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Peak District National Park Authority

Tel: 01629 816200

E-mail: customer.service@peakdistrict.gov.uk

Web: www.peakdistrict.gov.uk

Minicom: 01629 816319

Aldern House, Baslow Road, Bakewell, Derbyshire. DE45 1AE



Our Ref: A.1142/1344

Date: 2 July 2015



NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 10 July 2015**

Time: **10.00 am**

Venue: **Board Room, Aldern House, Baslow Road, Bakewell**

SARAH FOWLER
CHIEF EXECUTIVE

AGENDA

1. **Apologies for absence**
2. **Minutes of previous meeting 12 June 2015** (*Pages 1 - 12*)
3. **Urgent Business**
4. **Members Declarations of Interest**
Members are asked to declare any disclosable pecuniary, personal or prejudicial interests they may have in relation to items on the agenda for this meeting.
5. **Public Participation**
To note any questions or to receive any statements, representations, deputations and petitions which relate to the published reports on Part A of the Agenda.
6. **Full Application - Single Earth-Sheltered Dwelling on Derelict Land to the West of Youlgrave (Amendments to Approved Plans), The Chase, Coldwell End, Youlgrave (NP/DDD/0415/0374, P4421, 420514 364036, 28/04/2015/KW)** (*Pages 13 - 28*)
Site Plan
7. **Full Application: Proposed Change of use of Redundant Barn to Dwelling, Including Removal of Lean-to Extension and Replacement With 2-Storey Pitched Roof Extension, Frost Barn, Sycamore Farm, Fawfieldhead, Longnor (NP/SM/0415/0280, P.3123, 407558/363644, 26/06/2015/KW)** (*Pages 29 - 44*)
Site Plan

8. **Full Application - Change of use of Barn to Agricultural Worker's Dwelling at New Building, Vicarage Farm, Hollinsclough (NP/SM/0315/0158, P.1813, 406551/366550, 26/06/2015/KW/CF) (Pages 45 - 58)**
Site Plan
9. **Section 73 Application - Variation of Conditions 7, 8, 10, 12 and 14 on NP/SM/0711/0677 to Increase the Number of Total Caravan and Tent Pitches, Extend the Season By 2 Months and Allow for a Warden's Pitch for 10 Months, Upper Hurst Farm, Hulme End, Alstonefield (NP/SM/0315/0267, P.5051, 411402 358954, 26/06/2015/KW) (Pages 59 - 74)**
Site Plan
10. **Full Application - Construction of Horse Exercise Arena at Land Immediately Adjacent to Ford House, Ford, Chapel-en-le-Frith (NP/HPK/0315/0205, P.3571, 407581 / 382275, 29/05/2015/AM) (Pages 75 - 82)**
Site Plan
11. **Full Application - Conversion of Barn to Dwelling, Dale Head Barn, Housley, Foolow (NP/DDD/1114/1184, P1975, 29/12/2014, 421939 / 376372/AM) (Pages 83 - 94)**
Site Plan
12. **Retrospective Application for The Replacement of an Agricultural Building - Land Adjacent to Cornerways, Curbar Lane, Curbar (NP/DDD/0515/0471, P.2918, 21/5/2015, 424824 / 374518, MN) (Pages 95 - 102)**
Site Plan
13. **Full Application - Extension to Agricultural Building at Marl House Farm, Glossop Road, Little Hayfield (NP/HPK/0415/0358, P.11252, 24/4/15, 403295/388778, MN) (Pages 103 - 108)**
Site Plan
14. **Monitoring & Enforcement Quarterly Review - July 2015 (A.1533/AJC) (Pages 109 - 116)**
15. **Head Of Law - Planning Appeals (A.1536/AMC) (Pages 117 - 118)**

Duration of Meeting

In the event of not completing its business within 3 hours of the start of the meeting, in accordance with the Authority's Standing Orders, the Authority will decide whether or not to continue the meeting. If the Authority decides not to continue the meeting it will be adjourned and the remaining business considered at the next scheduled meeting.

If the Authority has not completed its business by 1.00pm and decides to continue the meeting the Chair will exercise discretion to adjourn the meeting at a suitable point for a 30 minute lunch break after which the committee will re-convene.

ACCESS TO INFORMATION - LOCAL GOVERNMENT ACT 1972 (as amended)

Agendas and reports

Copies of the Agenda and Part A reports are available for members of the public before and during the meeting. These are also available on the website www.peakdistrict.gov.uk .

Background Papers

The Local Government Act 1972 requires that the Authority shall list any unpublished Background Papers necessarily used in the preparation of the Reports. The Background Papers referred to in each report, PART A, excluding those papers that contain Exempt or Confidential Information, PART B, can be inspected by appointment at the National Park Office, Bakewell. Contact Democratic Services on 01629 816200, ext 362/382. E-mail address: democraticservices@peakdistrict.gov.uk.

Public Participation and Other Representations from third parties

Anyone wishing to participate at the meeting under the Authority's Public Participation Scheme is required to give notice to the Director of Corporate Resources to be received not later than 12.00 noon on the Wednesday preceding the Friday meeting. The Scheme is available on the website www.peakdistrict.gov.uk or on request from Democratic Services 01629 816362, email address: democraticservices@peakdistrict.gov.uk, fax number: 01629 816310.

Written Representations

Other written representations on items on the agenda, except those from formal consultees, will not be reported to the meeting if received after 12noon on the Wednesday preceding the Friday meeting.

Recording of Meetings

In accordance with the Local Audit and Accountability Act 2014 members of the public may record and report on our open meetings using sound, video, film, photograph or any other means this includes blogging or tweeting, posts on social media sites or publishing on video sharing sites. If you intend to record or report on one of our meetings you are asked to contact the Democratic and Legal Support Team in advance of the meeting so we can make sure it will not disrupt the meeting and is carried out in accordance with any published protocols and guidance.

The Authority uses an audio sound system to make it easier to hear public speakers and discussions during the meeting and to make a digital sound recording available after the meeting. The recordings will usually be retained only until the minutes of this meeting have been confirmed.

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Please note that there is no catering provision for members of the public during meal breaks. However, there are cafes, pubs and shops in Bakewell town centre, approximately 15 minutes walk away.

To: Members of Planning Committee:

Chair: Mr P Ancell
Vice Chair: Cllr D Birkinshaw

Cllr J Macrae	Cllr G Weatherall
Cllr P Brady	Cllr C Carr
Cllr D Chapman	Cllr Mrs N Hawkins
Cllr H Laws	Cllr A McCloy
Ms S McGuire	Cllr Mrs K Potter
Cllr Mrs L C Roberts	Cllr Mrs J A Twigg
Cllr D Williams	

Constituent Authorities
Secretary of State for the Environment
Natural England

Peak District National Park Authority
Tel: 01629 816200
E-mail: customer.service@peakdistrict.gov.uk
Web: www.peakdistrict.gov.uk
Minicom: 01629 816319
Aldern House, Baslow Road, Bakewell, Derbyshire. DE45 1AE



MINUTES

Meeting: **Planning Committee**

Date: Friday 12 June 2015 at 10.00 am

Venue: Board Room, Aldern House, Baslow Road, Bakewell

Chair: Mr P Ancell

Present: Cllr D Birkinshaw, Cllr P Brady, Cllr C Carr, Cllr D Chapman, Cllr P Harrison, Cllr Mrs N Hawkins, Cllr H Laws, Cllr A McCloy, Ms S McGuire, Cllr Mrs K Potter, Cllr Mrs L C Roberts, Cllr Mrs J A Twigg and Cllr D Williams.
Cllr G Weatherall in attendance as an observer only.

Apologies for absence: None.

62/15 MINUTES OF PREVIOUS MEETING

The minutes of the last meeting of the Planning Committee held on 15 May 2015 were approved as a correct record.

63/15 URGENT BUSINESS

There were no items of urgent business.

64/15 MEMBERS DECLARATIONS OF INTEREST

Item 6

- Cllr Mrs J A Twigg declared a personal interest as she knew the Applicant's mother.

Item 14

- It was noted that most Members had received an email from the Objector's Agent and that the Chair Mr P Ancell had received an email for the Applicant's agent.
- Cllr P Harrison stated that he was the local representative and had received contact from both the Applicant and the Objector

65/15 PUBLIC PARTICIPATION

There were nine members of the public present to make representations to the Committee under the Public Participation Scheme.

66/15 FULL APPLICATION – DEMOLITION OF FARMHOUSE AND ERECTION OF REPLACEMENT DWELLING; CONVERSION OF FARM BUILDING TO DWELLING AND ERECTION OF SEPARATE DOUBLE GARAGE, PINEAPPLE HOUSE FARM, BASLOW ROAD, BAKEWELL

It was noted that Members had visited the site on the previous day.

The following spoke under the public participation at meetings scheme:

- Mrs Holmes, Applicant's wife.

The recommendation for approval subject to conditions was moved and seconded.

In response to Members' queries the Planning Officer stated that the bat survey had now been carried out, the detached garage would be tied to the barn conversion rather than the main house and the two new houses would have shared access from the main road. He also stated that the roof space in the garage would be ancillary accommodation and an extra condition could be added to tie the garage to the barn conversion. It was agreed to amend condition 5 by omitting satellite dishes. It was also agreed to expand condition 25 to include submission of a detailed scheme for the protection of trees on site.

The motion for approval subject to conditions with the agreed amendments and extra condition was voted on and carried.

RESOLVED:

That the application be APPROVED subject to the following conditions:

1. **3 year implementation time limit**
2. **The development shall not be carried out other than in complete accordance with the submitted plans.**
3. **Exiting corrugated tin sheet buildings and later additions to the detached barn to be demolished and removed from the site prior to the commencement of the barn conversion works.**
4. **Reposition window opening to the wc in East Elevation of the barn conversion**
5. **Remove permitted development rights for extensions, alterations and outbuildings, porches, walls, fences and solar panels.**
6. **Submit and agree hard and soft landscaping scheme.**
7. **Restrict domestic curtilage to be limited to area edged red on original submitted 1:500 scale block plan.**
8. **Submit and agree any details of spoil removal arising from the demolition works.**
9. **Replacement dwelling to be set into the sloping ground levels. Submit and agree plans showing the proposed ground levels.**
10. **Development to be built to a minimum of Code Level for Sustainable Homes required of RSLs.**
11. **Design Stage Assessment and Interim Code certificate to be submitted and agreed before work commences**
12. **Prior to first occupation copy of summary score sheet and Post Construction Review Certificate to be submitted.**
13. **All stonework to be in random-coursed natural limestone. Sample panel to be agreed.**

14. Roofs to replacement dwelling to be clad in natural local gritstone slates laid in diminishing courses towards the ridge. Sample to be submitted and agreed.
15. Roofs to the converted barn (except for the contemporary flat-roofed extension) and the new garage building serving the converted barn to be clad in natural blue slate.
16. Submit and agree sample of roof cladding and fascia for the contemporary extension to the converted barn.
17. Dressed natural gritstone voussoirs, quoinwork, lintels, sill and surrounds to window and door openings where shown on the approved plans.
18. Timber vertical sliding sash window frames to all window openings in the rebuilt dwelling.
19. Timber doors and timber window and door frames (including conservatory).
20. Prior the occupation of either of the two dwellings, the existing access to be modified in accordance with the submitted plan and provided with a 2.4m x 63m visibility splay in the north-eastern direction and a 2.4m x 61m visibility splay in the south-western direction with these splays maintained in perpetuity.
21. Parking and manoeuvring spaces (including garaging) to be provided and maintained.
22. Any new service lines to the property to be underground.
23. Foul water to be dealt with by a package treatment plant in the location shown on approved plans. Submit and agree details of disposal of foul and surface waters.
24. Minor Design Details.
25. Retain existing trees – submit a detailed scheme for the protection of trees on site.
26. Submit and agree details of appropriate Environment Management measures, including details of the 'built-in' solar slate/panels on the new garage building for the barn conversion.
27. Submit and agree details of external lighting.
28. Ecological mitigation and enhancement conditions.
29. Ancillary tie between garage and barn conversion.

67/15 FULL APPLICATION - CHANGE OF USE OF 'CROFT' TO DOMESTIC CURTILAGE, ERECTION OF GRITSTONE CLAD RETAINING WALL AND ASSOCIATED GROUND WORKS AT THE FORMER GOLDCREST ENGINEERING SITE, MAIN ROAD, STANTON IN PEAK

It was noted that Members had visited the site on the previous day.

The following spoke under the public participation at meetings scheme:

- Mr I Mortimer, Objector.

Members were concerned about the size of the proposal, the layout and the curtilage. In response to Members' queries the Planning Officer stated that condition 2 of the recommendation could be amended to include details of surfacing materials and disposal of soil to be submitted and approved.

A motion for refusal on grounds of the effects of the design, layout and curtilage on the surrounding area, conservation area and neighbours was moved and seconded.

The motion for refusal was voted on and carried. Cllr D Birkinshaw requested that his vote against the motion be recorded.

RESOLVED:

That the application be **REFUSED** for the following reasons:

1. **By virtue of the siting, design and layout of the proposed development, the extended domestic curtilage would harm the special qualities of an important open space in a Conservation Area, would not reflect or respect the locally distinctive pattern of development of the village, and would detract from the setting of the Conservation Area.**
2. **By virtue of the siting, design and layout of the proposed development, the relationship between the application site and the neighbouring property, and the change in levels between the application site and the neighbouring property, the proposed change of use and associated activities would detract from the living conditions of the neighbouring property .**
3. **By virtue of the siting, design and layout of the retaining wall and the proposed estate fencing, the retention of the retaining wall and associated earthworks, and the erection of the estate fencing would not only exacerbate the harmful visual impact of the proposed development and the harmful impact of the proposed development and associated activities on the amenities of the neighbouring property, as identified above, but these proposals would also detract from the character and appearance of the local area in their own right**

The meeting adjourned for a short break at 11.15am and reconvened at 11.25am.

68/15 FULL APPLICATION - PROPOSED EXTENSION OF EXISTING SMALL SCALE STONE EXTRACTION OPERATION ON BRETTON MOOR, EYAM EDGE, FOOLOW, DERBYSHIRE

It was noted that Members had visited the site on the previous day.

The following spoke under the public participation at meetings scheme:

- Mr Brooke, Objector
- Mr D Higgins, Agent.

In response to Members' queries the Minerals Officers stated that they would be responsible for monitoring the site and that there had been no complaints about it so far. They confirmed that there was a market for both the slates and the stone and that this was the only quarry producing these slates. The annual output market would have to be covered as part of the S106 agreement.

Members were concerned over the progress of restoration at the current site and wanted to add additional conditions for on-going progressive, restoration of the site and monitoring. A motion for approval subject to a S106 agreement and the additional conditions on monitoring and a rolling restoration programme and the conditions set out in the report was moved and seconded. This was voted on and carried. Cllr Mrs K Potter requested that her vote against the motion be recorded.

RESOLVED:

That the application be **APPROVED** subject to:

A Section 106 Legal Agreement entered into by the Applicant and land owners to include planning obligations to cover the continued operation of the quarry and associated development under the terms of the new permission from the date of that permission coming into effect, and the use of the stone for dimensional, roofing, building, walling and decorative purposes and for local uses within the Park.

- 1. Development to commence within 3 years from the date of the permission.**
- 2. Duration for the winning and working of mineral to 30 September 2030 and the removal of buildings and restoration completed by 30 September 2031.**
- 3. The site and approved details - development to be undertaken in accordance with the application details.**
- 4. Type of Mineral - No mineral other than gritstone to be worked and removed from the site.**
- 5. Output Restriction – Gritstone shall only be removed from the site for dimensional, roofing, building, walling and decorative stone uses.**
- 6. Mineral Restriction – Gritstone shall not be removed from the site as or in the form of aggregate.**
- 7. No retail sales shall take place from the site.**
- 8. Depth of working – the depth of working shall not exceed 15 metres below the current surface level shown on plan Ref: 032-001-007.**
- 9. Restoration – The site be fully restored to amenity (nature conservation) after use in accordance with the approved plan ref JA-032-001-008a.**
- 10. Decision Notice – A copy of this decision notice and accompanying approved plans and documents shall be held at the site and shall be available for inspection by the MPA throughout the duration of the development hereby approved.**
- 11. Prior to the commencement of the development, the area where the overburden is to be relocated will be agreed with the MPA. (pre-commencement).**
- 12. Working scheme including phasing – development to be undertaken in accordance with the phases of working in accordance with the approved plan Ref: JA-032-001-007.**
- 13. Soil Mounds - Details showing the formation of soils mounds are required to be submitted prior to the stripping of any soils. Subsoils are required to be placed above topsoil.**
- 14. Site access – No vehicular access for the development hereby permitted shall be used other than the existing access as detailed on plan ref: JA-032-001-007.**
- 15. Surfacing - The site access shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times. A hard surface shall be provided within the site curtilage for the parking of operational vehicles and loading/unloading and manoeuvring of goods vehicles.**
- 16. Fencing – No extraction of minerals shall take place until livestock are removed from the entire working area and stock-proof fencing has been erected in accordance with the approved plan Ref: JA-032-001-007.**
- 17. Early cessation of working – In the event of a cessation of winning and working of minerals prior to the achievement of the completion of the approved scheme a revised restoration scheme shall be submitted in writing to the MPA.**
- 18. Submission and implementation of landscaping scheme for quarry.**
- 19. Biodiversity and habitat creation - submission and approval of details.**
- 20. Restoration, aftercare and management of quarry – Submission of restoration and aftercare proposals submitted prior to final extraction phase. 5 year aftercare period.**

21. Hours of working – 08:00 - 1800 daily Monday to Friday, 08:00 - 13:00 Saturdays; no working on Sundays, Bank or Public Holidays: except for environmental monitoring.
22. Noise - noise levels from site operations shall not exceed 10dB Laeq1h above background noise levels or where the background noise is below 35dB Laeq1h shall not exceed a limit of 45dB Laeq1h.
23. Blasting – No explosives shall be used on the site other than black powder explosives and these shall be for splitting stone purposes only. Blasting protocol to be submitted to the MPA for approval prior to any blasting taking place.
24. Output and resource monitoring - no more than 4,250 tonnes to be removed from the site per annum; total amount of gritstone leaving the site shall not exceed 63,450 tonnes; provision of annual output records to Authority in January of each year.
25. Site and Quarry access and transportation – no more than 6 lorry movements in and 6 out of the site per day carrying stone from the site; via the internal haul road; - the gross weight of the lorries shall not exceed 12 tonnes.
26. Processing - No minerals shall be imported onto the site for processing. No mineral processing shall take place at the site.
27. Quarry waste control - any overburden shall be used within the site for progressive restoration.
28. Noise Control – All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer specification at all times, and shall be fitted with and use effective silencers. No machinery shall be operated with the covers open or removed.
29. Dust, Smoke and Fumes – make available facilities to include water bowser and locating machinery away from sensitive receptors and covering vehicle loads to control dust problems arising.
30. Lighting - no lighting without Authority's consent.
31. Drainage and water pollution – prevention of slurry, no discharge of foul or contaminated drainage from the site; suitable storage of oils fuel or chemicals; no vehicle maintenance except on impermeable areas.
32. Restrict permitted development rights (buildings, structures, plant machinery) colours of ancillary buildings; parking of plant and vehicles; and removal of ancillary development when no longer required.
33. Monitoring
34. Rolling programme of restoration to be undertaken.

69/15 FULL APPLICATION - DEMOLITION OF FLAT-ROOFED EXTENSION, CONSTRUCTION OF DEPENDANT RELATIVE ACCOMMODATION AND LEAN-TO EXTENSION, BARLEY CROSS, CHURCH LANE, GREAT LONGSTONE

The following spoke under the public participation at meetings scheme:

- Mr N Crossan, Applicant.

The recommendation for approval subject to conditions was moved and seconded. This was then voted on and carried.

RESOLVED:

That the application be APPROVED, subject to the following conditions:

1. **Statutory 3-year time limit.**
2. **The development hereby permitted shall not be carried out otherwise than in complete accordance with the amended plan no.s 14121/101 Rev E, 102 Rev E, 103 Rev E, 104 rev E & 105 Rev C, subject to the following conditions or modifications.**
3. **The accommodation hereby approved shall be ancillary to the residential use of Barley Cross and shall not be occupied other than by members of the family of the occupier of that dwelling.**
4. **Pile foundations and concrete slab to be constructed entirely in accordance with an Arboricultural Impact and Method Statement based on the submitted tree report prepared by John Coe Tree Services dated 2 December 2014. The Arboricultural Impact and Method Statement shall be submitted to and agreed in writing by the Authority prior to the commencement of the development. The development shall then be carried out entirely in accordance with the approved Arboricultural Impact and Method Statement**
5. **At the time of installation, the windows to the bedrooms and wet room in the east Elevation shall be obscure-glazed and shall then be permanently so maintained.**
6. **The parking and manoeuvring area including garaging, shown on the approved plans shall remain unobstructed for use at all times.**
7. **The external walls of the extensions hereby permitted shall be clad with randomcoursed natural limestone.**
8. **Submit and agree stone sample**
9. **All roofs (except for the glazed corridor link) to be clad with natural blue slate.**
10. **All window and door frames shall be recessed a minimum of 75mm (approximately 3 inches) from the external face of the wall.**
11. **The window openings to the carer's room on the east elevation shall be provided with natural gritstone lintels and the window openings to the bedroom/wet room shall be provided with natural gritstone lintels and sills.**
12. **The window openings on the west elevation shall be provided with full natural gritstone surrounds.**
13. **The external doors shall be of timber construction.**
14. **The window frames shall have a white finish to match the existing.**
15. **The metal flue pipe shall be painted matt black at the time of erection and shall be permanently so maintained.**
16. **The rooflights shall be fitted flush with the roofslope.**
17. **The roof verges shall be flush cement pointed, with no barge boards or projecting timberwork.**
18. **The rainwater goods shall be cast metal style, with a black finish. The gutters shall be fixed directly to the stonework with brackets and without the use of fascia boards. There shall be no projecting or exposed rafters.**
19. **All pipework, other than rainwater goods, shall be completely internal within the building.**

70/15 HOUSEHOLDER APPLICATION - DEMOLISH EXISTING GARAGE AND REBUILD TO SAME SIZE TO FORM UTILITY. REFURBISH COTTAGE INCLUDING REPLACEMENT WINDOWS, INSULATING AND RE-RENDERING SIDE AND REAR WALLS, AND INSTALLATION OF FLUE PIPE ABOVE EXISTING FLUE AT 1 HALL BANK, HARTINGTON

The recommendation for approval subject to conditions was moved and seconded. Although some Members felt a site visit would be beneficial to assess the impact on the landscape the motion for approval was voted on and carried.

RESOLVED:

That the application be APPROVED subject to the following conditions / modifications:

- 1. The development shall not be carried out other than in complete accordance with the submitted plans received by the Authority 15th April 2015.**
- 2. The development shall not be carried out other than in complete accordance with specifications for minor design details including specifications for construction materials, external doors and windows, and rainwater goods.**

71/15 FULL APPLICATION - ALTERATION AND EXTENSIONS TO DWELLING TO INCLUDE SIDE EXTENSION, DETACHED DOUBLE GARAGE AND SEPARATE INDEPENDENT RELATIVE ACCOMMODATION AT LEA SIDE, NEW ROAD, BRADFIELD

The following spoke under the public participation at meetings scheme:

- Mr J Fletcher, Applicant.

The Planning Officer stated that Condition 2 should be expanded to cover option 2 regarding the windows and in Condition 6 the word outbuildings had been incorrectly omitted and should be added to the condition. The recommendation for approval subject to conditions was moved and seconded. This was then voted on and carried.

RESOLVED:

That the application be APPROVED subject to the following conditions:

- 1. 3 year time limit for commencement of development**
- 2. Adopt amended plans (with window option 2)**
- 3. Occupancy restriction on the proposed dependent relative unit (i.e. restricting occupancy to a dependent relative and a carer) and a requirement to maintain the proposed annex and the existing house within the same planning unit throughout the lifetime of the permitted development rights.**
- 4. Minor building design details**
- 5. Removal of Permitted Development Rights for extensions to the proposed annex**
- 6. Removal of Permitted Development Rights for outbuildings, boundary walls fences and other means of enclosure within the curtilage of the property.**
- 7. Retention of garage spaces for designated parking use.**
- 8. Prior submission and agreement of an environmental management scheme including appropriate renewable energy technologies.**

In accordance with the Authority's Standing Orders the Committee voted to carry on past 1pm.

72/15 S.73 - VARIATION OF CONDITIONS 4 - WORKING AREA AND 5 - PERSONNEL NUMBERS ON NP/S/0110/0072 FOR CHANGE OF USE TO USE UPPER FLOOR OF GARAGE AS AN OFFICE, BIRCH LEA, HOLLOW MEADOWS

Members expressed concern about the access and number of vehicles at the site.

The recommendation for approval subject to conditions was moved and seconded. This was then voted on and carried.

RESOLVED:

That the application be APPROVED subject to the following conditions:

- 1. The garage building subject of this application and the use hereby permitted shall remain ancillary to the ordinary domestic use of the existing dwelling house known as Birch Lea, and the dwelling house and the garage shall be maintained in the same planning unit in a mixed use of C3 dwelling and B1(a) office throughout the lifetime of the development hereby permitted.**
- 2. The B1(a) office use of the garage hereby permitted shall be restricted to the upper floor of the garage, which on cessation of the use hereby permitted shall be used for no other purposes other than for a domestic use incidental to the quiet enjoyment of the existing dwelling house known as Birch Lea.**
- 3. There shall be no more than three employees accommodated within the office space on the upper floor of the garage at anytime during the lifetime of the development hereby permitted.**
- 4. The use of the ground floor of the garage building subject of this application shall be restricted to the garaging of domestic vehicles and storage of bicycles and shall be maintained free of any obstruction to these designated uses throughout the lifetime of the development hereby permitted.**
- 5. The hours of opening of the office space hereby permitted to visiting members of the public (including clients, brokers, sales people or any other person not directly employed by the business operating from the upper floor of the garage) shall be restricted to 9 a.m. to 5.00 p.m, Monday to Friday. There shall be no opening of the premises to visiting members of the public on Saturday/Sundays or Bank Holidays.**
- 6. There shall be no deliveries to or from the premises before 9am or after 5pm and no deliveries to or from the premises whatsoever on Saturday/Sundays or Bank Holidays.**

The meeting adjourned for a lunch break at 1.10pm and reconvened at 1.40pm.

Chair: Mr P Ancell

Present: Cllr D Birkinshaw, Cllr P Brady, Cllr C Carr, Cllr D Chapman, Cllr P Harrison, Cllr Mrs N Hawkins, Cllr H Laws, Cllr A McCloy, Ms S McGuire, Cllr Mrs K Potter, Cllr Mrs L Roberts, Cllr Mrs J A Twigg.

73/15 FULL APPLICATION - CONTINUED USE OF LAND FACING THE GROUSE INN, CHUNAL FOR CLAY TARGET SHOOTING AT LAND FACING THE GROUSE INN, CHUNAL

The Planning Officer reported that the Authority's Landscape Architect had recommended refusal due to the impact on the quiet enjoyment of the area and the visual impact.

The following spoke under the public participation at meetings scheme:

- Mr D Batty, Applicant.

In response to a request by a Member the applicant stated that the site would mainly be used on Sunday mornings 10am -12noon with occasional hours on 4 to 5 week days up to 10 hours per week.

A motion for deferral to allow for an agreement over hours of usage outside the bird breeding season to be discussed with the applicant was moved and seconded.

Members debated whether an approval with conditions or a refusal which would allow the use of the site for 28 days per year without permission was preferable. The motion for deferral was voted on and carried.

RESOLVED:

That consideration of the application be DEFERRED pending agreement of operation hours.

74/15 FULL APPLICATION - CONSTRUCTION OF HORSE EXERCISE ARENA AT LAND IMMEDIATELY ADJACENT TO FORD HOUSE, CHAPEL-EN-LE-FRITH

Cllr P Harrison stated that he had spoken to the applicant and principal objector and was also present at the Parish Council meeting when the application was discussed however he retained an open mind.

Mr P Ancell stated that he had received a representation from the Agent on behalf of the applicant, largely, regarding the enforcement issues.

The Planning Officer stated that officers were satisfied that the applicant was now addressing the enforcement issues.

The following spoke under the public participation at meetings scheme:

- Ms S Jones, Objector on behalf of Mr and Mrs Burden, neighbours of the site
- Mrs A Hodgson, Applicant.

A motion for a site visit to assess the impact of the proposal on the landscape was moved and seconded, voted on and carried.

RESOLVED:

That consideration of the application be DEFERRED pending a site visit to assess the impact of the site on the landscape.

75/15 HEAD OF LAW - PLANNING APPEALS

The report on appeals lodged and decided during the month was noted.

RESOLVED:

That the report be received.

The meeting ended at 2.50 pm

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6. FULL APPLICATION – SINGLE EARTH-SHELTERED DWELLING ON DERELICT LAND TO THE WEST OF YOULGRAVE (AMENDMENTS TO APPROVED PLANS), THE CHASE, COLDWELL END, YOULGRAVE (NP/DDD/0415/0374, P4421, 420514 364036, 28/04/2015/KW)

APPLICANT: MR ANDREW BAKER

Site and Surroundings

The application site comprises a 0.5 ha elongated strip of disused agricultural land, which lies outside of the boundary of the Youlgrave Conservation Area at the western entrance to the village but beyond the existing houses on the edge of the settlement. The site is bounded by a minor (C111) road to the north, and there is an existing vehicular access on to this road. There is residential housing to the east and the steeply sloping and wooded valley sides of Bradford Dale to the south and west. A public right of way descends from the road into Bradford Dale to the west of the site. On the opposite side of the road is the village recycling centre and a range of allotments to the rear. The site slopes steeply down to the south towards the valley bottom and is bounded on all sides by low drystone walls.

The site frontage extends to 109m and comprises two distinct areas. The eastern half of the site comprises a steeply sloping grassed hillside, which abuts the last property in the village. From the adjacent roadside footpath, there are open views through this side of the site and across Bradford Dale and beyond. This part of the site also contains a small roadside limestone barn, which is intact albeit with a sheeted roof that has some damage. The western half of the site has a narrower depth and is bounded to the south by dense tree planting that curtails any views across Bradford Dale. Within this part of the site is a collapsed former cattle shed with only partial remains of its walls still standing.

Proposal

The current application is for an amended scheme for a single earth-sheltered dwelling on the same part of the site as that granted full planning approval in September 2014. As with the previous scheme, this amended scheme proposes part demolition of the roadside barn, demolition of the derelict cattle shed and erection of a single detached earth-sheltered dwelling within the eastern half of the site. The revised proposal is for an amended design for a new dwelling of a smaller size, form and design, on a simpler, reduced footprint compared to that approved in 2014.

The proposed dwelling would have three storeys of which only the top one would be wholly above the ground. The top floor of the house would project above ground level in the form of a new pitched-roof building on the level area of the land close to the road. This part of the house has been designed to replicate a traditional barn and measures 15.5m x 5.1m x 2.4m/4.2m to the eaves/ridge. It would be constructed in natural limestone under a blue slate roof and incorporates a 5.2m long car port at its western end. The south-facing roofslope would be covered almost entirely with solar panels. This ground floor level building would be provided with a 9.8m long x 1.6m wide terrace area.

