

# Public Document Pack

Peak District National Park Authority

Tel: 01629 816200

E-mail: [customer.service@peakdistrict.gov.uk](mailto:customer.service@peakdistrict.gov.uk)

Web: [www.peakdistrict.gov.uk](http://www.peakdistrict.gov.uk)

Minicom: 01629 816319

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



Our Ref: A.1142/1348

Date: 5 November 2015



## NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 13 November 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 09/10/2015** (*Pages 1 - 16*)
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 - Major Development - Change of Use of Land and Construction of Building For Use as Builders and Plumbers Merchants, Alterations to Vehicular Access, Provision of Car Parking Facilities, External Storage of Building Stocks and Related Ancillary Items, Fencing and Landscaping of Site, Land Adjacent to Tideswell Industrial Park, Whitecross Road, Tideswell (NP/DDD/0715/0661, P.2303+5591, 415604/376075, 3/8/2015/JK)** (*Pages 17 - 30*)  
Site Plan

7. **Full Application - Erection of an Affordable Dwelling to Meet a Local Need at Green Farm, Aldwark (NP/DDD/0515/0425, P.2656, 422786/357367, 30/10/2015/CF/KW) (Pages 31 - 40)**  
Site Plan
8. **Full Application - Change of Use of Camping Barn to Agricultural Worker's Dwelling at Butterlands Barn, Greenhill Lane, Alstonefield (NP/SM/0815/0806, P10789, 412565/356666, 28/08/2015/ALN) (Pages 41 - 52)**  
Site Plan
9. **Full Application - Change of Use of Barn/Former Blacksmith's Workshop to Dwellinghouse, The Barn, Back Lane, Alstonefield (NP/SM/0615/0548 P.2561 412978/365506 1/11/2015/CF) (Pages 53 - 62)**  
Site Plan
10. **Full Application - Proposed Holiday Barn Conversion, Manege, Stabling and Implement Shed Including Change of Use of Land and Buildings and Retrospective Consent for Creation of Two Turnout Yards at Willow Farm, Butterson (NP/SM/0815/0739, P.1087, 406881/356346, 30/10/2015/ALN) (Pages 63 - 74)**  
Site Plan
11. **Full Application - Change of Use of Units 1 and 2 From Café/Craft Sculpture Workshop to Microbrewery (Use Class B2). Retaining Car Parking and External Elements (Including Elevations) as Existing at Rookes Pottery, Mill Lane, Hartington (NP/DDD/0815/0798, P6063, 412793 / 360345, 30/10/2015/SC) (Pages 75 - 82)**  
Site Plan
12. **Full Application - Proposed Agricultural Unit at Town End Farm, Main Street, Chelmorton (NP/DDD/0715/0658, P.7868, 411102/369744, CF/1/11/2015) (Pages 83 - 94)**  
Site Plan
13. **Full Application - Demolition of Existing Bungalow and Erection of Replacement Dwelling, Including New Site Access at The Trees, Intake Lane, Bakewell (NP/DDD/0915/0862, P.7707, 422287 367494, 22/09/2015/KW) (Pages 95 - 108)**  
Site Plan
14. **Full Application - Installation of Solar Array, Peak District National Park Authority, Aldern House, Baslow Road, Bakewell (NP/DDD/1015/0932, P.2760, 421961 / 369440, 30/10/2015/CF) (NP/DDD/1015/0932, P.2760, 421961 / 369440, 30/10/2015/CF) (Pages 109 - 114)**  
Site Plan
15. **Listed Building Application - Installation of Solar Array, Peak District National Park Authority, Aldern House, Baslow Road, Bakewell (NP/DDD/1015/0933, P.2760, 421961 / 369440, 30/10/2015/CF) (NP/DDD/1015/0933, P.2760, 421961 / 369440, 30/10/2015/CF) (Pages 115 - 120)**  
Site Plan
16. **Householder Application: Single Storey Rear Extension to Ades Croft (Formerly Known as Keeper's Croft), Lower Smithy Lane, Taddington (NP/DDD/0915/0826 P.3518 414284/371126 30/10/2015/CF) (NP/DDD/0915/0826 P.3518 414284/371126 30/10/2015/CF) (Pages 121 - 128)**  
Site Plan

17. **Full Application - Change of Use from an Unused Commercial Garage to a Domestic Dwelling at The Garage and Premises, Wheston Bank, Tideswell (NP/DDD/0915/0827 414920 / 376019 P1726 SPW) (Pages 129 - 138)**  
Site Plan
18. **Full Application - Demolition of Existing Dwelling and Proposed Replacement Dwelling at Hillcrest, Sherwood Road, Tideswell (NP/DDD/0315/0150, P.6398, 415072 / 375434, 24/10/2015/AM) (NP/DDD/0315/0150, P.6398, 415072 / 375434, 24/10/2015/AM) (Pages 139 - 150)**  
Site Plan
19. **Full Application - Demolition, Re-Build, Alteration and Extension at Withamley House, Bradfield (NP/S/1015/0948, P.604, 426294 / 391038, 29/10/2015/AB) (Pages 151 - 160)**  
Site Plan
20. **Full Application - Demolition of Bungalow and Construction of Replacement Dwelling at High Pasture, Curbar Hill, Curbar (NP/DDD/0815/0745, P.6831, 424987 / 374471, 23/10/2015/AM) (Pages 161 - 168)**  
Site Plan
21. **Householder Application - Replacement Roof and Extension, Woodland View, Tideswell Lane, Eyam (NP/DDD/0915/0838, P.7268, 07/09/2015, 421142 / 376536, MN) (Pages 169 - 176)**  
Site Plan
22. **Making of Bradwell Neighbourhood Plan (AM/IF) (Pages 177 - 178)**
23. **Head of Law report (A.1536/AMC) (Pages 179 - 180)**

### **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](http://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](mailto: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](http://www.peakdistrict.gov.uk) or on request from Democratic Services 01629 816362, email address: [democraticservices@peakdistrict.gov.uk](mailto: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.

## **General Information for Members of the Public Attending Meetings**

Aldern House is situated on the A619 Bakewell to Baslow Road, the entrance to the drive is opposite the Ambulance Station. Car parking is available. Local Bus Services from Bakewell centre and from Chesterfield and Sheffield pick up and set down near Aldern House. Further information on Public transport from surrounding areas can be obtained from Traveline on 0871 200 2233 or on the Traveline website at [www.travelineeastmidlands.co.uk](http://www.travelineeastmidlands.co.uk).

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 P Brady	Cllr C Carr
Cllr D Chapman	Cllr Mrs N Hawkins
Mr R Helliwell	Cllr Mrs C Howe
Cllr H Laws	Ms S McGuire
Cllr J Macrae	Cllr Mrs K Potter
Cllr Mrs J A Twigg	Cllr G Weatherall
Vacant	

## **Other invited Members:**

Cllr C Furness	Cllr A McCloy
Cllr Mrs L C Roberts	

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 9 October 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 Mrs N Hawkins, Mr R Helliwell, Cllr H Laws, Ms S McGuire, Cllr Mrs K Potter, Cllr Mrs J A Twigg, Cllr G Weatherall, Cllr A McCloy and Cllr Mrs L C Roberts

Apologies for absence: Cllr D Chapman, Cllr Mrs C Howe and Cllr J Macrae

### **119/15 MINUTES OF PREVIOUS MEETING**

The minutes of the last meeting of the Planning Committee held on 11 September 2015 were approved as a correct record subject to the following amendment.

