settings. As previously mentioned, it is also important to keep a reasonable distance between the farm buildings and the neighbours to avoid un-neighbourliness caused by animal noise and smell.
- 3.3. The site is located within the Chilterns Area of Outstanding Natural Beauty (AONB) and the Green Belt.
- 3.4. The Wendover Dean viaduct is currently under construction to support the HS2 line which would run directly across the former farmstead, hence it being subject to a compulsory purchase order. The viaduct will inevitably significantly change the character and appearance of the area, not only as a result of the viaduct itself but by virtue of the significant tree removal and landscape alteration which is required to accommodate the line. Most notably towards the east of the site at Jone's Hill Wood, a designated ancient woodland, which is now subject to significant felling.
- 3.5. Public footpath WEN/36/1 passes through the field to the west of the proposed farmstead, although, this footpath is proposed to be closed for a number of years during the construction period of HS2.

4. USE

- 4.1. The proposal would provide a like for like replacement of all the lost buildings from the former Durham Farm. The scheme provides a number of agricultural buildings to support those which already exist and have not been removed by HS2, in addition to a new farmhouse and farm office for the displaced Bramble family.
- 4.2. The scheme also provides an opportunity to include improvements in the form of a new farm office, which was not a facility provided within the former farmyard.
- 4.3. Fundamentally, no uses that were not present within the former farmyard are proposed under this fresh current application.
- 4.4. Considering the existing agricultural nature of the site, the fact that the former farmyard is within the immediate vicinity of the proposed site and the scheme represents a like for like replacement for that which previously existed, it is considered that the proposed uses together with the replacement building are acceptable.



5. SCALE & AMOUNT

5.1. It should be noted that the calculations below are based upon a professional topographical survey of the former and existing buildings on the site. The footprints and volumes differ to those presented by Browns & Co in the current planning application 19/02501/APP. It is not known how Browns & Co came to their final figures as they also had the survey data available to them, but having checked these figures ourselves their figures are incorrect. We therefore set out below the correct measurements of comparable footprint and volumes.

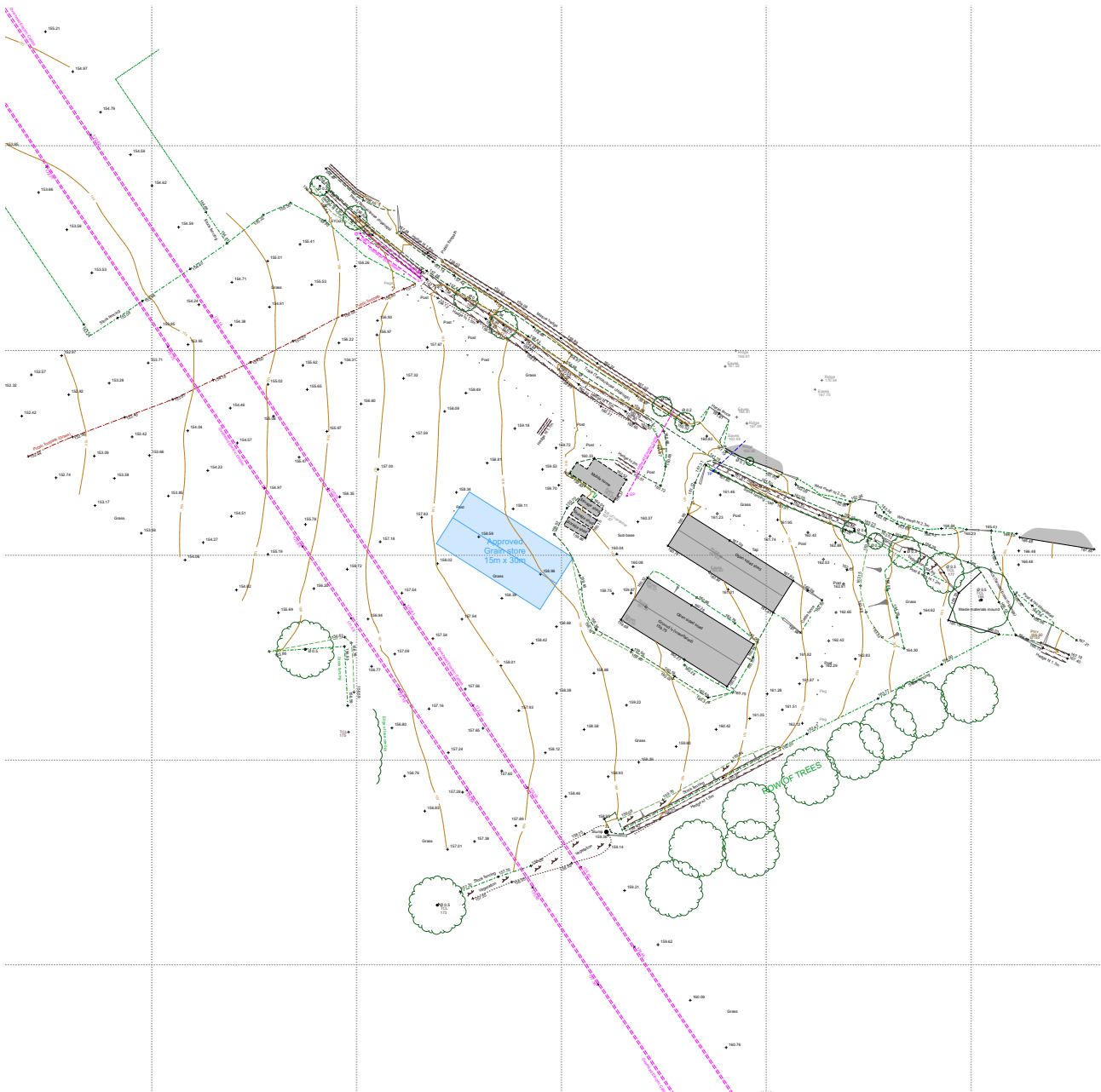
| Existing | Footprint (m ²) | Volume (cubic m ³) | Status |
|--|-----------------------------|--------------------------------|--|
| Grain Store | 526.70 | 2782 | Demolished Following HS2 Compulsory Purchase |
| Tractor Store | 537.60 | 2684 | Compulsory Purchased by HS2 |
| Accommodation | 51.60 | 123.8 | Demolished Following HS2 Compulsory Purchase |
| General Store | 40.20 | 138.7 | Demolished Following HS2 Compulsory Purchase |
| Farmhouse | 123.37 | 745.99 | Demolished Following HS2 Compulsory Purchase |
| Workshop | 101.70 | 411.88 | Demolished Following HS2 Compulsory Purchase |
| Old Parlor | 102.00 | 306 | Demolished Following HS2 Compulsory Purchase |
| Cattle Shed | 838.80 | 3079 | Demolished Following HS2 Compulsory Purchase |
| Hay Store | 225.00 | 1215 | Demolished Following HS2 Compulsory Purchase |
| Cattle & Hay Store | 413.90 | 2110.9 | Demolished Following HS2 Compulsory Purchase |
| Open Sided Barn (south) | 450 | 2745 | Retained |
| Open Sided Barn (north) | 360 | 2213 | Retained |
| | | | |
| Total Agricultural | 3595 | 17705.48 | |
| Total Agricultural Lost to Compulsory Purchase by HS2 | 2785.90 | 12747.48 | |
| Total Residential | 175 | 869.79 | |