The lower two storeys of the house would be dug into the steep contours of the site such that only south facing glazed elevations would be visible. These two storeys step down the steeply sloping hillside and would be provided with level terraced garden areas overlooking Bradford Dale. The middle storey (upper basement level) would be provided with a 22.5m long x 4.8m wide and the lower storey (lower basement level) would be provided with a 18.5m long x 5.3m wide level terrace area. The south facing walls of the lower floors would be clad in a combination of slender horizontal sections of natural limestone walling with predominant sections of recessed vertical timber clad panels which would frame expansive areas of glazing. The overall internal

floor area of the dwelling (excluding the car port and full-height void space over the open plan/dining room space on the upper basement floor) amounts to 205.68m². A further 19.8m long x 4.6m wide level terraced area is to be created below the lower basement terrace and is to be laid down mainly to vegetable garden with a shed and greenhouse structure at either end.

In landscaping terms, the existing mature ash trees close to the roadside frontage would be retained. A middle-aged ash tree located close to the lower boundary of the new building is incompatible with the new development and is to be felled. This loss is to be mitigated by new planting and tree management proposed within the western half of the site. Along the roadside a new section of mixed species hedge is proposed to screen views from the road. Groups of smaller trees, including fruit trees would provide further seclusion and especially screen views from the west along Middleton road. Areas of natural limestone grassland will be managed around the boundaries of the site. The existing drystone wall along the main road is to be retained at its present height and repaired.

The concrete foundation of the demolished modern agricultural buildings would also be removed to create a new area of grassland on the western half of the site. This would include the introduction of species akin to rich hay meadows characteristic of the White Peak landscape. The lower bankside of this part of the site would be managed as native deciduous woodland. Towards the eastern side of the site, aggregates excavated from the site would be re-used as a 'white roof' seeded with grasses and wild flowers to provide further habitat. The intact barn to the east of the proposed vehicular access would be retained but its roof would be modified to a low sloping 'green roof' to allow for the required visibility splays.

Another key element of the scheme is to create a sustainable development, a low-tech, low energy building, which is primarily heated through solar gain. The design has been carefully calculated to balance solar gain with high thermal mass, super-insulation and heat recovery ventilation. These mechanisms are to use standard materials that would ordinarily be part of the fabric of any building, thereby minimising build and running costs. It is anticipated that the bulk of the building materials will be gained from the site. Other materials are to be sourced locally wherever technically possible. Other sustainable features of the proposed dwelling include: rain-water harvesting; grey water system; sustainable urban drainage system; carbon neutral cooking and water heating; green roofs; and photo voltaic and solar collectors (hot water) panels.

It should also be noted that the previous proposal that was approved in September 2014 also contained an offer by the applicants to transfer an existing house (Middle Cottage) owned by the applicant within the village to the newly formed Youlgrave Community Land Trust (CLT). Whilst the applicant's offer to enter into a legal agreement with the Authority in respects of Middle Cottage was considered to be highly commendable and undoubtedly made in good faith, officers could not provide a clearly evidenced justification for acceptance of the proposed obligation in law. Consequently officers were unable to recommend that the Authority enter into a joint legal agreement with the applicant, as proposed, and this policy stance was subsequently endorsed by the Planning Committee. Nevertheless, the applicants have confirmed that they have already unilaterally entered into a legal agreement to transfer Middle Cottage to the newly formed Youlgrave Community Land Trust

RECOMMENDATION:

That the application be APPROVED subject to the following conditions/modifications:

Statutory Time Limit

- 1. The development hereby permitted shall be commenced within three years of the date of the permission.**

Approved Plans

2. The development shall not be carried out otherwise in complete accordance with the submitted plans and specifications subject to the following conditions:

Submission of Details

3. Submit and agree any details of spoil removal arising from the demolition and construction works.
4. Submit and agree Construction Working Method (including working hours) and Ecological mitigation Statement.
5. Submit and agree details of the construction site compound.
6. No development approved by this permission shall be commenced until a scheme for the package sewage treatment plant and for the disposal of surface waters has been submitted to and approved by the Authority. Such a scheme shall be constructed and completed in accordance with the approved plans, prior to the occupation of the dwelling hereby permitted.
7. No development shall take place until a revised scheme of landscaping has been submitted to and agreed in writing by the National Park Authority. The submitted scheme shall include: (i) details of all trees to be retained and protection for those trees during the construction phase of the proposed development; (ii) precise details of all hard and soft landscaping including details of any seeding or planting, surfacing materials and boundary treatments; (iii) precise details of the provision and undergrounding of services; Thereafter, the proposed development shall be carried out in complete accordance with the approved landscaping scheme, which shall be completed prior to the first occupation of the dwelling hereby permitted.
8. No works shall commence on the erection of the newly-built dwelling hereby permitted until samples of the materials to be used in the construction of the external surfaces of the dwelling, including samples of the stone, quoins, sills, lintels, and surrounds to be used in the construction of the external walls, samples of all roof coverings and rain water goods, and samples of all external door and window frames and external finish treatments, have been submitted to and approved in writing by the National Park Authority. Thereafter, the development shall be carried out in accordance with the approved details.
9. Details of the scheme of Environmental Management Measures shall be submitted to and approved in writing by the authority. The agreed Environmental management facilities shall then be installed in accordance with a timetable that has been submitted to and approved in writing by the authority.

10. Submit and agree details of external lighting.

Service Lines

11. All new service lines associated with the approved development and on land within the applicant's ownership and control, shall be placed underground and the ground restored to its original condition thereafter.

Architectural Specifications

12. Conditions relating to design details including specifications for construction materials, windows and doors, etc.

Restrictions on Permitted Development Rights

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no ancillary outbuildings or other structures incidental to the enjoyment of the dwelling other than those expressly authorised by this permission shall be erected.
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no extensions or alterations to the newly-built dwelling shall be carried out.
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows or doors other than those expressly authorised by this permission shall be constructed on any elevation.
16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no walls, fences, or solar panels other than those expressly authorised by this permission shall be erected or installed on the site.

Access and Parking

17. Access entrance, visibility splays, access drive and vehicle parking areas to be carried out in accordance with the amended plan no. AR/XX/01/PD/332/01 Rev A prior to the occupation of the dwelling.
18. Visibility splays and parking/manoeuvring areas (including the car-port) to remain free from obstruction to their intended use.

Curtilage

19. The domestic curtilage shall be restricted to the are edged green on the attached plan no. 1/P.4221

Key Issues

1. Whether the proposed development is required to achieve enhancement of the site in accordance with policy HC1(C)II of the Core Strategy.
2. Whether the amended dwelling scheme is acceptable in terms of it position, size, form and detailing, and represents an overall improvement when compared to the previously approved scheme.
3. Ecological issues.

History

2011 – Planning permission refused for the erection of two detached earth-sheltered dwellings on the site. The subsequent appeal was dismissed.

2012 – Planning permission refused for an almost identical scheme to that refused previously and dismissed at appeal in 2011 despite this application being accompanied by a completed unilateral undertaking that would have placed a local occupancy restriction and associated obligations on an existing one bedroomed cottage in the village (i.e. Middle Cottage).

September 2014 – Full planning permission granted for the erection of a single earth-sheltered open-market dwelling in a similar opposition to the current dwelling proposal. Consent was granted for the dwelling on the basis that it involved the erection of a highly sustainable home of significant architectural merit that was designed to fit into the steeply sloping hillside, and enhance a despoiled part of the site.

Consultations:

External Consultees

County Council (Highway Authority) –No objections to the amended visibility splay and drive plan, subject to attaching of appropriate highway conditions and advisory notes attached to the previous September 2014 decision notice.

District Council – No reply to date.

Parish Council – Objects to this planning application and consider that the applicant should be made to conform to the original plans and conditions laid down in the granted application. The ambiguity in the wording of this application led the parish council to this decision as it states that it seeks to discharge planning conditions that were attached to the granted application. The parish council consider that this could be interpreted as removal of the planning conditions and consequently could not support the alterations as it has no assurance that the latter interpretation may be implied. Without knowledge of what changes planners may make to the conditions, the parish council could see no other possible response.

Officer's comment: It should be noted that the parish council wholeheartedly supported the previous application in 2014. The Council agreed that the house proposed in the previous application was a ground-breaking, innovative and imaginative design that would tidy up the eyesore at this entrance to the village and provide a dwelling for a local family.

Natural England - Noted that they had previously commented on the previous proposal and confirm that as with the previous proposal they have no objections to the proposed development.

Internal Consultees

Authority's Ecologist - Further survey is required before this application can be positively determined, as follows:

- A survey of slow worms is required to establish the extent of the population. The report must include an appropriate mitigation and compensation scheme to take account of these during proposed site works and post development.
- There are two existing buildings on site, with the more intact one (the cattle stall) described as having a low potential for use by bats, although the 2010 Ecological Assessment does state that cracks and crevices in the building offer some potential for

occasional transient roosting bats. These features must be checked with an endoscope to determine whether there is any current use. Appropriate mitigation/compensation will be required should bats be found to be present.

- It is unclear whether the site has been re-checked for other protected species or other evidence during the 2014 walkover survey. This information needs to be submitted to the PDNPA Ecologist along with appropriate mitigation/compensation measures.

The results of the above surveys along with any recommendations for mitigation/compensation or precautionary measure must be provided to the PDNPA Ecologist for consideration prior to determination.

Representations

12 letters of support for the current application have been received by the Authority. The reasons that the proposals are supported include the following grounds:

- The proposed home is lower, smaller, will have less impact than the previously approved dwelling and seems to improve the scheme.
- The proposal is an innovative way of renovating currently wasted land. The building will be an enhancement to the village.
- At a time when climate change issues, sustainability, supporting local foods, recycling to reduce our effects on the planet are key issues in regard to future living, this project is in the forefront in supporting many of these key areas that we should be focussing on especially in a National Park where consideration of our environment now and in the future should be the key.
- This will be a very good example of not only energy conservation and renewable energy but also enhancement of the local environment.
- This is a well-planned and ecologically sound development.

Eight letters of objection and a further representation have been received which raise the following concerns and comments:

- This is not an affordable dwelling and is not in keeping with any other old or new dwelling in this beautiful village.
- It is outside of the village boundary.
- The 'derelict nature of the plot' and 'unsightly gateway to the village' reasons given to dig away the side of the dale, no longer stand. The small agricultural building has been mended and it is queried whether the, so called, gateway to the village is in need of improvement.
- It would be more ecological just to demolish the disused derelict buildings in order to tidy up the site, rather than building an 'out of character' house outside the village boundary. The site is also a habitat for slow worms.
- The 'green' nature of this project is also queried; the depth of rock to be removed will create such an ecological upset and use so much energy to build that will not be offset during the life of the current owner.
- Concern raised that the applicants have planning permission and only now discover they

cannot build what they had approved. The conditions on the approved scheme should be enforced.

- It was thought that the dwelling was to be built on the site of the old derelict building.
- The destruction of the very bedrock of the dale will make the surrounding rocks unstable and will affect any buildings local to it.
- There are many houses available in the village ripe for development and it is not necessary or 'green' to go to such devastating lengths.
- The proposed development is not as well received in the village as publications would have the Authority believe.
- The same planning conditions should be applied to this latest proposal.
- The accompanying design and access statement states that the topography of the site, which was previously unknown, is the reason for moving the building further down the site. This is incorrect as the topography of the site was clearly shown in great detail on the original application. Many people questioned whether it was possible to construct such a property on the site in the first instance, but this was ignored.
- The applicant's previous commitment to transfer the ownership their existing property (Middle Cottage) to the Youlgrave Community Land Trust should be honoured.

Main Policies

Local and Housing Policy

In the first instance, the current application proposes a new open market house and it is therefore considered that the key issues in the determination of the current application rest primarily on the application of national policies on housing in rural areas set out in the National Planning Policy Framework ('the Framework') and housing policies set out in the Development Plan. It is also considered the key policy considerations in the Framework, and the housing policies in the Development Plan take a generally approach to new housing in the National Park.

Paragraph 54 of the Framework states that in rural areas local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Paragraph 55 of the NPPF goes on to say that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Core Strategy policy DS1 indicates that new build development for affordable housing will be acceptable within or on the edge of the settlements it lists, which includes Youlgrave. Policy HC1 of the Core Strategy is permissive of new housing where it addresses eligible local needs, but also states that provision will not be made for housing solely to meet open market demand. These policies are supported by saved Local Plan policy LH1, which reiterates the requirement in HC1 that new housing to address identified eligible local need must remain affordable, and with occupation restricted to local people in perpetuity. Saved Local Plan policy LH2 defines what is meant by people with a local qualification for housing for the purposes of LH1.

However, the specific provisions of HC1(C)II also allow for open market housing where it is required to achieve conservation or enhancement within a settlement, whilst paragraph 55 of the Framework sets out the special circumstances in which an isolated new home may be permissible, which otherwise includes the exceptional quality or innovative nature of the design of the dwelling.

Wider Policy Context

The housing policies set out above also sit within a wider range of landscape conservation and design policies in the Development Plan. These policies include Core Strategy policies GSP1, which promotes sustainable development within the National Park, GSP2 which promotes development that would enhance the National Park, GSP3 that promotes high standards of design in accordance with the Authority's Design Guide, and L1, which seeks to conserve and enhance the landscape character of the National Park in accordance with the aims and objectives of the Authority's Landscape Strategy and Action Plan.

These policies and saved policy LC4 in the Local Plan, which gives further detailed criteria to assess new development, are considered to be consistent with the core planning principles set out in paragraph 17 of the Framework, and the policies in the Framework, taken as a whole, because they promote and encourage high quality sustainable developments that would be sensitive to the valued characteristics of the National Park. However, as set out below, many of the design and conservation issues covered by these policies have already been settled in the previous appeal decision and in the determination of the previous applications.

Assessment

Issue 1 - Whether the proposed development is required to achieve enhancement of the site in accordance with policy HC1(C)II of the Core Strategy.

Background

This application follows a history of two refusals of planning permission and a dismissed appeal for residential development on the application site, and the subsequent approval in September 2014 for a single earth-sheltered dwelling on the eastern half of the site frontage, rather than two houses as had previously been proposed in the previous submissions. The 2014 scheme was initially recommended for refusal by officers at the August 2014 Planning Committee.

In these respects, Members broadly agreed with a number of conclusions reached in the officers report presented to the August 2014 Planning Committee, but also reached a number of their own conclusions on key considerations relevant to the planning merits of the current proposals including:

- agreement that the new house would not be affordable to local people on a low or moderate income and that the intended first occupants of the new house would not have a local qualification (as defined by Local Plan policy LH2)
- agreement that the new house would not be truly ground-breaking, innovative or of exceptional quality (as defined by Paragraph 55 of the Framework), but it would generally meet the requirements of design policies in the Development Plan and the Framework because the contemporary design of the house would be architecturally interesting and sensitive to local character whilst a range of sustainability features have been incorporated in its design;
- agreement that there were no concerns that the new house would be unneighbourly because of its orientation relative to the nearest neighbouring residential development

and the intervening distances; and that there were no overriding concerns that the recommendations made by the Highways Authority could not be resolved by way of planning conditions imposed on any permission for the current application;

- agreement that the new house would not have a negative impact on the wider landscape, or have any adverse visual impact on the streetscene or wider townscape by virtue of the new house being set back from the road, the levels on site that would allow much of the physical bulk of the development to be undergrounded, and the presence of the managed woodland that would foil views into the site from Bradford Dale and other more distant public vantage points above the Dale broadly to the south of the application site;
- agreement that the proposals would not result in harm to any protected species or any other nature conservation interest, or would have any negative impact on any extant archaeological interest or any other heritage asset;
- agreement that the proposed house would not be isolated development in open countryside because it would be reasonably well related to the existing pattern of development on this side of the village, and the application site should otherwise be considered to be within the limits of the settlement also taking into account the presence of the recycling facilities opposite the site, the allotments further to the west of the site, and the presence of the nearby public car park, toilets and children's playground that all have a significant influence of the character and appearance of the immediate setting of the application site;
- agreement that the legal agreement made between CLT and the applicant could not weigh heavily in the determination of this application (as acknowledged by the applicant), but the applicant's offer to enter into a legal agreement that would restrict the future occupancy of an existing house warranted further consideration; and
- agreement that the proposals would meaningfully enhance the character, appearance and amenities of the site and its setting at the western entrance to the village of Youlgrave.

Therefore, Members were generally satisfied that the new dwelling proposed in the previous application would enhance the National Park and would meet the requirements of design and conservation policies in the Development Plan and the Framework, and were therefore minded to approve the 2014 application subject to:

- an amended landscaping scheme to address concerns that several trees that contribute positively to the character of the local area may be adversely affected by the development proposals, and concerns that the hay meadow proposed along part of the frontage of the site would be unlikely to be viable;
- further consideration of the detailed treatment of the proposed fenestration for the new dwelling;
- further analysis of whether the proposals fully complied with policy HC1(C)II of the Core Strategy; and
- further analysis of the applicant's offer to enter into a legal agreement to place a local occupancy restriction and associated obligations on an existing dwelling in the village.

An amended report on the 2014 application was then presented to the September Planning Committee which addressed the first three points above because the proposed design of the dwelling and associated landscaping were integral to further analysis of whether the proposals

fully comply with policy HC1(C)II of the Core Strategy. This analysis was also required before further analysis of the weight to be attached to any offer of a legal agreement because, as set out in the previous report on this application, the proposed legal agreement would not be necessary if the current application was considered to be in accordance with policies in the Development plan and national planning policies in the Framework.

Following further consideration of these issues, the application was approved at the September Planning Committee, as the new house was considered to be in accordance with policy HC1(C)II of the Core Strategy, but the offer of a legal agreement by the applicant was not accepted by the Authority.

As with the application previously approved in 2014, the current application proposes the erection of a single detached earth-sheltered dwelling within the eastern half of the site. The current proposal is for an amended dwelling design of a smaller size, form and design, on a simpler, reduced footprint.

In respect of the principle of this proposal, it is considered that the permission granted in 2014 is a material consideration and consequently, the principle for the current proposal is considered to be acceptable as it adopts the same design approach and has similar impacts to the scheme approved last year. Nevertheless it is considered prudent and necessary to re-visit the issues relating to the principle of the development that ultimately led to the previous approval in 2014.

Enhancement

Policy HC1(C)II of the Core Strategy allows for the provision of open market housing on an exceptional basis where the impetus of open market values are required for conservation and enhancement purposes within a named settlement. It has previously been determined that two new open market houses would not be reasonably required to achieve conservation or enhancement of the site. In this case, by omitting one house, the current application proposes a more proportionate response to the issues arising on the site also taking into account there are no abnormal costs arising from site contamination, for example.

It is also acknowledged that it is highly unlikely that the land comprised within the application site could or would be put into a productive use other than where the impetus of open market housing was involved, or that it could otherwise be reasonably expected that the land could or would be brought back into farming. Officers would agree that the distinctive character of the application site, and in particular the steeply sloping nature of the site would distinguish this particular plot of land from many other 'untidy sites' that would have less constraints on future development or could be more easily used for agricultural purposes.

Notwithstanding the parish council's concerns in respect of the present submission, relating to deviations from the originally approved scheme and that previously accepted conditions appeared to be prejudiced by this latest submission; it is also relevant that the Parish Council had previously expressed long standing concerns that the site detracts from the character and appearance of the village taking into account the site occupies a relatively prominent position at this entrance to the village. The Parish Council's views have also been supported by a number of local residents, and in light of the existing permission, any harm to the amenities of the local area arising from the condition of the site cannot be resolved by a s.215 notice or any other form of formal planning enforcement action. Whereas these issues serve to further distinguish the application site from other pieces of 'untidy land' within the National Park, they also serve to demonstrate that the potential enhancements to the site would be meaningful at a local level.

In these respects, and subject to an amended landscaping scheme, the proposed development would enhance the valued characteristics of the village but the only way that these enhancements could be achieved would be through the impetus of the open market value of a new house given the constraints of the application site. On this basis, also taking into account

only a single house is being proposed in this application, the current application is considered to be compatible with policy HC1(C)II.

It also weighs in favour of the application that the new house would not be isolated residential development in open countryside, it would be reasonably well related to the village and, if it were to become a family home, would contribute to the viability of local community services and the vitality of the village, whilst the architectural and sustainability credentials of the new house distinguish it from many other residential developments proposed in the National Park.

It is therefore considered the proposed house would also be a sustainable form of development promoted by policy GSP1 and GSP2 of the Core Strategy, and national planning policies in the Framework that is otherwise required to achieve a meaningful enhancement to the application site in accordance with the provisions of policy HC1(C)II.

Subject to planning conditions reserving approval of external finishes, securing an amended landscaping scheme, and removing permitted development rights, the proposals would not conflict with the wider range of design and conservation policies in the Development Plan and the Framework. These conditions would ensure any permission would secure the enhancement of the site and the development would be completed to the high standard of design anticipated in the submitted application whilst ensuring that achieving these objectives would not be undermined in the future by the 'unfettered' use of permitted development rights.

Accordingly, the current application is considered to be acceptable as it adopts the same design and sustainability approaches as the previously approved scheme and consequently, meets the terms of the above-stated Core Strategy and Local Plan policies. Acceptance of this proposal is therefore dependent upon this amended scheme offering the same or an improved enhancement/design/sustainability approach over that which was previously approved and that any ecological and highway issues are satisfactorily addressed. These issues are considered in the remaining sections of this report.

Issue 2 - Whether the amended dwelling scheme is acceptable in terms of its position, size, form and detailing, and represents an overall improvement when compared to the previously approved scheme.

The application is accompanied by a series of plans and elevations, which provide a useful comparison between the position and form of the current submission when compared to the 2014 approval. Core Strategy policies GSP1, GSP2 and GSP3, saved policy LC4 in the Local Plan and the Authority's adopted design guidance give further detailed criteria to assess new development. Core planning principles set out in paragraph 17 of the Framework, and the policies in the Framework because they promote and encourage high quality sustainable developments that would be sensitive to the valued characteristics of the National Park.

Position and form of the proposed dwelling

The submitted comparison plans demonstrate that the design approach and form of the dwelling is the same as the previous approval. This consists of three main components, an above ground car-port/entrance/study building on the upper level, with two further semi-underground, earth sheltered accommodation levels stepping down the steeply sloping bankside.

These lower accommodation levels are to be partially excavated into the bankside creating a single, south-aspect dwelling. The comparison plans show that the overall dwelling footprint on the ground floor and upper basement levels are to be significantly reduced, particularly on the upper basement, which is to be reduced in length towards the eastern direction (village side) by 7 metres. The footprint on the Lower Basement level has the same frontage length as the previous approved scheme, but is to be repositioned 7 metres to the west. It has, however a simpler form and the overall footprint is significantly reduced in size from 102.93m² to 80.25m².

The size, gable width and height of the above-ground car-port reception building is also to be reduced, such that its ridge height is 1.2m lower than that previously approved.

The reduction in the footprint sizes further reduces the extent of the projecting terraced walling as they step down the bankside. These reductions range between 1.0 – 1.4m. The staggered form of the dwelling frontages on the lower two levels are removed and replaced by simpler frontages.

The resulting size, position and form of the proposed dwelling, therefore, requires reduces the extent of the excavation works into the existing bankside, and whilst retaining a similar form and design approach, reduces the overall impact of the proposed dwelling in relation to that which was previously approved. Given these reductions are mainly towards the eastern end of the site adjacent to the nearest property, this would also reduce any perceived un-neighbourly impact throughout the construction period and following subsequent occupation of the dwelling.

It is therefore considered that the position, reduced size, and profiles of the proposed dwelling are acceptable and officers consider that this would represent an overall improvement in the previously approved scheme.

Design details and architectural specifications

As with the previous scheme, the present submission provides for a limited pallet of building materials. The above ground car-port building is to be clad in natural rubble limestone with a natural blue slate roof on its main publicly visible roadside elevation. The roof of the building facing towards Bradford Dale is to be clad almost entirely with solar panels to take maximum advantage of its southern aspect, with the remaining private elevations clad in a combination of limestone, and silvered timber vertical boarding interspersed with full-length glazing.

Similarly, the frontage elevations of two lower tiers of the building are to be clad in a combination of limestone, and silvered timber vertical boarding (Scottish larch) interspersed with full-length glazing. The external faces of projecting terraced areas are to be clad with slender sections of natural rubble limestone with contemporary balustrading to reduce their impact.

As with the previous submission, therefore, the building employs a relatively limited pallet of materials that reflect the local building tradition of the surrounding area and also its wooded bankside setting. Moreover, officers consider that the revised elevational details now being proposed generate a more pleasing composition that represents a significant improvement over the more robust and monolithic appearance of the previously approved scheme.

In summary, therefore, it is considered that in terms of the position, size and form of the proposed dwelling and the composition of the elevations; the proposed scheme represents a significant improvement over the previously approved scheme.

Issue 3 – Ecological Issues

Core Strategy policy L2 and Local Plan policy LC17 require that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate to their setting. National planning policies in the Framework otherwise seek to safeguard biodiversity interests and promote and encourage the active conservation and enhancement of wildlife interests.

An Ecological Assessment originally prepared in November 2010 accompanies the application. This concludes that the site offers very few habitat opportunities for a range of protected flora and fauna, although it does offer potential for a protected species, but there was no evidence of this species during the initial walk-over survey. The report also recommended that an endoscopic search of any cavities in the intact building for any bat species be carried out and a

carefully destructive search of the barn/outbuilding was conducted for slow worms outside the hibernation period.

The report states that habitats on the site have suffered deterioration over several years, which has reduced species diversity and, hence biodiversity value. The report proposes that a programme of grassland management should be reintroduced on the site in order to redress this and enhance the biodiversity value of the site. However, the Authority's Ecologist has been consulted on the development proposals and considers that further survey is required before this application can be positively determined, as follows:

- A survey of slow worms is required to establish the extent of the population. The report must include an appropriate mitigation and compensation scheme to take account of these during proposed site works and post development.
- There are two existing buildings on site, with the more intact one (the cattle stall) described as having a low potential for use by bats, although the 2010 Ecological Assessment does state that cracks and crevices in the building offer some potential for occasional transient roosting bats. These features must be checked with an endoscope to determine whether there is any current use. Appropriate mitigation/compensation will be required should bats be found to be present.
- It is unclear whether the site has been re-checked for other protected species or other evidence during the 2014 walkover survey. This information needs to be submitted to the PDNPA Ecologist along with appropriate mitigation/compensation measures.

The Authority's Ecologist states results of the above surveys along with any recommendations for mitigation/compensation or precautionary measure must be provided for consideration prior to determination.

The applicant is a qualified ecologist and has responded to the Authority Ecologist's concerns. Firstly, he states that the extant permission granted in September 2014 has no ecological conditions attached, however, as a professional ecologist, he is very aware of the legal obligations regarding protected species, including bats and slow worms. He wishes to emphasise that his aim has been to produce a building that has minimum environmental impact, including impacts upon the ecology of the site.

The applicant also states that the landscape design includes a number of features that are designed to enhance the ecology of the site, including green roofs, retention of grassland, retention and enhancement of woodland and critically a garden structure that will allow the slow worm population to remain within the site. Finally, the applicant confirms that the ecological status of the site has not changed since the extant permission was granted. He confirms that there are no bat roosts or other protected species on the site.

In respect of slow worms, the applicant acknowledges that there are a population of slow worms on the site, which are protected under the Wildlife and Countryside Act 1981 (as amended) Section 9 (1) killing and injuring only and (5) which relates to offering for sale. He has already instigated a programme of moving the slow worms to an area within the site that has been fenced off with retille fencing. Trapping has now been going on for almost two months and the translocation will continue until groundworks begin, when a final destructive search will be undertaken.

The reptile fencing will remain in place for the duration of the construction programme. Once complete, the fence will be removed and the slow worms will be able to recolonise the grounds around the building, including the green roofs, the drystone garden walls and the garden. He confirms that there are no other ecological constraints on the site. The Authority Ecologist's comments on the applicant's ecological assessments and mitigation strategies for the site will be

reported orally at the committee meeting.

Issue 4 – Highway Issues

An amended plan has been submitted demonstrating that the appropriate visibility spays either side of the access entrance can be achieved. The amended plan also demonstrates that three off-street parking spaces and associated turning area can be provided. The Highway Authority has been consulted on the amended plan and have confirmed that this meets their requirements, subject to the attaching of appropriate highway conditions and advisory footnotes.

Conclusion

The submitted scheme is for an amended design for the earth-sheltered dwelling granted consent in September 2014. There are no additional material considerations that have arisen since this previous approval that would affect the principle of this proposal. The submitted amended scheme is based on the same design approach and sustainability/ecological principles as the previous submission.

The size and footprint of the proposed dwelling is, however, smaller and consequently, impacts less on the character and setting of the bankside and the locality. The detailed elevational treatment also generates a more pleasing composition that represents a significant improvement over the more robust and monolithic appearance of the previously approved scheme. Moreover, the development will be subject to the same conditions as the previous proposal, thus ensuring that the any future changes can be strictly controlled. Consequently, it is considered that the amended scheme for the dwelling is acceptable and complies with the requirements of the above-stated Core Strategy and Local Plan policies and national planning policies in the Framework.

Accordingly, the current application is recommended for approval subject to the conditions listed in the above report.

In this case, it is considered that a number of details including method statement for construction, landscaping, and package treatment plant should be reserved by condition because agreement on these details is reasonable and necessary to minimise the impact of the proposed development on the character, appearance and amenities of the local area, and promote and encourage a sustainable development. Other items such as access and parking and design details need to be secured by conditions to ensure the development is completed to the high standard of design, which is a key reason for approval of this application.

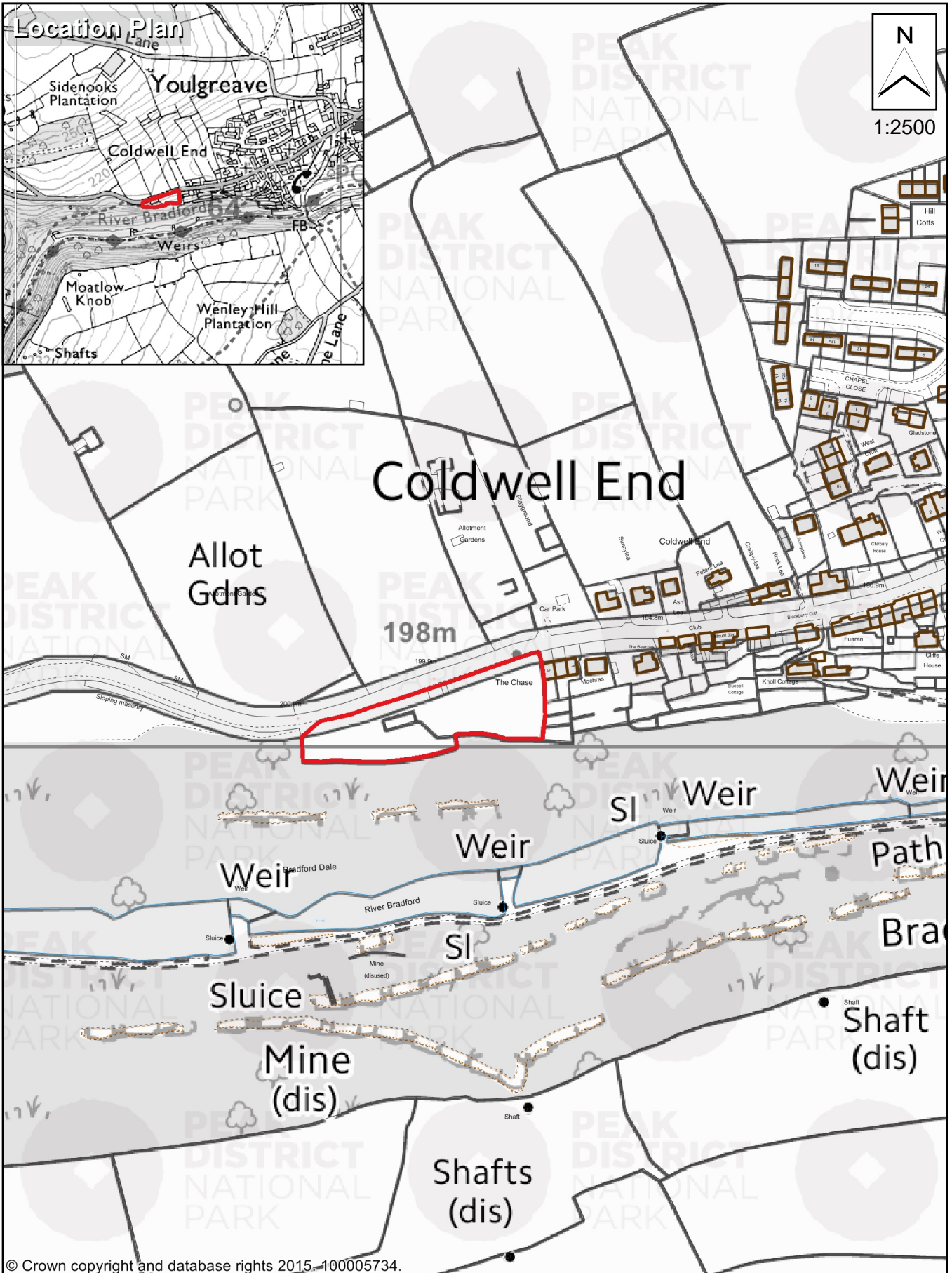
Similarly, as this is an enhancement scheme that is recommended for approval on an exceptional basis, it is considered that exceptional circumstances that justify remove permitted development rights from the completed development so future alterations to the dwelling can be managed appropriately.