#### **MINUTE 113/15**

#### **SECTION 73 - APPLICATION FOR THE REMOVAL OF CONDITION 11 FROM APPLICATION NP/SM/0698/070 AND REPLACE WITH A LOCAL HOUSING CONDITION AT HEATH BARN, CALTON**

The end of the first paragraph was amended by deleting '1943' and replacing with 'sometime in the 1930s'.

### **120/15 URGENT BUSINESS**

The Chair reported that there was no urgent business to consider.

### **121/15 MEMBERS DECLARATIONS OF INTEREST**

Item 7

Cllr Mrs K Potter declared a personal interest as a member of CPRE.

Item 8

Mr R Helliwell declared a personal interest as his daughter worked for the Agent's company.

Cllr A McCloy stated that he had received a representation from the applicant and the District Councillor but he had kept an open mind on the matter.

Item 9

Mr R Helliwell declared a personal interest as he knew the Applicant's father.

Cllr C Carr, Cllr Mrs K Potter and Mr R Helliwell stated that they had received a telephone call from Jill Harrison, a neighbour of the site.

Item 10

Cllr Mrs J A Twigg declared a personal interest as she knew the speaker, who was a former employee of the Authority.

John Scott, Director of Planning, declared an interest in this item as he had dealt with a previous application on the site and would leave the room when the item was discussed despite not being involved in any way with the current application.

Item 11

Cllr Mrs J A Twigg declared a personal interest as she knew the speaker, Mr M Otter.

Mr P Ancell stated that he had received a representation from Litton Parish Council.

Item 13

Cllr Mrs J A Twigg declared a personal interest as she knew one of the speakers, Mr M Otter.

Cllr P Brady declared a personal interest as he was an acquaintance of Cllr J Chapman who was one of the public speakers.

Cllr C Carr stated that he had received an email.

Item 14

Cllr P Brady stated that he had received an email from a neighbour of the site.

Cllr Mrs N Hawkins, Cllr H Laws, Cllr C Carr, Mr R Helliwell and Ms S McGuire all stated that they had received an email with photos from Mrs C W Smith.

Item 15

Cllr Mrs J A Twigg declared a personal interest as she knew one of the speakers, Mrs B Chatfield.

John Scott, Director of Planning, declared an interest in this item as he knows the objector who was speaking very well.

Item 16

Mr R Helliwell declared an interest in the Hurdlow Grange enforcement action as he knew the site owner.

It was noted that 10 members of the public would be present to make representations to the Committee.

**123/15 ASSESSMENT UNDER THE HABITAT REGULATIONS: OLD MOOR QUARRY, WORMHILL**

The Director of Planning stated that this item had been brought to the Committee as it was a technical assessment that the Authority was required to complete and that a report on the ROMP determination would be brought to the Committee next month.

The recommendation as set out in the report was moved, seconded, voted on and carried.

**RESOLVED:**

**That the report, including annex 1, be adopted as the Authority's Habitat Regulations Assessment in relation to the determination of modern working conditions under the Review of Old Mineral Permissions process at Old Moor Quarry.**

**It is determined that continued Mineral Working is unlikely to have a significant effect on the integrity of the Peak District Dales SAC. Thus continued quarrying is not considered to be contrary to the provisions of Regulation 61 of the Conservation of Habitats and Species Regulations 2010 and the EU Habitats Directive and an Appropriate Assessment is not considered necessary.**

**124/15 CONSOLIDATING PLANNING APPLICATION ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT FOR REVISED WORKING AND RESTORATION PROPOSALS, INCLUDING A REDUCTION TO THE END DATE FOR MINERAL OPERATIONS, RESTORATION OF THE DEEP DALE TIP AREA AND RETENTION OF THE ASPHALT PLANT AT TOPLEY PIKE QUARRY, KING STERNDALE, BUXTON, DERBYSHIRE**

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

The Senior Minerals Planner presented the report and amended the recommendation relating to blasting control by deleting the following statement 'which shall not exceed one blast every two weeks'. This was so that the applicant would not be constrained by being unable to blast at the time that they needed to.

The recommendation for approval, subject to a S106 agreement and conditions as set out in the report and as amended, was moved and seconded.

In response to Members' queries the Senior Minerals Planner stated that noise of equipment from Deepdale was covered in the noise control section of the conditions and that future public access to the site was being investigated in conjunction with the Rights of Way Officer.

The motion for approval was voted on and carried.

**RESOLVED:**

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

1. A Section 106 Legal Agreement entered into by the applicant and land owners to include Planning Obligations to cover [Recommended Heads of Terms]:

A. Continued operation of the quarry and associated development under the terms of the new permission from the date of that permission;

B. Establishment of a Liaison Committee with a formal constitution (to include Aggregate Industries, High Peak Borough Council EHO and representatives of the Parish Meeting.

C. Off-site monitoring of water flows and quality in the River Wye, springs feeding baseflow into the Wye, and springs in Deep Dale; and a map of springs discharging into the Wye close to the quarry boundary and upstream.

D. The relinquishment / revocation (without compensation) of all extant planning permissions for the site, including the mineral planning permissions Code Nos: /HPK/1093/127 and NP/CHA/866/6, the current asphalt plant permission (NP/HPK/0313/0226) and all other ancillary development permissions.

2. Planning Conditions to cover [Recommended Heads of Terms for Conditions]:

**Parameters:** Definition of the site, scope of permission, approved details (plans, documents, environmental reports); keep approved details in site office; public information sign for nuisance/complaints.

**Timescales:** Date of commencement to be the date of decision notice; duration of permission to cease 31 December 2025 for mineral extraction; 30 June 2026 for final landform creation; 31 December 2026 for restoration completion (quarry and Deep Dale); advance timing of removal of Deep Dale tip if opportunity arises; ultimate removal of built/ancillary development by 31 December 2026 (excluding plant/machinery for aftercare and land, woodland, lake and habitat management; notification dates for key stages of the development.

**Approved working times:** For drilling, blasting, mineral working, processing, vehicle movements per the times in this report under 'Times of Operation' and 'Blasting Times'.

**Ancillary development:** Remove permitted development rights for buildings, structures, fixed plant and machinery; colour(s) of ancillary development including the asphalt plant; parking of plant and vehicles; ultimate clearance when no longer required.

**Approved access:** existing access to the A6 only; maintenance of access hard surface, access gate/barrier, access drainage, adequate parking and manoeuvring areas; sheeting HGV's; highway cleanliness (keep free of mud, stone, contaminants and surface water run-off from the site, wheel, carriageside, underside wash if necessary).

**Working Scheme:** scheme of operations as submitted; no new temporary or permanent tipping above original ground other than to approved restoration landform; backfilling of all overburden, interburden and mineral rejected at the point of excavation; detailed methodology for excavating Deep Dale tip.

**Mineral extraction:** quarrying depth to be restricted to 225mAOD; quantity of extraction from the quarry to be a maximum 250,000 tonnes per annum.