| Proposed | Footprint (m²) | Volume (cubic m³) |
|---|--------------------------------------|---|
| Approved Grain Store (21/00886/AGN) | 450 | 2745 |
| Proposed Fodder Store/Workshop/Additional Grain Store (Barn A) | 810 | 4824 |
| Proposed Tractor Store (Barn B) | 270 | 1620 |
| Proposed Cattle Shed (Barn C) | 630 | 4032 |
| Proposed Farm Office | 38.36 | 151.48 |
| Proposed Farmhouse | 141.75 | 968.05 |
| | | |
| Total Agricultural | 2198.36 | 13236.48 |
| Total Agricultural Including Retained Buildings | 3008.36 | 18194.48 |
| Total Residential | 141.75 | 968.05 |

- 5.2. The Application site is located within the Green Belt where replacement dwellings and buildings are acceptable provided, they are not significantly larger than the building(s) which they replace. Following pre-application advice from the former AVDC it was confirmed that any increase in excess of 25-30% would be considered to be a materially larger increase and would be unacceptable.
- 5.3. The calculations above show a breakdown of the existing buildings on the site, detailing those which are to be retained and those which have been compulsorily purchased by HS2, including a separation between agricultural and residential uses.
- 5.4. The volume of the original group of agricultural buildings on the site totals 17,705.48m³, 12,747m² of which has been lost as a result of the HS2 compulsory purchase orders. The same buildings covered a footprint of 3,595m², 2785m² of which has been lost. By comparison, this fresh Planning Application now proposes a number of replacement agricultural buildings which, when taking into account retained buildings and the grain store already above under reference 21/00886/AGN, would have a volume of 18,194.48m³ and a footprint of 3,008.36².
- 5.5. This represents an increase of only 2.7% in the volume of agricultural buildings and a decrease of 16.3% in the total footprint of agricultural buildings. This is well within the 25-30% permitted increase and arguably, would represent a benefit for the openness of the Green Belt when considering the site footprint.

5.6. In respect of the residential footprint and volumes at the site, the existing residential buildings at the site had a footprint of 175m² and a volume of 869.79m³. Whilst the proposed replacement dwellings footprint would be 141.75m² with a volume of 968.05m³. The currently proposed scheme does not include a replacement annexe and therefore a direct comparison between the existing and proposed residential use shows only a 11% increase in volume and a significant reduction in respect of footprint. With the footprint of the former annexe entirely lost and not replaced.