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



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Committee Date:	10/07/2015	Title: The Chase, Coldwell End, Youlgrave	 PEAK DISTRICT NATIONAL PARK
Item Number:	6		
Application No:	NP/DDD/0415/0374		
Grid Reference:	420514 364036		

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7. FULL APPLICATION: PROPOSED CHANGE OF USE OF REDUNDANT BARN TO DWELLING, INCLUDING REMOVAL OF LEAN-TO EXTENSION AND REPLACEMENT WITH 2-STOREY PITCHED ROOF EXTENSION, FROST BARN, SYCAMORE FARM, FAWFIELDHEAD, LONGNOR (NP/SM/0415/0280, P.3123, 407558/363644, 26/06/2015/KW)

APPLICANT: Ms J ELLIS

Site and Surroundings

The barn which is the subject of this application is situated in an isolated and prominent position in open countryside at Fawfieldhead about 1.8km south-west of Longnor. It is situated on the south-facing slopes overlooking Blake Brook and Reaps Moor to the south at the top of a small field about 132m below the main Fawfieldhead Road and 108m south-west of the applicant's home (Sycamore Farm). Access is via an adjacent field off the Fawfieldhead Road, which then follows the western field boundary for a distance of 125m before reaching the site. The perimeter of the application site is enclosed by adjacent fields.

The barn is quite a substantial detached traditional barn constructed of natural random-coursed gritstone under Staffordshire Blue natural plain clay roof. It is a local landmark and has an imposing presence and setting when viewed from distant vantage points from across the valley to the south. There is later single-storey lean-to building attached to the eastern gable of the main building. The barn also has an unusual and pleasant frontage with dressed gritstone surrounds and quoinwork. Of particular interest is the upper section of the main southern frontage which has an unusual series of larger square pieces of gritstone inserted into the more regular coursing of main frontage wall.

To the front of the barn is a small paved area and a circular low wall feature that is described as a midden. There are two mature sycamore trees situated within close proximity of the north-west corner of the barn. The existing grassed access track passes between the two trees. There is a public footpath which passes approximately 80m to the west of the building.

Although outwardly appearing to be in a reasonable structural condition, a closer inspection reveals that there is significant bowing to the front and rear walls that are so serious the building is in imminent danger of collapse and cannot be used at present. Notwithstanding these serious structural deficiencies, it is an important traditional building that makes a significant contribution to the landscape character of the locality and is, therefore, considered to be a 'valued vernacular' building for the purposes of the Authority's planning policies, and in particular, Core Strategy policy HC1(C)l.

Proposal

The application seeks full planning permission for the change of use of the redundant traditional barn to an open-market dwelling. The conversion scheme would be confined to the shell and footprint of the existing buildings, but would require significant rebuilding works involving the complete removal and rebuilding of the main southern elevation and the removal and rebuilding of the top half of the rear wall. The original submitted plans propose the demolition of the later lean-to and its replacement with a low 1½-storey pitched roof building.

The conversion scheme, as originally submitted, mainly uses existing openings; however, a new first floor window opening is proposed in the upper wall of the main southern elevation. A new first floor window is proposed in the west gable wall and two new openings and three rooflights are proposed in the rear elevation. A metal flue pipe would be inserted in the rear (northern) roof slope of the main barn.

The formal residential curtilage would be confined to the existing area immediately around the

buildings, with the remainder of the field in which the barn site being left open and grassed to preserve its field barn setting. Foul sewage is to be disposed of via a below ground package sewage treatment plant which is to be located within the field in which the building sits. The existing vehicular grassed access track is to be upgraded and a parking area is to be formed to the rear of the barn using grasscrete surfacing.

RECOMMENDATION:

That, the application be GRANTED subject to the following conditions/modifications:

Statutory Time Limit

- 1. The development hereby permitted shall be begun within 3 years from the date of this permission.**

Approved Plans

- 2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the amended plans.**

Completion of Section 106 Agreement Prior to Occupation of the Dwelling

- 3. Prior to the occupation of the dwelling hereby approved the applicant or owner shall complete a section 106 legal agreement relating to the retention of the open field area outside of the formal residential curtilage defined in condition 17 below.**

Mitigation Measures

- 4. The development hereby permitted shall be carried out strictly in accordance with mitigation measures for bats and birds first submitted to and agreed in writing by the National Park Authority.**

Conversion and Rebuilding

- 5. The rebuilding of the front (south) wall and partial rebuilding of the rear (north) wall shall be carried out strictly in accordance with the Structural Report prepared by HWA Consulting Engineers dated 24 February 2014 and Schedule of Building Reconstruction Works prepared by LID Architects dated 15.10.2015. There shall be no other demolition works other than those contained within the Structural Report without the prior written approval of the Authority.**
- 6. Prior to the commencement of the demolition works, a drawn record of the layout of the external elevations of the building in accordance with the requirements of the Schedule of Building Reconstruction Works prepared by LID Architects dated 15.10.2015, shall be submitted to and agreed in writing by the Authority.**

Retain Trees

- 7. No trees on the site shall be wilfully damaged or destroyed or felled, topped, lopped or uprooted without the prior written consent of the Authority. Any trees proposed for removal shall be replaced as part of a planting scheme to be submitted to and agreed in writing by the Authority. Such a replanting scheme shall be submitted at the same time as any felling proposals.**

Submission of Arboricultural Impact and Working Method Statement

- 8. Prior to the commencement of the development hereby permitted an Arboricultural Impact and Working Method Statement in respect of the construction and post-construction phases of the development (in compliance with BS 5837), shall be submitted to and agreed in writing by the Authority. The development shall then be carried out entirely in accordance with the approved Arboricultural Impact and Method Statement**

Submit and Agree Details of the Construction Site Compound.

- 9. Before any operations are commenced, a scheme shall be submitted to and approved in writing by the Authority showing details of the space for provision within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading / unloading and manoeuvring of goods vehicles, designed, laid out and constructed all to the satisfaction of the Local Planning Authority in advance of construction work commencing and maintained free from impediment throughout the duration of construction works.**

External Lighting

- 10. Unless otherwise agreed in writing by the National Park Authority, there shall be no external lighting and the converted building and associated curtilage shall not be provided with any other external source of illumination at any time during the lifetime of the development hereby approved.**

Access and Parking

- 11. A detailed specification of the upgrading and surfacing works to the access track and sample of the material to be used for the surfacing of the drive, parking and manoeuvring areas shall be submitted to and approved in writing by the National Park Authority before the development commences. The development shall then be carried out in accordance with the approved details.**
- 12. Details of a vehicle passing place to be provided in a central position along the access track shall be submitted to and approved in writing by the Authority. The vehicle passing place shall then be provided in accordance with the approved details and shall then be permanently so maintained.**
- 13. Prior to the first occupation of the dwelling hereby permitted use, the access, parking and turning areas shall be completed in accordance with the amended block plan, and surfaced in accordance with the specifications approved under Condition 11 (above).**

Architectural Specifications

- 14. Confirmation of design details including timber external windows, and doors, recess for doors and window frames, window and door openings provided with natural gritstone lintels and sill and quoinwork surrounds where shown, black rain water goods on brackets, flue pipe to be finished in matt black, mortared roof verges, and the specifications for rooflights and glazing bars.**
- 15. Minor design conditions.**

Permitted Development Rights

- 16. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any order revoking or re-enacting that Order) no alterations to the external appearance of the converted building shall be carried out and no extensions, porches, ancillary buildings, solar panels, satellite antenna, gates, fences, walls or other means of boundary enclosure shall be erected on the site without the National Park Authority's prior written consent.**

Residential Curtilage

- 17. The formal residential curtilage of the dwelling hereby permitted shall be restricted to the area delineated in orange on the attached plan no. 1/P.3123.**

Underground Services

- 18. All new service lines associated with the approved development and on land within the applicant's ownership and control shall be placed underground and the ground restored to its original condition thereafter.**

Foul Drainage

- 19. The provision of the private package sewage treatment plant shall be carried out in accordance with the details to be submitted to and agreed in writing by the Authority, and shall be completed prior to the first occupation of the dwelling hereby permitted.**

Photographic Survey

- 20. Prior to the commencement of the development the applicant shall carry out a photographic survey of all elevations and internal features of the building to be restored and the Authority shall then be provided with an electronic copy of the photographs.**

Spoil Disposal

- 21. Prior to the disposal of any spoil arising from the works, precise details of the disposal shall be submitted to and approved in writing by the National Park Authority. All spoil shall then be disposed of in accordance with the approved details.**

Key Issues

1. The principle of the open-market dwelling conversion scheme.
2. The impact of the conversion scheme and the proposed new access and access track on the traditional building, its setting and the surrounding landscape character.
3. Ecological issues.
4. Highway issues

History

There has been positive pre-application advice offered on these proposals, which is set out in a letter from the Authority to the applicant following discussions on site. The applicant was advised

that the barn was considered to be a ‘valued vernacular’ building, and due to the serious structural condition of the building it was acknowledged that its partial demolition and rebuilding was likely to make it uneconomic as a holiday cottage conversion.

However, given that the retention of this building was considered to be important, the applicant was advised that conversion to an open-market dwelling may be accepted on an exceptional basis. The applicant was advised, therefore, that an application for an open-market conversion would need to be accompanied by a detailed Structural Report and a Schedule of Building Reconstruction Works to demonstrate how the front and rear walls would be faithfully restored. A financial appraisal would also have to be submitted demonstrating why other alternatives, such as holiday conversion, would not be a viable option.

In order to minimise the wider landscape impacts, a detailed landscaping scheme would also be required showing how the encroachment of the residential curtilage into the field would be restricted and controlled and how the impacts of vehicle parking could be minimised.

The applicant was advised that another key consideration would be the physical changes to the external elevations of the barn required to accommodate a residential use. Consequently, the submitted scheme should be sympathetic to the intrinsic character and integrity of the original building. In particular, the applicant was advised that the proposed scheme should not introduce any new first floor openings in the main front (south-facing) elevation and additional new openings and rooflights should be kept to a minimum.

Consultations

Highway Authority – No response to date.

District Council – No reply to date.

Parish Council – No response to date.

Authority’s Ecologist – Acknowledges survey methods and results, but initial concerns raised about the level of bat mitigation proposed, particularly in respect of the bat roost requirements for brown long-eared bats that were found to be present. Further amended plans are to be submitted, which address these concerns. The Authority Ecologist’s comments on the amended bat mitigation provision will be reported orally at the committee meeting.

Policy Framework

National Planning Policy Framework

The National Planning Policy Framework (‘the Framework’) says local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where such development would represent the optimal viable use of a heritage asset or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.

In these respects, the Framework reiterates a long standing principle that local planning authorities should avoid granting planning permission for isolated new homes in open countryside except in exceptional circumstances.

This approach is consistent with the Authority’s development strategy set out in DS1 of the Authority’s Core Strategy, which says new residential development should normally be sited within named settlements, and policy HC1(C) of the Authority’s Core Strategy, which sets out very similar criteria to the Framework in terms of the exceptional circumstances in which a new house can be granted permission outside of a named settlement.

Main Development Plan Policies

Core Strategy policies: GSP1, GSP2, GSP3, HC1, L1 & L3

Policy HC1 of the Core Strategy sets out the Authority's approach to new housing in the National Park; and policy HC1(C) I says exceptionally new housing will be permitted in accordance with core policies GSP1 and GSP2 if it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings.

GSP1 states that all development in the National Park must be consistent with the conservation purpose of the National Park's statutory designation and where national park purposes can be secured, opportunities must be taken to contribute to the sustainable development of the area.

GSP2 says that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon but 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, and they should not undermine the achievement of other Core Policies.

Policy GSP3 of the Core Strategy is also relevant because it sets out detailed criteria for judging the impacts of new development on the valued characteristics of the National Park, and should be used to achieve the sensitive management of new development.

L1 says that development must conserve and enhance the valued characteristics and landscape character of the National Park in accordance with the priorities for landscape conservation set out in the Authority's Landscape Strategy and Action Plan.

Landscape Strategy and Action Plan

The application site lies within an area the Authority's Landscape Strategy and Action Plan identified as Southwest Peak Upland Pastures. This is an upland pastoral landscape with a traditional dispersed pattern of gritstone farmsteads of probable ancient origins. There are also localised village settlements. Permanent pasture is enclosed by drystone walls and some hedgerows. Trees are scattered along incised cloughs and around dispersed gritstone farmsteads. This is a very peaceful rural landscape with open views to surrounding higher ground.

The landscape surrounding the application site reflects these characteristics and the landscape setting of the application site is generally a peaceful rural landscape with open distant views to surrounding higher ground over the valley below. The Authority's Landscape Strategy and Action Plan says the landscape conservation priorities for this landscape setting is to protect and manage the distinctive and valued historic character of the settled, agricultural landscapes, through sustainable landscape management, whilst seeking opportunities to enhance the wild character and diversity of remoter areas.

Wider Policy Context

Relevant Core Strategy policies include: HC2, L2 and L3

Relevant Local Plan policies include: LC4, LC8, LC12, LC17, LH1, LT11 and LT18

LH1, LH2 and HC2 reaffirm the Authority's approach to new residential development in the National Park, and the strict controls on new housing outside of named settlements. These policies also provide criteria for assessing applications for affordable housing to meet local need, and for occupational dwellings.

Policy LC4 sets out guidance on design, siting and landscaping whilst policy LC8 and L3 set out guidance relating to any new use of a traditional building with vernacular merit. L2 and LC17 promote and encourage biodiversity within the National Park and seek to safeguard nature conservation interests. LT11 and LT18 otherwise require development to be provided with appropriate access and parking provision that would harm the environmental quality of the National Park.

Further detailed advice on the conversion of buildings to other uses is provided in the Authority's supplementary planning documents: the Design Guide and its appendix, the Building Design Guide.

In this case, it is considered the Authority's adopted design guidance and the wider range of design and conservation policies in the Development Plan are otherwise consistent with national policies in the Framework, which emphasise the great weight that should be attached to the conservation and enhancement of the National Park landscape, its wildlife and cultural heritage in any planning decision, and also promote high standards of design that would be sensitive to the valued characteristics of the National Park.

Assessment

Issue 1 – The principle of the open-market dwelling conversion scheme.

For the purposes of the Development Plan, the barn clearly lies in open countryside because the application site lies well outside of physical limits of any village. It is situated in an isolated position in open countryside, but immediately next to a two mature sycamore trees. In this case, the proposed dwelling house is intended to meet general demand rather than any functional need or local need.

The special circumstances in which permission could be granted for the current application are set out in CS Policy HC1 which says that in accordance with core policies GSP1 and GSP2 of the Core Strategy, exceptionally, new housing (whether newly built or from re-use of an existing building) can be accepted where it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings. These exceptional circumstances are consistent with the circumstances set out in the Framework (at paragraph 55) in which a new house can be granted permission outside of a designated settlement.

The barn is situated at the top of a small field about 132m below the main Fawfieldhead Road and 108m south-west of the applicant's home (Sycamore Farm). Access is via an adjacent field off the Fawfieldhead Road, which then follows the western field boundary for a distance of 125m before reaching the site. The perimeter of the application site is enclosed by adjacent fields.

This is a substantial detached traditional barn constructed of natural random-coursed gritstone under Staffordshire Blue natural plain clay roof. It is a local landmark and has an imposing presence and setting when viewed from distant vantage points from across the valley to the south. There is a later single-storey lean-to building attached to the eastern gable of the main building.

To the front of the barn is a small paved area and a circular low wall feature that is described as a midden. There are two mature sycamore trees situated within close proximity of the north-west corner of the barn. The existing grassed access track passes between the two trees. As noted above, there is significant bowing to the front and rear walls that are so serious, the building is in imminent danger of collapse and cannot presently be used.

Notwithstanding these serious structural deficiencies, it is an important traditional building that makes a significant contribution to the landscape character of the locality and is therefore considered to be a 'valued vernacular' building for the purposes of the Authority's planning

policies, particularly Core Strategy policy HC1(C)I. In these respects, one key issue in terms of compliance with Core Strategy policy HC1(C)I concerns whether conversion of the building to an open-market dwelling is 'required' to achieve its conservation and/or enhancement.

In summary, the Authority's housing policies prioritise the conversion of traditional buildings to affordable housing to meet local need or to occupational dwellings to meet the essential need of a rural worker to live close to their work. Therefore, it is important to ascertain whether the barn could not be conserved or enhanced without the impetus of open market values to ensure any permission for a house to meet general demand would not undermine the aims and objectives of the Authority's housing policies. In other words, there has to be evidence that a conversion to meet the needs of the local communities within the National Park would not be viable and an open market house is the only option to secure the long term conservation of the building given the very limited opportunities for residential development within the National Park.

This is an unusual case, in that whilst the barn is clearly a 'valued vernacular' building in terms of the Authority's Core Strategy policy HC1 C I, it is in a serious structural condition, even though outwardly it appears to be a strong robust building, with very few visible cracks in its external walls. Its structural condition is presently so precarious that the accompanying structural report states that persons should not venture inside the building. Further inspection of the exterior of building reveals that the front and rear walls of the building have suffered from serious bowing.

Consequently, the structural report states that in order to save the building, significant demolition and rebuilding works are required. These comprise the complete demolition and rebuilding of the main front wall from ground to eaves and the demolition and rebuilding of the rear wall from internal window to internal window at first floor level. When assessing barn conversions, it is usually the case that applicants are advised that the barn should be in a reasonable structural condition, with any rebuilding works kept to a minimum. In most cases it is hoped that any rebuilding works would be localised and would not involve rebuilding of the main walls or features of interest on the building.

In this case, the major rebuilding works are required on the main south elevation, which contains the most significant and interesting features of interest. In this case, the barn is not readily visible from close viewpoints, but is an important building when seen in the wider landscape from some distance across the valley. The upper section of its rear elevation is also visible from the Fawfieldhead road 132m to the north. Officers consider that this building is of sufficient worth in architectural and landscape terms, to support its retention, even with the extent of the rebuilding works that will be required. This would only be the case, however, provided that faithful reconstruction of the barn is carried out.

Given that some of the character and integrity of the original building would inevitably be lost as a result of the rebuilding works, officers advised the applicant in pre-application discussions that the conversion of the building to holiday accommodation or local needs would be more fully meet the Authority's Core Strategy policies and she would firstly need to demonstrate that this was not a viable option. Given the size of the barn and the cost of the rebuilding works and conversion costs, it is not considered suitable for local needs housing.

Suitability of the barn for a tourism use

The application is accompanied by a viability assessment of the conversion of the barn to holiday accommodation. The agents state that the provision of holiday accommodation within the Peak District amounts to approximately 20% of the available housing stock. Consequently, only the highest quality properties in terms of specification and location are managing to maintain satisfactory booking levels.

The agent consider that Sycamore Farm is not an ideal situation for a holiday, other than for a simple walking holiday, and is not within easy walking distance of an attraction or local pub. On

an inspection of local holiday letting companies in the area, this found that there were some holiday properties with better facilities and nearby attractions that were not fully booked up during the main summer holiday period and still had plenty of reservations available outside the main summer holiday period.

Assuming that the barn would be booked out every week of the school holidays and every weekend between March and October outside of the school holidays, the total yearly rent based on the absolute best case scenario is expected to be in the region of £15,800. With added utility/insurance/advertising costs, this would bring the income down to £13,200. This figure does not include account of agency or web site fees or other costs, such as, cleaning breakages, redecorating, administration, which would in reality reduce the income to £10,000.

Given the estimated conversion costs of £250,000, which includes an additional £60,000 for the stabilisation and reconstruction works, it is expected that it would take between 18 to 25 years to pay back the initial costs. The agent considers that when the high investment costs of converting the barns to top specification holiday accommodation is taken into account and weighed against the risk of empty letting periods and low letting values in comparison with other in a flooded market, together with the reality of a very long term return on investment, it is clear that holiday-let option is unviable.

Having carefully considered the agent's viability assessment, officers concur that a holiday-let conversion would be unviable and, consequently, the only remaining viable option that would secure the retention of the building, would involve its conversion to an open-market dwelling. As previously stated, officers consider that in both architectural and landscape terms, this is a building worthy of retention and its conversion to an open-market dwelling would comply with Core Strategy policy HC1 C I, provided that the barn was faithfully restored, sympathetically converted and its landscape setting was preserved.

Issue 2 - The impact of the conversion scheme and the proposed new access and access track on the traditional building, its setting and the surrounding landscape character.

Barn restoration works.

As previously stated, the main front (south) wall and the upper half of the rear wall of the building need to be carefully dismantled and rebuilt. The main front wall of the barn is particularly notable in that it has dressed surrounds to the openings and an unusual series of staggered jumper stones which meander across the middle of upper section of the wall.

In order to faithfully restore all the elements of the building, a Schedule of Building Reconstruction Works accompanies the application. This is basically a working method statement designed to ensure that the roof and walling components are carefully dismantled and retained, and then carefully rebuilt. This includes the preparation of a drawn record of the external elevations, made in sufficient detail to enable true reconstruction. This highlights the need to record the following features:

- Stonework coursing levels because the existing coursing is randomly sized heights, with distinct horizontal course levels;
- Location and size of key large stones set within the external leaf;
- Sill and head heights; and
- Opening sizes including identifying unique numbers for large retained stone heads, sills or quoins to enable on-site labelling and identification.

Officers consider that the submitted Schedule of Building Reconstruction Works demonstrates the applicant's intentions to provide a faithful restoration of the building are practicable and reasonably likely to happen. Consequently, it is considered that the proposed restoration works are to be carried out to a high standard, subject to a planning condition requiring the reconstruction works being carried out in accordance with this Schedule and subject to the submission and approval by the Authority of the drawn record of the external elevations required by the Schedule.

Barn conversion scheme.

The conversion scheme, as originally submitted, mainly uses existing openings; however, a new first floor window opening is proposed in the upper wall of the main southern elevation. A new first floor window is proposed in the west gable wall and two new openings and three rooflights are proposed in the rear elevation. A metal flue pipe is to be inserted in the rear (northern) roof slope of the main barn.

The scheme also includes the demolition of the later lean-to and its replacement with a low 1½-storey pitched roof building.

Officers have raised concerns about the following elements of the originally submitted scheme:

- (i) Insertion of the first floor window in the main (south) elevation of the barn. This would seriously detract from the intrinsic character of the barn and interrupt the series of staggered jumper stones, which form an integral element of the architectural character of the building.
- (ii) The rebuilding of the later lean-to building and its replacement with a taller pitched-roof extension. This would not constitute a faithful reconstruction of all the component parts of the building, and would provide an unusual, more domestic form to the building that would compromise the character and integrity of the original barn composition.
- (iii) The number and disposition of rooflights on the rear elevation.
- (iv) The window frame pattern proposed for the ground floor window openings. These are shown as four-light window frames, matching the style of the majority of the existing window frames. However, these are not considered to be the original frames and were more likely to have been inward opening hopper windows that have a more 'agricultural' character and appearance.

Following discussions with the applicant and agent amended plans are to be submitted in respect of points (i) to (iii) above. These amendments are also a response to additional ecological requirements to provide a protected roofspace area to accommodate roosting opportunities for brown long-eared bats (see Issue 3 of this report).

The scheme is to be amended as follows:

- (i) First floor window in front (south) elevation omitted.
- (ii) Later lean-to building to be demolished and rebuilt on the original footprint and form.
- (iii) The number of small rooflights to be reduced for three to one rooflight, with a central section of patent glazing positioned at the lower eaves level. This patent glazing is required to light the upper central section of the barn resulting from the omission of the first floor window opening in the main south elevation. An additional 'picking hole' window is to be inserted into the east gable wall to compensate for the loss of the rooflight to the internal bedroom space.

Officers consider that with these amendments the character, form and integrity of the original barn will be retained. The additional openings and rooflights proposed in the rear elevation are considered to be a necessary and acceptable compromise in order to facilitate the residential conversion. However, it is considered that in the absence of agreed amendments on the detailing of windows and doors, these details should be reserved by a condition attached to any permission, in the interests of the character and appearance of the completed development.

Given the special character of the barn itself and its immediate setting, it is also considered that exceptional circumstances exist that justify a planning condition withdrawing permitted development rights for alterations to the external appearance of the converted building, extensions, porches, solar panels, ancillary buildings, gates, fences, walls or other means of boundary enclosure. This type of condition would mean that these developments would need the National Park Authority's prior written consent, which is considered to be reasonable and necessary in this case to allow any future alterations to the proposed barn conversion to be managed appropriately.

Residential curtilage

The landscape impact of the proposed residential conversion is considered to be a key consideration in respect of this proposal. Whilst the physical conversion scheme is considered to be sympathetic, the presence of the barn and the preservation of its setting in the landscape is a key component in justifying its conversion.

The barn presently sits in the top corner of a small sloping field. Whilst the immediate setting to the front of the barn is not particularly visible from close viewpoints, including the nearby public footpath, it does command a wider presence in the landscape from very distant viewpoints across the valley to the south. From such viewpoints it is seen as a fairly large field barn surrounded by open fields, with few trees, except for the two large sycamore trees in the top corner of the field, immediately behind the barn, which serve to 'anchor' the building into the surrounding landscape.

In order to preserve this setting, therefore, it is vital that the formal residential curtilage is restricted to paved area alongside the immediate frontage of the barn (including the curved midden feature), and the rear of the barn. The remainder of the field would then be retained as a field and officers suggest that this could be developed as a hay meadow that could enhance the ecological interests of the site.

Providing necessary controls can be imposed to ensure that the open setting of the barn in the landscape can be preserved, it is considered that the landscape impact of the conversion would be fairly limited, with the character and appearance of the barn on its main southerly aspect remaining largely unchanged.

In order to achieve the required controls to preserve the open setting of the barn in perpetuity it is considered necessary to achieve this through the completion of a Section 106 legal agreement. Officers are concerned that the attaching of a condition would not necessarily achieve the long-term preservation of the barn's open setting and without it there could be further encroachment of undesirable domestic uses, boundary enclosures and inappropriate planting into the adjacent field.

In respect of the attaching of planning obligations, the Framework and Planning Practice Guidance very clearly state that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and where it may be possible to overcome a planning objection to a development proposal equally well by imposing a condition on the planning permission or by entering into a planning obligation under section 106 of the Town and Country Planning Act 1990; in such cases the local planning authority should use a condition rather than seeking to deal with the matter by means of a planning obligation.

In this respect, it is considered that in this case the attaching of a planning obligation is vital in ensuring that the open setting of the barn is preserved in the longer term. There is danger that without such an obligation, the setting of the barn would be eroded by subsequent occupants, who may not be made aware of a planning condition attached to the original planning consent, but would be informed of the requirements of the planning obligation as this would be registered as a land charge on the property and would therefore be disclosed upon every subsequent change in ownership of the property.

Consequently, taking in to account Government guidance on obligations, and on the individual circumstances of the case as set out in this report, it is considered that a planning obligation is essential in order to preserve the landscape setting of the barn in perpetuity.

Given the pressing need, however, for the barn stabilisation and reconstruction works to be carried out in a timely and ordered manner, it is considered appropriate attach a planning condition requiring the completion of the Section 106 legal agreement prior to the occupation of the building. This would avoid any delays in the commencement of stabilisation and reconstruction works and the planning obligations are designed to preserve the landscape setting upon the subsequent residential occupation of the building.

Retention of existing trees and upgrading of existing access track

Another important element of the landscape setting of the barn is the proximity of the two mature sycamore trees to the barn. These are proposed to be retained. The current vehicular access passes between these two trees, and whilst they appear to be in a reasonable condition, concern is raised that there could be damage to their roots during the construction period and afterwards, due to the more frequent use of the access by vehicles.

Consequently, the Authority's Tree Officer is to inspect the trees, but has already advised that the construction phase should be accompanied by a working method statement in compliance with BS 5837 to ensure that the tree roots are not damaged during construction, and also to provide a suitable surface treatment to ensure no long term damage to the tree roots following the residential occupation of the converted barn.

The existing access track down to the barn is mainly grassed and it is expected that this would have to be upgraded for permanent residential use of the barn. The existing track does not presently have a significant landscape impact as it follows the line of an existing drystone wall. It is considered that any upgrading works required should take the form of two wheel tracks with a grassed centre to preserve the agricultural character of the surrounding area.

Issue 3 – Ecological Issues

Core Strategy policy L2 and Local Plan policy LC12 state, amongst other things, that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting. National Planning policies in the Framework

A bat and bird survey has now been undertaken on the barn. Based on the results of the activity surveys, this found that the building is being used by local bats, including pipistrelles, but there is also evidence of use by brown long-eared bats.

The Authority's Ecologist acknowledges survey methods and results, but has raised concerns raised about the level of bat mitigation proposed, particularly in respect of the bat roost requirements for brown long-eared bats that were found to be present. Further amended plans are to be submitted which address these concerns. The Authority Ecologist's comments on the amended bat mitigation provision will be reported orally at the committee meeting. In order to accommodate the bat roost requirements for brown, long-eared bats, a loft space of around 5m x

4m x 2.5m high has to be provided within the roofspace of the building. It is expected that this can be provided, but it will require the omission of a rooflight serving the internal bedroom space.

Amended plans are currently being prepared to accommodate the bat roost requirements and further bat mitigation is to be submitted. It is anticipated that an acceptable level of bat and bird mitigation measures can be provided to the satisfaction of the Authority's Ecologist through the attaching of appropriate ecological conditions. The Authority Ecologist's comments on the amended bat mitigation provision will be reported orally at the committee meeting.