**Waste materials control:** all new waste tips to be contained within the quarry excavations, except for the approved redistribution of Deep Dale tip materials for the restoration of Deep Dale; no mineral wastes to be removed from the site unless contaminated and inappropriate for use for site restoration; all retained mineral wastes to be used for quarry infilling, for containment cell construction and stabilisation of lagoon materials transferred from the Deep Dale tip, restoration and landscaping.

**Transportation:** Limit on exportation from the site of 250,000 tonnes per annum except where, in the event that that a higher level of output may be deemed necessary for market reasons over certain time periods, such specified higher limit as may be approved in consultation with the Local Highway Authority upon submission of a Transport Statement demonstrating likely traffic impact on the local highway network; continued monitoring of HGV arrival and departure movements and provision of records on request.

**Resource Monitoring:** Monthly monitoring and annual returns of excavated limestone; waste stone / materials deposited; and production levels (dry aggregate and asphalt coated stone) (confidential basis).

**Noise control:** Noise control and suppression measures, during quarrying backfilling, soil stripping, Deep Dale tip removal, materials translocation and restoration; noise limits for normal and temporary operations, at noise sensitive properties; noise monitoring in response to justifiable complaint; reversing alarms to be non-audible, ambient related or low tone devices.

**Dust prevention and control:** A dust action plan: best practicable means; assessment for dust suppression at the start of each working day and when conditions are dry or windy; quarry visual monitoring during drilling, blasting, quarrying, tipping, processing, materials storage, on-site trafficking, loading and movement of road lorries, Deep Dale visual monitoring during soil stripping and handling, tip removal, materials transfer, tipping, regrading and restoration; if visible emissions of airborne dust migrate outside site boundary, the activity responsible to be suspended or undertaken elsewhere until prevailing meteorological conditions permit or remedial action is initiated to reduce the emission; log book to be kept on site of any dust complaints and action taken to control the dust; speed limits on haul routes, regularly graded; minimise areas exposed to wind erosion; use road sweeper and water bowser; suitable dust arrestment and extraction equipment and filters compliant with manufacturer's recommendations; cessation of operations in event of dust nuisance exceeding a 'nuisance threshold'.

**Smoke and Fumes Control:** no burning of rubbish or wastes.

**Highway cleanliness:** Provision for vehicle washing facilities if necessary.

**Storage of rubbish and scrap:** All rubbish, debris, disused machinery, scrap and other waste materials generated on the site (other than mineral waste and Deep Dale tip content waste) to be regularly collected and stored in a tidy manner in an agreed location, pending removal for disposal; at the request of the MPA the contained location shall be screened by a low level earth bund.

**Blasting control:** A blasting programme (future rate of blasting) including the predicted frequency of blasts; a scheme of blasting principles: compliance with consultants recommendations, minimising frequency, good design and initiation

methods, adaption of charge weights to local circumstances, use of electronic detonators in particular in the western half of the quarry, response to prevalent weather, measures to minimise ground vibration, flyrock and air overpressure, and prohibition of secondary blasting (except in emergencies); a blasting method statement; measures to minimise air overpressure (initiation technique, control at source and magnitude at distance); ground vibration at occupied residential /vibration sensitive buildings not to exceed  $6\text{mms}^{-1}$  ppv in resultant vector (95% confidence level measured over any six months period) nor a maximum of  $10\text{ mm/s}^{-1}$ ; blasting times, advance notification of blasting events to the MPA, EHO and residents; signage on footpath routes to warn users of blasting times; sentries when blasting is imminent at closest approach to footpaths; equipment calibration and blast monitoring at sensitive properties (including Green Farm and the Cottages at King Sterndale); monitoring ground vibration / air overpressure in the event of complaint.

**Site lighting control:** No additional floodlighting / floodlighting towers unless approved.

**Stone storage and stockpiles:** Primary processed stone in quarry, asphalt production stone in existing bays in Plant Area, no higher than 2m).

**Dewatering control and protection of water dependent features:** Environment Agency and Natural England requirements; restrict dewatering to 225mAOD; approved water environment monitoring (rainfall, groundwater levels, dewatering and Deep Dale flow monitoring), mitigation proposals and Hydrogeological Impact Assessment; cessation of pumping in the event of incident deleterious to the water environment.

**Drainage and water pollution control:** Environment Agency requirements; surface water drainage containment and management strategy; no discharge of contaminated drainage into ground, ground water or surface water; storage and containment of potential contaminants (oils, fuels, chemicals); vehicles, mobile plant and machinery maintenance only in an impermeable and bunded designated area; regular removal from the site of waste oils, lubricants, chemicals in suitable containers; maintenance of oil absorbent booms in settlement lagoons to hold and treat water prior to discharge.

**Contamination control (Deep Dale Tip removal):** Environment Agency requirements; remediation strategy for contamination risks, further risk assessment, site investigation, trial pitting, further assessment of risk to potential receptors (including off-site), options appraisal, verification plan, monitoring / watching brief, geotextile membranes on soft ground, remediation, maintenance, arrangements for contingency action; all water run-off to drain into sump; contain all pollutants / tip drainage away from the stream.

**Protection of speleological and geological interests:** The MPA to be notified of any natural cave systems or other karst features encountered of special speleological interest; access to survey and record those features; recording features of geological interest below 240mAOD, by a qualified geologist, prior to final cessation of dewatering; records to be made available to the MPA and British Geological Survey.

**Protection of ecological interests:** nature conservation and protected species; control of vegetation disturbance during bird breeding / nesting season (March to August); re-survey prior to new disturbance; replacement bird nest boxes;

control of ongoing quarrying/disturbance to cliff faces and provision of retained faces for nesting.

**Protection of trees / vegetation:** demark affected trees; protect retained trees/shrubs.

**Soils strategy (conservation and protection):** Quantification of accessible/available 'soil resource', in interim storage mounds and/or concentrated or dispersed within previously tipped material; vegetation clearance of any soils to be stripped; soil handling, stripping, storage and placement methodology; separate recovery and storage of soils and soil forming materials; prevention of compaction and trafficking over soils in store; areas where soils are to be used (with details of volume, depth and treatment); testing of soils for nutrient and pH status and free from contamination.

**Restoration and landscaping schemes:** phased submissions (restoration drainage, landscaping proposals) for approval; infilling materials only as derived from the site in quantities for correct contours; monitoring approved restoration levels, tipping, stabilisation and regrading in the quarry and Deep Dale; quarry bench treatment; drainage; pre-soiling treatments control; treatment and appearance of final excavation and infill surface; no importation of soils and soil ameliorants without prior approval; selective, sequential replacement and use soils and soil-making materials; use only of local provenance native species in any seeding and planting schemes (if possible subject to licence, grasses seed to be collected within Deep Dale SSSI); planting mix (to include willow only in association with the lake, sycamore in selected areas, and ash should disease resistant strain(s) become available); natural regeneration preferred method of grassland, shrub and aquatic vegetation establishment; no planting of aquatic and marginal zones; hydroseeding control; woodland planting in the north-east corner of the quarry to extend to the lake margin; planting maintenance.