5.7. The proposed farmhouse representing an increase of 15% and 29% increase in footprint and volume respectively when compared solely against the former farmhouse, discounting any additional footprint of volume from the annexe.



Existing Site Layout



6. LAYOUT

- 6.1. The proposed layout mimics the layout of the former farmstead but has been improved to account for modern day farming techniques and technologies. The layout of the farm would appear linear when viewed from the un-named road which runs between the former and proposed farmstead. The former farmstead was cramped with buildings located in very close proximity to one another, making it difficult to move livestock and machinery around the farmyard.
- 6.2. The proposed dwelling would be located closest to the footpath overlooking the only access road to the site, which is important for security reasons whilst still being within close proximity to the farm buildings to ensure the safety and security of the livestock.
- 6.3. The proposed agricultural buildings have been located around existing and approved buildings, thus ensuring adequate distances between buildings to prevent disease spread whilst allowing for good airflow and creating sufficient distance for large farm vehicles to move easily around and between buildings.
- 6.4. It is clear that the farm layout is not dissimilar to the farmstead located directly to the East of the site, on King's Lane and to the West off an un-named track, both of which feature farmhouses facing the only access to those sites beyond which the main farm buildings are located.



7. CHARACTER & APPEARANCE

- 7.1. The proposed agricultural buildings are typically agricultural in their character and appearance and would be constructed using similar materials to the existing and recently approved agricultural buildings on the site. The agricultural buildings would not appear incongruous with the rural setting of the site and the surrounding area and would be similar in appearance to both the retained agricultural buildings and the recently approved grain store.
- 7.2. Indeed, the two closest comparable farmsteads to the East and West of the Application site both feature a number of large, modern agricultural buildings with similar materials to those proposed under this application.
- 7.3. The proposed dwelling would have a similar appearance to the former farmhouse which takes the form of a typical two storey dwelling, although this is to be improved with the addition of a small single storey boot room to the side elevation. The former farmhouse had unattractive concrete grey rendered walls under a clay tiled roof. The proposed dwelling would have an improved appearance with the use of reclaimed facing brickwork walls under a reclaimed clay tiled roof, which will better assist in integrating the new dwelling into the wider area.
- 7.4. The surrounding area is characterised by sporadic agricultural development, with a number of agricultural buildings centered either around or adjacent to a residential dwelling functioning as a farmhouse for each farm. This was the case at the former farmstead now totally demolished by HS2.
- 7.5. This revised Application mimics this style of development, with a number of agricultural buildings sited adjacent to the farmhouse. The development would therefore not appear out of place within the surrounding area.