Highway Issues

No comments have been received from the Highway Authority, however, the access on to the Fawfieldhead road is considered to be adequate in terms of its width and visibility on to the main road. Sufficient parking/turning facilities for the parking of two vehicles in a fairly screened area to the rear of the barn are proposed. Given the length of the access track from the main road, however, it is considered prudent to provide a layby passing place half way down the access track. Subject to this, and the attaching of appropriate highway conditions, it is not considered that there are any significant highway impacts generated by the proposed development.

Conclusions

It is therefore concluded that there are exceptional circumstances in this case that would justify the conversion a building of vernacular merit to a new house to meet general demand because the conversion is required to conserve and enhance the barn and its setting. The conversion would otherwise be of a sufficiently high standard of design to ensure it would have a limited impact on the character of the surrounding landscape, and would not harm the valued characteristics of the local area.

Therefore, the current application is considered to be in accordance with the relevant policies in the Development Plan and national planning policies in the Framework. However, this is a finely balanced judgement taking into account the location of the barn, and its isolated position, and the proposals would only meet the requirements of national and local planning policies subject to the conditions suggested in the above report, and the legal agreement, which are necessary to ensure that the barn and its setting would be conserved and enhanced.

In this case, it would not otherwise be appropriate to consider that the barn should be subject to any occupancy restriction because its conversion would not be affordable and it would not be viable to convert it to a holiday-let. Accordingly, the current application is recommended for conditional approval on the basis that planning permission would be granted for a new house in open countryside to meet general demand.

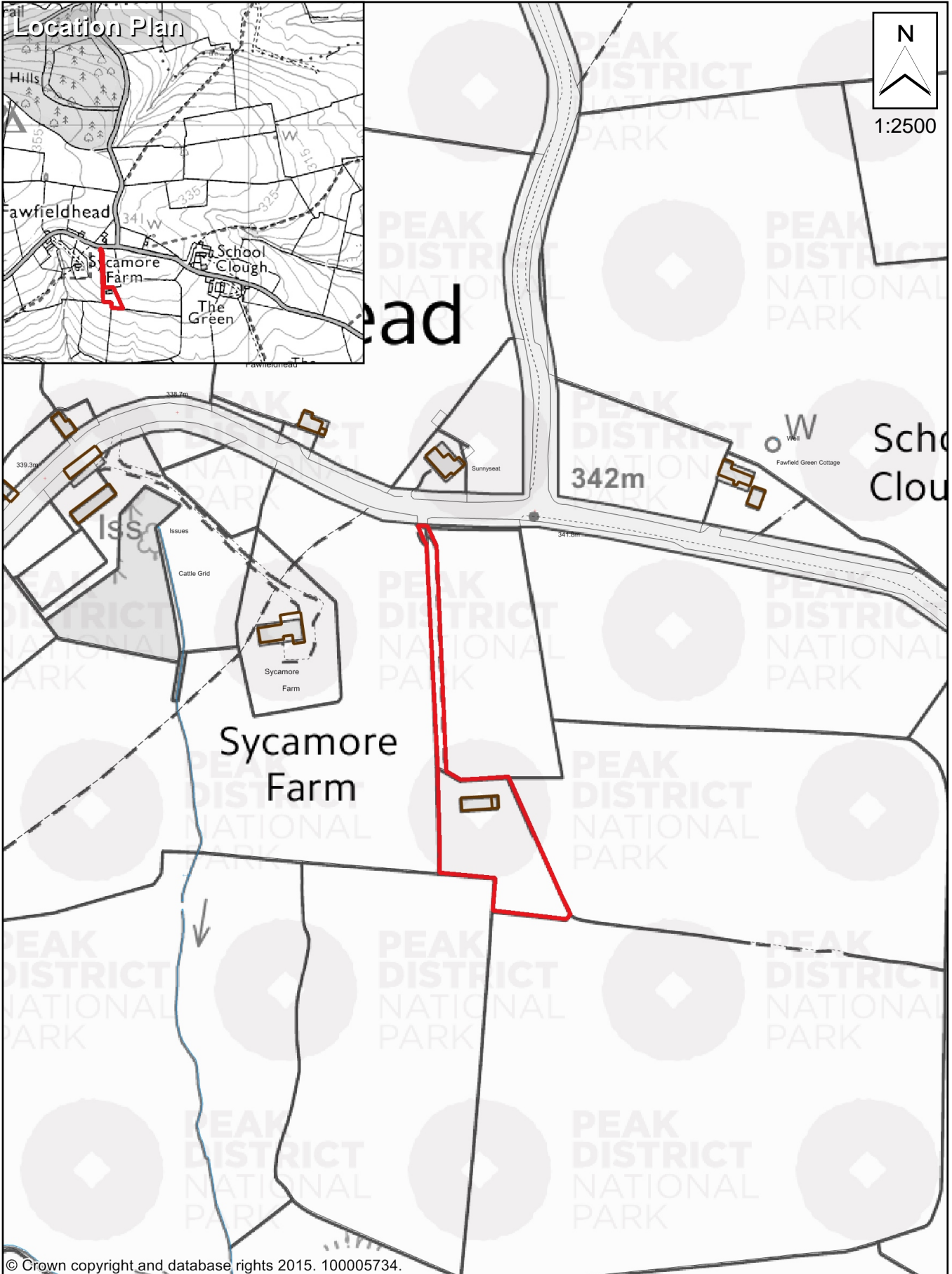
Human Rights

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


List of Background Papers (not previously published)

Nil

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Committee Date:	10/07/2015	Title: Frost Barn, Sycamore Farm, Fawfieldhead, Longnor	 PEAK DISTRICT NATIONAL PARK
Item Number:	7		
Application No:	NP/SM/0415/0280		
Grid Reference:	407558 363644		

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8. FULL APPLICATION – CHANGE OF USE OF BARN TO AGRICULTURAL WORKER'S DWELLING AT NEW BUILDING, VICARAGE FARM, HOLLINSCLOUGH (NP/SM/0315/0158, P.1813, 406551/366550, 26/06/2015/KW/CF)

APPLICANT: MR JIM HUDSON

Site and Surroundings

The building known as 'New Building' is a detached barn situated in an isolated and exposed position about 240m north-east of Hollinsclough hamlet. It is adjacent to the narrow northerly back lane between Hollinsclough and Longnor. A Byway Open to All Traffic (BOAT) passes diagonally through the yard area to the front of the barn, which is also signposted as a public footpath. The barn is framed by the dramatic backdrop of Chrome and Parkhouse Hills, which are situated ½km to the north-east. Access to the barn is directly off the BOAT and there is an informal grassed yard area to the front of the barn

This is a traditional barn with a low two-storey form and constructed of roughly coursed natural gritstone under a Staffordshire Blue natural plain clay tile roof. It has a fairly simple appearance, but has pleasant symmetrical frontage with three door openings on the ground floor and a central 'picking hole' window above. The external corners of the barn are dressed with natural gritstone quoinwork and there is projecting gritstone string coursing to the eaves. There is a single-storey, lean-to building attached to its north-eastern gable, which has a corrugated sheet roof.

The barn sits on level ground close to the lane and occupies a prominent position in the landscape, particularly when approaching the site along the back lane and the public footpath. The barn is also visible from more distant viewpoints along the southerly approach road into Hollinsclough from Longnor 460m to the south-west. From these viewpoints the barn appears relatively isolated and is framed by the iconic limestone hills of Chrome and Parkhouse. Consequently, it presents a pleasing composition in the landscape that makes a significant contribution to the character of the surrounding landscape.

Proposal:

The application proposes the conversion of the barn to an agricultural dwelling for the applicant's son. The applicant and his family operate from their tenanted farm at Dale Farm Wetton, but also have a farm unit and associated complex of farm buildings at Vicarage Farm in the centre of the Hollinsclough hamlet. There is currently no-one resident on the Vicarage Farm unit.

The submitted scheme proposes the conversion of the barn to a two-bedroomed agricultural worker's dwelling. The accommodation is provided over two floors with part of the first floor extending into the roofspace in order to achieve appropriate headroom. The overall floor area is 94m², which just exceeds the size of a 5 person local needs dwelling (87m²).

The scheme proposes no new openings in the walls, save for the unblocking of an existing door opening on the rear elevation. The grassed yard area to the front of the barn is to be incorporated into the residential curtilage and enclosed by a drystone wall, and a small 12m deep strip of the field to the rear of the barn is to be incorporated into the residential curtilage and enclosed by a post and wire fence. Two vehicular parking spaces and associated turning space are to be provided to the eastern side and rear of the barn.

RECOMMENDATION:

That the revised application be REFUSED for the following reasons:

1. The barn occupies a prominent and exposed position in a landscape of exceptional value that should be safeguarded because of its intrinsic scenic beauty. The current proposals would fail to meet achieve this objective and the proposed residential conversion of the barn would spoil the character and setting of the barn by the introduction of a domestic use and associated developments in this sensitive location. The proposals would therefore be contrary to Core Strategy policies GSP1, GSP2, GSP3, L1 and L3, saved Local Plan policies LC4 and LC8, and national planning polices in the Framework.
2. The proposed development fails to meet criterion (ii) of Local plan policy LC12 as it does not represent the most suitable accommodation in the locality that could reasonably be made available for occupation by the worker concerned, and as submitted, the current application does not propose a sustainable form of development when taking into account the availability of a less damaging practicable option to meet the needs of the farm exists. Therefore, the proposals are contrary to the principles of sustainable development set out in Core strategy policy GSP1 and national planning policies in the Framework.

Key Issues

1. Whether principle of the proposed development meets the terms of the Authority's Core Strategy and Local Plan policies in relation to the provision of agricultural worker's dwellings.
2. The potential impact of the proposed dwelling conversion on the character and setting of the barn and the surrounding landscape.
3. Ecological issues.

History

There is no relevant planning history on the proposed barn conversion site, however, the following planning history on the Vicarage Farm Unit is considered to be relevant to this proposal.

May 1973 – Full consent for the erection of a 27.4m x 30.63m cubicle feed shed.

October 1974 – Outline approval granted for the erection of a farm worker's bungalow at Vicarage Farm. This approval was subject to an agricultural occupancy condition.

July 1976 – Full planning consent granted for the farm worker's bungalow, which was subsequently built.

June 2011 – Full planning consent granted for covered roof over a 27.5m x 13.8m silage clamp.

February 1998 – GDO Prior Notification consent for silage pit extension.

Consultations

County Council (Highway Authority) – No reply to date.

District Council – no reply to date.

Parish Council – A unanimous and comprehensive letter of support has been received. This is available to view on the public file. The Parish Council (PC) response includes the following comments:

- New Building is sited close to one side of a BOAT which runs from the road south-west of Parkhouse Hill to the road (Carr Lane). This redundant barn is one that some local people have been commented on as being a 'crying shame' that it has not been converted to a dwelling.
- This is a sympathetic scheme that requires no new openings or rooflights or requirements for a new access.
- There is a proposed gravel standing for vehicles and no special lighting requirements and therefore no additions to existing light pollution in the parish.
- The accompanying agricultural business appraisal clearly demonstrates that this is a well-established farm business where there is a clear need for a farm worker's dwelling and where local property prices are beyond the means of a farm worker.
- Vicarage Farm is complicated in that its 'partnership owners' have two farm units; one at Dale Farm, Wetton (rented) and Vicarage Farm, which they own. The two farms make for a very versatile farming business with the latter focussing on dairy farming and the former, beef and sheep.
- The development will meet the needs of the Hudson family without compromising the sense of history and tradition attached to the barn. It is a modest development with no desire to increase its size and with an agricultural occupancy restriction.
- It will improve the quality of life for those working the farm and ensure its long term management. Vicarage Farm is a well-established farming business.
- The PC is aware of the hard-working ethic of the applicants and is satisfied that the family's current situation is unsustainable and unsatisfactory.
- It is often debated whether Hollinsclough is a hamlet or a village. The parish is large with many widely dispersed dwellings but the settlement itself is small. In the centre of the settlement there is only 6 residences owned or rented by people who live there permanently, with a further 4 permanently based families living within ½ mile. Beyond that the parish is made up of hamlets. In the majority of cases, there are few people to feed into the local school and the number of properties that are second homes or holiday cottages does not help this situation.
- The concerns raised by a nearby resident must be taken into account to ensure their continued uninterrupted access along the BOAT, which provides access to their property.

National Park Authority (Conservation Architect) - The whole field barn character of the building will be lost if conversion happens, and its landscape setting with it. At present there are no windows in the building, only boarded openings or doors; this will change completely if converted, despite the drawings showing closed external. The limited plan area and the limited number of openings does not make for a good conversion. Some of the areas will be dark – the kitchen especially and may result in additional new openings being requested in the future. There is also no stove or flue indicated, no outside lights, meter boxes, soil vent pipes. There is also no provision outside storage be accommodated. Conversion to a dwelling would be very harmful for both the building and the landscape.

National Park Authority (Ecologist) – Given the presence of a common pipistrelle summer bat roost and nesting swallows, appropriate bat and bird mitigation is required. It is not clear from the proposals if the bat roost can be retained during works, if the roost is to be lost it is likely that

a development licence issued by natural England will need to be approved in order for the works to proceed.

A further condition is recommended requiring that a site licence be obtained from Natural England, or a letter from the relevant licensing body (NE) confirming that a licence is not required. Where a licence is not required no work shall be undertaken on the application site until a detailed working method statement and monitoring programme has been supplied and agreed in writing with the PDNPA Ecologist stating how potential threats to bats occurring at the site will be avoided. The development shall thereafter be carried out in complete accordance with the agreed details.

The proposal is considered to be acceptable subject to the attaching of conditions, including the following: submission and agreement of the exact choice, location and number of bat boxes to be installed; provision, where possible, provision for bats within the internal structure; no external lighting that directly illuminates bat boxes or bat access points, submission of details that shows the location of enhancement/mitigation features for future bat and hirundine (swallows/house martins) usage.

In principle the aims of the bat mitigation are deemed acceptable; however as stated in the bat survey report confirmation on the level and type of mitigation will be subject to agreement with the licensing authority (Natural England) and may therefore change from the submitted recommendations. Any loss or disturbance to known bat roosts is likely to require the submission of a protected species licence issued via Natural England, should Natural England deem that a licence is not necessary; confirmation in the form of correspondence from NE should be submitted to PDNPA.

National Park Authority (Landscape Architect) - The barn lies within the Upper Valley Pastures landscape character type of the South West Peak Landscape Character Area. Key characteristics of this landscape setting include undulating lower valley slopes with incised stream valleys. This is a settled landscape with dispersed gritstone farmsteads and loose clusters of dwellings with stone slate or clay tile roofs and permanent pasture enclosed by a mixture of drystone walls and hedgerows.

What makes this barn unique is that it stands in isolation separate from any farm buildings; most farm buildings in the area both modern and traditional are associated with a farm complex, such as the buildings at Vicarage farm, the main farm complex for the holding.

The barn is seen as being isolated even though it is only a short distance from Hollinsclough. It sits in a pastoral landscape with open views in particular towards Chrome and Parkhouse Hills, both iconic limestone hills. The proposed development of the barn will domesticate the landscape. The proposed development plans provided show the window openings with solid wooden shutters and doors, which in reality will be kept open. No detailed site plans have been provided it is therefore assumed that the red line will form the curtilage of the property. Even with permitted development rights removed this area around the barn will become domestic in nature requiring space for at least parking, bin stores, fuel stores and drying facilities.

There is an adjacent footpath and it is clear that the barn forms part of the landscape setting with the imposing backdrop of Chrome and Parkhouse hills.

The impact of supplying electricity and telephones to the barn is also a concern. These should be undergrounded. If services are to be undergrounded, The route of the proposed undergrounded lines should be provided as part of the application as there may be implications on ecology and archaeology.

It is recommended that this application is refused on the impact of the proposal on the setting of Parkhouse and Chrome Hills.

Representations

A letter from the owners of two of the main properties affected by the proposal has been received. They have no objections to the conversion of New Building, but they are seeking confirmation that the applicant would alter gateways and erect fencing between the field and the roadside.

The reason for this request is one of highway access issues. The enclosing of the yard in front of the barn will reduce the size of the yard by a half and would in turn cause congestion with cows on the road and in the yard when they are being taken for milking. When there are a hundred cows or so it would be impossible to get car access on to the BOAT, which serves their properties. It is suggested that an alternative access through the adjacent field is provided to create an enclosed cow handling area that would maintain a clear access over the BOAT.

Main Policies

Core Strategy policies GSP1, GSP3, GSP4, DS1, HC1, HC2, L1, L2, L3, HC1, T1 & T7

Local Plan policies LC4, LC12, LC17, LT11 & LT18,

Policy LC12 of the Local Plan and Policy HC2 of the Core Strategy provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. This is because policies HC2 and LC12 set out the relevant criteria for assessing proposals for the re-use of existing buildings to meet local need.

It is considered that there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the National Planning Policy Framework with regard to the issues that are raised. This is because the Framework continues support the re-use of existing buildings specifically for key workers in small rural communities that would not normally be made available for the provision of open market housing subject to normal planning considerations.

Notwithstanding this general support for principle of the provision of housing for key workers, the Framework also states that the conservation of heritage assets in a manner appropriate to their significance forms one of the 12 core planning principles within the Framework. Paragraph 132 of the Framework states that great weight should be given to the conservation of a designated heritage asset and that the more important the asset, the greater the weight should be. Paragraph 115 in the Framework states that great weight should be given to conserving landscape and scenic beauty in National Parks along with the conservation of wildlife and cultural heritage.

Assessment

Issue 1 - Whether principle of the proposed development meets the terms of the Authority's Core Strategy and Local Plan policies in relation to the provision of agricultural worker's dwellings.

In assessing the principle of this proposal the key policies in relation to the provision of agricultural dwellings are Core Strategy policies HC1 (B), HC2 and Local plan policy LC12. In addition to this Core Strategy policy HC1 C I is also of relevance to this proposal.

Policy HC1 (B) of the Core Strategy allows for new residential development where it provides for key workers in agriculture, forestry or other rural enterprises in accordance with core policy HC2, which says:

- A. New housing for key workers in agriculture, forestry or other rural enterprises must be justified by functional and financial tests.
- B. Wherever possible it must be provided by re-using traditional buildings that are no longer required for their previous use.
- C. It will be tied to the land holding or rural enterprise for which it is declared to be needed.

These policies are consistent with the National Planning Policy Framework ('the Framework'), which says at Paragraph 55 that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.

The National Planning Practice Guidance does not contain any further information on assessing need, but Local Plan policy LC12 provides further criteria to assess the acceptability of new farm worker's dwellings including financial and functional tests. LC12 says the need for a new agricultural or forestry worker's dwelling will be considered against the needs of the farm or forestry business concerned and not the personal preferences or circumstances of any individuals involved. Development will be permitted provided that:

- i. a detailed appraisal demonstrates that there is a genuine and essential functional need for the worker(s) concerned, with a requirement that they need to be readily available at most times, day and night, bearing in mind current and likely future requirements; and
- ii. there is no suitable existing accommodation in the locality that could reasonably be made available for occupation by the worker(s) concerned; and
- iii. size and construction costs are commensurate with the established functional requirement and likely sustainable income of the business; and
- iv. it is close to the main group of existing buildings and does not require obtrusive new access tracks or driveways; and
- v. a satisfactory mechanism is put in place to secure long term control by the business of the dwelling in question and of any other dwelling that meets an agricultural need of the business; and
- vi. occupancy of the dwelling in question (and of any other dwelling that meets an agricultural need of the business) is restricted to persons solely or mainly working in the locality in agriculture or in forestry, or to the same occupants when they have stopped such work, or a widow or widower of such a person, and any resident dependants; and
- vii. stated intentions to engage in or further develop farming or forestry are genuine, reasonably likely to happen and capable of being sustained for a reasonable period of time. Where there is uncertainty about the sustainability of an otherwise acceptable proposal, permission may be granted for an appropriately coloured caravan or other temporary accommodation; and
- viii. sufficient detail is provided to enable proper consideration of these matters.

These policies state that new housing for key workers in agriculture must be justified by functional and financial tests. If a need is subsequently demonstrated, then, wherever possible, this must be provided by re-using traditional buildings that are no longer required for agricultural purposes. Any subsequent agricultural worker's dwelling must also be tied to the land holding or rural enterprise for which it is declared to be needed.

The Authority's Local Plan policies then provide more specific requirements in respect of the siting of any new agricultural dwellings in that they should be sited close to the main farm complex and should not require obtrusive new access tracks or driveways. In addition to the policies relating to the provision of agricultural dwellings, Core Strategy policy HC1 C I is also of relevance to this proposal.

Functional Appraisal

The current farm enterprise is split between two main farm holdings, Vicarage Farm, which is the dairy enterprise, and Dale Farm at Wetton, which is the beef and sheep enterprise. The farm at Wetton is tenanted and this is where the applicants live. Vicarage Farm and the associated land is owned by the applicant, however, there is no farm dwelling on the site.

Vicarage Farm is the main dairy enterprise on the farm and on average the farm will be carrying around 120 dairy cows. Based on the day to day demands, particularly with a significant dairy enterprise, such as this, the established labour demand is equivalent to 2.1 full-time farm workers. Given that there is no dwelling on site, officers concur that there is strong and convincing functional case for a farm worker's dwelling at Vicarage Farm.

Financial Appraisal

The accompanying Agricultural Business Appraisal states that the business has been established for several years and the farm accounts demonstrate that it has made a profit in each of the last three years, which more than satisfies the requirements of the financial test. Details of the financial accounts for the last three years have been requested.

Application of Core Strategy policy HC1 C I

In addition to the agricultural considerations with respect to the principle of the barn conversion, this also has to be assessed against Core Strategy policy HC1 C I. This policy permits the conversion of 'valued vernacular' buildings where it is required to achieve conservation and/or enhancement of such buildings.

In this case, the building subject of this application is considered 'valued vernacular' by virtue of its character, form, composition and detailing, and particularly its setting against the backdrop of Chrome and Parkhouse Hills. Given this, and its prominent position and proximity to the BOAT, it contributes to the special landscape qualities of the locality. The building is in a reasonable structural condition.

In this case, therefore, it is not considered that the conversion of the buildings to an open-market dwelling would fully comply with policy HC1 C I as there is no significant conservation or enhancement of the buildings required. Notwithstanding this, however, the conversion of such traditional buildings to agricultural worker's dwellings is encouraged in Core Strategy policy HC2 and Local Plan policy LC12 in preference to the provision of new-build agricultural dwellings.

The key remaining issue in respect of the principle of the barn conversion is therefore whether there is a more suitable existing accommodation in the locality that could reasonably be made available for occupation by the worker(s) concerned, as required by criterion (ii) – (iv) of Local Plan policy LC12.

In respect of the size of the proposed dwelling (94.6m²), this is considered to be fairly modest and commensurate with the size of the farm enterprise. The agent has also submitted total construction costs of £69,750 (including electricity supply trenching and water supply from the main farm, which demonstrate that the conversion scheme can be carried out within the scope of the likely sustainable income of the business. Whilst the barn is situated about 313m east of the Vicarage Farm building complex, it is within easy walking distance and as it close to the nearby road, and there is no requirement for obtrusive new access tracks.

The applicant is also willing to complete a S.106 legal agreement relating to agricultural occupancy and is willing to tie the dwelling to the Vicarage Farm holding (i.e.).

Notwithstanding that the proposed barn conversion meets the terms of criteria (i) and (iii) – (viii) of Local plan policy LC12, it also has to comply with criterion (ii). Criterion (ii) states that such conversions to agricultural worker's dwellings will be permitted provided that there is no suitable existing accommodation that could reasonably be made available for occupation by the worker concerned. Core Strategy policy HC2 also states that wherever possible, new housing for key workers in agriculture must be provided by re-using traditional buildings that are no longer required for their previous use.

In respect of this requirement, officers acknowledge, that the option of purchasing a property in this small hamlet is prohibitive in terms of the lack of available properties within the close proximity of the farm and the likely purchase costs. As can be seen in issue 2 of this report, however, officers consider that the proposed impacts of the proposed barn conversion are significant and harmful to the character and landscape setting of the barn and the national park.

Consequently, officers visited the main Vicarage Farm complex with the applicants to determine whether there was a more appropriate option to the current proposal. This site inspection revealed that there is a traditional stone barn at the southern end of the farm building complex, which is situated close to the southern entrance to the farm in the centre of the hamlet. This is a pleasant traditional building of some architectural merit and given its position within the farm yard is considered to be a more appropriate location for animal husbandry purposes, as it is on the farm building complex itself.

Whilst the applicants maintain that this building is still being used for agricultural purposes, it was not being used intensively at the time of the site inspection. Officers also acknowledge that this barn is attached to the adjacent modern farm building complex on two sides and the building at immediately to the rear of the barn contains the refrigeration compressors for the dairy enterprise, which are noisy when operating.

The applicants have also submitted a letter from the installers of the refrigeration compression units and consider that sound-proofing is not an option as adequate air circulation is paramount to the running of this equipment. Re-siting is not considered to be cost effective as the refrigeration compressors need to be within close proximity to the dairy to main the efficiency of the refrigeration. Officers acknowledge that there are difficulties in soundproofing the compressors; however, whilst there would be a cost implication in re-siting them, it is still considered that this is a more appropriate option than the current barn conversion proposal. Moreover, it is understood that the 'personal preference' of the applicant's partner is to live in the barn, which is the subject of the current application rather than close to the existing farm buildings.

Consequently, whilst the principle of the provision of the agricultural worker's dwelling conversion scheme meets all the other criteria stated in Local Plan policy LC12, it is considered that it fails to meet criterion (ii) as it does not represent the most suitable existing accommodation in the locality that could reasonably be made available for occupation by the worker concerned.

Issue 2 - The impact of the proposed dwelling conversion on the character and setting of the barn and the surrounding landscape.

Local Plan policy LC4(a) says where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, conserves and where possible it enhances the landscape, built environment and other valued characteristics of the area. Local Plan policy LC4(b) goes on to say, amongst other things, particular attention will be paid to scale, form, mass and orientation in relation to existing buildings, settlement form and character, landscape features and the wider landscape setting.

Local Plan policy LC4 is now also supported by the more recently adopted policy GSP3 of the Core Strategy which says development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development proposal. GSP3 goes on to say, amongst other things, particular attention will be paid to:

- A. impact on the character and setting of buildings
- B. scale of development appropriate to the character and appearance of the National Park
- C. siting, landscaping and building materials
- D. design in accordance with the National Park Authority Design Guide

GSP1 states that all development in the National Park must be consistent with the conservation purpose of the National Park's statutory designation and where national park purposes can be secured, opportunities must be taken to contribute to the sustainable development of the area.

GSP2 says that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon but 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, and they should not undermine the achievement of other Core Policies.

L1 says that development must conserve and enhance the valued characteristics and landscape character of the National Park in accordance with the priorities for landscape conservation set out in the Authority's Landscape Strategy and Action Plan.

In terms of the Authority's Landscape Strategy and Action Plan, the barn conversion site is situated within the Upper Valley Pastures landscape character type of the South West Peak Landscape Character Area. Key Characteristics include undulating lower valley slopes with incised stream valleys; a settled landscape with dispersed gritstone farmsteads and loose clusters of dwellings with stone slate or clay tile roofs; and permanent pasture enclosed by a mixture of drystone walls and hedgerows. In this landscape setting, field barns are identified in the Landscape Strategy and Action Plan as landscape features to be conserved and enhanced

However, it should also be noted that the barn lies within the imposing and iconic backdrop of Chrome and Parkhouse hills and the site can be seen from these hills, which are popular visitor destinations. Therefore, the landscape setting of the barn is especially sensitive to change and this is reflected in a recent appeal decision where the creation of a natural burial ground close to the application site was refused planning permission on the basis of the adverse visual impact of the creation of a new track and changes to the vehicular access.

LC8 and L3 otherwise set out further guidance relating to any new use of a traditional building with vernacular merit. L2 and LC17 promote and encourage biodiversity within the National Park and seek to safeguard nature conservation interests. LT11 and LT18 otherwise require development to be provided with appropriate access and parking provision that would not harm the environmental quality of the National Park. Further detailed advice on the conversion of buildings to other uses is provided in the Authority's supplementary planning documents: the Design Guide and its appendix, the Building Design Guide.

These policies and the Authority's adopted supplementary planning documents are considered to be consistent with the Framework because they promote and encourage development proposals that would be of a high standard of design and sensitive to the valued characteristics of the National Park.

In respect of this current proposal, officers concur with the views of the Authority's Landscape Architect and Building Conservation Officer that what makes this barn unique is that it stands in isolation separate from any farm buildings, most farm buildings in the area both modern and traditional are associated with a farm complex, such as the buildings at Vicarage farm, the main farm complex for the holding.

The barn is seen as being isolated even though it is only a short distance from Hollinsclough. It sits in a pastoral landscape with open views in particular towards Chrome and Parkhouse Hills, both iconic limestone hills. It is visible from close views from the adjacent road and BOAT and from the wider landscape when approaching Hollinsclough on its southerly approach road. Consequently, it is considered that the proposed conversion of the barn to a dwelling would have a significant adverse impact, not only the character and immediate setting of the barn itself, but its wider landscape setting and its contribution to the iconic setting of Chrome and Parkhouse Hills.

Officers acknowledge that the physical building conversion scheme is sympathetic to the character and appearance of the existing barn and involves no new openings and a restricted curtilage contained by new sections of drystone walling. However, it is considered that the building is in such an exposed and prominent position that that the changes to the barn through the introduction of a residential use into the building, such as the glazing of openings and the activities generated around the barn would significantly and adversely impact upon the character and setting of the barn and the surrounding landscape.

Even at a distance, the visual effect of the works proposed, together with that of vehicles parking at the site and using the access, would be clear. Moreover, the domestication of a building that occurs from a residential use and associated domestic paraphernalia are difficult to control by condition and the domestication of an isolated field barn would have a significant and adverse impact on the landscape setting of the barn. Therefore, the character and appearance of the area and the valued scenic qualities of Chrome and Parkhouse hills would be significantly harmed by the proposed conversion of the barn and the proposed conversion would detract from the valued characteristics of the local area.

For these reasons it is considered that even though there is a strong and convincing justification for the principle of the conversion of the barn to an agricultural worker's dwelling, the proposal would still be open to strong landscape objections and would be contrary to Core Strategy policies GSP1, GSP2, GSP3, L1 and L3, saved Local Plan policies LC4 and LC8, and national planning policies in the Framework.

Sustainability

In this case, it is an inescapable fact that the barn occupies a remote location within a locally distinctive landscape setting and an especially sensitive location within the National Park. Therefore, the benefits of the scheme are not considered to offset or outweigh objections on landscape and visual impact grounds especially where there is a less damaging practicable option available to the applicant. In this respect, it is notable that the barn within the existing group of farm buildings is clearly within sight and sound of the livestock kept by the applicant and this building, if it were to be converted to a dwelling, would meet the needs of the business.

However, the applicant is unwilling or unable to countenance this option noting that the building does not appear to be used for agricultural purposes, would normally be no longer considered to be capable of properly meeting the needs of modern farming practices, and the issues of noise and disturbance from the refrigerators is not an insurmountable problem. Moreover, it is also understood there is an element of personal preference when considering the suitability of this barn compared to the barn, which is the subject of the current application.

Notwithstanding the availability of the barn closer to the existing farm buildings, and the likelihood proposals to convert this barn would be supported by officers, given the harm that would result from conversion of the building proposed in this application, officers would recommend that a new-build farm worker's dwelling should be considered if the barn closer to the existing farm buildings is not considered to be viable rather than grant planning permission for this application. A newly-built farm worker's dwelling closer to the existing farm buildings can be justified with reference to the financial and functional tests relevant to these proposals, and would be less open to objection on landscape and visual impact grounds subject to normal planning considerations such as design and neighbourliness, for example.