**Restoration drainage:** controlled restoration water level to reflect natural levels; approval and implementation of a scheme for reinstating the Deep Dale Stream to open watercourse, with flood flow capacity (1 in 100 years), climate change design, and biodiversity; and of a long-term surface water management strategy.

**Biodiversity and habitat creation, establishment and management schemes:** Approval of a detailed Biodiversity Management Plan; approval and implementation of detailed phased adaptive habitat management / establishment proposals for the site (quarry, works site and Deep Dale); to include restoration biodiversity distribution/mosaic plans relative to restoration topography, site (including substrate) ground preparation, interventional techniques; sowing rates, no seeding in natural succession areas, control of invasive species, grazing management, cutting regime, no use of organic mulches, and maintenance of bare ground habitat; monitoring; management for a period of 6 years; records of habitat management to be kept.

**Post-restoration aftercare scheme:** Within a 5 year aftercare period; timing of aftercare commencement; aftercare records to be submitted in an Aftercare Report between 31 March and 31 May each year; aftercare meetings between May and August each year.

**Maintenance of landscaping schemes/woodland management:** For a period of 6 years from planting / seeding or throughout the approved working life of the site,

whichever is the later date; records of landscaping management to be kept; maintenance of asphalt plant screen planting whilst the plant is on site.

**Recreational Access Provision:** Agreement on size, text, layout and locations of site information boards and publicity brochure for the temporary stopping-up of footpath 37, to include a map of the stopped up section and diversion route, and to explain the proposals for the restoration of Deep Dale; submission for approval of an plan to show the access provision to enable public viewing of the restored quarry and lake.

**Other:** Any other conditions considered necessary in agreement with the applicant.

**3. To delegate authority to the Director of Planning to finalise detailed conditions following consultation with the Chair and Vice Chair of the Planning Committee.**

During consideration of this item it was noted that the Minerals Team Manager was retiring due to ill health and the Committee thanked him for all his hard work on minerals issues over the past 27 years and sent him their best wishes.

The meeting adjourned at 11.10am for a short break and reconvened at 11.20am.

**125/15 FULL APPLICATION - CONVERSION OF BARN TO LOCAL NEEDS DWELLING ADJACENT TO THE B.5056, WINSTER**

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

The following person spoke under the public participation at meetings scheme:

- Miss E Gould, Applicant.

The majority of Members were supportive of saving the barn by conversion and felt the impact on the landscape would not be significant.

A motion for approval subject to conditions concerning landscape and curtilage was moved and seconded. The Director of Planning stated that if this was agreed then Standing Order 1.48 would apply and the application would be reported back to the next Planning Committee meeting so that officers could deal with any policy issues and provide Members with advice on detailed conditions.

**RESOLVED:**

**That under the Authority's Standing Order no. 1.48, a further report setting out policy issues and conditions shall be brought to the next meeting of the Planning Committee for final determination with a recommendation for approval.**

**126/15 FULL APPLICATION - ERECTION OF AN AFFORDABLE DWELLING TO MEET A LOCAL NEED AT GREEN FARM, ALDWARD**

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

The following spoke under the public participation at meetings scheme:

- Mr J Inver, Agent.



Members were supportive of the proposal as, although it was not a named settlement with regard to policy, it was on an infill site within the village and would have a positive impact. A motion for approval subject to an agreement and conditions was moved and seconded.

The Director of Planning stated that if this was agreed Standing Order 1.48 would apply and report would be made to the next Planning Committee meeting so that officers could deal with any policy issues and provide Members with advice on detailed conditions.

The motion for approval was then voted on and carried.

**RESOLVED:**

**That under the Authority's Standing Order no. 1.48, a further report setting out policy issues and conditions shall be brought to the next meeting of the Planning Committee for final determination with a recommendation for approval.**

**127/15 FULL APPLICATION - CONVERSION OF BARN TO DWELLING, TAGG LANE BARN, TAGG LANE, MONYASH**

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

The Director of Planning had declared an interest in this application and left the room.

The following spoke under the public participation at meetings scheme:

- Mr R Gascoigne, Agent.

In response to Members' queries the Planning officer stated that a footnote could be added to the recommendation regarding access for bats and that only the land edged in blue on the site plan was within the applicant's ownership.

The recommendation for approval subject to conditions and the footnote regarding bats was moved and seconded.

It was agreed to amend condition 4 to state 'The conversion hereby approved shall be carried out entirely within the shell of the existing building, other than that rebuilding expressly allowed'.

The motion with the amended condition was voted on and carried.

**RESOLVED:**

**That the application be APPROVED 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 submitted plans, Drawing No.1503-05 Revision A and Drawing No.1503-06 Revision B, subject to the following conditions or modifications.**

**Landscaping**

**3. No development shall take place until a tree management plan has been submitted to and agreed in writing by the National Park Authority. Thereafter, the management plan shall be carried out in complete accordance with the approved scheme.**

**Conversion within Existing Shell**

**4. The conversion hereby approved shall be carried out entirely within the shell of the existing building, other than that rebuilding expressly allowed.**

**Underground Service Lines**

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

**Disposal of Foul Sewage**

**6. No development shall take place until a scheme for the disposal of foul sewage to a package treatment plant has been submitted to and approved in writing by the Authority. Thereafter, the package treatment plant shall be installed in complete accordance with the approved plans prior to the first occupation of the dwelling hereby permitted.**

**Parking and Access**

**7. No development shall take place until a specification or sample of the material to be used for the surfacing of the drive, parking and manoeuvring areas has been submitted to and approved in writing by the National Park Authority.**

**8. Prior to the first occupation of the dwelling hereby permitted, the access, parking and turning areas shall be completed in accordance with the specifications approved under Condition 7 (above).**

**Residential Curtilage**

**9. Prior to the first occupation of the dwelling hereby permitted, the curtilage of the converted barn shall be defined with a drystone wall along the boundaries of the proposed garden shown on Drawing No.1503-06 Revision B. The drystone wall shall be constructed in locally obtained natural stone, to a height of 1.2m - 1.5m, coursed and pointed to match the stonework of the existing boundary walls.**

**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.**

**Design Details and Architectural Specifications**

11. Prior to the installation of any new windows, full details of their precise design, including any glazing bar detail, recess from the external face of the wall and external finish, shall be submitted to and approved in writing by the National Park Authority. The development shall thereafter be carried out in accordance with the approved specification and shall be permanently so maintained.

12. Prior to the installation of any new doors, full details of their precise design including external finish and recess from the external face of the wall, shall be submitted to and approved in writing by the National Park Authority. The development shall thereafter be carried out in accordance with the approved details and shall be permanently so maintained.

13. Prior to the installation of any external flue pipe for a wood burner or any other heating appliance, full details of its precise design including its size, location and external finish shall be submitted to and approved in writing by the National Park Authority. The development shall thereafter be carried out in accordance with the approved details and shall be permanently so maintained.

14. All pipework, other than rainwater goods but including soil vent pipes and drainage pipes, shall be completely internal within the building.

15. The rainwater goods shall be cast metal, painted black. 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.

16. The roof verges shall be flush cement pointed, with no barge boards or projecting timberwork.

#### **Permitted Development Rights**

17. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (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, sheds, or ancillary outbuildings shall be erected on the site without the National Park Authority's prior written consent.