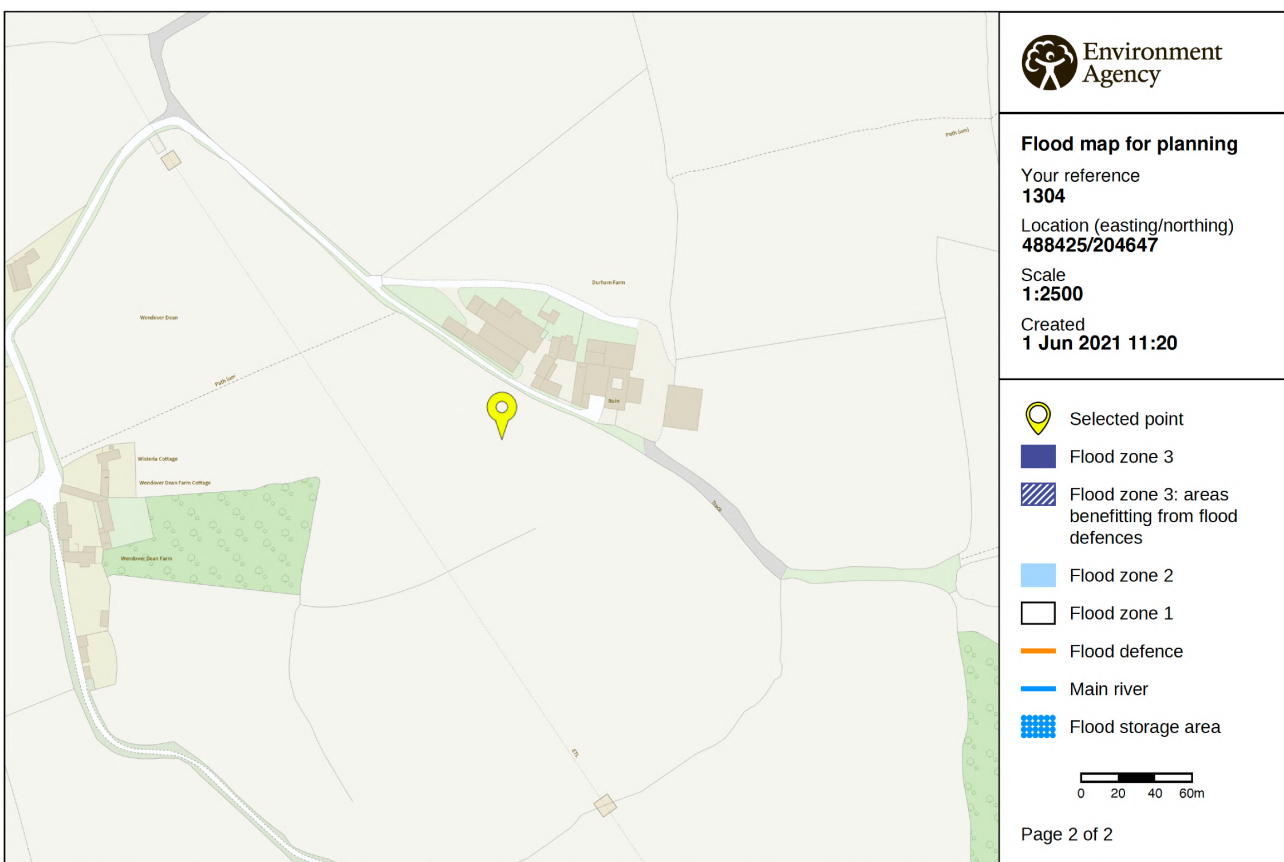
8. ECOLOGY

- 8.1. The former farmstead has been demolished by HS2 to facilitate the start of work on the viaduct. There is therefore no requirement to provide any ecological surveys relating to the former buildings and following the compulsory purchase of the site we assume it would have been the responsibility of HS2 to carry out any required survey prior to demolition.
- 8.2. The proposed scheme would be located upon agricultural land and would therefore avoid further hedgerow and tree removal. All existing mature trees surrounding the site are to be retained and protected. Additional landscaping would also be provided including native (indigenous species) hedging, which would define and enclose the garden of the proposed farmhouse. Bat and bird boxes are also to be provided on the walls of the proposed farmhouse and the agricultural buildings, thus ensuring an ecological net gain at the site.
- 8.3. Whilst it is accepted that the proposal would be partially located upon undeveloped open pasture land, this is simply unavoidable as the entirety of the remaining land ownership of the farm unit is undeveloped pasture land. However, the proposed location, grouped around already existing and approved agricultural buildings, would minimize the amount of land lost and would ensure the development is centered in a single location, rather than sprawled across several fields. The land lost would be replaced for the most part following the completion of the HS2 works, as the former farmstead site would then be returned to pasture land.

9. SUDS & DRAINAGE

9.1. The Application site is located outside of any surface water flooding designation and is located within Flood Zone 1. It is therefore considered that the scheme would be acceptable in both respects.