As submitted, the current application does not propose a sustainable form of development when taking into account the availability of a less damaging practicable option to meet the needs of the farm exists. In this respect, whilst officers can accept the proposed conversion would benefit the appellant's business, in this case the agricultural need does not outweigh the significant adverse effect that the proposal would have on the landscape quality of the National Park. The application site is set in a landscape of exceptional value that should be safeguarded because of its intrinsic scenic beauty. The current proposals would fail to achieve this objective and therefore any benefits of granting planning permission for the current application would be significantly and demonstrably outweighed by the adverse impacts of doing so, when these proposals are assessed against the policies in the Framework and Development Plan.

Consequently, the proposals are contrary to the principles of sustainable development set out in Core strategy policy GSP1 and national planning policies in the Framework.

Issue 3 – Ecological issues

Core Strategy policy L2 and Local Plan policy LC17 state, amongst other things, that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting. National planning policies in the Framework promote and encourage the conservation and enhancement of the natural environment.

A bat and bird survey has now been undertaken on the barn. Based on the results of the activity surveys, this found that the building is being used by local bats, and it is thought that the building houses a common pipistrelle male summer roost. Additionally, there were four swallow nests, one of which was active, suggesting that the building was a valuable habitat for this species. In terms of mitigation, the bat and bird survey advises that if the bat roost can be retained throughout the proposed works (i.e. by leaving the gaps in the stone walls), there will be no need to apply for a Natural England Development Licence. Any subsequent bat mitigation could also include the incorporation of bat boxes into the fabric of the building.

In respect of birds, four swallow nests were identified upon the wooden purlins within the building. As these would inevitably be lost the report recommends that four swallow boxes are incorporated into the proposed works. The Authority Ecologist has been consulted on the findings of the bat and bird survey report and any comments will be reported at the committee.

Conclusions

Officers acknowledge that the proposed agricultural worker's dwelling will be occupied by the applicant's son who works full-time on the farm at Vicarage Farm. It is also acknowledged that the position of the barn and the fact that as it is owned and is situated within the applicant's owned parcel of land this would be the preferred option. It is considered, however, that even though there is a strong and convincing justification for the dwelling; there is a more appropriate option available to provide the required agricultural worker's dwelling on the farm building complex. Therefore, the proposals are contrary to the principles of sustainable development set out in Core strategy policy GSP1 and national planning policies in the Framework.

Moreover, even if this alternative option was not considered to be suitable, the current proposals cannot be accepted 'in their own right' because the proposals conflict with landscape conservation objectives and the proposed barn conversion would significantly detract from the scenic beauty of the National Park. Therefore any approval for the current application would be contrary to Core Strategy policies GSP1, GSP2, GSP3, L1 and L3, saved Local Plan policies LC4 and LC8 and national planning policies in the Framework, which individually and collectively say great weight should be afforded to the conservation and enhancement of the valued characteristics of the National Park.

Accordingly, the current application is recommended for refusal because the proposals do not comply with the relevant policies in the Development Plan or national planning policies in the Framework.

Human Rights

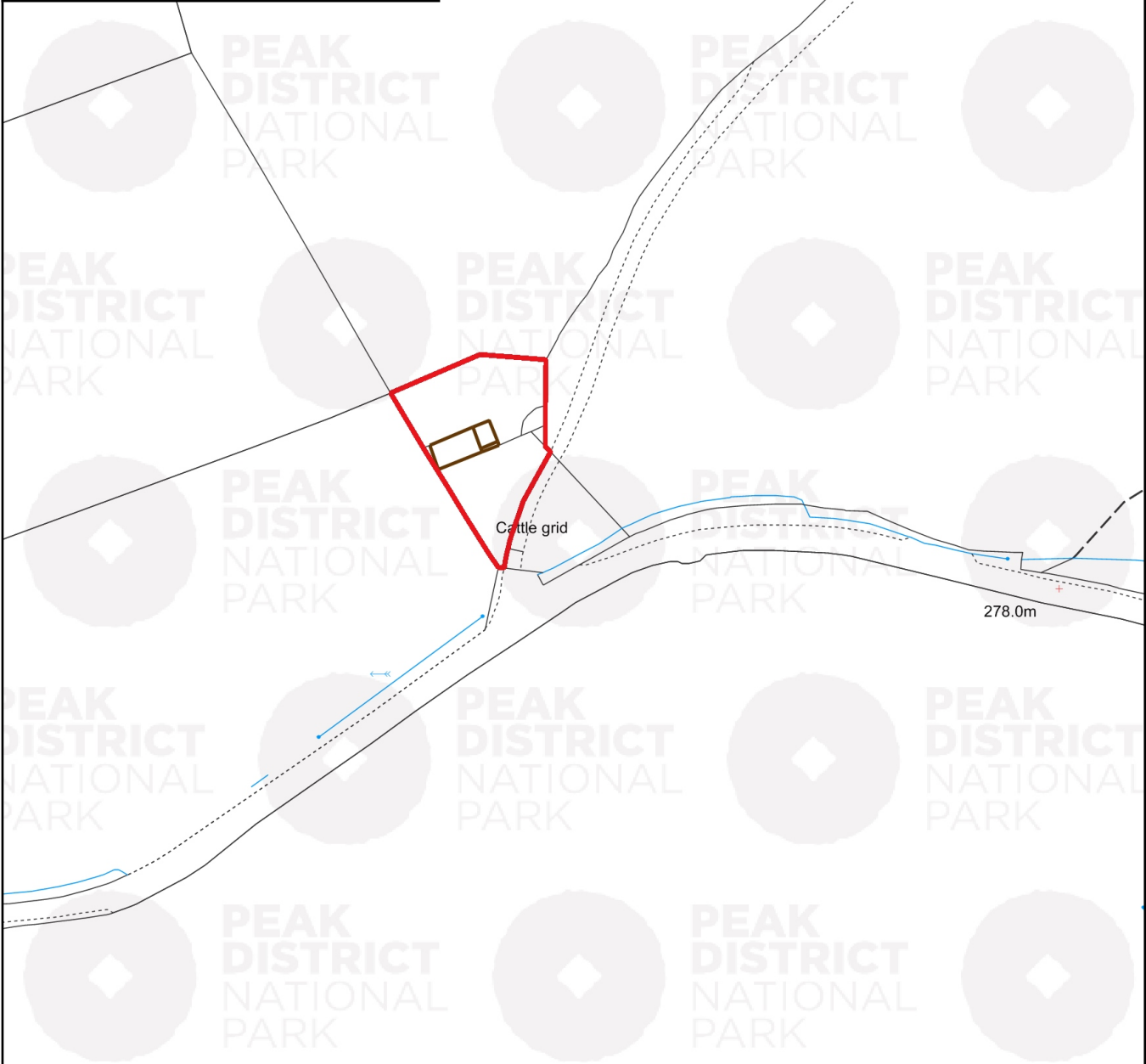
Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)


Nil



1:1250



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Committee Date:	10/07/2015	Title: Vicarage Farm, Hollinsclough	 PEAK DISTRICT NATIONAL PARK
Item Number:	8		
Application No:	NP/SM/0315/0158		
Grid Reference:	406551 366550		

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9. SECTION 73 APPLICATION – VARIATION OF CONDITIONS 7, 8, 10, 12 and 14 ON NP/SM/0711/0677 TO INCREASE THE NUMBER OF TOTAL CARAVAN AND TENT PITCHES, EXTEND THE SEASON BY 2 MONTHS AND ALLOW FOR A WARDEN'S PITCH FOR 10 MONTHS, UPPER HURST FARM, HULME END, ALSTONEFIELD (NP/SM/0315/0267, P.5051, 411402 358954, 26/06/2015/KW)

APPLICANT: MISS SUE GREEN

Site and Surroundings

Upper Hurst Farm is located in open countryside approximately one kilometre to the south east of Hulme End. The property has around twelve hectares (30 acres) of land and was formerly a working dairy farm. The original farm house and associated stone built outbuildings lie adjacent to Beresford Lane about 500m south east of its junction with the B5054 Hartington-Warslow road. There is a group of modern farm buildings to the rear (east) of the farm house and associated stone built outbuildings. These buildings are not currently in use for agricultural purposes.

The application site is a camping and caravan site at Upper Hurst farm that lies to the south of the farm house. It comprises a field parcel about one hectare (2.5 acres) in area. The application site had formerly been in agricultural use and has the benefit of some mature planting along its southern and eastern boundaries and further planting has been carried out along these boundaries earlier this year.

The caravan site presently comprises 24 authorised caravan pitches laid out around the perimeter of the field and served by an access track which consist of two loops arranged in a figure of eight shape. The land enclosed by the upper (northern) loop is used as amenity land and the land enclosed by the lower (southern) loop is used for six tent pitches.

There is a utility building sited to the east of the existing farmhouse and associated buildings and at the northern end of the caravan and camping site, close to the existing entrance to the field. There is also a Public Right of Way that runs by the north field from Beresford Lane towards the neighbouring property, Lower Hurst Farm, and a Public Right of Way that runs by the application site again running from Beresford Lane towards Lower Hurst Farm.

Proposal

The proposed development comprises the following:

1. An increase in the present numbers of permitted touring caravans/tents from 24 caravans/6 tents to 25 caravans/15 tents. This proposal seeks retrospective approval for the additional caravan pitch, which is already in use on the site.
2. The extension to the operating season by two months. The current permitted season operates from 1st March – 31st October. The proposed extended season would operate from 1st February – 31st November.
3. Provision of a warden's caravan on site for the extended 10-month operating season.

RECOMMENDATION:

That the application be APPROVED, subject to the following conditions:

Approved Plans

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted plan no's 020/05 (Campsite Layout Plan), 020/01,02,03&04 (Landscaping Specifications), subject to the following conditions or modifications:

Landscaping

2. Any trees or plants which form part of the existing perimeter hedge/tree planting which die, are removed or become seriously damaged or diseased within five years of the date of this permission shall be replaced in the next planting season with others of a similar size and species or in accordance with an alternative scheme previously agreed in writing by the National Park Authority.

Limitations on Use of Site

3. The proposed use of the site for touring caravans shall not take place other than within the area annotated as caravan pitches numbered C1 - C25 on the submitted plans and no other part of the land at Upper Hurst Farm within the applicant's ownership shall be used to site caravans.
4. The total number of caravans on the site at any one time shall not exceed 25.
5. No caravans shall be placed or retained anywhere on land within the applicant's ownership or control between 31st November in any one year and the 1st of February in the succeeding year.
6. Other than mobile recreational vehicles, no caravan or structure shall be placed anywhere within the red-edged application site which is not capable of being towed on a public highway by a private family car.
7. The warden's caravan shall not be occupied as a permanent residence and shall be removed from the site on or before 31st November in any one year and shall not be returned to its designated pitch hereby permitted until the 1st of February in the succeeding year.
8. No caravans on the annotated caravan pitches numbered 1-25 shall be occupied as a permanent or sole place of residence by any person at any time during the lifetime of the development hereby permitted.
8. The proposed use of the site for camping/siting of tents shall not take place other than within the areas numbered T1 – T15 on the submitted plans and no other part of the land at Upper Hurst Farm within the applicant's ownership shall be used to site tents/camping.
9. No tents shall be sited, placed or retained anywhere on land in the applicant's ownership between 31st November in any one year and the 1st of February in the succeeding year.
10. The total number of tents and caravans on the site at any one time shall not exceed 40.

Restrictions on Permitted Development Rights

11. **Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any order revoking or re-enacting that Order) no alterations to the external appearance of the utility building shall be carried out without the National Park Authority's prior written consent.**
12. **Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any order revoking or re-enacting that Order) no development required by the conditions of a site licence for the time being in force under the 1960 Act shall be carried out or erected on the site without the National Park Authority's prior written consent.**

Access

13. **The existing access from Beresford Lane to the camping and caravanning site at Upper Hurst Farm shall be maintained free of any obstruction to its designated use throughout the lifetime of the development hereby permitted.**

Key Issues

- (i) whether the principle and landscape impacts of the increase in the present numbers of caravan/tents from 24 caravans/6 tents to 25 caravans/15 tents + a warden's caravan, and the extension to the operating season by two months, meets the Authority's Core Strategy (CS) policy RT3 and Local Plan (LP) policies LR3 and LR5.
- (ii) whether the proposed warden's caravan is justified and complies with the Authority's CS policy RT3 and LP Recreation & Tourism policies, specifically LP policy LR3 (c) and Core strategy policy HC2 .
- (iii) the impact of the proposed increase in caravan/tent numbers, together with the extension of the operating season upon the ecological interests within the vicinity of the caravan site.
- (iv) the impact upon the residential amenities of neighbouring properties.

History

The following planning applications are relevant to the current application:

May 2011 – Detailed planning consent granted for the change of use of the southern field to a caravan and camping site for a maximum of 10 caravans and 20 tents. The caravans were situated within the northern half of the field and the tents in the southern half of the field.

November 2011 - Detailed consent granted for the use of the field for no more than 24 caravan pitches and for a maximum of 30 tents and caravans at any one time. The approved scheme changed the layout of the caravan pitches, which were positioned around the perimeter of the field, but set back from boundaries to accommodate planting. Landscaping conditions were attached to the consent, which included the provision of a 3.65m (12feet) buffer zone along the eastern boundary of the application site, which borders a small plantation on land in separate ownership. The planting belts on the western and southern boundaries were narrowed to allow for the eastern buffer zone. This buffer zone was considered to be necessary to address concerns about the potential for disturbance of ground nesting birds (lapwings) on the adjacent site.

The access track serving the caravan pitches was set out to form loops, shaped broadly as a figure of eight. The inside of the northernmost and larger loop was to be left as an amenity area. The inside of the smaller and southernmost loop would be a grassed area providing pitches for six additional tents.

This application also proposed the erection of a utility building sited to the east of the existing farmhouse and associated buildings and at the northern end of the caravan and camping site, close to the existing entrance to the field.

September 2012 – A Section 73 application was granted to use this southern field for no more than 24 caravan pitches and for a maximum of 30 tents and caravans at any one time. This consent also granted retrospectively the retention of an amenity building and a raised platform.

This 2012 approval was subject to conditions requiring that there should be no use of the Upper Hurst farm site for camping and caravanning after 31 October 2012 until a revised planting scheme had been submitted and agreed. A further planning condition required that no use of the site at Upper Hurst farm for camping and caravanning should take place until the subsequent tree and shrub planting had been carried out in accordance with the approved details.

A landscaping/tree planting was subsequently implemented, but this failed. The caravan and camping site has continued to operate since 2012 without fully complying with the landscaping conditions, requiring that any trees/planting that subsequently failed be replaced with trees/plant species of a similar type and size. Further comprehensive tree planting has now recently been completed, however, which has been properly protected with fencing and tree/plant guards.

February 2012 – Discharge of condition application submitted in respect of all the conditions 1-27 attached to the November 2011 approval. This included the submission of a landscaping scheme, for which it was acknowledged that it was not in accordance with the landscaping condition, as the landscaping scheme was required to be submitted and agreed, and then implemented prior to the caravan site being brought into use. The discharge application was partly discharged, as some of the conditions could not be complied with until the completion of the development.

December 2012 – Discharge of condition 1 attached to the 2012 approval. This condition restricted use of the site from 31 October 2012 until full details of a revised planting scheme has been submitted to and approved in writing by the Authority.

This discharge of condition application was supported by a planting scheme and proposed additional planting over and above that which had been carried out on site following the agreement of a landscaping scheme earlier that year. The application followed pre-application discussions with the Authority's Landscape Officer.

The additional planting included eleven standard Rowan trees (8 – 10cm girth), three planted along the bottom of the southern raised bank, five to be planted along the southern boundary (unevenly spaced) and three planted along the western boundary (unevenly spaced). Six Hawthorns (450mm to 600mm) were also proposed to be planted on the southern raised bank amongst the larger trees which have already been planted.

The officer's committee report stated that planting had been carried out in accordance with the agreed landscaping scheme, but that this was ineffective in terms of mitigating the impacts of a raised platform which had been created. The report noted that plants would need to reach 3 – 4m in height before they would adequately foil views of caravans and tents sited on the raised platform. The report concluded that a much more robust planting scheme involving planting mature trees would be needed to offer any effective screening for the site if the raised platform were to be retained.

Condition 1 was subsequently discharged, however, the applicant's attention was drawn to the requirement of condition 2 which prevented use of the site from March 2013 until the scheme of landscaping has been implemented.

March 2013 – Discharge of condition 2 in respect of the landscaping condition attached to the February 2012 approval. This confirmed that the planting had been carried out in accordance with the approved planting scheme and, consequently, there was no requirement to submit further details. However, the applicant's attention was drawn to the second part of Condition 2, which required any trees or plants which die, are removed or become seriously damaged or diseased to be replaced in the next planting season with others of a similar size and species.

Consultations

External Consultees

County Council (Highway Authority) – No objections.

District Council – No reply to date.

Natural England (NE) – The conditions which the applicant is seeking to vary relate to the number of pitches and an extension to the season of use. Although NE were not in a position to formally object to the original application their response raised concerns about the potential for disturbance to breeding waders using adjacent land as a result of the operation of the camp site.

However, at the time of the previous application for the relocation of the camp site to its present position, it was acknowledged that this would improve the situation, and remove the camping activities from the land closest, and most exposed to, the neighbouring landholding, for which payment through HLS was being made for habitat improvement to breeding waders.

NE also suggested at that time, that the caravan/camp site season should perhaps be limited, through the use of planning conditions, to exclude the bird breeding season as far as possible, so as to reduce the risk of disturbance to a minimum. However, no such conditions were applied to the eventual consent.

The details of the current proposed changes to the original planning conditions would not appear to impact upon the concerns raised in NE's previous response, in that the additional pitches will be contained within the existing perimeter caravan pitches, and the likelihood of additional disturbance risk is therefore negligible. The extension of use by 2 months (November and February) would not impact upon the bird breeding season, and so again there is unlikely to be any further impact upon any birds using the adjacent land. Consequently, NE do not wish to raise any concerns specifically in relation to the proposed variations to the conditions originally applied to the planning consent.

Parish Council - no objections and support the application. They would like to see the screening and planting growing up over the next few years - they appreciate that there have been issues with the first planting and hope very much that this will improve.

Internal Consultees

National Park Authority (Ecologist) - The application site is bordered by Lower Hurst Farm, which is in a Higher Level Stewardship scheme, principally to benefit breeding birds including lapwing, curlew and snipe. The application site currently already has 30 pitches in use on the field in question and it is proposed to have an additional 10 within the same field. There has previously been concern that any increase in noise and disturbance from an increased usage of the caravan site on Upper Hurst Farm may be detrimental to the breeding bird interest on Lower Hurst Farm.

Concerns relate to issues with disturbance and displacement of breeding waders which may result from increased noise on the caravan site and increased usage of the public footpath, which crosses both farms, by walkers and dog walkers.

However, it is recognised that a previous planning application removed the camping activities from the land closest, and most exposed to, the neighbouring landholding, for which payment through HLS was being made for habitat improvements for breeding waders. The field used for camping tends to be screened from fields known to have been used by waders on Lower Hurst farm by the lie of the land and hedgerows and shelter belts. Upper Hurst Farm has historically been used informally for pitching a small number of caravans.

Given the above it is considered that the proposal for an extra 10 tent pitches, and importantly contained within the same field, is unlikely to result in significant additional disturbance to breeding birds in adjacent fields. The extension period is otherwise outside the breeding bird season and therefore, these proposals do not give rise to any further concerns.

Representations

During the statutory consultation period, the Authority received letters from two local residents stating objections to the current proposals. They raise the following concerns:

- Hulme End already has well above capacity for caravan and tents sites; the hamlet has been absolutely overwhelmed by the development of these in the past 10 years.
- The application seeks to vary conditions on a 2012 consent which has yet to comply satisfactorily with conditions 1 and 2 of that consent in relation to screening described by the authority at the time as “going to the heart of the permission”
- Assurances were given by officers at the planning committee on 11 November 2015 that landscaping would screen the development from the surrounding roads. Three years late, this screening has failed to materialise and the site is an eyesore, which is out of place in the National Park.
- The responsibility for the lack of screening lies with the Planning Authority. If consent relies on screening conditions, these should be monitored and enforcement should be automatic and effective. Consequently, any enlargement of the caravan park would be wholly inappropriate.
- The proposed screening is deciduous and will be inadequate, given the 10 months operation. Local residents deserve tranquillity for some periods of the year.
- Local Plan policy RT4 indicates an upper limit of 30 caravans or tents.
- The development is now breaking the near skyline on its northern boundary, which defeats the case for the present location. There seems to be inadequate screening from the north side. The objector’s house lies over 2½ km north and the existing development can be seen from there as it lies on a hill and the screening does not work. This presents visual intrusion and is against Peak Park policy to preserve a tranquil landscape.
- Large modern tents are just as intrusive in the landscape and to neighbours as caravans.
- There has been no adequate justification for the extra pitch for a warden’s caravan.
- Encroachment into the adjacent field to the north as a recreational area (bonfires, football)

- Deterrent to lapwings nesting in adjacent fields.

The letters are available to view on the public file.

Main Policies

Relevant Core Strategy policies: DS1, GSP1, GSP2, GSP3, L1, L2, RT3

Relevant Local Plan policies: LC2, LC4, LC17, LC21, LR3, LR5, LT18

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.

The following paragraphs, however, are of particular relevance to this proposal. Paragraph 14 states that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-making. Paragraph 17 states, amongst other things, that a set of 12 core land-use planning principles should underpin both plan-making and decision-taking. Amongst these 12 core principles is that planning should seek to conserve and enhance the natural environment. Additionally planning should always take account of the different roles and character of different areas and, amongst other things, recognize the intrinsic character and beauty of the countryside and support thriving rural communities within it.

Paragraph 28 states, amongst other things, that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should, amongst other things, support sustainable rural tourism. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified need are not met by existing facilities in rural service centres.

Paragraph 113 relates to the protection of wildlife and biodiversity networks. This states, amongst other things, that LPA's should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national, and locally designated site, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution they make to wider ecological networks.

Paragraph 114 states that LPA's should set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure. Paragraph 115 states that great weight should be given to conserving landscape and scenic beauty in National Parks, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important.

Paragraph 117 states, amongst other things, that to minimise impacts on biodiversity and geodiversity planning policies should, amongst other things, promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets.

Assessment

Introduction

The applicant's supporting statement states that her sole intention is to provide a viable use for the site. The caravan and camping site has now been operating for three years and in that time gross sales have increased by 33% and are expected to further increase this year. Gross sales could potentially be increased by a further 25% if planning consent is granted for the additional 10 pitches and the season is extended by 2 months. The applicant states that this increased income is important as it is intended to employ more staff to manage the site and as the site is shortly to become VAT registered.

The applicant considers that there is ample room to provide the additional pitches within the boundaries of the present site and factors such as density and spacing between caravans & tents, sanitary & sewage equipment and adequate play areas for children have all been considered and found to be wholly adequate.

The applicant states that the reason for the proposed extension of the season by two months (1st February – 31st November) is because there appears to be an exceptionally good demand for business in November (partly due to Halloween and bonfire night) and also for the half-term in February (partly due to the school half-term),

Due to the success of the caravan and camp site the applicant states that it has become increasingly necessary to employ more labour to properly manage the site. The site now generates work for at least two full-time persons (including the applicant) during the 10 month operating period and the applicant is also employing another person 1 day a week to assist with the accounts and running of the business so there is adequate cover. There are also additional bought-in services.

Issue 1 - Whether the principle of the increase in the present numbers of caravan/tents from 24 caravans/6 tents to 25 caravans/15 tents and a warden's caravan, and the extension to the operating season by two months, meets the Authority's Core Strategy (CS) policy RT3 and Local Plan (LP) policies LR3 and LR5.

Core Strategy (CS) policy RT3 states that proposals for caravan and camping sites must conform to the following principles:

- A. Small touring camping and caravan sites and backpack camping sites will be permitted, particularly in areas where there are few existing sites, provided that they are well screened, have appropriate access to the road network, and do not adversely affect living conditions.
- B. Static caravans, chalets or lodges will not be permitted.
- C. Provision of improved facilities on existing caravan and camping sites, including shops and recreation opportunities, must be of a scale appropriate to the site itself.
- D. Development that would improve the quality of existing sites, including improvements to upgrade facilities, access, landscaping, or the appearance of existing static caravans, will be encouraged.

The explanatory text to CS policy RT3 states that a restrictive policy in respect of caravan sites is appropriate because national policy gives great weight to protection of the landscape in national parks. Size is an important factor in assessing the impact of a caravan or camping site on the landscape and traffic movements. CS policy RT3 states that small touring camping and caravan sites may be acceptable, but 'small' is not defined, either in terms of extent or number of pitches. Appropriate size will, therefore, vary from site to site. For guidance, however, sites up to 30 pitches are more likely to be acceptable, although this may be too large in many circumstances.

Local Plan (LP) policy LR3 further states, amongst other things, that a small extension to an existing site will not be permitted unless its scale, location, access, landscape setting and impact upon neighbouring uses are acceptable, and it does not dominate its surroundings.

LP policy LR5 states that where the development of a touring camping or caravan site is acceptable, its use will be restricted to holiday accommodation. For an existing camping or caravan site, the removal of any condition that stipulates months of occupation, and its replacement by a holiday occupancy condition, will be permitted, provided that it is adequately screened in winter months and that there would be no adverse impact on the valued characteristics of the area or residential amenity.

CS policy L1 states that development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and action Plan, and other valued characteristics.

Paragraphs 17, 115 and 126 of the NPPF and CS Policy L1 seek to conserve and enhance the valued characteristics of the National Park landscape. The provisions of L1 are supported by Local Plan policy LC4 which are permissive of development that would respect, conserve and, where possible, enhance the landscape, built environment and other valued characteristics of the area.

There are three elements to this proposal; the overall increase in caravan and tent pitches from 30 to 40 pitches; the extension of the season for a further two months into the winter months; and the provision of a warden's caravan. The next section of this report assesses the acceptability of the additional nine pitches for tents and the proposed additional caravan pitch, taking into account this pitch is already in use, and the extension of the season to allow the camping and caravanning site to operate fully in February and November, taking into account the current approval restricts the use of the site to a maximum of six caravans during these months.

Proposed increase in caravan and tent pitches from 30 to 40 pitches

The above policy context generally permits the provision of small caravan and camping sites of up to 30 pitches, where they can be accommodated into the landscape and where their landscape impacts can be further mitigated by appropriate landscaping. Small extensions to existing established sites can also be considered, provided that access, scale and landscape impacts are acceptable. In this case the proposals would increase the number of pitches to 40 pitches of which a maximum of 25 would be for touring caravans. This increase involves one additional caravan pitch and an increase in the number tent pitches from the current six to a total of 15 tent pitches.

In terms of access, the site is relatively close to the main B5054 Hartington - Warslow road with only a relatively short ½km stretch of lane to the caravan site itself. Access visibility at the site entrance is reasonable and the highway authority have raised no objections to the proposals. In access terms, therefore, there would be no significant or adverse impacts generated by the proposed increase in caravan/tent pitches.

In terms of landscape impact, the increase in caravan and tent pitches would be accommodated within the perimeter of the existing caravan & camp site. The majority of the tents are to be situated within the southern half of the site and surrounded on three sides by the caravan pitches

which are positioned around the perimeter of the field. Two of the tent pitches are to be positioned within the north-eastern corner of the caravan & camp site. These two pitches are adjacent to a neighbouring copse of trees and are enclosed to the north by an established thorn hedge.

The existing caravan site is well screened from viewpoints to the north, because of the topography of the field, and to the east by existing established tree and hedge planting, which has been supplemented by more recent planting.

It is acknowledged, however, that the site is visible in the landscape, particularly when approaching the site from the lane to the south and west and from the public footpath that passes close to the southern perimeter of the site. These existing views are presently more open because of the failure of the initial landscaping/tree planting around the perimeter of the caravan site. Comprehensive boundary tree and hedge planting has now been completed around the perimeter of the site, which has been provided with protective fencing and rabbit guards in order to ensure it becomes established this time. However, it is acknowledged that this will take some years to have a significant screening effect and due to the sloping nature of the caravan field this planting is designed to mitigate the landscape impact, rather than provide a complete screen.

Whilst it is acknowledged that the landscaping will take some years to properly become established, given that there is no actual physical extension of the existing site and that the majority of the new pitches are located within the lower half of the site and surrounded by existing caravans, it is not considered that there would be a significant and adverse landscape impact over and above that already created by the extant use of the site for caravans and tented camping.

The extension of the season by a further two months into the winter months

The above Local Plan policy LR5 permits the replacement of seasonal permissions for caravan and camp sites with a holiday occupation condition where it can be demonstrated that the site would be adequately screened during the winter months and where there would be no adverse impacts upon the valued characteristics of the area or residential amenity.

In respect of this site, the nature and topography of the site would not render it suitable for all-year round use as the perimeter landscaping, even when it has become established would be unlikely to provide sufficient screening.

In this case the applicant, for economic reasons, is proposing an extension of one month either side of the permitted operating period so that the caravan and camp site can continue operating during the months February and November of each year. These extensions are to accommodate the half-term holiday period in February and enquiries received by the applicant for people wishing visit during Halloween and Bonfire Night period.

It is acknowledged that the site will be more open in landscape terms during these two additional months, particularly at the moment, as the hedge and tree planting is not established and that this will be less effective even when established when the tree/hedge planting is not in leaf. Given that the proposed extension is for a two-month period and the site will be completely closed during December and January, this is, on balance, considered to be acceptable. It is also considered unlikely that the site would be used to its full operating capacity during these two additional months, due to the likely adverse weather conditions, but would allow the operator some flexibility to assist in the viable running of the site.

Overall, therefore, it is considered that the principle of the increase in the total number of caravan and tent pitches is acceptable and would not have a significant adverse landscape impact on the established valued characteristics of the area, given the nature and scale of the existing extant use of the caravan and camp site.

Issue 2 - Whether the proposed warden's caravan is justified and complies with the Authority's CS policy RT3 and LP Recreation & Tourism policies, specifically LP policy LR3 (c) and Core strategy policy HC2 .

The explanatory text to CS policy RT3 states that permanent homes for site wardens on camping and caravan sites may be acceptable in some circumstances, but must be justified in terms of essential need for a dwelling on site. Wherever possible, they should be provided by conversion of existing traditional buildings of historic or vernacular merit. Such proposals will be considered with reference to policy HC2. Local Plan (LP) policy LR3 further states, amongst other things, that permanent dwellings for site warden's accommodation at camping and caravan sites will not be permitted. National planning policies in the Framework otherwise presume against isolated new homes in the countryside.

In this case, the proposal is not for a permanent warden's dwelling, but for a warden's caravan to be situated on the site for the proposed 10-month period, whilst the caravan site is open for business. The applicant states that a warden's presence on site is essential. The warden's duties include mowing, landscaping, cleaning, maintenance and providing cover when she is away from the caravan site. It is also important to have a warden's presence at the site, particularly during the evenings and at night, in order to control any possible noise or disturbance issues. The proposed warden's caravan is to be situated within the centre of the site at the southern end of the open grassed amenity area, in an ideal position to be able to monitor and manage the site.