18. Footnote regarding bats.

The meeting adjourned at 12.50pm for a lunch break and reconvened at 1.30pm.

Chair: Mr P Ancell

Present: Cllr D Birkinshaw, Cllr P Brady, Cllr C Carr, Cllr Mrs N Hawkins,  
Mr R Helliwell, Cllr H Laws, Ms S McGuire, Cllr Mrs K Potter,  
Cllr Mrs J A Twigg and Cllr G Weatherall

Also present: Cllr Mrs Lesley Roberts.

#### **128/15 OUTLINE APPLICATION - RE-DEVELOPMENT OF INDUSTRIAL SITE TO RESIDENTIAL USES; ALTERATIONS TO INDUSTRIAL BUILDING TO FORM A DWELLING, ERECTION OF WORKSHOP/BOILER HOUSE, ALTERATIONS TO/CONVERSION OF WATER TANK TO ANCILLARY ACCOMMODATION AND ERECTION OF SOLAR PANEL ARRAY AT STONE PIT YARD, CRESSBROOK**

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

The Planning officer reported that a letter had been received from the Agent, Mr D Sutherland, and this was summarised for the Committee.

The following spoke under the public participation at meetings scheme:

- Mr M Otter, Applicant.

In response to Members' queries the Planning officer stated that some development on the site for enhancement would be acceptable but the proposal submitted was a poor design and did not provide a justification for an exception to policy.

Members were supportive of some development on the site but with better design as an exceptional design would be required to justify an exception to policy, together with the enhancement such a scheme could achieve. The recommendation for refusal was amended in the third paragraph from 'any approval of the proposed development would represent unsustainable development' to 'approval of the proposed development would represent unsustainable development'.

The recommendation for refusal as amended was moved, seconded, voted on and carried.

**RESOLVED:**

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

**1. The application site is located in the open countryside within the National Park. The Authority's Core Strategy takes forward the policy approach that it is not appropriate to permit new housing simply in response to the significant market demand to live in its sought after environment. In common with the National Planning Policy Framework, the Authority's policies therefore do not make provision for housing other than in exceptional circumstances which in the open countryside would be where housing provides for key rural workers or where housing is required to achieve conservation or enhancement of valued vernacular or listed buildings.**

**The benefits of the proposed re-development of the application site will be limited because the proposed development would facilitate the conversion and retention a substantial existing modern industrial building on an isolated site and therefore the proposed development would continue to be read as an isolated and incongruous feature which would not reflect, respect or enhance the valued characteristics of the National Park. The benefits of the proposed development therefore would not outweigh the strong presumption against the creation of new housing in unsustainable locations within the National Park in the development plan or the National Planning Policy Framework.**

**Therefore it is considered that approval of the proposed development would represent unsustainable development which would have a harmful impact upon the valued characteristics of the National Park contrary to Core Strategy policies GSP1, GSP2, GSP3, DS1, L1, L3, CC1 and HC1 and saved Local Plan policies LC4, LC5, LH1 and LH2 and the National Planning Policy Framework.**

**129/15 FULL APPLICATION - USE AS RESIDENTIAL ACCOMMODATION OF CARAVAN SITED AT BUSHEY HEATH FARM, BUSHEY HEATH FARM, TIDESWELL MOOR, TIDESWELL**

The following spoke under the public participation at meetings scheme:

- Mr M Otter, Agent
- Cllr J Chapman, Tideswell Parish Council, supporter.

The Director of Planning stated that alternative sites for the caravan or alternative ways of providing accommodation, within policy, had been suggested and that if the application was refused enforcement of removal could be considered.

The recommendation for refusal was moved, seconded, voted on and carried.

**RESOLVED:**

**That the application be REFUSED for the following reason.**

**1. The proposed development would have an adverse visual impact and harm the setting of the grade II listed farmhouse and barn at Bushey Heath Farm. The proposed permanent residential caravan is not required to achieve conservation or enhancement or to meet the essential functional need of a rural enterprise. In the absence of overriding justification it is considered that any approval of the proposed development would represent wholly unsustainable development contrary to Core Strategy policies GSP1, GSP3, DS1, HC1, and L3, saved Local Plan policies LC4 and LC6 and the National Planning Policy Framework.**

**130/15 FULL APPLICATION - INSTALLATION OF A 20 METRE HIGH SHARED TELECOMMUNICATIONS BASE STATION WITH 6 ANTENNA AND ASSOCIATED GROUND-BASED CABINETS AT CLIFFE HOUSE FARM, HIGH BRADFIELD**

The following spoke under the public participation at meetings scheme:

- Mr M Waugh, ARQUIVA, Applicant.

A suggestion was made to defer the application to look for an alternative site in the area but the Applicant stated that if a decision was not made now the development would not go ahead as the Mobile Infrastructure Project required approvals to be in place by the end of October, for completion by March 2016.

Members were concerned that a mast was needed in the area but that this was not the right site.

The recommendation for refusal was moved, seconded, voted on and carried.

**RESOLVED:**

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

**1. The proposed base station would be read as a tall, isolated structure within this protected landscape and would be very prominent from many viewpoints within the Loxley Valley. The proposed development would also be seen from and in the context of Castle Hill Scheduled Monument and from the Grade II listed cottage and barn at Fair Flatts Farm. The proposed development would have a significant harmful impact upon the scenic beauty of the landscape and upon the setting of Castle Hill and the cottage and barn at Fair Flatts Farm contrary to Core Strategy policies GSP1, GSP3, L1 and L3 and saved Local Plan policies LC4, LC6, LC15, LC16 and LU5.**

**2. The proposed development would be very likely to result in significant economic and social benefits by facilitating the provision of mobile communications to the local community, however, in this case it is considered that the harm that has been identified would outweigh the public benefits of the development and that therefore the proposal does not represent sustainable development and that any approval would be contrary to the National Planning Policy Framework.**

*Cllr H Laws left the meeting during consideration of this matter.*

**131/15 PART RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF A CONVERTED SHIPPON TO HOLIDAY LET, AND REPLACEMENT OF AN EXISTING GARAGE WITH A NEW GARAGE - WEST END COTTAGE, EYAM**

The Planning officer reported that a further objection had been received from a neighbour and this was summarised for the Committee. He also stated that there was an error in the report which referred to a flat roof rather than a shallow pitch roof.

The following spoke under the public participation at meetings scheme:

- Mr Linden, Applicant.

Members were supportive of the application and requested an additional condition to cover car parking. This was agreed.

The recommendation as amended was moved, seconded, voted on and carried.

**RESOLVED:**

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

- 1. 3 year time limit.**
- 2. In accordance with revised plans.**
- 3. Prior to the erection of the garage, plans showing external ground levels and finished floor levels for the garage shall be submitted and agreed by the Authority.**
- 4. Materials to be natural limestone, dry dash limestone render, natural blue or stone slate roof.**
- 5. Garage door to be vertically planked timber.**
- 6. Rainwater goods fixed directly to stonework with no fascias or bargeboards.**
- 7. The accommodation shall not be occupied other than as a short-let holiday residential use ancillary to West End Cottage and not be occupied by any one person for a period exceeding 28 days in any calendar year.**
- 8. Garaging to remain available for parking of vehicles at all times and ancillary to West End Cottage.**
- 9. Car parking.**

*Cllr Mrs N Hawkins left the meeting during consideration of this item.*

---

**132/15 HOUSEHOLDER APPLICATION - ERECTION OF A TIMBER SHED/OUTBUILDING/BIN STORE AT 8 ROCK TERRACE, BAKEWELL**

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

The Director of Planning had declared an interest in this item and left the room.