9.2. The Applicant would be happy to accept a SuDS/drainage condition so that this can be provided at a later date.

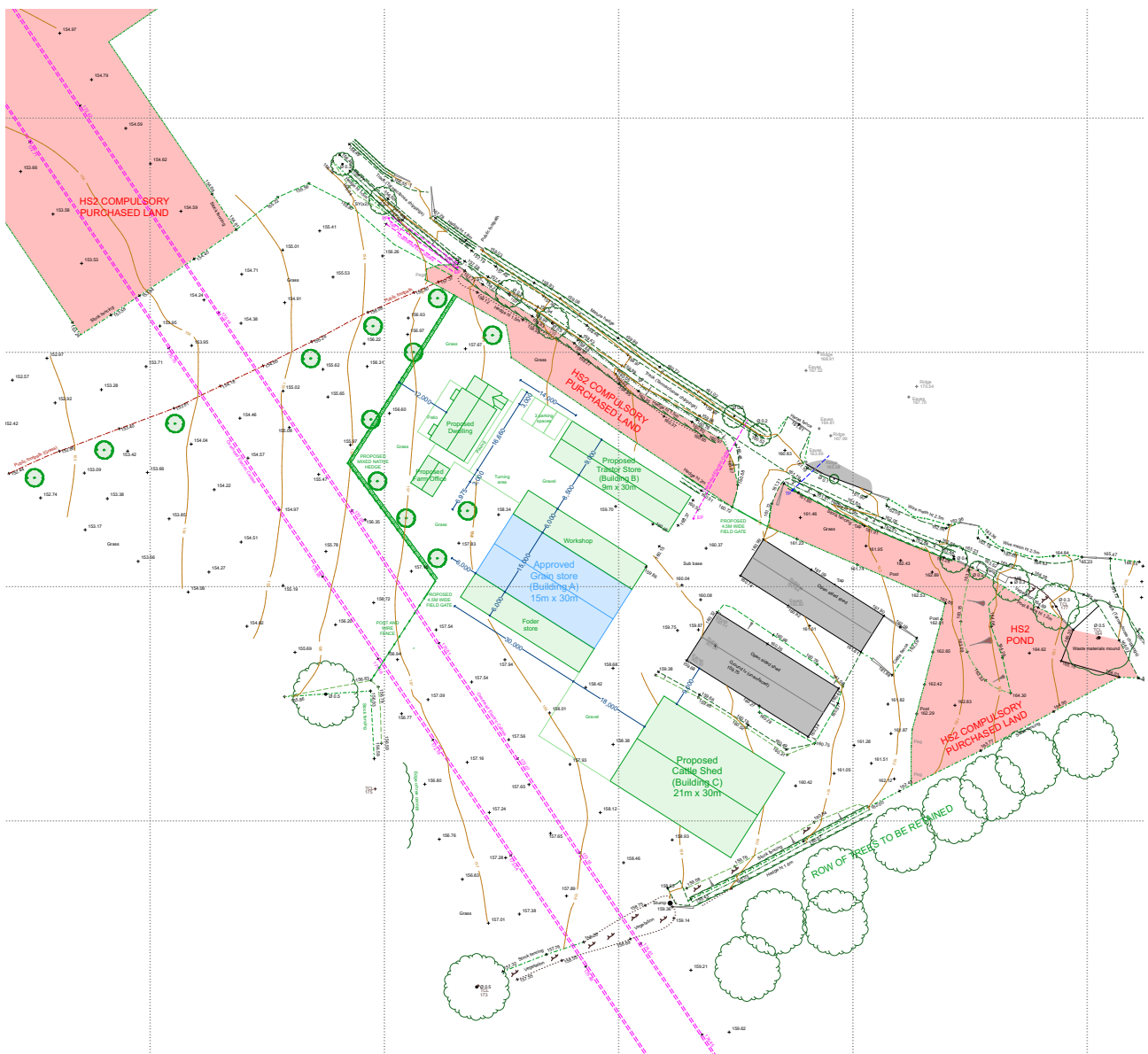


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10. LANDSCAPING & TREES

10.1. The proposal would not remove any existing trees on the site and would retain those located both within the agricultural field and those which form part of the rural hedgerow to the South-East and west of the site.

10.2. The scheme includes significant planting of trees and new hedgerow to allow the site to integrate into the surrounding area and a planting schedule is provided within the proposed site layout plan. If the Council is of the opinion that further landscaping is required, this can be secured via condition or requested prior to the determination of this Application.



Proposed Site Layout



11. FOOTPATHS

- 11.1. Footpath No WEN/36/1 forms part of the Chiltern Way which is a 134-mile circular walk and is a promoted strategic footpath route within the AONB. Concerns were raised under the previous application by the Chilterns Conservation Board who considered that the footpath would be negatively affected by the proposed farmstead.
- 11.2. However, we would wish to point out that the new location for the farmstead would be a significant distance from this footpath. It is also clear that the re-location now proposed would be a similar distance from the footpath that the next leg of the same footpath (WEN/36/2) was to the former farmyard, which is now demolished and will be returned to pasture land. The difference is therefore negligible and the “status quo” merely maintained albeit in a marginally different location.
- 11.3. It is a matter of fact that the enjoyment of the footpath along this specific stretch will be significantly impacted by the HS2 viaduct itself, with walkers given no option but to walk directly beneath it. This will clearly alter the enjoyment of the footpath and the appearance of the AONB in which the site is set. Notwithstanding this, the fresh proposal provides the bulk of the development being the larger agricultural buildings, sited a significant distance away from the footpath. The smaller scale development, being the dwelling and farm office, set closer to the footpath, thus, lessening the impact of the scheme to walkers.
- 11.4. The surrounding area is dotted with individual farmsteads surrounded by agricultural land which significantly contribute towards the inherent rural character of the area. The proposal, in replicating this, would not be an unexpected development to see within the countryside in this particular location. The former farmstead was located a similar distance to the very same footpath and therefore, ignoring the viaduct completely, there would just be minimal change to the experience of footpath users. Previously users of the footpath would have had sight of the former farmstead barns and larger buildings. After HS2 has been completed future users will pass by and see the new farmhouse with the larger barns located behind in a marginally different location and arrangement. Beyond that, they will pass the re-instated pasture land and pass beneath the viaduct. We therefore cannot see how users of the footpath will be disadvantaged considering the demolition of the former farmstead and the reinstatement of the land on which it stood returned to pasture. The major impact on the footpath will undoubtedly be the visual effect of the HS2 viaduct itself.
- 11.5. Indeed, when consulted on the previously submitted application which proposed farm buildings only metres away from the footpath, the Councils footpath officer provided no objection to the scheme stating, *“I would have no concerns if the boundary is marked by a stock fence”*.
- 11.6. The scheme is therefore considered acceptable in this regard.