Even with the present extent of the caravan and camp site use, it is considered appropriate to have a warden's presence on the site in order to ensure that it is managed and maintained in an appropriate manner. Given that a permanent warden's dwelling is not being proposed, it is not considered that these proposals need to meet the terms of CS policy HC2, as referred to in the explanatory text accompanying CS policy RT3, which would otherwise require the accommodation to be subject to financial and functional tests. Moreover, the restrictive approach of LP policy LR3 relates to the provision of permanent warden's dwelling accommodation.

Consequently, it is considered that the proposed warden's caravan would comply with the guidance given in the explanatory text, and would not conflict with the overarching presumption against new residential development in open countryside, provided that a planning condition is attached restricting its siting to the months when the caravan and camp site is operating.

Issue 3 - The impact of the proposed increase in caravan/tent numbers, together with the extension of the operating season upon the ecological interests within the vicinity of the caravan site.

Core Strategy policy L2 states that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate, their setting. Other than in exceptional circumstances development will not be permitted where it is likely to have an adverse impact upon any sites, features or species of biodiversity importance of their setting that have statutory designation or are of international or national importance for their biodiversity. Local Plan policy LC17 reinforces this approach to foster the protection and enhancement of known sites of ecological interest. These policies in the Development Plan are consistent with national planning policies in the Framework, which seek to safeguard wildlife and conserve and enhance biodiversity.

In this case, the original 2011 consent for the relocation caravan and camp from the northern field into the southern field was partly justified on the basis that it would take the caravan and camping activities further way from adjoining land at Lower Hurst Farm, which is in a Higher Level Stewardship scheme, principally to benefit breeding birds including lapwing, curlew and snipe. Concerns had been raised by the Authority's Ecologist that any increase in noise and

disturbance from an increased usage of the caravan site on Upper Hurst Farm could be detrimental to the breeding bird interest on Lower Hurst Farm. Further concerns related to issues with disturbance and displacement of breeding waders resulting from increased noise on the caravan site and increased usage of the public footpath, which crosses both farms, by walkers and dog walkers.

The Authority's Ecologist has been consulted on this latest proposal to increase the number of pitches and extend the opening season. The Authority's Ecologist acknowledges that the previous 2011 planning application removed the camping activities from the land closest, and most exposed to, the neighbouring landholding, for which payment through HLS was being made for habitat improvements for breeding waders. Moreover, the field used for camping tents is screened from fields known to have been used by waders on Lower Hurst farm by the lie of the land and hedgerows and shelter belts.

Therefore, the Authority's Ecologist considers that the proposal for an extra 10 tent pitches, and importantly contained within the same field, is unlikely to result in significant additional disturbance to breeding birds in adjacent fields. Additionally, as the proposed extended periods occur in the winter months of November and February, these will not adversely impact upon the bird breeding season. Natural England have also been consulted and concur with the Authority Ecologist's views.

Consequently, it is not considered that there will be any significant adverse impacts upon the ecological interests on the adjoining land, and the proposal therefore complies with national planning policies in the Framework and the above-stated Core Strategy and Local Plan policies.

Issue 4 - The impact upon the residential amenities of neighbouring properties.

Core Strategy Policy GSP3 states, amongst other things, that development must pay attention to the form and intensity of a proposed use or activity and its impact upon the living conditions of communities. This is reinforced by Local plan policy LC4 which states, amongst other things, that attention should be paid to the amenity, privacy and security of the development and of nearby properties.

The camping and caravan site is situated around 248m to the north of the nearest residential property (Harecop Farm) and there are two other properties (Endon House and Lower Hurst Farm) that are situated about 400m to the west and 350m to the north-east respectively. Given the extant use for the caravan and camping site it is not considered that the proposed increase from 30 to 40 pitches would significantly impact upon the residential amenities of these properties by way of noise or disturbance. Moreover, it is considered that any noise/amenity impacts would be further mitigated by the proposed warden's presence on the site.

Consequently, it is considered that the proposal complies with the terms of the above Core Strategy and Local Plan policies and does not otherwise conflict with core planning policies in the Framework that .

Conclusion

It is therefore concluded that the proposed increase from 30 to 40 caravan/tent pitches and the extension of the operating period at the camping and caravanning site at Upper Hurst Farm will not have any significant or adverse landscape impacts. This is because the additional pitches are largely provided within the confines of the existing caravan site and the landscape impacts will be further mitigated by the comprehensive tree/hedge planting that has recently been completed, once this becomes established. Given the distances away from the nearest residential properties it is not considered that the proposed increase in caravan/tent pitches will adversely impact upon their residential amenities, and this will be further mitigated by the proposed warden's presence on the site.

Moreover it is not considered that there will be any significant or adverse impacts upon the ecological interests on the adjacent land. Consequently, it is considered that the proposed increase in caravan/tent pitches, together with the warden's caravan are acceptable and comply with the above-stated Core Strategy, Local Plan policies and national planning policies in the Framework.

Accordingly, the current application is recommended for conditional approval.

In this case, as this application is being made under s.73, it is recommended that any relevant and subsisting conditions attached to Planning Decision NP/SM/0711/0677 should be attached to the any new permission alongside an updated landscaping condition to ensure any trees recently planted are replaced in the event they are damaged or within the next five years; and updated conditions to limit the increase in the number of caravan/tent pitches to that proposed in the current application, place controls on the siting of the warden's caravan and restrictions on use of the site in the winter months. These conditions are considered to be reasonable and necessary in the interests of the proper planning of the local area and in the interests of safeguarding the valued characteristics of the local area and minimising the visual impact of the camping and caravanning site on the landscape setting of Upper Hurst Farm.

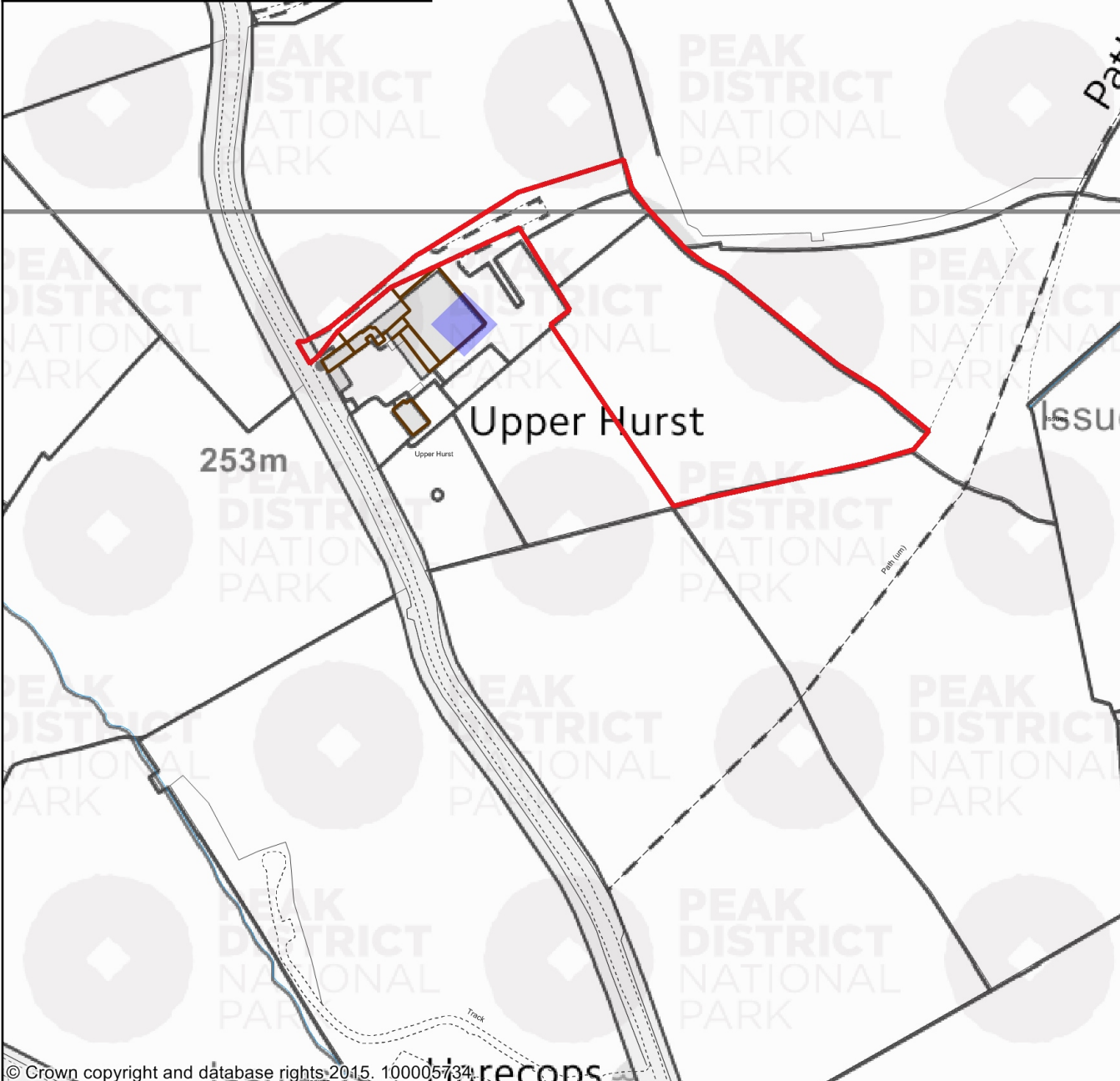
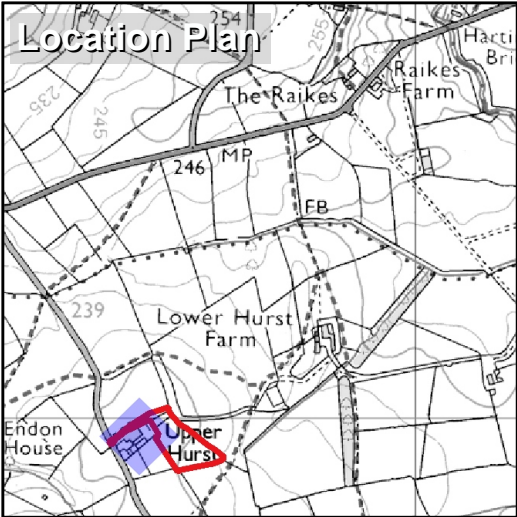
Human Rights

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

List of Background Papers (not previously published)

Nil

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Committee Date:	10/07/2015
Item Number:	9
Application No:	NP/SM/0315/0267
Grid Reference:	411402 358954

Title: Upper Hurst Farm, Hulme End, Asltonfield



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10. FULL APPLICATION – CONSTRUCTION OF HORSE EXERCISE ARENA AT LAND IMMEDIATELY ADJACENT TO FORD HOUSE, FORD, CHAPEL-EN-LE-FRITH (NP/HPK/0315/0205, P.3571, 407581 / 382275, 29/05/2015/AM)

This item was deferred at the June Planning Committee to allow Members to conduct a site visit.

APPLICANT: MRS ANDREA HODGSON

Site and Surroundings

Ford House is a detached dwelling that is located at the north-west side of the hamlet of Ford, outside Chapel-en-le-Frith and off the road to Edale and Hope Valley. Ford is a small hamlet which is centred around Ford Hall (a Grade II listed building) and a number of other residential properties. Ford House (previously known as 'Fairacre') was formerly within the grounds and ownership of Ford Hall and therefore remains as a curtilage listed building despite now being in separate ownership from Ford Hall. Ford House is also located within the Slackhall and Ford Conservation Area.

The field to the north west of Ford House is used for the keeping of horses by the applicant. The field is located outside of the Conservation Area. The northern boundary of the field facing the lane is bounded by mature lime trees and part of the western boundary is bounded by west corner of the field is bounded by dry stone walling and mature Sycamores.

Access to the site is via an existing gate access onto the lane. The nearest neighbouring property is a dwelling known as 'Cobstones' which is located approximately 35m to the east of the application site and on the northern side of the lane.

Proposal

This application seeks planning permission for the provision of a horse exercise manège together with ancillary timber perimeter fencing and landscaping.

The submitted plans show that the proposed manège would be sited in the northern corner of the field to the west of the applicant's property. The proposed riding surface would measure 37.4m long by 18.6m wide. A level surface would be created by cutting into the slope of the field as it falls away from the level of the boundary with the lane. A maximum cut of approximately 2m would be required to the western corner of the riding surface and a raised earth bund with a maximum height of 2.4m would be created to the eastern corner. The height of the earth bund would decrease to approximately 1m along the length of the riding surface.

A timber perimeter fence and gate is proposed around the riding arena and the surface would be finished with a mixture of clean sand and fibre material which is designed for riding surfaces.

The submitted plans show that two sycamores within the field would be felled to accommodate the proposed development. The line of lime trees and sycamores along the field boundary would be retained and protected during the course of the development. The submitted plans also show that two new oak trees of a height of 3 – 3.5m would be planted to the south of the manège.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions or modifications.

- 1. Statutory three year time limit for implementation.**

2. **Development to be carried out in accordance with specified approved plans and arboriculture survey.**
3. **Landscaping to be carried out in complete accordance with the approved plans within the first planting season following completion of the development.**
4. **The use of the manège hereby permitted shall be ancillary to the domestic use of the dwelling known as “Ford House” only. The manège shall not otherwise be used for commercial purposes or livery at any time.**
5. **The new timber fencing and kickboards shall be tanalised and left untreated to weather naturally and maintained as such throughout the lifetime of the development hereby approved.**
6. **Notwithstanding the provisions of the General Permitted Development Order 2015 (or any order revoking and re-enacting that Order with or without modification), no horse jumps, field shelters, or other structures shall be erected on the application site, other than those hereby permitted.**
7. **There shall be no external lighting or floodlighting erected, and the manège shall not be provided with any other external source of illumination at any time.**

Key Issues

- The visual impact of the proposed development and whether the proposed development would conserve the landscape character of the area and the setting of the designated Slackhall and Ford Conservation Area and the listed buildings within the Conservation Area.
- Whether the proposed development would have an adverse impact upon the amenity, security or privacy of any neighbouring property and whether the development would be acceptable in all other respects.

Relevant Planning History

2014: Planning permission and listed building consent granted conditionally for renovation of curtilage listed outbuilding to form ancillary habitable accommodation and proposed new build link to main dwelling

Consultations

Highway Authority – No objection subject to all use remaining private and ancillary to Ford House.

Borough Council – No response to date.

Parish Council – Make the following comments.

The Parish Council are seriously concerned about the problems which could arise from a horse manège located in such a restricted area of the countryside and have asked for the application to be called in and referred back to the National Park Planning Committee for consideration.

The Parish Council has no objection to the proposal on an individual residential basis but are concerned over the loss of amenities to local residents and the very restricted access to the site especially for horse boxes should other horse owners become involved.

The Parish Council ask that the following conditions be imposed if planning permission is granted.

- Site not to be used commercially as access is very restricted and the use of lighting in the evening would cause light pollution to the local area.
- No increase in horses kept at the property.
- Manège to be used solely by property owner.

Authority Tree Officer - No objection provided that development is carried out in accordance with amended plan and tree survey to ensure that the trees around the riding arena are protected during development.

Representations

A total of five letters of representation have been received at the time this report was written. Three of the letters make general comments about the application but do not offer support or object and two of the letters raise objections. The comments and objections given in the letters are summarised below. The letters are available and can be read in full on the website.

General Comments

- The development has the potential to increase the volume of traffic on the very narrow lane.
- The development should be restricted to prevent use by any commercial venture at any time.
- The riding arena should not be illuminated.

Objection

- The site can be seen from a footpath on the hill above and from many other vantage points. The development would harm the scenic beauty of the landscape.
- The proposed development is likely to cause road safety problems.
- The use of the proposed development would constitute a nuisance to the occupants of the nearest neighbouring property 'Cobstones'.
- Occupants of 'Cobstones' will suffer a loss of privacy because riders using the development will be able to overlook the property.

Main Policies

Relevant Core Strategy policies: GSP1, GSP3, DS1, L1, L3 and RT1

Relevant Local Plan policies: LC4, LC5, LC6, LC20 and LR7

The Authority's adopted development strategy is set out in Core Strategy (CS) policy DS1 which states that recreation and tourism development is acceptable in principle in open countryside. CS policies L1, L3 and GSP3 set an overarching requirement that all development conserves and enhances the valued characteristics of the National Park including the scenic beauty of its landscapes and its cultural heritage.

CS policy RT1 says that (A) the National Park Authority will support facilities which enable recreation, which encourage understanding and enjoyment of the National Park and are appropriate to the National Park's valued characteristics. CS policy RT1 (B) goes on to state that in open countryside, clear demonstration of need for such a location will be necessary.

Saved local Plan (LP) policy LR7 refers specifically to facilities for keeping and riding horses and states that domestic facilities will be permitted provided that:

- i. The development does not detract from the landscape or valued characteristics of the area, either individually or cumulatively; and
- ii. is located adjacent to existing buildings or groups of buildings; and
- iii. is not likely to cause road safety problems; and
- v. Does not constitute a nuisance to local residents, landowners or farmers by noise, smell or other adverse impact.

There is no conflict with the above policies and national policies set out within the National Planning Policy Framework (the Framework) because both seek to promote appropriate and sustainable recreational development in the countryside while giving great weight to the conservation of the National Park.

Assessment

Relevant Development Plan policies are supportive in principle of facilities for riding horses and in this case the proposed riding arena is in accordance with LP policy LR7 (ii) because the proposed riding arena would be sited adjacent to the applicant's property and the group of buildings which make up the hamlet.

Concern has been raised about the potential impact of the proposed development upon highway safety. The highway which runs past Ford Hall and the application site is a narrow single track lane and Officers agree with the Parish Council and the representations that the access to the application site would not be suitable for commercial purposes or livery. The agent has confirmed that the intention is that the riding arena would be for the personal use of the applicant rather than any commercial venture. Therefore if permission is granted a condition would be recommended in accordance with advice from the Highway Authority to ensure that the use of the riding arena remains ancillary to the domestic use of Ford House.

Concern has also been raised about the potential impact of the development upon the amenity of the nearest neighbouring property which is a dwelling known as 'Cobstones'. The edge of the proposed riding arena would be located approximately 35m from the boundary of 'Cobstones' at the nearest point. Given this distance it is considered that any disturbance from noise, vibrations or smells associated with riding horses on the arena would not have an adverse impact upon the residential amenity of the occupants of 'Cobstones' especially bearing in mind that the applicant already keeps and rides horses on the land. Furthermore, given the intervening distance it is considered that the occupants of 'Cobstones' would not suffer any significant loss of privacy.

The key issue in this case therefore, is the visual and landscape impact of the proposed development and the potential impact upon the setting of the designated Slackhall and Ford Conservation Area and the listed buildings within the Conservation Area including Ford House and Ford Hall (Core Strategy policies L1 and L3 and Saved Local Plan policies LC5, LC6 and LR7 (i)).

The proposed riding arena would be sited in the northern corner of the field. Views of the proposed riding arena from within the Conservation Area would be limited due to the topography

of the field which is at a lower level than the adjacent lane. The submitted plans show that the level of the riding surface would be set 2m lower than the level of the adjacent lane and therefore the majority of the riding surface and the perimeter fencing would be effectively screened by the existing stone boundary field wall.

Other more distant views from within the Conservation Area and along the track to the north would be filtered through the existing mature lime and sycamore trees which would be retained. The existing trees would effectively mitigate the visual impact of the development from these vantage points.

There would be more distant views into the application site from the lane to the south as it drops down from Slackhall and from a public footpath located approximately 480m to the south west. From these vantage points the proposed riding arena would be viewed in the context of the Conservation Area and the listed buildings within. However the proposed development would be viewed in the context of the nearby buildings and would not appear as isolated or remote within the landscape. Views into the site would also be filtered through the mature sycamore trees along the boundary and to the south of the riding arena.

The submitted plans show that the riding surface would be constructed using a mixture of sand and fibre which is designed for this use. The proposed surface would have a dark appearance which would mitigate the visual impact of the development. The earth bunds around the riding arena would be re-seeded with meadow grass which when established would effectively mitigate the impact of the bunds from distant viewpoints. The application also proposes to plant two new oak trees to the west of the riding arena which would further mitigate the development by filtering views especially from the south west when established.

The proposed timber fencing would not have an adverse visual impact provided that the timberwork is treated in a dark stain when erected and maintained thereafter. The existing dry stone field boundary walls would be retained.

The submitted application is supported by a tree survey and a plan showing the positions of trees which are to be retained and removed as part of the development. Two sycamore trees within the field are to be removed but the existing line of mature lime and sycamore trees are to be retained along with the larger of the sycamores within the field. The trees that are to be retained would be protected by barriers during construction and Officers are satisfied that the proposed riding surface would be sited a sufficient distance from the mature trees to avoid damage to their roots. It is therefore considered that the proposed development would not harm the mature trees around the site provided that the development is carried out in accordance with the submitted tree survey and plan.

It is therefore considered that the proposed development would not have an adverse visual or landscape impact or have an adverse impact upon the setting of the designated Slackhall and Ford Conservation Area. The application proposes the planting of two new oak trees which would be appropriate in landscape terms and when established, would further break up views into the site from public vantage points. If permission is granted, a condition would therefore be recommended to ensure that the proposed landscaping is implemented, that the timber fencing is dark stained and that no lighting is installed at any time.

It is therefore considered that subject to conditions that the proposed development would not have a harmful visual or landscape impact, would not harm the setting of the Slackhall and Ford Conservation Area or the setting of nearby listed building, including Ford House and Ford Hall, and that the development would not constitute a nuisance to or harm the amenity of any residential property or land owner.

Conclusion

It is considered that subject to conditions, the proposed development would not have a harmful visual or landscape impact or harm the setting of the Slackhall and Ford Conservation Area. The proposed development would otherwise not constitute a nuisance to or harm the amenity of any residential property or land owner in accordance with Core Strategy policies GSP1, GSP3, DS1, L1, L3 and RT1 and saved Local Plan policies LC4, LC5, LC6 and LR7.

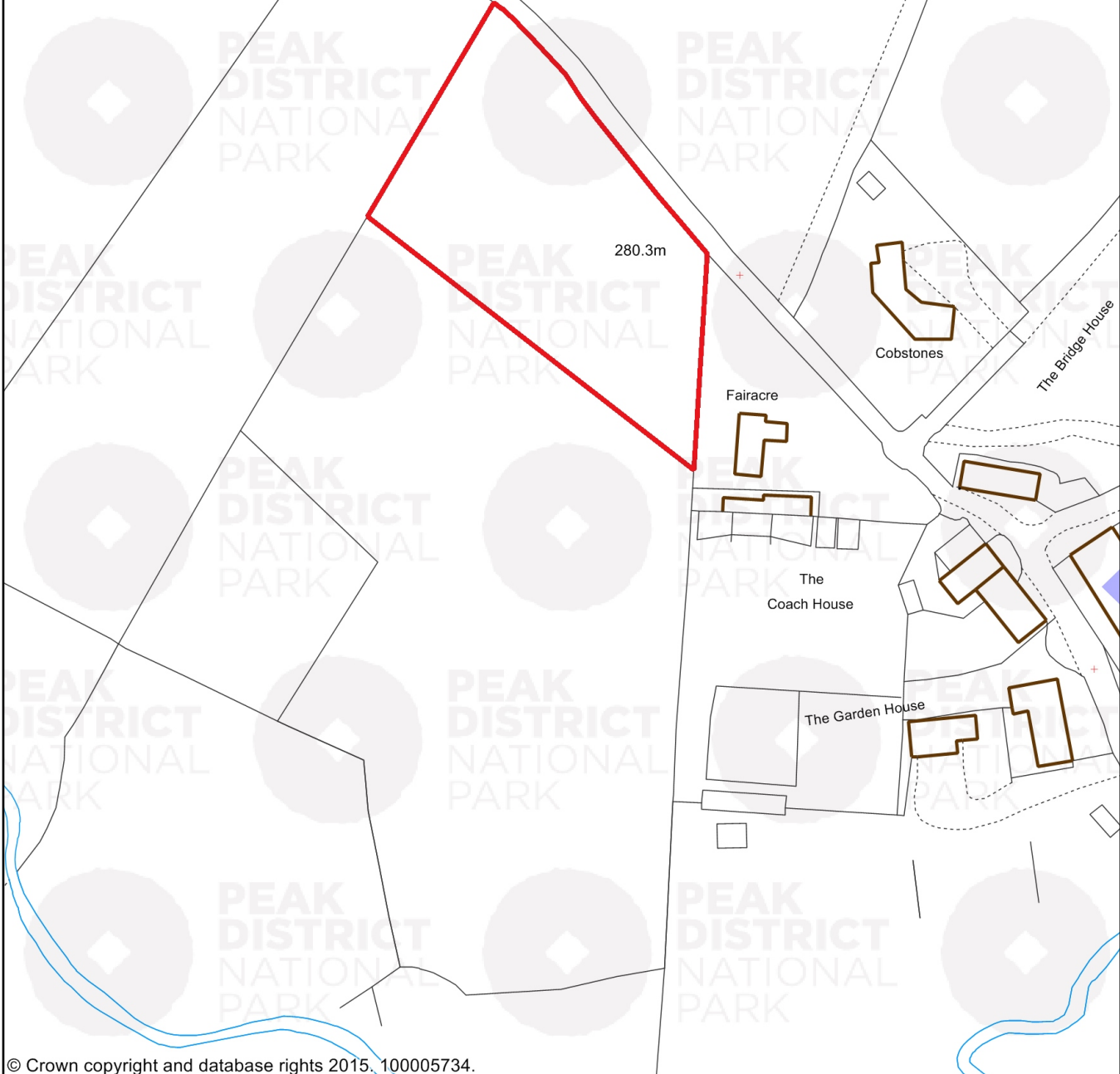
In this case there is no conflict between relevant Development Plan policies and the more recently published National Planning Policy Framework. In the absence of any further material considerations the proposal is therefore recommended for approval, subject to the conditions outlined in this report.

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



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Committee Date:	10/07/2015	Title: Ford House, Ford, Chapel-en-le-Frith	 PEAK DISTRICT NATIONAL PARK
Item Number:	10		
Application No:	NP/HPK/0315/0205		
Grid Reference:	407581 382275		

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11. FULL APPLICATION - CONVERSION OF BARN TO DWELLING, DALE HEAD BARN, HOUSLEY, FOLOW (NP/DDD/1114/1184, P1975, 29/12/2014, 421939 / 376372/AM)

This application was deferred at the January 2015 Planning Committee to allow for the consideration of alternative uses for the barn. The agent submitted additional information and amended plans in June. This additional information has been incorporated within the report.

APPLICANT: MR AND MRS MASON

Site and Surroundings

Dale Head Barn is situated in a prominent and isolated roadside position on the minor road between Foolow and the A623, in open countryside about 410m south of Foolow village.

The application building is an attractive range of barns comprising a main 'L'- shaped two-storey building with an attached smaller single-storey off-shot to the north-east side. Its south-west facing gable abuts the minor road. The barn is located on the western corner of a field parcel which forms part of the wider fossilised strip system in the landscape. The building opens out onto the wider field with no walled or fenced curtilage and is the only agricultural building on this 2.45ha parcel of land.

The barn has a strong, robust character constructed in natural rubble limestone under a natural gritstone slate roof. The barn is not listed but does have some notable architectural features including coped gables and gritstone corbelling.

There is a mere (dew) pond situated 7.0m away from the south-east side of the barn. The roadside frontage wall is around 1.5m high and there is an existing original vehicular access immediately to the south-east of the barn. There is a further vehicular access, created more recently into the field which is situated about 25m to the south of the barn.

The nearest residential property is situated 70m to the south. A bridleway open to all traffic (BOAT) runs approximately 215m to the east of the application site where there are clear views westwards towards the application site and the wider strip fields.

Proposal

This application seeks planning permission for the conversion of the barn to create a three-bedroom open market house.

The submitted plans show that the conversion would take place within the shell of the existing buildings. Two new openings are proposed, a new door opening in the south facing gable and a first floor bedroom window in the north-eastern elevation of the main barn. Four conservation roof lights are proposed in the south-east, north-west and north-east facing roof slopes of the main barn. A new garage door opening would be created in the single storey off-shot to facilitate its use as a single garage.

Vehicular access is proposed via the access 25m to the south of the barn. The access drive passes through the field to the barn which would be provided with a residential curtilage between the barn and the mere pond. The proposed curtilage is to be bounded by a drystone wall on its north-east side and a post and metal 'estate' fencing on its southern side. The existing gate access nearest the barn would be removed and the opening reduced in width and provided with a new pedestrian gate.

RECOMMENDATION:

That the application be REFUSED for the following reason:

- 1. The conversion of this prominent and isolated field barn and the impacts of its subsequent use as a dwellinghouse would fundamentally harm the architectural, historic and archaeological significance of the barn, its setting within the surrounding strip field system and the wider landscape contrary to Core Strategy policies HC1, GSP1, GSP2, GSP3, L1 and L3, saved Local Plan policies LC4 and LC8 and the National Planning Policy Framework.**

Key Issues

- Whether the proposed development would conserve the character and appearance of the application buildings and their setting within the landscape.

Relevant Planning History

April 1989 - Refusal of outline planning permission for conversion of the barns to a dwelling. Permission was refused on the grounds that the building was not of sufficient architectural merit to warrant conversion under the barn conversion policies operated by the Authority at that time. It was also considered that the associated access improvements and provision of visibility splays would result in an unacceptable change, reducing the attractiveness and open character of this area of the National Park.

September 1989 – Refusal of outline planning permission for conversion of the barn to a dwelling on same grounds as the April 1989 refusal. A subsequent planning appeal was dismissed. The Inspector commented that *“the building, although of simple and pleasing architectural form with some interesting details, is of no particular merit nor, although prominent, does it appear to have any importance in the landscape.”* The Inspector also considered that the creation of a long access drive, together with the change of the curtilage from agricultural to residential, would be harmful in this prominent location.

October 1990 - Refusal of outline planning permission for conversion of the barns to a dwelling on same grounds as the April and September 1989 refusals. A subsequent appeal was again dismissed on similar grounds to the previous appeal. The Inspector also commented that he was not satisfied that the barn was incapable of an agricultural or related use on the applicant's holding.

October / November 2007 and February 2011 – There are three letters from the Authority to the applicant on file advising that the conversion of the barns to a dwelling would not be in accordance with the relevant policies at that time. The applicant was also advised that an appropriate alternative use may be for stabling with part of the barn forming a camping barn for walkers. The applicant was advised that holiday accommodation or a permanent dwelling with the associated access, parking and curtilage would not be acceptable as these uses would impinge too greatly upon the character of the barn and its setting.

November 2012 – Planning application submitted for the conversion of the barns to an open market dwelling using the original vehicular immediately to the south of the barn. The application was subsequently withdrawn following the receipt of a highway recommendation of refusal and in order to provide additional ecological survey information in respect of the adjacent mere pond.

March 2013 – Planning application submitted for the conversion of the barns to an open market dwelling with alternative access provision. The determination of this application was deferred by the Planning Committee in June 2013 to allow the consideration of alternative uses. No further

information was submitted and this application was finally disposed of by the Authority due to the passage of time.

Consultations

Highway Authority – Recommend approval subject to conditions to ensure that the northernmost access is closed for vehicles, the first 5m of the new access track being surfaced with a solid, bound surfacing material and lowering of the roadside frontage wall to 1 metre in height to provide the maximum achievable visibility from the access, all works to be carried out prior to the first occupation of the dwelling.

Foolow Parish Meeting – Have responded to consultation but make no comment on the application.

District Council – No response to date.

Environment Agency – No objection.

Natural England – No objection in regard to designated sites and refers the Authority to standing advice in respects of protected species.