The following spoke under the public participation at meetings:

- Mrs B Chatfield, neighbour and Objector
- Ms H Langham, Applicant.

Members were sympathetic to the neighbour but were also aware that outdoor toilets had previously occupied the site and structure under permitted development rights could be erected on the site e.g. a fence.

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

**RESOLVED:**

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

- 1. The development hereby permitted shall be begun within 3 years from the date of this permission.**
- 2. The development hereby permitted shall not be carried out other than in complete accordance with the submitted plans received by the Authority on 15 June 2015.**
- 3. At the time of its installation, the shed shall be painted a recessive grey colour and shall be permanently maintained so thereafter.**

*Cllr C Carr and Cllr Mrs J Twigg left the meeting after consideration of this item and the Director of Planning returned to the meeting.*

**133/15 MONITORING & ENFORCEMENT QUARTERLY REVIEW - OCTOBER 2015**

Members considered and noted the monitoring and enforcement quarterly review for October. They welcomed the visual presentation by the Monitoring and Enforcement Manager.

**RESOLVED:**

**That the report be noted.**

*Cllr G Weatherall and Cllr P Brady left the meeting during consideration of this item.*

**134/15 HEAD OF LAW - PLANNING APPEALS**

Members considered and noted the report on appeals lodged and decided during the month.

Cllr Mrs Potter stated that the address for the appeal reference 3131600 was incorrect as stated in the report and should be Stanton-in-the-Peak not Pilhough.

**RESOLVED:**

**That the report be noted.**

The meeting ended at 3.50 pm



**6. FULL APPLICATION – MAJOR DEVELOPMENT - CHANGE OF USE OF LAND AND CONSTRUCTION OF BUILDING FOR USE AS BUILDERS AND PLUMBERS MERCHANTS, ALTERATIONS TO VEHICULAR ACCESS, PROVISION OF CAR PARKING FACILITIES, EXTERNAL STORAGE OF BUILDING STOCKS AND RELATED ANCILLARY ITEMS, FENCING AND LANDSCAPING OF SITE, LAND ADJACENT TO TIDESWELL INDUSTRIAL PARK, WHITECROSS ROAD, TIDESWELL. (NP/DDD/0715/0661, P.2303+5591, 415604/376075, 3/8/2015/JK)**

**APPLICANT: MARKOVITZ LTD**

**Site and Surroundings**

The application site is a rectangular field situated on the eastern edge of Tideswell, immediately adjacent to the Tideswell Industrial Park on the north side of Whitecross Road. The site is set 90m back from the road behind existing industrial buildings and is a rectangular field of sloping overgrown grassland approximately 45m wide by 95m long which contains a traditional barn with blockwork lean-to in the south-west corner. The site slopes up to the west and to the north-west from a low point at the south-east corner where the access track from the road enters the field. Access to the site is via an existing agricultural track running down the eastern side of the existing industrial park from Whitecross Road. Whitecross Road is the main road out of Tideswell and joins the A623 at the 'Anchor Inn Crossroads' some 405m to the north-east of the site.

Agricultural grazing land abuts the site to the east and north. Bank Farm, comprising a group of working agricultural sheds lies in the field immediately to the east of the site. In addition there are three dilapidated agricultural buildings next to the access track, a traditional stone barn and two derelict single storey outbuildings.

Until recently the application site benefited from planning permission for the erection of 8 Industrial Units along with 40 car parking spaces and associated landscaping. That permission expired at the beginning of October this year and was for a total floor space of 2,281m<sup>2</sup>.

**Proposal**

The application seeks full planning permission for 'Major Development' comprising the change of use of the land from agricultural grazing land together with the construction of a new building and external storage yard for use as a builders and plumbers merchant supply depot (a sui-generis use).

The proposal includes the demolition of the former agricultural buildings situated in the south-western corner of the field together with those abutting the access track.

Plans also show the provision of car parking facilities, external storage of building stocks and related ancillary items, the erection of perimeter security fencing and landscaping in the form of a belt of tree/hedge planting inside the northern and eastern boundary walls of the site.

Plans show the site would be excavated to set the building into the sloping ground at the south-western corner of the site by up to 4m which will necessitate a gabion retaining wall topped with earth along the SW boundary. The building would be of typical industrial shed construction in blockwork walls, the upper sections of which would be clad with dark blue profile sheets, as would the roof. The footprint would be 57.1m long by 37m wide (2,112.7m<sup>2</sup>) with an eaves height of 5.5m and a ridge height of 7.45m (from the finished floor level) at the northern end of the building but 9.85m at the south eastern corner. The submitted plans showed a 6 degree roof slope although amended drawings demonstrate a 12 degree slope which would raise the ridge by 2m to 9.45m at the northern end and 11.85m at the SE corner. The pitch is discussed further below in the main body of the report.

The access track would be altered from the current grass/hardcore and widened to form a tarmac surfaced road having a 500mm grass verge, a 1m footway, a 7m roadway and a 500mm grass verge. This would require the demolition of the traditional barn and the two smaller dilapidated single storey farm buildings which abut the current track. The existing drystone boundary wall would then be rebuilt further east to accommodate the widened service road. The entrance onto the main road would be provided with improved visibility splays which will require the setting back of a section of the boundary wall to the west of the access and the extension of the existing pavement from the village around the splay to link up with the new footway into the site.

**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 amended plans with the 12 degree roof pitch option.**
- 3. Prior submission of full landscaping details with full implementation and maintenance thereafter of the submitted landscaping scheme with all the hard landscaping completed before the building is brought into use and all tree planting completed by the end of the first available planting season following the substantial completion of the building.**
- 4. Excess excavated spoil to be disposed of via a licensed waste operator.**
- 5. The use of the site to be restricted to a building and plumbing supply merchants only with retail sales to visiting members of the public remaining ancillary to the primary use as a wholesale building and plumbing supply depot.**
- 6. The concrete block work walling to be rendered and finished with a dry dashed finish in limestone chippings before being brought into use.**
- 7. The pedestrian doors, roller shutter doors and all cladding to the roof and walls shall be pre-coloured dark blue with a matt finish to BS Ref 18B29.**
- 8. Prior submission for written approval of the details and finish of the proposed security fencing.**
- 9. No flood or other lighting of the site other than in accordance with a detailed scheme submitted for prior written approval by the Authority.**
- 10. Prior submission of a scheme of environmental management of the building.**
- 11. Highway conditions and footnotes covering provision of visibility splays, extension of footway, prior parking provision, construction parking plan, setting back of gates from highway and work permits within the highway.**
- 12. Carry out the ecological mitigation (provision of nest boxes)**

13. **Footnotes regarding possible contact with bats or nesting birds on site during construction/demolition works**
14. **Submission of the details of the means of sustainable drainage system for surface water disposal.**

### **Key Issues**

- Whether having regard to local and national policy, the material considerations in this case would amount to the exceptional circumstances necessary to justify major development in the Peak District National Park.
- The landscape impact of the proposed development.
- Other material considerations include access issues, the amenity of any neighbouring houses together with any potential impact upon biodiversity.