12. ACCESS & PARKING

- 12.1. Access to the site would remain as existing along the unnamed road and farm track leading off the end of Bowood Lane, the very same access which served the former farmstead. Considering that the proposal would constitute a like for like replacement, it is not considered that the proposed access should be of any concern. There would be no change to the traffic generation to and from the site compared to the previous use at the former farmstead.
- 12.2. Sufficient parking would be provided within the site for agricultural machinery, whilst the required residential parking for the farmhouse would be provided to the front of the property.
- 12.3. There would be no intensification of the use of the site compared to the former farmstead which was compulsorily purchased and demolished by HS2.



Footpath and HS2 fencing on the north of application area



13. HERITAGE ASSETS

13.1. The Application site is not located within a Conservation Area; however, it is approximately 200 metres away from a group of listed buildings to the West, which are shown below: -

- Wendover Dean Farm Cottage and Wisteria Cottage, Grade II
- Wendover Dean Farmhouse, Grade II
- Barn to the South West of Wendover Dean Farmhouse, Grade II
- Barn to the West of Wendover Dean Farmhouse, Grade II


13.2. All listed buildings are located a significant distance from the Application site and are separated from the proposed development by a small woodland of mature trees which will block views of the proposed new buildings. Two farm buildings already exist, and a third grain store has now been approved in a similar location. The additional replacement farm buildings and the farmhouse will therefore have no adverse impact on the setting of these heritage assets.


13.3. Notwithstanding the fact that there are no views available in which both the listed buildings and the proposed farmstead would be visible, the design and use of high quality materials will create a development that is rural in character and sympathetic to the surrounding area. The proposed agricultural buildings and farmhouse would not, therefore, appear incongruous with its rural setting or cause harm to the setting of this group of listed buildings.




14. PLANNING POLICY

- 14.1. The Application site is located within the Green Belt and an Area of Outstanding Natural Beauty; however, it is accepted that policy requirements differ between agricultural buildings and residential buildings within the Green Belt and open countryside, and they are therefore assessed separately below.
- 14.2. In essence, the scheme represents a replacement of the former Durham Farmstead, which was located immediately adjacent to the site on the opposite side of the unnamed farm track, including replacement farmhouse.
- 14.3. Saved Policy RA. 6 of the Aylesbury Vale District Local Plan (AVDLP) (2004) states that there is a presumption against new building development within the Green Belt except, amongst other things, for the purposes of agriculture. Clearly, the scheme represents new development for the essential purposes of agriculture, and this is justified not only through the supporting Agricultural Justification Document but the simple fact that the Applicant's former successful farmstead, including its farmhouse, has been taken away from them and demolished following a compulsory purchase order by HS2. This policy is essentially identical in this regard to emerging Policy S4 of the Vale of Aylesbury Local Plan (VALP). The Council does not dispute the essential requirement for the lost agricultural buildings to be replaced, nor does it dispute the agricultural nature of the development.
- 14.4. Although neither Policy RA.6 nor S4 specifically relate to replacement agricultural buildings, rather only referring to new development, they do require that any new development preserves the openness of the Green Belt.
- 14.5. Taking into account the loss of the former agricultural buildings, which totaled 12747.48m³, the proposed new farmstead, even when including existing and approved buildings, would only represent a volumetric increase of 2.7% and a footprint reduction of 16.3% in respect of the agricultural buildings.
- 14.6. Saved Policy RA. 17 of the AVDLP states that replacement dwellings in the Green Belt by new dwellings that are not significantly larger in area or volume would be considered acceptable, subject to the proposed dwelling having no greater effect on the openness of the Green Belt. This same policy also permits replacement dwellings within special landscape areas such as the AONB, again provided they do not harm the natural beauty of the area.