PDNPA Archaeology – Recommends refusal.

“This application involves a relatively isolated traditional field barn complex. It lies within an area which the Historic Landscape Character analysis describes as: Ancient Enclosure - Fossilised Strip System – it is known that the land was enclosed prior to the Eyam and Foolow enclosure map of 1813; there is no earlier map evidence. A structure is depicted in this location on this map however.

This complex makes a significant contribution to the landscape character of the locality, however I would advise that conversion to residential use is not an appropriate way to conserve these structures in their landscape. Buildings of this nature should be maintained for agricultural use, an approach which has been recognised by Natural England in its funding for the conservation of field barns as part of the Environmental Stewardship initiative. The current proposals will completely change the simple character of the structures in question by introducing domestic features such as parking, lighting, a garden area and a more formalised access.

If this proposal does receive planning permission I would recommend that there be a full drawn and photograph record made of the building and wider site before any conversion takes place. I would be happy to provide a brief for this work”.

PDNPA Countryside and Economy – Makes the following general comments.

Wishes to ensure that the pond feature is not lost for two reasons, from a historic landscape point of view and from a wildlife point of view. The submitted survey report indicates that there is no evidence that any Great Crested Newts (GCN) is present, however they may still be in the area. Therefore support any enhancement / restoration work to the pond. This should include repairing concrete cracks to increase water levels and protection of the pond from any runoff from the parking area.

If this application is approved then serious consideration should be made to the effects of the domestic curtilage on the character of this building and pond complex including access, driveway, garden, satellite dishes, external lighting and washing lines.

PDNPA Ecology - No response to date. The Authority's Ecologist raised no objection to the 2013 application subject to conditions to ensure that bat and bird mitigation was carried out and that the dew pond was restored and maintained as part of the development in accordance with a scheme to be agreed by the Authority.

PDNPA Historic Buildings Officer – Recommends Refusal.

The Authority's Historic Buildings Officer strongly opposes open market dwelling use of this barn for the reasons behind the previous refusals and in the Inspector's appeal decisions and considers that the effects of conversion on both the building and the setting will be disastrous. If the building is not retained in agricultural use (the optimal use), it should be a camping barn or limited holiday use.

PDNPA Landscape - No response to date.

Representations

One representation letter has been received at the time this report was written. The letter is from the occupants of the neighbouring property to the south of the application site known as Ash Lea. The letter raises the following concerns about the application:

- Potential for overlooking of the garden and rear facing windows to the neighbouring property and subsequent loss of privacy.
- The loss of one of the few barns of this type which remain in the area.

Main Policies

Relevant Core Strategy policies: HC1, GSP1, GSP2, GSP3, L1, L2 and L3

Relevant Local Plan policies: LC4, LC8, LC16, LC17, LH1, LT11 and LT18

Housing Policies

National policies in the National Planning Policy Framework ('the Framework') and local policies in the Development Plan set out a consistent approach to new housing in the National Park.

Paragraph 54 of the Framework states that in rural areas, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.

Paragraph 55 of the Framework says that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances (such as meeting the essential need for a rural worker to live at or near their place of work in the countryside or where development would represent the optimal viable use of a heritage asset).

Core Strategy policy HC1 reflects the priorities set out in national policies and the development strategy for new housing in the National Park set out in Core Strategy policy DS1 because HC1 states that provision will not be made for housing solely to meet open market demand and prioritises the delivery of affordable housing to meet local needs within named settlements.

Core Strategy policy HC1 also sets out the exceptional circumstances where new housing can be accepted in open countryside which closely reflects those set out in paragraph 55 of the Framework. These exceptional circumstances are where the new house would be for key

workers in agriculture, forestry or other rural enterprises (in accordance with Core Strategy policy HC2), or where the conversion of an existing building is required to achieve the conservation and enhancement of a valued vernacular or listed building, or where the conversion of an existing building would be for affordable housing to meet local need.

Design and Conservation Policies

Paragraph 115 of the Framework says that great weight should be given to conserving landscape and scenic beauty in National Parks and that the conservation of wildlife and cultural heritage are important considerations and should be given great weight in National Parks.

Paragraph 132 of the Framework says that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The Authority's housing policies are supported by a wider range of design and conservation policies including GSP1 of the Core Strategy which states all policies should be read in combination. GSP1 also says all development in the National Park shall be consistent with the National Park's legal purposes and duty and where national park purposes can be secured, opportunities must be taken to contribute to the sustainable development of the area.

Core Strategy policy L1 requires all development to conserve and enhance valued landscape character as identified in the Landscape Strategy and Action Plan. Policies L2 and L3 require all development to conserve and enhance the National Park's biodiversity, geodiversity and cultural heritage respectively and state that other than in exceptional circumstances, development which will have a harmful impact will not be permitted. Saved Local Plan policies LC16 and LC17 give more specific advice in regards to archaeology and wildlife protection.

Policy GSP3 of the Core Strategy and Policies LC4 and LC8 of the Local Plan are also directly to the current application because they set out the design principles for conversions of existing buildings in the National Park, and also seek to safeguard the amenities of properties affected by development proposals, and set out criteria to assess design, siting and landscaping. The Authority's Supplementary Planning Documents (SPD) the Design Guide and the Building Design Guidance offer further advice on design issues.

Policies LT11 and LT18 of the Local Plan require new development to be provided with adequate access and parking provision but also say that access and parking provision should not impact negatively on the environmental quality of the National Park.

Assessment

Principle of proposed development

The application site clearly lies in open countryside because it is outside of the physical limits of Foolow village, despite the presence of some other isolated residential properties in the vicinity of the site (Local Plan policy LC2). In common with Government guidance in paragraph 55 the Framework, the Authority's housing policies do not permit new isolated homes in locations such as this unless there are special circumstances.

In this case, the proposed house is intended to meet general demand rather than any functional need or local need for affordable housing. Therefore, the special circumstances in which permission could be granted for the current application are set out in Core Strategy Policy HC1 which says that in accordance with policies GSP1 and GSP2 of the Core Strategy, exceptionally, new housing can be accepted where it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings.

Dale Head Barn is not listed. However, notwithstanding previous planning decisions and appeal decisions from Planning Inspectors, Officers do acknowledge that this is in an important building and that it does possess features of architectural significance along with historic and archaeological significance related to the age of the building and its connection with the surrounding historic field system. The barn has a prominent position in the landscape where it makes a strong positive contribution to the character of the surrounding area and the National Park landscape.

It is therefore considered that Dale Head Barn should properly be considered as a non-designated heritage asset and therefore that the barn is considered to be ‘valued vernacular’ for the purposes of Core Strategy policy HC1 C. In this case the building would not be able to accommodate more than one dwelling and therefore the key issue is whether or not the proposed development would actually conserve or enhance Dale Head Barn.

Would conversion to a single dwellinghouse conserve or enhance Dale Head Barn and its setting within the landscape

The application site is located within the limestone village farmlands landscape character type identified by the Authority’s Landscape Strategy. This is an open pastoral landscape characterised by nucleated limestone villages, set within a repeating pattern of narrow strip fields bounded by drystone walls which originate from medieval open fields.

Dale Head Barn is a relatively isolated traditional field barn complex, the barn is located within the field with no defined curtilage and therefore forms an integral part of the surrounding strip fields. The Authority’s Archaeologist advises that the barn lies within an area which the Historic Landscape Character analysis describes as: Ancient Enclosure - Fossilised Strip System – and that the land was enclosed prior to the Eyam and Foolow enclosure map of 1813 (there is no earlier map evidence). A structure is shown in this location on the 1813 map.

It is therefore clear that the significance of Dale Head Barn not only relates to the architectural significance of the buildings but perhaps more importantly to their historic and archaeological significance due to their age and their relationship and setting within the surrounding landscape and historic field system.

In this case, Officers have very significant concerns about the impact of the proposed conversion and use of the application site as a dwelling upon the character of the barn and its setting within the strip field system and the wider landscape. The Authority’s Historic Buildings Officer and Senior Archaeologist both strongly advise that the proposed development is not an appropriate way to conserve the building. It is considered that the proposed changes to the building itself, the creation of a defined domestic curtilage and the provision of a new access track would seriously harm the significance of the barn and its setting.

Furthermore, although the proposed curtilage is restricted to the area in front of the barn the use of this area as a garden with associated domestic activity along with car parking would further detract from the simple agricultural character of the building and its setting within the surrounding landscape which in this case is a fundamental aspect of the significance of the building. Lighting from within the dwelling would also be inevitable and would have a further harmful impact in an area characterised by profound darkness at night.

The harm to the character of the buildings and their setting would be readily apparent due to the prominence of the building in a very open location which is clearly visible from the adjacent highway and from more distant views from the A623 and the BOAT to the east where the buildings are seen fully in the context of the surrounding strip fields.

The agent has submitted amended elevation and plan drawings which omit the new glazed door opening on the front elevation and provide a timber door for the widened garage opening. These amendments have followed advice from Officers and are considered to be the best solution in terms of design detailing for minimising the impact of the development upon the barn itself. However, taking into account the impact of the development as a whole, it is considered that the changes to the building, the creation of a defined domestic curtilage and the provision of a new access track would seriously harm the significance of the barn and its setting.

Furthermore, full residential conversion would leave the associated 2.45ha land holding without any building serving its needs. Although Officers acknowledge the barn would not be suitable for modern working farm practices, nevertheless it is of a suitable scale and type to continue serving this small land holding. If the development was approved then potentially the barn would be sold with some or all of the adjacent land. In such circumstances experience has shown that over time creeping domestication, outside of planning control, of the associated land coupled with potential pressures for replacement agricultural buildings or stables can, over time, significantly change the character and appearance of the landscape and exacerbate the harm caused by the initial conversion.

The applicant has stated that he would not sell the land around the barn to any purchaser; however any future disposal of the land is not a matter which the Authority would have any control over. Following discussions with Officers the agent has made an offer that the applicant would be willing to enter into a S.106 legal agreement (planning obligation) with the Authority. The effect of the legal agreement would be to prevent the erection of any development including buildings, hard standings or fences on the adjoining fields.

The proposed planning obligation would act to prevent further development around the barn and would be enforceable irrespective of how the barn and the land around it were disposed of in the future. The planning obligation would therefore potentially mitigate more long term impacts of the development in the landscape. The proposed obligation would not, however, mitigate the impact of the proposed conversion of the barns and its use for domestic purposes which for the reasons given above Officers consider would be harmful.

If Members conclude that the proposed development would not have a harmful impact upon the barn and the landscape, it is considered that weight could be given to the proposed planning obligation because such an obligation could be considered to make the development acceptable in planning terms, would be directly related to the development and fairly and reasonably related in scale and kind.

Therefore, whilst Officers accept that the application building is 'valued vernacular' for the purposes of the Authority's housing policy, it is considered clear that the impact of converting the building and use as a permanent dwelling would actually harm the significance of the building and its setting and therefore that any approval would be contrary to Core Strategy policies HC1, GSP3, L1 and L3 and saved Local Plan policies LC4 and LC8.

Other Alternative Uses

The agent has submitted amended information including an updated development appraisal which costs three alternative schemes, the first to convert the whole of the building to holiday accommodation, the second to convert part of the building to an affordable dwelling to meet eligible local need and the third to convert only the first floor of the building to a dwelling. The full costs of converting the building have been calculated by an appropriately qualified quantity surveyor. The submitted cost estimate for converting building to holiday accommodation is £408,000, the estimate to convert the building to an affordable dwelling is £272,000 and the estimate to convert the first floor of the building to a dwelling is £236,000.

The agent has explored the potential alternative uses of the building as requested by Members in January and considers that all three of the above options would not be viable because the costs of carry out alternative developments would mean that a willing developer would not make a reasonable return or profit on capital invested.

However, Officers recommend that very limited weight can be given to the submitted revised cost estimates because significant costs have been attributed to works which would not be necessary to facilitate the conversion of the building or are stated as not required in the submitted structural survey. For example, the costs of a new roof structure and new blue slate roof to replace the existing stone slate roof form a significant proportion of all three of the projected costs. Significant provisional sums have also been allocated to underpinning the walls, which is stated as 'not required' by the submitted structural survey.

In any case, whether or not alternative uses are financially viable would not justify approval of development which would have a significant harmful impact upon the significance of the barns and their setting within the National Park landscape. The key national and local policy test is whether the proposed dwelling represents the optimal viable use of the heritage asset, which Officers consider is not the case here.

Other Issues

Having had regard to the consultation response from Natural England, it is considered that the proposed development would be unlikely to have any adverse impact upon designated ecological sites.

The barns and its surroundings have been surveyed for the presence of protected species including bats and birds, and the mere pond has been surveyed for the presence of great crested newts. The survey reports have been submitted in support of this application. No bat roosts were identified as a result of the surveys, however, evidence of the use of the buildings by nesting swallows was found. There is considered to be no ecological constraint to the conversion of the barns, subject to a precautionary approach being adopted in respect of bats, and any building works being carried out outside the main bird breeding season.

No evidence was found of the mere pond being used for great crested newts; however, it is considered that this water feature should be retained and maintained so that it can remain available for use by aquatic species. If permission is granted, planning conditions could be imposed to ensure that appropriate ecological mitigation is agreed prior to the commencement of the development and implemented thereafter.

Officers agree with the advice from the Highway Authority that sufficient visibility splays can be provided from the proposed access which would be safe in accordance with saved Local Plan policy LT18. There is adequate space within the proposed domestic curtilage for the parking and turning of two domestic vehicles which is appropriate for a three bedroom house. Therefore it is considered that the proposed development would be unlikely to harm highway safety or the amenity of road users subject to the imposition of conditions recommended by the Highway Authority.

Concern has been raised in representations in regard to the potential for occupants of the proposed dwelling to overlook the nearest neighbouring property, known as Ash Lea. At the nearest point, the garden to this neighbouring property would be located approximately 65 metres from the proposed dwelling. Given this significant separation distance, intervening walls and mature boundary planting it is considered that any potential overlooking would not harm the residential amenity of either the occupants of Ash Lea or the proposed dwelling.

Conclusion

In this case, there are no concerns that the new house would be unneighbourly primarily because of the significant distance from the nearest neighbouring property. The development would be served by a safe access and adequate parking. The submitted ecological survey reports demonstrate that the proposed development would not harm any protected species, or their habitat subject to the implementation of appropriate mitigation measures.

However, these factors do not outweigh or override the fundamental objection to the proposed development on the grounds that, if allowed, the proposed development would significantly harm the significance of the barn and its setting within the landscape in conflict with Core Strategy policies HC1, GSP3, L1 and L3 and saved Local Plan policies LC4 and LC8. The relevant policies in the development plan are consistent with the more recently published National Planning Policy Framework and there are no other material considerations that indicate that permission should otherwise be granted.

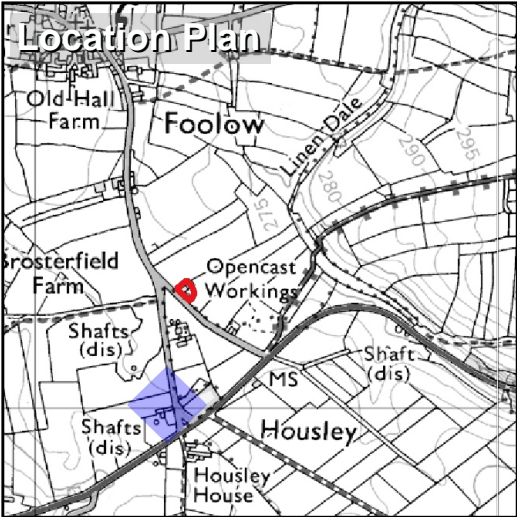
Human Rights

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

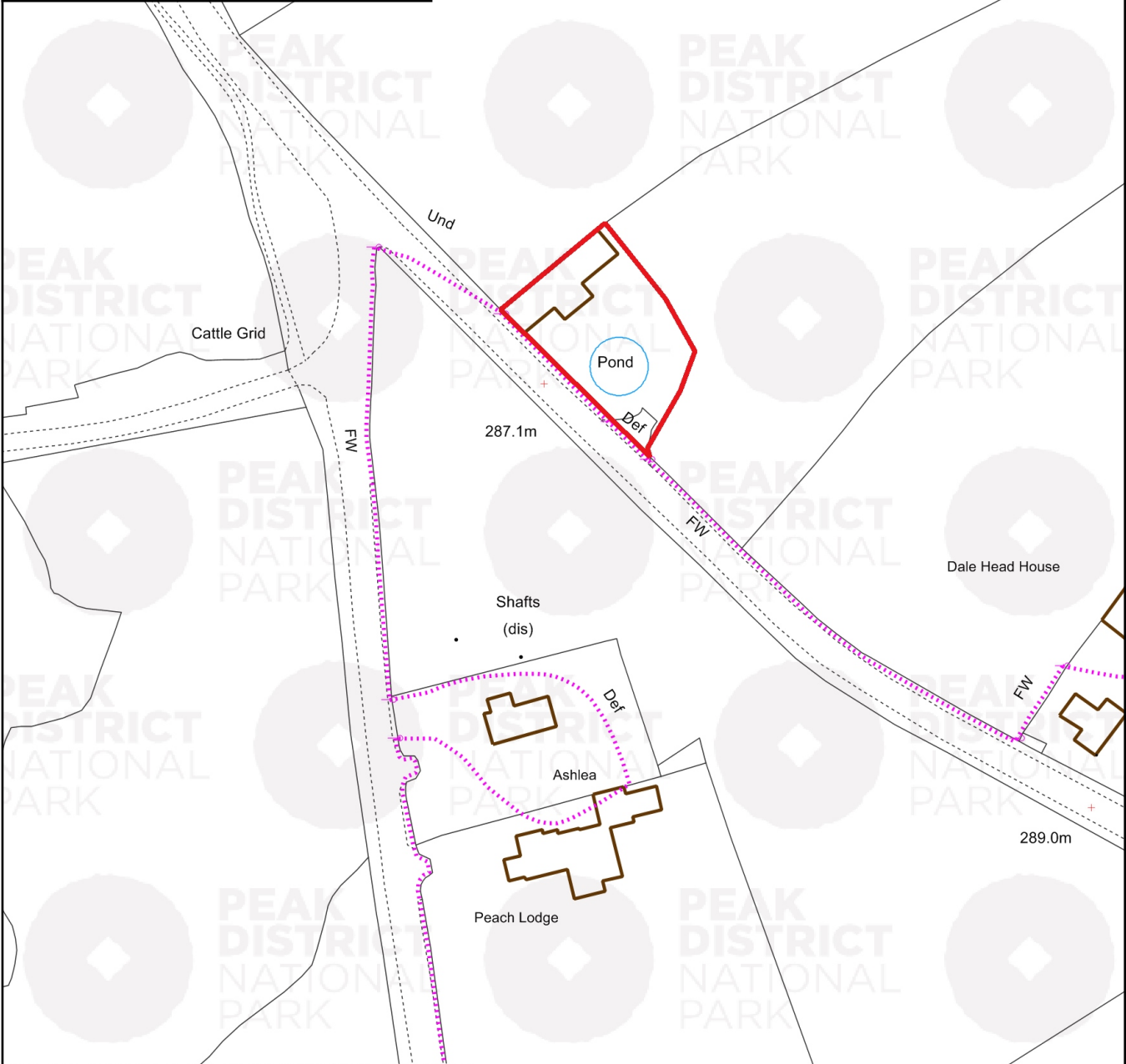
List of Background Papers (not previously published)

Nil

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Committee Date:	10/07/2015
Item Number:	11
Application No:	NP/DDD/1114/1184
Grid Reference:	421939 376372

Title: Dale Head Barn, Housley, Foolow



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12. RETROSPECTIVE APPLICATION FOR THE REPLACEMENT OF AN AGRICULTURAL BUILDING – LAND ADJACENT TO CORNERWAYS, CURBAR LANE, CURBAR (NP/DDD/0515/0471, P.2918, 21/5/2015, 424824 / 374518, MN)

APPLICANT: DR MICHAEL COLLINS

Note for Members

This retrospective application is effectively a re-submission of an application that Members refused in September 2014. The last application was refused by Members because they considered the case of agricultural need advanced in support of the application to be insufficient to justify making an exception to the National Park's landscape conservation policies, which only exceptionally permit new development in the open countryside. The applicant has since employed an agricultural consultant to undertake an Agricultural Appraisal and this forms part of the resubmitted application.

Site and Surroundings

The application site is an open field abutting the north side of Curbar Hill road, to the west of Curbar village. Access into the field is off the Curbar Hill road via a typical agricultural gateway which opens onto a concrete drive leading to a timber triple stable building sited in the middle of the field. The lawful status of this building is not apparent from planning records, but the building is clearly of some age and is highly likely to have become lawful.

The application building is a horizontally boarded timber field shelter with a central timber column and two gated openings on the front under a dark blue corrugated roof with overhanging eaves. It is 3.65m wide x 6.1m long and 3.6m to ridge. It has replaced a similarly constructed building that had previously occupied the same position for a number of years but which blew down in the February gales of 2014. That building also did not benefit from the grant of permission but had acquired lawfulness over the passage of time.

The hillside and the main application field slope down to the west, with the application building occupying a prominent raised site on the north-eastern edge of the field some 60m back from the highway. A further field, separated from the front field by only a post and wire fence slopes down to the north beyond the post and wire fence. This adjoining field narrows and is not viewed from the highway as it drops out of view due to the sloping ground and is surrounded by mature trees lying to the north, north west and north east. These mature trees also extend to flank the eastern and western sides of the front field, and frame the application building on this open countryside site which provides a landscape break between Calver Bridge and Curbar village.

The site is outside of any conservation area, but Curbar Conservation Area (no.1) is approximately 50m to the west of the building and Curbar Conservation Area (no.2) is approximately 100m to the east.

Proposal

This application is seeking retrospective planning permission for the erection of the agricultural building.

In support the applicant has submitted a covering letter, explaining that they consider there to have been some misrepresentation of events leading up to the construction of the building and the previous application being made – specifically relating to the nature of the advice that was provided to the applicant by the Authority and the dates of this advice – and that this influenced the determination of that application and cast the applicant in an unfavourable light.

Whilst there may be some confusion around the advice that was provided and when it was provided, such matters are not material considerations to the application as submitted, which must be considered on its own merits.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

- 1. The building shall only be used for agriculture on the holding and shall be removed from the site when no longer required for the purposes of agriculture.**

Key Issues

The need for the agricultural building, the scale and materials used in the construction of the building, and the landscape impact that the siting of the building would have.

History

February 2014 – The applicant and a friend both sought advice from the Authority on the rebuilding of a storm-damaged field shelter. They were advised that either planning permission or prior approval was likely to be required, depending on the scale of rebuilding and its use.

April 2014 – Enforcement case opened in relation to the erection of the unauthorised agricultural building that is the subject of this application.

September 2014 – Planning permission refused for the erection of a replacement agricultural building (retrospective application).

Following the Committee officers gave advice to the applicant and his agent that although the Planning Committee had refused the case solely on grounds of need, nevertheless officers (and notably the Parish Council) continued to have some concerns about the landscape impact. Given that background officers advised that a resubmission with the building relocated to a screened portion of the holding, supported by clear evidence of need, would be the most appropriate solution in landscape terms, likely to overcome the Parish Council's landscape objection and be fully supported by officers.

Consultations

Derbyshire County Council (Highways) – No response at time of writing.

Derbyshire Dales District Council – Environmental Health – No objections in principal as long as the barn is used for purposes as outlined in the application.

Curbar Parish Council – Object to the application. There is an unused stable block on the site that could be utilised. An agricultural need for the building has not been justified, and were one to be accepted then the building could be sited in a better position in the field, as it is currently very prominent in the landscape. A comparison is drawn by the Council to a recently refused retrospective application for a stable building on Cliff Lane, Curbar, in support of their objection.

Representations

8 letters of representation have been received. 6 of these support the application, whilst 2 object. Those supporting the proposal do so on the following grounds:

- The site is in use for farming and the building supports this use
- The building is the same as the one it has replaced, which served an agricultural purposes for many years
- The building an improvement over the building it has replaced
- The building appears appropriate for the location and sympathetic to the environment
- Without the building it would be very difficult to ensure good animal welfare for the breaking flock [comment from farmer currently grazing the land]

Those representations objecting to the proposal raise the following matters:

- The agricultural appraisal is inaccurate and misleading, as it does not reflect the actual circumstances of sheep grazing in Curbar
- Less than 50% of the total area of land described in the report as being used for sheep grazing is currently in such use, and some has not been in such use for several years
- The keeping of sheep on the site is not a year round activity as the agricultural appraisal implies
- The sheep and lambs arrive on site already tagged negating the need to keep ear tags on site as stated in the agricultural appraisal
- There are buildings available in the other fields identified in the agricultural appraisal that could be used instead of the application building
- Consistency of decisions is vital, and applications for other timber sheds are receiving consideration for enforcement action by the Authority. Whilst these are equestrian buildings to which some different policies apply, issues of siting, design and location are common to both. A comparison is drawn to a recently refused retrospective application for a stable building on Cliff Lane, Curbar, in support of the objection.
- The applicant's explanation that they did not consider planning permission was required is not a material planning consideration and should be disregarded.
- The non-traditional form and siting of the building and its prominent siting would have a harmful impact on appearance of the landscape and the conservation area.
- Less harmful and obtrusive positions for the building are available elsewhere within the site.

Main Policies

Core Strategy: GSP1, GSP2, GSP3, DS1, L1

Local Plan: LC4, LC5, LC13

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. Both give substantial weight to the conservation of the landscapes of the National Park, whilst also seeking to support the development of agricultural businesses.

Assessment

The need for the building

Until February 2014 a building of a similar design and size was present on the site now occupied by the application building. The applicant has indicated that the previous building was in agricultural use. Whilst officers are unable to verify this as the building had never received planning permission, it had been on site for a number of years and was considered to have become lawful over the passage of time prior to collapsing in high winds. The applicant replaced that building shortly afterwards without seeking prior planning permission. Therefore although the replacement building is new development in its own right, some weight is given to the previous building's presence on the site as a material planning consideration in this case, although it is clear that the current siting is not ideal in terms of landscape impact if one were considering siting afresh.

The agricultural statement submitted in support of the application sets out the farming need for the building. The reasons presented are similar to those put forward by the farmer of the land during the last application, albeit in more detail, and represent typical uses for such a building. The uses of the building would change with the season, and include lambing, tagging, shearing, housing for young and vulnerable stock in inclement weather, dosing and vaccinating animals, as well as storing hay, feed and ancillary farming equipment.

Whilst not a farmer himself, the statement states that the applicant rents out the field containing the building to a local farmer. According to the submitted statement this farmer farms around 27 acres in and around Curbar with up to 80 ewes, plus lambs. A small number of sheep were present on the site when Officers visited, as was also the case during the assessment of the previous application in 2014. Some of the letters of representation have contested that some of the area of land claimed to be farmed is not currently grazed by sheep and that some is in use as playing field and some in use for the keeping of horses. The use of the application site itself is not in question however, nor is the size of the farmers flock.

Whilst the size of the area of land farmed does of course have some bearing on the likely size of the farming enterprise and resultant justification for the building, it is considered that the size of the field, its existing agricultural use, and its relative separation from the other fields noted in the agricultural appraisal is sufficient justification for what is a modestly sized farm building.

In terms of other buildings that could be available to meet the stated need, there is the detached stable building within the same field. Although the Design and Access statement confirms that horses are no longer kept on the site, the building may have an established use for domestic purposes, and the applicant has previously advised that it could shortly be brought back in to use for stabling purposes, and is not therefore available for agricultural use.

Some representations refer to buildings in other fields that are in use by the farmer, suggesting that these undermine the justification for the application building. It is considered that a building on this site can still be considered to be reasonably required for the purposes of agriculture as it would be inconvenient and impractical for the farmer to have to use a building in another part of the village in relation to the farming of this field – especially when part of the requirement for the building is for the shelter of animals on this area of land.

The siting, design and landscape impact of the building

Timber cladding of agricultural buildings is not uncommon in the Park, as they generally have a more basic and functional character than residential buildings or recreational stable facilities. This is more common on large agricultural buildings however, with smaller field shelters more typically and traditionally constructed of stone with slate roofs. The relatively modest scale of the proposed building does serve to reduce the impact of its materials, and this is assisted by the mostly open front, which serves to break up its massing. Overall, the building's design is simple and whilst the use of timber is not in keeping with the local building tradition, in this setting and for this particular use, it is considered that the design would conserve the built environment of the area and therefore accords with this requirement of policy LC4.

In terms of the buildings impact in the wider landscape, Development Plan policies L1, LC4, LC5, and LC13 require that development conserves the landscape character, important views, and other valued characteristics of the area.

The main public views in which the building is seen are from the highway to the south. The building is also visible in longer public views from close to the junction of Curbar Hill and Calver Bridge, which lies within a conservation area.

In views from the highway to the south, the building is some distance from the road and is modest in scale however, being elevated above the road due to the rising ground has increased its prominence. This is offset to some degree by the established planting behind the building that largely prevents it from 'skylining' or appearing too prominent – something that is aided by the dark stain that has been applied to the building since the previous application was considered by Members in 2014. The trees around the building will lose their leaves in winter months but it is still considered that even at this time of year the trees outline will soften the buildings appearance.

In addition, the largely open front to the building does serve to break up its form in these views, further reducing its impact. It will be seen in the same views as the existing stable building further down the field when viewed from the highway to the south. The spacing apart of the two however, and the better relationship of the new building to the field boundary, mean that it is not considered there is significant cumulative impact caused by the relationship of the two buildings.

In views from the junction of Curbar Hill and Calver Bridge the building can be seen quite clearly, albeit for only a short distance, through a copse of trees. In these views it is seen at some 250m. As a result of its size and its backing by trees, its impact in these views from within the conservation area is considered to be small, and that it would conserve the character and appearance of the conservation area as required by LC5.

Local Plan policy LC13 requires new agricultural buildings to make use of the least obtrusive or otherwise damaging location possible, including being close to the main group of buildings on a site wherever possible and making the best use of existing buildings, trees, walls and other landscape features. Whilst not closely related to other buildings, the building is considered to make good use of the trees on the site to reduce its impact. It is also on the site of a building of the same size and design which was storm-damaged in February 2014, so this is considered to be a material consideration in determining whether it would be reasonable to refuse the application and insist on an alternative location.

Overall, having assessed the building and its impact in its current position it is considered, as detailed above, that its wider landscape impact is low, and that it would be difficult for Officers to justify its re-siting elsewhere within the field on the grounds of this one policy in isolation.

Other matters

The building is sited well away from any neighbouring properties and so is not considered to raise any amenity issues, as required by policy LC4.

An objector has identified a recent planning refusal by the Authority as being pertinent to the consideration of this application. That proposal was for a larger timber building, built for a different purpose, and Officers also consider it to have a different impact in the landscape. For these reasons limited weight is given to this decision.