### **Planning History**

1999 - Outline planning permission granted for the erection of 8 Industrial Units on the southern half of the current application site.

2002 – Renewal of the 1999 consent for the industrial units.

2005 – Approval of the Reserved Matters for the erection of the 8 Industrial Units.

2009 – Approval of Planning permission for the erection of 8 industrial units (New application as the previous 2005 permission had lapsed)

2012 – Approval for the erection of 8 Industrial Units (2,281m<sup>2</sup> total floor space) with 40 car parking spaces, access and landscaping (renewal of the permission granted in 2009 for a further 3 years). The proposed building layout was broadly a courtyard arrangement occupying the southern half of the current application site.

2015 – Pre-application advice given to the applicants supporting the principle of relocating their existing building and plumbers merchants from Richard Lane in Tideswell up to this site, followed by the redevelopment of the Richard Lane site for housing.

### **Consultation Responses**

Highway Authority - No objections subject to conditions – Notes that as an alternative location for the premises within Tideswell, the site represents an opportunity to reduce the numbers of associated HGV's travelling through the village centre. The proposed access is demonstrating significant improvements to the exit visibility splays, although these are a little excessive and can be reduced. The existing footway (currently terminating at Meverill Road) should be extended to provide pedestrian access into the site. The works to improve the access will also have the benefit of improving access for the neighbouring farm. Recommended Conditions covering the following;

1. Submission and agreement over space provided within the site for the accommodation of all construction activities and materials
2. New access and visibility splays provided before any other operations and in accordance with revised application drawings
3. No gates within 10m of the highway boundary.
4. Footway link to be provided between the site access and Meverill Road.

5. The premises not to be taken into use until parking and manoeuvring space for staff, customers, deliveries, service vehicles has been provided.

And advisory notes covering prior Highway Authority approval for working within the highway and keeping it clean during construction works.

District Council – No response to date.

Parish Council - The Council supported the application and all voted in favour.

PDNPA Ecology service - No objections subject to conditions covering the provision of suitable nest boxes to compensate for the loss of the barn nesting areas, demolition works to be timed to avoid the main bird nesting season. Advised landscape scheme should use native plant species of local provenance with provision made to include hedgerow and scrub planting to provide cover, food and nesting opportunity for bird species. Advisory footnotes are also suggested regarding taking a precautionary approach during demolition works in case bats or nesting birds are present along with appropriate action to take should any bats or nesting birds be found.

Natural England – No objections – Detailed comments as follows:

- **Designated sites**  
Notes the application site is within 2km of the Peak Dales SAC. However based on the information provided, Natural England advises the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment
- **Landscape**  
Natural England does not wish to comment on this development proposal in regards to landscape.
- **Protected species**  
Natural England has not assessed this application and associated documents for impacts on protected species and refers the Authority to Standing Advice on protected species.

## **Representations**

No third party representations received at the time this report was drafted

## **Main Policies**

### **National Planning Policy Framework**

Paragraph 17 of the NPPF sets out core planning principles including supporting sustainable economic development and high standards of design taking into account the roles and character of different areas, recognising the intrinsic character and beauty within the countryside and supporting thriving rural communities.

Paragraph 28 in the NPPF says 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. It goes on to state that to promote a strong rural economy planning policies should support the sustainable growth and expansion of all types of business and enterprise in rural areas through well designed new buildings.

Paragraph 115 in the NPPF 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.

The application, being for a large industrial building within the National Park and with a floor space of 2,112.7m<sup>2</sup> therefore constitutes “major” development in a ‘designated area’ – the National Park, as defined within the NPPF.

In relation to such major development, Paragraph 116 of the NPPF states that;

*“Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:*

- *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- *the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
- *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

#### Development Plan

Relevant Core Strategy policies: GSP1, 2, 3, 4, DS1, L1, CC1, E1,

Relevant Local Plan policies: LC3, LC4, LE5, LE6, LT7, LT9, LT10.

Relevant policies in the Development Plan are consistent with national planning policies in the NPPF because they promote sustainable business development to support a prosperous rural economy in the Peak District (including proposals for new buildings) where it is consistent with the conservation and enhancement of the National Park’s scenic beauty, cultural heritage and wildlife interests.

Policy GSP1 relates back to the Park’s statutory purposes and states that applications for major development within the National Park will only be permitted following rigorous consideration of the criteria in national policy. Where a proposal for major development can demonstrate a significant net benefit, every effort to mitigate potential localised harm and compensate for any residual harm would be expected to be secured. Policy GSP2 builds upon this by stating that opportunities should be taken to enhance the valued characteristics of the National Park and, (in part D) specific opportunities should be taken to remove undesirable features or buildings. This is expanded in policy L1 which relates directly to enhancement of landscape character, and policy L3 relating to the conservation and enhancement of features of archaeological, architectural, artistic or historic significance.

Policy GSP3 refers to development management principles. Relevant criteria listed in this policy relate to appropriate scale of development in relation to the character and appearance of the National Park, impact on access and traffic, and impact on living conditions of communities.

Policy GSP4 recommends the use of conditions and legal agreements to ensure that benefits and enhancement are achieved.

In particular Core Strategy Policy E1: Business development in towns and villages allows for new business development to be permitted within or on the edge of a named settlement, like Tideswell, provided the proposal is of a scale that is consistent with the needs of the local population. It states further that, wherever possible, proposals must re-use existing traditional buildings of historic or vernacular merit or previously developed sites, and take up opportunities for enhancement. Where this is not possible, new buildings may be permitted.

Saved Local Plan Policy LE6 sets out the detailed design, layout and neighbourliness criteria all employment developments must meet to be accepted.

L1 says that all development must conserve and where possible enhance the landscape character of the National Park, as identified by the Authority's Landscape Strategy and Action Plan. GSP3 and LC4 require all development to be of a high standard of design which conserves and enhances the character, appearance and amenity of the site (or buildings) its setting and that of neighboring properties.

LT18 states that safe access is a pre-requisite for any development within the National Park.

## **Assessment**

### **Introduction/background**

The supporting statement explains that *"the applicant is an established builders and plumbers merchant employing around 200 people across several sites in the north Derbyshire/Staffordshire area and wider region. The company's existing depot off Richard Lane in Tideswell is also the 'head office' location for the firm. This current application proposal is part of an ongoing programme of works to improve and expand the business and will see the existing operations at Richard Lane, Tideswell, and the workforce of around 25 employees, relocated to the new site on Whitecross Road."*

The agent explains that *"the new site brings the opportunity to expand the workforce on what will be a more suitable site for this important local firm. The further intention is that the Richard Lane site will be redeveloped for housing, this being a pre-requisite to the relocation of the business. The Richard Lane redevelopment will require the submission of a separate future planning application and is not part of the current submission."*

The main issues in the determination of this application are firstly whether, having regard to local and national policy; the material considerations in this case would amount to the exceptional circumstances necessary to justify major development in the Peak District National Park. The second main issue is whether the scale of development can be satisfactorily accommodated within the landscape. Other material considerations include the suitability of the access and the impacts upon ecology.