- 
- 14.7. It is generally accepted that 'not significantly larger' would allow a 25% increase from the size of the original dwelling. The residential buildings at the former farmstead were made up of the farmhouse and its annexe, referred to as 'accommodation' within the table shown in section 5 above. Neither the former farmhouse or the annexe at the former Durham Farm have ever been extended, and therefore the percentage increase figure can be calculated from the volume of the buildings as they stood prior to demolition. The calculations presented in Section 4 do not take into account any potential permitted development rights which could have increased the size of the former farmhouse.
- 14.8. Emerging Policy H4 of the VALP relates to replacement dwellings within the countryside, and again supports the principle of replacement dwellings provided they are not significantly greater in size than that which they replace. Volume calculations and comparisons between the former farmhouse and annexe and the proposed farmhouse can be seen within the tables at Section 4.
- 14.9. It is accepted that the volumes of the former farmhouse and annexe cannot be combined to create a significantly larger dwelling than that which existed previously. Therefore, the volume of the replacement farmhouse has been compared directly against the volume of the former farmhouse.
- 14.10. Both the proposed farmhouse and new agricultural buildings are to be located immediately next to existing or recently approved agricultural buildings which, themselves, are located adjacent to the former farmstead located across the unnamed track approximately 20 metres to the north-east.
- 14.11. It is clear therefore that the scheme complies with Policies RA. 6 and RA. 17 of the AVDLP as well as emerging Policies S4 and H4 of the VALP; the proposed buildings would not be significantly greater in size than their former counterparts as shown in the calculations in Section 4, nor would they cause significant harm to the beauty of the site or surrounding area considering the close proximity of the site to the location of the former farm.
- 14.12. Policy RA. 7 of the AVDLP relates to the AONB and is not a saved policy, therefore reliance is placed upon the advice contained within the NPPF and emerging Policy NE3 of the VALP. This emerging policy mainly relates to major developments, which this proposal is not, however criteria (a), (d) and (e) of the policy apply to all development within the AONB, yet criteria (a) requires compliance with criteria (f) through (m) of the same policy, despite these criteria explicitly only relating to major developments.

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- 14.13. Our understanding is that, as of late 2019, Policy NE3 of the VALP had been assigned ‘moderate’ weight in the decision-making process as a result of proposed main modifications and 5 objections. This position may have changed to date, however with the Inspector only having begun hearing sessions into the VALP in the middle of April 2021, that is not thought to be the case.
- 14.14. When there is a conflict, or potential conflict between Local Plan Policy and the NPPF, which clearly in this case here, NPPF should take over-riding precedence. Paragraph 172 of the NPPF requires great weight to be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, whilst the scale and extent of development within these areas should be limited.
- 14.15. It is clear that, in line with the proposal being considered acceptable in regard to its impact upon the Green Belt, the proposal would also be considered acceptable in relation to its impact upon the AONB. The replacement farmstead would not be significantly larger than the former farmstead and would be located in essentially the same location, only around 20 metres away at the closest point. From wider views of the surrounding area, the replacement farmstead would effectively be indistinguishable from the former.
- 14.16. It is understood that the Council previously requested a ‘sequential test’ approach to determine a site for the replacement farmstead. Indeed, the initial planning application considered three potential locations before arriving at the one subject to the application. It is not known why this sequential test was requested or what the test was intended to demonstrate?
- 14.17. Fundamentally, there is no requirement within the NPPF nor within any policy in either the AVDLP or the VALP which requires a sequential test approach to be undertaken in regard to development within the AONB. A sequential test may be used to justify exceptional circumstances for development within the Green Belt, however, the development relates to “replacement buildings”, not “new development”, which is considered appropriate development within the Green Belt. In addition, the scheme represents development for the purposes of agriculture which, again, is considered acceptable development within the Green Belt. A ‘very special circumstances’ case need not be presented to justify this replacement proposal.
- 14.18. Notwithstanding the fact that the scheme represents appropriate development in the Green Belt, it is apparent and obvious that the development of a high-speed railway line, which must have complied with the exact same ‘very special circumstances’ test in the first instance, has created a situation which is the absolute archetype of something that could be considered “very special circumstances” as this has necessitated the compulsory purchase of the former farmstead. Therefore, the Council has no reasonable grounds to request such a sequential test process be undertaken.



14.19. Notwithstanding the fact that a sequential test is neither needed or required, the fact of the matter is that the application site, the subject to this fresh Application is simply the only feasible location on which the Applicants are able to relocate their farmstead. Clearly, the now demolished farmstead cannot be rebuilt on the same land on which it originally stood. The location proposed under the first application is no longer under the Applicants' ownership following successive compulsory purchase orders by HS2. The location suggested by the Council's Planning Officers relates to land that is not within the ownership of the Applicants and in any case is unviable for agricultural buildings that house livestock due to its close proximity to existing properties. It would be unreasonable to expect the Applicants to consider land, which is not under their ownership, as an alternative site for their replacement farmstead.


14.20. The land to the north of the of the unnamed road would either be directly underneath the viaduct or would have no access to the highway network or the farm track; it would, therefore, be unsuitable for the relocation of the farmstead. Given the location of the Listed Buildings and other residential properties, this leaves the current application site as the only remaining viable option.

14.21. It is appreciated that the wider area in which the site is set is considered to be valuable, hence the AONB designation. However, it is a basic fact that the HS2 viaduct has and will significantly alter the character and appearance of the wider area.

14.22. Even so, the current proposal locates the farmstead in a secluded location, directly next to the former farmstead, and includes the existing and recently approved agricultural buildings. Indeed, the Council has already accepted this area as an acceptable location for development, by confirmation in the Delegated Report relating to Application reference 21/00886/AGN:-

“The siting of the proposed building with mature trees and low hedges in its boundary would help to minimise the impact of the proposal on the appearance of the surrounding landscape and would be barely visible from the public realm”.