Conclusion

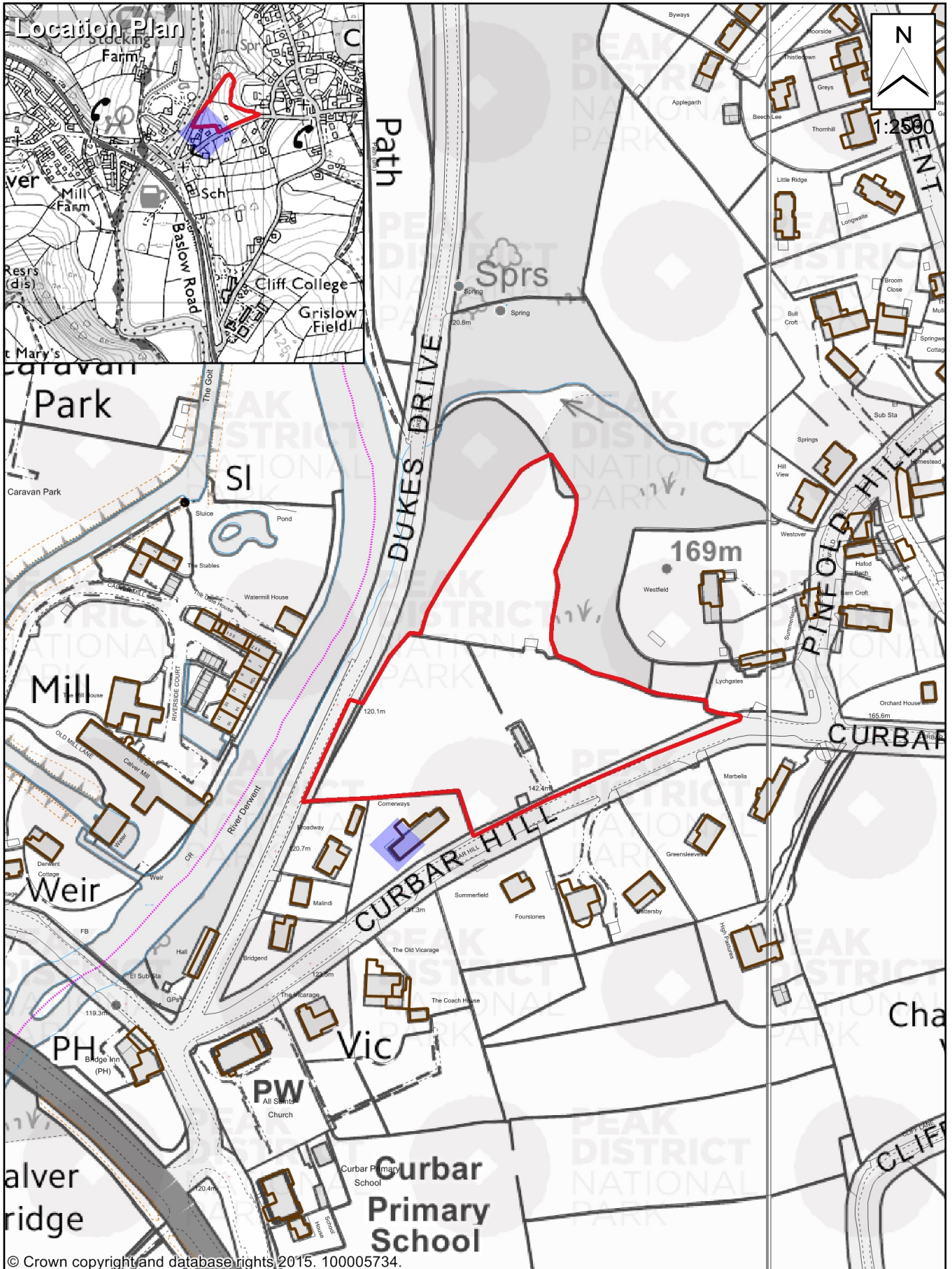
It is considered that there is sufficient evidence that the building is to be used for agricultural purposes. On balance, it is considered that the design, size, and siting of the building are acceptable, and that the development accords with the policies of the Development Plan when taken as a whole. The application is therefore recommended for approval.

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



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Committee Date:	10/07/2015	Title: Cornerways, Curbar Lane, Curbar	 PEAK DISTRICT NATIONAL PARK
Item Number:	12		
Application No:	NP/DDD/0515/0471		
Grid Reference:	424824 374518		

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13. FULL APPLICATION - EXTENSION TO AGRICULTURAL BUILDING AT MARL HOUSE FARM, GLOSSOP ROAD, LITTLE HAYFIELD (NP/HPK/0415/0358, P.11252, 24/4/15, 403295/388778, MN)

APPLICANT: MR P BRENNAND

Site and Surroundings

Marl House Farm is an isolated working farm situated on the western side of the A624 Glossop Road, north of Little Hayfield. The farm is accessed directly from the main road. The farmstead consists of a Grade II listed farmhouse and two stone outbuildings, with more modern farm buildings forming a compact farmyard. The site is surrounded by open farmland to the north and south, with Hey Wood dominating the western side of the farm complex.

The site is partially enclosed with mature trees/hedges to the north and south, with further planting having been previously approved along the western boundary of the site. A dry stone wall runs along the road frontage of the farm. In the wider setting, the surrounding land is in farming use with other isolated farms and occasional dwellings.

Proposal

The application seeks to extend the northern end of an agricultural building that is sited within the farmyard, incorporating a midden adjacent to it.

The building that the applicant is seeking to extend was approved in 2014 and is currently still under construction. Its northern wall abuts the northern edge of the current farmyard. As a result the extension of the building and the midden would project out into the field and outside the well-defined northern edge of the farmyard.

RECOMMENDATION:

It is recommended that the application be APPROVED subject to the following conditions:

- 1. Statutory 3 year time limit**
- 2. In accordance with revised plans**
- 3. Prior to commencing the development the planting shown on the revised site plan shall be undertaken, comprising a mixture of hawthorn and blackthorn at 1m centres, stock proofed, and with any dieback within 5 years of planting to be replaced**
- 4. Roof sheeting to be coloured dark green**
- 5. Timber cladding to be stained dark brown**

Key Issues

The key issues in assessing this proposal are:

- The acceptability of the principle of the development
- The impact of the development on the character and appearance of the landscape

- The impact of the development on the setting of the Listed farm buildings

History

2014 – Planning permission granted for the erection of new agricultural building

2012 – Planning permission granted for the erection of new agricultural building

2009 – Planning permission refused for change of use and alterations to agricultural building to create farm shop

1997 – Planning permission and Listed building consent granted for conversion of barn to holiday accommodation

1997 – Listed building consent granted for alterations to dwelling

1997 – Planning permission granted for construction of new access road

1990 – Planning permission and Listed building consent refused for conversion of barn to two dwellings and vehicular access

Consultations

Highway Authority - No objections raised, subject to the use of the development remaining ancillary.

Parish Council – As submitted, expressed concerns that the development is not in keeping, or needed for agricultural purposes given the size of the farm. The Council were re-consulted on the revised details but no further response has been received at time of writing.

Borough Council - No response at time of writing.

Main Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, L3.

Relevant Local Plan policies: LC4, LC6, LC13.

Core Strategy policy GSP1 reiterates that the Authority has a statutory duty to foster the social and economic welfare of local communities in the National Park whilst GSP2 states opportunities to enhance the National Park should be acted upon. Core Strategy policy GSP3 seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Core Strategy policies DS1 details the development strategy for the National Park. This permits, in principle, development required for agricultural purposes in the countryside.

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

Core Strategy policy L3 requires development to conserve historic assets.

Local Plan policy LC6, which states that any applications for development affecting listed buildings must clearly demonstrate how the building will be preserved and enhanced and why the development is desirable or necessary.

Local Plan policy LC13 is also relevant, stating that any agricultural development must avoid harm to an areas valued characteristics, making use of the least obtrusive or otherwise damaging possible location.

It is considered that these policies are consistent with the core planning principles set out in paragraph 17 of the National Planning Policy Framework and the policies in the Framework when taken as a whole because both documents seek to support rural economies, seek to secure high quality design, and promote the importance of landscape protection within the National Park.

Assessment

Principle

The Authority granted permission for a further agricultural building within the farmyard of the farm in 2014, having accepted the need for it on the basis that the applicant was seeking to increase the size of his cattle herd. It is considered reasonable that the increase in stock that the site can accommodate could reasonably require an associated midden, and that the modest extension of the northern end of the previously approved cattle building is not so significant as to require further justification.

Despite the Parish Council's concerns in this regard, it is therefore accepted that the development is reasonably required for agricultural purposes and as a result the principle of the development is acceptable under the Authority's adopted planning policies.

Landscape impact

Although as submitted the development was related closely to an existing farm building, its position, projecting into an otherwise undeveloped field, would result in an unacceptable landscape impact. It would have appeared isolated and separate from the farmstead as well as being prominent in wider views to detract from the appearance of the area.

To overcome officer's landscape objection the applicant has agreed to establish a new field boundary north of, and parallel to, the existing northern boundary of the site. This would run along the northern edge of the proposed midden back to the highway, before returning south along the highway edge behind the boundary wall. This would extend the limits of the farm further into the countryside, but in a logical manner which would ensure that the regular field pattern is retained, as well as screening the development in wider views.

It would also better screen the existing farmstead in public views than is currently the case, as well as providing an enclosed space behind the hedgerow for the storage of wrapped bales – which are currently often stored prominently in the open field. Overall, it is therefore considered that the proposed arrangement would enhance the appearance of the area.

In addition, the boundary would comprise a mixed hedgerow of species native and appropriate to the area. This is in contrast to the existing northern boundary, which consists mostly of conifer trees, which are wholly out of keeping with the native vegetation of the area. In this respect the wider landscape of the area would be further enhanced.

Design of the proposed buildings

The extension of the building that was approved in 2014 has not yet been completed, but the proposal would follow the same design and materials, comprising profile sheet roofing over timber clad and blockwork walls. This design is typical of modern agricultural buildings and is considered acceptable, subject to the roofing being coloured dark green and the timber being dark stained so as to minimise its prominence and match the adjoining building.

The midden would be open to the eastern side to allow access, whilst the other sides would be concrete walls that are built up externally with grassed banks so as to reduce its impact. This is typical of such structures and, combined with the screening that would be provided as discussed above, is considered acceptable.

Overall, the design of the development is considered appropriate to its purpose and to have an acceptable appearance within its setting.

Impact on the Listed buildings

In terms of impact on the listed farm buildings, these are already viewed in close relation to the modern agricultural buildings around the farmyard. The proposed development is further away from the Listed buildings than the existing farm buildings, and is relatively modest compared to what is already present. As a result both the individual and cumulative impacts arising from the development are considered to conserve the setting of the listed buildings and do not detract from the buildings' significance.

Other matters

The development is not considered to raise any amenity issues due to the remote nature of the site.

The development would not result in a significant change in the intensification or character of the use of the site and it therefore raises no highway concerns. The Highway Authority have noted that they have no objections subject to the use of the development remaining ancillary to Marl House Farm. Given the size of the development, its type, and its close physical relationship to the existing farmstead separation is considered very unlikely, and such a condition is not considered to be necessary to make the development acceptable in planning terms.

Conclusion

Officers have assessed the application against all relevant planning policy and all other material considerations. Subject to the revised plans and appropriate species for the boundary hedgerow being secured by planning conditions, along with suitable finishes for the walls and roof of the extension, the proposal is considered to comply with both national and local planning policies. All other material matters have also been considered and are considered to be acceptable.

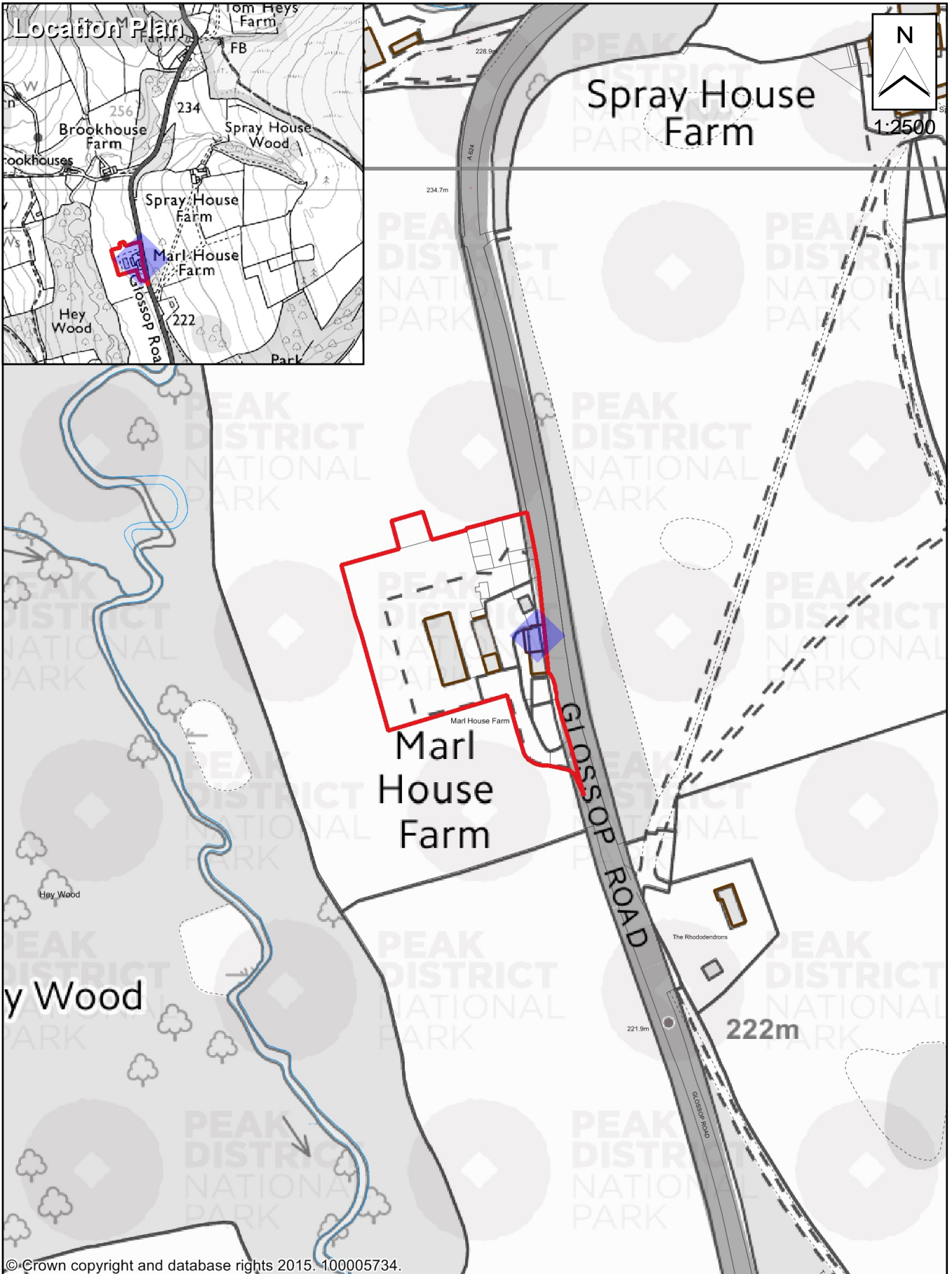
The application is therefore recommended for approval, subject to the above stated conditions.

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



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Committee Date:	10/07/2015	Title: Marl House Farm, Glossop Road, Little Hayfield	 PEAK DISTRICT NATIONAL PARK
Item Number:	13		
Application No:	NP/HPK/0415/0358		
Grid Reference:	403295 388778		

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14. MONITORING & ENFORCEMENT QUARTERLY REVIEW – JULY 2015 (A.1533/AJC)

Introduction

This report provides a summary of the work carried out by the Monitoring & Enforcement Team in the last quarter (January to March 2015). Enforcement action is discretionary and Government advice in the National Planning Policy Framework (NPPF) is that Local Planning Authorities should act proportionately in responding to suspected breaches of planning control. The majority of breaches are resolved voluntarily or through negotiation with the landowner (or other relevant persons) without resorting to formal enforcement action. In cases where formal action is considered necessary, the Director of Planning and Head of Law have joint delegated powers to authorise such action, whereas delegated authority not to take formal action is held by the Director of Planning and Planning Team Managers.

The NPPF states that Local Planning Authorities (LPAs) should consider publishing a Local Enforcement Plan to manage enforcement proactively, in a way that is appropriate to their area. Many, but by no means all, LPAs have published a Plan. In March 2014 the Authority published its Local Enforcement Plan, which sets out what breaches of planning control are, how potential breaches can be brought to the attention of the Authority, what matters may or may not be investigated and the priorities for investigation and action. It also outlines the tools that are available to the Authority to resolve any breaches.

RECOMMENDATION:

That the report be noted.

Summary of Activity

(a) Formal notices have been issued in the following cases this quarter:

14/0575 Land adjoining The Gables Eaton Hill Baslow	Installation of a steel container	Enforcement Notice
15/0047 Land Opposite Grouse Inn Chunal Glossop	Mixed Use of Land for agriculture and clay pigeon/clay target shooting	Enforcement Notice
11/0200 Land South of Church Lane Peak Forest	Steel container, use of land for storage, creation of hardstanding and parking of vehicles	Enforcement Notice
12/0075 Land at Nether Hay Upper Hulme Leekfrith	Mixed use of land for agriculture and storage of a chalet-style caravan, associated hardstanding and access track	Enforcement Notice

(b) The following breaches have been resolved this quarter:

10/0224 Land North West of Pewitt Farm Near Owler Bar	Erection of building	Immune from enforcement action
14/0473 Undercliffe Cliff Bottom Stoney Middleton	Breach of conditions on NP/DDD/0213/0100	Non-material Amendment approved
14/0589 Somerset House Litton	Change of use from garage to holiday accommodation	Planning permission granted
14/0482 The Old School House Newtown Longnor	Breach of conditions 2 , 5, 7, 10, 11 and 12 on NP/SM/0211/0086	Non-material Amendment approved & planning permission granted
10/0107 Lee Cottage Farm Tissington	Erection of six timber buildings for pheasant rearing	Buildings removed
14/0578 West Lodge Monyash Road Bakewell	Replacement gate piers	Planning permission granted
11/0218 The Caravan Hurdlow Grange Farm Hurdlow	Siting and residential use of a static caravan	Case combined with 07/0042
15/0027 Glen Cottage Riddings Lane Curbar	Construction of dwelling	Planning permission granted
15/0014 Steeple Barn Main Road Eyam	Installation of replacement windows	Planning permission granted
13/0068 Nettlebeds Farm, Wincle	Change of use of shippon to dwelling	Planning permission granted
15/0004 Whitfield Barn Whitfield Lane Middleton by Youlgrave	Breach of condition 4 on NP/DDD/0811/0762. Containers not removed	Containers removed

07/0072 Burntcliffe Allgreave Near Macclesfield	Erection of building and use of Land for storage	Enforcement notices complied with – Building removed and storage use ceased
14/0588 Penny Tree Farm Alstonefield	Siting of caravan for use in connection with industrial unit	Caravan removed
15/0050 Stiff Close Longnor	Non-compliance with approved landscaping scheme	Landscaping carried out
13/0130 Knotlow Farm Flagg	Use of land as camping and caravan site (including use of building for facilities), siting of two static caravans and use as holiday lets	Planning permission granted for camping & caravan site, static caravans removed
12/0137 3 The Chase Coldwell End Yougrave	Erection of raised decking	Not expedient to take enforcement action
14/0559 1 Hall Bank Cottages Hall Bank Hartington	Demolition and rebuild of lean-to side extension	Planning permission granted
08/0125 Former Barn opposite 98 Old Road, Tintwistle	Excavation of land at rear	Planning permission granted for conversion of building to dwelling
10/0032 Bank House Farm Bankside Wharncliffe Side Sheffield	Erection of two stables	Immune from enforcement action
14/0594 Banks Farm West End Elton	Erection of shed in breach of condition 15 (permitted development rights removed for ancillary buildings) on NP/DDD/0912/0884	Shed relocated to approved position
13/0013 Land opposite: Anchor Inn Tideswell	Unauthorised advertisement.	Advertisement removed
14/0476 Bottom Farm Wheston Tideswell	Excavation of hillside/field	Land reinstated

05/0044 Gurdall Cottage Main Road Wensley	Occupation of dwelling in breach of holiday occupancy condition	Lawful Development Certificate granted
13/0128 Sitvel The Hills Bradwell	Creation of track	Planning permission granted

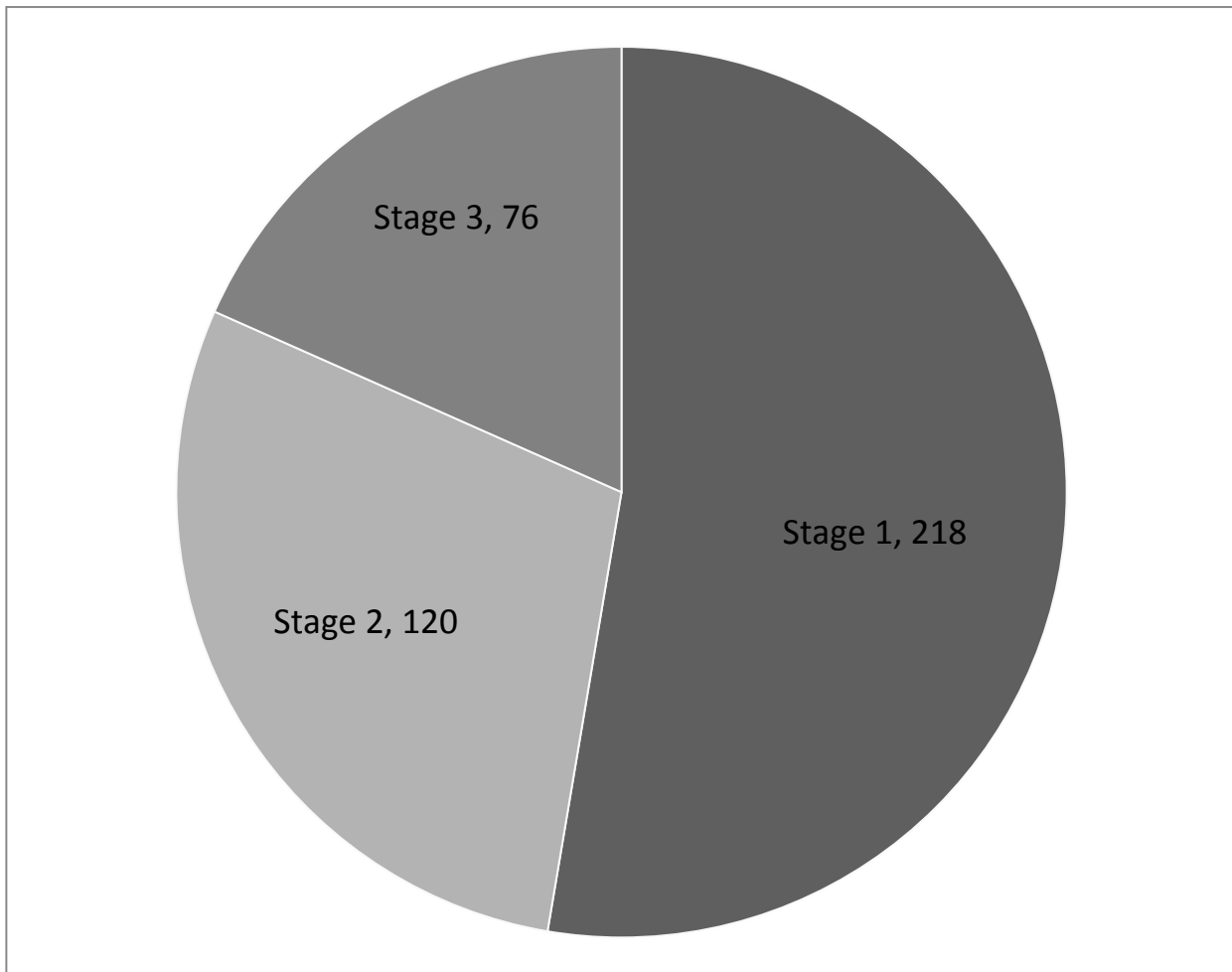
Overview of Caseload

The following table provides an overview of the Team's caseload. Figures for the preceding quarter are shown in brackets :

	Received	Investigated/Resolved	Outstanding
Enquiries	114 (90)	93 (71)	73 (56)
Breaches	42 (22)	25 (24)	421 (396)

In order to help focus resources and increase the pace of progress on casework, officers have recently introduced a system which classifies breaches, as early as possible in the process, as Stage 1, Stage 2 or Stage 3. Stage 1 cases are those where it is likely to be 'not expedient' to take enforcement action; Stage 2 are those where a conditional planning permission would be likely to resolve the breach and Stage 3 are those where formal enforcement action is likely to be required. This is a case-specific judgment in each case based on the seriousness of the breach. By making this judgment at an earlier stage it is expected that cases will be progressed more quickly with a greater emphasis on moving to formal action in cases identified as Stage 3. To encourage the submission of applications for Stage 2 cases we intend to make more use of Planning Contravention Notices and give a clearer indication to owners that the absence of planning permission is likely to adversely affect any future sale of the property. For cases at Stage 1 a delegated decision not to take enforcement action will be made at the outset and we will not normally devote resources to seeking the submission of an application.

The following chart shows the outstanding breaches broken down into each of the three stages.



High Profile Cases

The following cases are those which are considered to be of particular interest to Members due to the nature of the breach(es) and/or the high level of community concern.

Case Reference	Breach	Current Position
05/0087 New Mixon Hay Farm Onecote	Use of land for storage of building materials, vehicles, scrap etc	Site meeting held May 2015. Owner being encouraged to continue clearing stored materials.
06/0010 Midfield Kettleshulme	Storage of vehicles, vehicle parts, building materials and equipment	Enforcement notice in place. Owner is in process of clearing site. Regular site meetings being held to check on progress.
08/0104 Fernhill Cottage, Hollow Meadows	Excavations and re-profiling works and erection of walls/buildings	Enforcement notice in place. Discussions ongoing with new agents over submission of application for access drive etc.
11/0015 Home Farm Sheldon	Excavations at rear of guest house and mixed use as guest house and tea room	Enforcement notice in relation to tea room use appears to be complied with. Discussions ongoing over a suitable

		scheme for extension at rear following refusal of application in November 2014.
12/0118 Land and Buildings East of Lane End Farm, Abney	Non-compliance with conditions attached to permission for conversion of barns to holiday accommodation	Officers seeking meeting with owner's agent.
15/0057 Land on Midhope Moors Near Langsett	Creation of track	Letter sent to landowner June 2015.

The following cases have previously been reported to the Committee on a quarterly basis with an update on the current position. These cases were initially identified as 'high priority', normally due to the significant landscape impact and/or level of public concern caused. For the reasons stated below, however, it is no longer considered necessary to report these cases to Committee on a regular basis. It is important to note that this does not mean that the cases will be closed or that no further action being taken. Officers will continue to seek resolution of the outstanding issues and will consider formal action if the situation materially worsens.

10/0073 Tor Farm Middleton by Youlgrave	Untidy Land	This was originally a 'high priority' case due to the storage of around 60-70 vehicles in the orchard. Following formal enforcement action the number of vehicles was eventually reduced to an acceptable level. A relatively small amount of scrap material remains near the house although the tenant is continuing to clear this.
06/0015 Middle Street Farm Monyash	Agricultural/general contracting business	This was added to the 'high priority' list due to the very prominent storage of vehicles, equipment and materials on land surrounding the farmstead. This open storage has since been greatly reduced and most of the remaining items are now kept within a screened yard. Officers are working with the owner on an appropriate regularising application for the business.
07/0084 Five Acres Farm Wardlow	Parking and maintenance of heavy goods vehicles	When this was included on the list of 'high priority' cases up to 8 heavy goods vehicles and 10 trailers were being parked and maintained. An enforcement notice is now in place and the number of vehicles/trailers has been significantly reduced. Tree planting carried out by the owner now provides a good level of screening. An appeal against refusal of planning permission for two vehicles is currently being considered.
11/0119 Shop Farm Grandside	Storage of caravans, vehicles etc	In 2010, the Authority took direct action to remove a very significant quantity of waste/scrap that was being stored on the

Near Buxton

land. Since then the owner has brought a number of caravans and vehicles back onto the land. However, the situation has not materially changed over the last two years and the visual impact is much less than it was prior to the action in 2010.

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15. HEAD OF LAW - PLANNING APPEALS (A.1536/AMC)

1. APPEALS LODGED

The following appeals have been lodged during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
NP/DDD/1014/1068 3053050	Change of Use/Conversion of Agricultural Barn to provide a single local need/affordable residence – The Barn Adjacent to the B5056, Winster	Written Representations	Delegated
NP/DDD/1114/1164 3049298	Conversion of stone built outbuilding to an open market dwelling at 1 The Cross, Great Longstone, DE45 1TZ	Written Representations	Delegated
11/0200 3033500	Installation and securing a steel container on a parcel of land and the material change of use from agriculture to storage without planning permission at 56 Old Dam, Peak Forest, SK17 8EW	Inquiry	Delegated
NP/HPK/0514/0497 3012178	Retrospective planning permission for a two storey extension to Hurst Nook Croft, Derbyshire Level, Glossop, SK13 7PR	Hearing	Delegated
10/0177 3012587	Appeal against Enforcement Notice regarding two unauthorised extensions to Hurst Nook Croft, Derbyshire Level, Glossop, SK13 7PR	Hearing	Delegated
12/0075 3038268	Appeal against Enforcement Notice regarding making a material change of use of the land and siting of a timber chalet with associated groundworks at Nether Hay, Upper Hulme, Leek	Written Representations	Delegated
14/0177 3022952	Appeal against Enforcement Notice regarding making a material change of use of the land to a mixed use and without planning permission, carrying out building operations comprising the extension and alterations to the roof, installation of solar panels to the outbuilding and installation of door to the building on the land at Flash Bar Stores, Quarnford, Buxton	Written Representations	Delegated

2. **APPEALS WITHDRAWN**

There have been no appeals withdrawn during this month.

3. **APPEALS DECIDED**

There was one appeal decided during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
NP/DDD/0214/0131 3004872	Construction of Saw Shed for Two Stone Cutting Wire Saws, Crane and Water Recycling System at Dale View Quarry, Lees Road, Stanton-in-the-Peak	Hearing	Dismissed	Committee

The Inspector felt that the proposal failed to conserve the peace and tranquillity of the landscape character which would have been contrary to Local Plan and Core Strategy Policies and would have also detracted from the spiritual significance of the Scheduled Ancient Monument. The proposal was also contrary to one of the Conservation Plans aims which are to reduce and control the adverse impacts which mineral extraction and associated activities have on quiet enjoyment. The Inspector also felt that the siting of the wire saws at the appeal site did not appear to be a necessary and business critical operation, so for these reasons the appeal was dismissed.

Stancliffe Stone had also made an application for a full award of costs against the Authority for unreasonable behaviour and the unnecessary expense of the Appeal, including the attendance of witnesses at the Hearing. The Inspector found that unreasonable behaviour resulting in unnecessary or wasted expense had not been demonstrated, as the Authority had set out its objection to the proposals in the reasons for refusal and its evidence quite clearly, so while the Applicant may not agree with the judgement, there was no call to say that it was unreasonable, so therefore the application for an award of costs was not justified.

NP/DDD/1114/1130 3005019	Use of land to accommodate up to 25 tents during the months of June, July and August each year at Barn Farm, Barton Hill, Birchover	Written Representations	Allowed with Conditions	Delegated
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The Inspector felt that the proposal would not be contrary to the aims of the Policies and did not adversely affect the living conditions of communities and was of a scale appropriate to the character and appearance of the National Park. The Inspector in allowing the Appeal did impose conditions in order to protect the amenity of local residents, and to enable the Authority to monitor the use of the site by requiring a log of campsite users to be kept, and to be made available to the Authority on request, and removing the permitted 28 day allowance.

4. **RECOMMENDATION:**

That the report be received.