14.23. The comment was made in reference to a building with a width of 15m, depth of 30m and a maximum height of 7.1 metres, a total volume of 2745m³ and a footprint of 450m². Clearly, this is a substantial agricultural building and demonstrates that this is an appropriate location for that size of building. It follows that if further suitable landscaping is provided, the relocation of the rest of the farm buildings and the farmhouse should also be acceptable in a group setting. Given this Officer opinion, we consider that the issue of finding an acceptable location for the development is resolved.



14.24. Moreover, the same approved building utilises modern agricultural materials such as steel framed portal sheets (green) with a fibre cement (grey) roof. In the same Delegated Report the Council concluded that:-

Although the building would be relatively large in scale, it would have an agricultural appearance with materials that would be sympathetic and it would not appear incongruous in its rural setting.

14.25. Hence it has now been accepted that the proposed agricultural buildings are capable of utilising modern agricultural materials, whilst still being sympathetic to the rural setting which the site is set within.

14.26. Now that the Council has accepted that the application site is within an area barely visible from the public realm and that the proposed agricultural buildings would be sympathetic and compatible with the sites rural setting, this fresh Application would provide significant visual improvements to the current temporary situation at the site.

14.27. Sadly, due to the period of time which the farm has been without the vast majority of its buildings, a significant amount of the farm's equipment is currently strewn over a large area of farmland, creating an eyesore within the AONB. This fresh Application will provide a building in which this equipment can be stored and create a central farmyard for usual farm equipment to be stored outdoors, hidden from view. This will significantly improve the character and appearance of this part of the AONB. As such, it is considered that the proposal complies with the advice contained with Paragraph 172 of the NPPF.

14.28. It is accepted that the proposed development would be located in close proximity to the HS2 viaduct. However, when comparing the application site against the Environmental Statement produced by HS2, specifically Volume 2, CFA10, Dunsmore, Wendover & Halton, Page 73, it is clear that the application site would be located within the 'grey' designated area; this is the same designation as numerous other dwellings within the surrounding area, including the listed buildings to the west of the site and beyond. Furthermore, in the previous application, which proposed a dwelling not far from the current proposal, the Council's Environmental Health Team raised no objections to the proposal.

14.29. We are aware that the noise models and predictions produced by HS2 are now somewhat outdated following confirmation of a speed reduction along the route which, consequently, would also reduce the noise of the travelling trains; as such, the noise predictions provided by HS2 are higher than the actual likely scenario.

14.30. We are also aware that the Council considered HS2 Policy Document E20 against a previous pre-app submitted in respect of the site. It is important to note that this document is not adopted planning policy, nor was it ever designed to be used for that purpose; the overview of the document itself explains that its purpose is to *'outline the measures that will be put in place to control the effects of airborne noise that might otherwise arise from altered roads and the operational railway during the operation of the Proposed Scheme'*. Notwithstanding the fact that the document does not relate to any kind of adopted policy, the contents of this document are also now historic and no longer maintained. It cannot therefore be relied upon by the Council to justify a reason for refusal.

14.31. Further, the replacement farmhouse would be located in an area which, although impacted by HS2, would be suitable for residential occupation. Noise reduction measures such as additional planting and suitably glazed windows can be incorporated. Added to that is the already significant noise reduction measures proposed by HS2 on the viaduct itself.

14.32. Furthermore, the Applicants expect a degree of noise and disturbance by virtue of their employment on the farm, and the fact that the farmhouse is purposely located directly next to buildings containing livestock by design. It is imperative that the Applicants are within sight and sound of their livestock to ensure their safety, wellbeing and security and, as such, the occasional noise generated by passing trains would be acceptable. It is not, therefore, considered that the proposed farmhouse would be located within an area unsuitable for residential occupation as a result of the HS2 viaduct.



View towards Northwest from proposed dwelling location showing fencing of HS2 compulsory purchased land



15. CONCLUSION

- 15.1. In conclusion, taking into full consideration the circumstances that have forced the Applicants to submit this Application, the proposal relates to a replacement farmstead following the loss of Durham Farm as a result of the development of the National Infrastructure Project by 'HS2'.
- 15.2. The scheme is considered to represent appropriate development within the Green Belt and AONB and complies with all relevant policies both within the AVDLP and the VALP, as well as the advice contained within the NPPF.
- 15.3. The proposal resolves previous concerns in regard to the siting of the proposed development by relocating the site as close as possible to the former farmstead, in addition to incorporating existing and recently approved agricultural buildings, the siting of which the Council now accepts is appropriate.
- 15.4. Accordingly, the Application should be considered acceptable and approved without delay, to enable the Applicants to rebuild both their farm and their lives following the catastrophic disruption caused by HS2 to date.