### **Principle of Development**

The application site lies immediately adjacent the edge of the existing Tideswell Industrial Estate in the open countryside and outside the 'Natural Zone'. It comprises a block of rough grazing land which until very recently benefitted from planning permission for its change of use for industrial purposes with the erection of 2,281m<sup>2</sup> of new industrial buildings. This was slightly more floor space than the current application building at 2,112m<sup>2</sup> and which comprised 'Major Development' in itself as the floor space exceeds the 1000m<sup>2</sup> threshold.

Core Strategy policy DS1 and Economic policy E1 allows, in principle, business development to be permitted within or on the edge of a named settlement like Tideswell provided the proposal is of a scale that is consistent with the needs of the local population. Saved local plan policy LE6

sets out the detailed layout, neighbourliness and design criteria proposals must meet to be acceptable. Policy L1 requires all development to conserve and where possible enhance the landscape.

The application site lies on the edge of Tideswell and adjacent an established Industrial Park. Furthermore it has benefitted for some 16 years from planning permission for the erection of 8 further industrial units as a logical extension to the estate. Although those units were never built and the consent recently lapsed, nevertheless it has established the principle further industrial development on this site. The redevelopment of the site now for this local business is therefore considered to be accepted in principle by the Core Strategy subject to compliance with other national and local policy considerations.

As the development comprises 'Major Development' in a protected landscape, the acceptability of the principle must also include consideration of the tests set out in Paragraph 116 of the National Planning Policy Framework. Core Strategy Policy GSP1E echoes the NPPF in stating major development should not take place in the park other than in exceptional circumstances and will only be permitted following rigorous consideration of the national policy criteria.

The paragraphs below assess the proposal against those tests in terms of the need, the opportunity and potential costs of developing outside the park along with consideration of the developments impact upon the landscape as well as the effectiveness of the mitigation proposed to minimise those impacts.

**NPPF Criteria 1 - Need for the development**, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

The justification for this 'major development' comes from the applicant company's need to improve and expand its Tideswell operating site which employs 25 people and is also the Head Office base for the whole business which employs some 200. The proposal would see its 25 employees at the Richard Lane site relocated to the application site and according to the agent will bring the opportunity to expand the workforce on what will be a more suitable operating site for the firm.

The Richard Lane site is not ideally located for a business of this type as it involves significant traffic movements and deliveries using lorries which have to negotiate a difficult access and share narrow approach roads with local residential traffic. Furthermore being sited at the southern end of the village all traffic going north to the main highway network (A623) has to pass through the village to the further detriment of local amenity. Whilst the firm enjoys a good relationship with the local residents it is acutely aware of these impacts so although the primary driver of the change is a business need to expand and improve the operational sites the company recognises that relocation will bring significant improvement and enhancements to the local environment. Redevelopment of the Richard Lane site will require a separate application to the Authority which will come before this committee at a future time, so is not part of the current submission. It should be noted however that the viability of the proposals are inextricably linked and the redevelopment of the Richard Lane site will be a pre-requisite to the relocation of the business. The current application however stands on its own merits and can be determined separately.

The business is an established local firm and is one of the largest employers in the village and immediate area. It is a major supplier of materials to a significant proportion of local building construction businesses as well as the general public and is therefore a key component supporting the wider local rural economy. In order to remain competitive the business has identified the need to expand and improve its Tideswell base with the application site providing an ideal location for operational effectiveness as well as to maintain 25 local jobs with opportunities for more. Approval of the proposal would therefore result in a net public benefit to the local economy and meet the first requirement of the NPPF.

**NPPF Criteria 2 – The cost of, and scope for, developing elsewhere outside the Park, or meeting the need for it in some other way.**

Whilst no information has been submitted on the likely costs or implications of developing elsewhere in terms of jobs, future investment and the sustainability of the business, clearly for a business based on local delivery of materials to a defined local area, the impacts of such relocation would be unfavourable. It would likely bring additional delivery costs and require additional commuting by employees, which would not be sustainable or in the interests of promoting or supporting a prosperous rural economy as required by national policy.

In any case the company already has a network of other sites outside the park meeting those wider area delivery needs. In contrast, the application site is in a sustainable location on the edge of the settlement and next to the existing industrial estate with good transport links to the main and local road networks. It is therefore ideally located in terms of meeting both National and Local Planning policy aims as well as the operational requirements of the applicant. Furthermore it is available now and has effectively been reserved by previous planning decisions for such a purpose. There is consequently considered to be no scope to relocate the proposal outside the park in this case, without adversely affecting the business or the local employment market.

For the above reasons, officers consider that the principle of this major development to be acceptable on this site within the Park provided it can be accommodated without harm to the local landscape. In this regard the NPPF Criteria 3 “Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated” is considered in the following paragraphs

### **Design, layout and Landscape considerations**

#### Design

The proposed building is a typical industrial shed having a rectangular plan form under a single span shallow roof. Officers originally asked for the roof to be split into two ridges with steeper pitches, however the single span is required to meet the operational needs of the applicants business and cannot be changed.

The submitted low 6 degree roof pitch was suggested by the applicant to keep the overall building height low in relation to existing nearby buildings. At 6 degrees the ridge would be 1.7m higher than the building immediately to the south but 4.4m below the building on the higher ground to the SW. Officers remained concerned about the form of the low pitched building and now amended plans have been submitted which demonstrate that a 12 degree pitch would give an improved form for the building and relationship to the pitch of existing buildings nearby. This can be conditioned accordingly and would of course raise the overall height of the building. However the ridge would still be 2.4m lower than the building to the west but would be some 3.75m higher than the one to the SW. Given the main views of the new building would be against a backdrop of existing buildings and trees the increased height is considered acceptable to achieve the improved form.

Materials would be a mixture of blockwork lower walling with pre-coloured profile metal sheet used for the upper walls and the roof. Planning conditions could ensure that the colour of the sheeting matches the dark blue of adjacent industrial buildings and also secure the rendering and dashed limestone chipping finish required to mitigate the unacceptably light colour of bare blockwork. Roller shutter doors and pedestrian doors should be coloured to match the cladding and can also be secured by condition. The main access doors lie to the north gable facing the yard with a full eaves height glazed screen at the NE corner lighting an internal sales area. Overall this functional design, choice of materials and colour is considered to represent an appropriate solution having regard to the setting adjacent existing industrial buildings.



### Layout of the Site

The access road enters the main site from the SE corner with the building located in the SW quadrant of the site backing onto the boundary with the existing industrial estate. Parking for customers and employees will be in front of the building leaving access clear to the upper half of the site which would form the external storage area for bulk materials. HGV access in a loop is maintained around storage areas/racking units to enable easy access and egress for vehicles.

The application field currently slopes from the low point by the access both up to the NW and to the SW. Consequently plans show site levels will be adjusted with the greatest excavation being in the SW corner to enable the building to be set down into the site ensuring it matches the height of the adjacent shed. Without such inseting the building would be overly tall. At the rear of the building and along the western boundary the excavated land will be retained by gabion baskets topped with seeded soil which in this screened location are a suitable means of retaining the ground provided they filled with limestone to resemble drystone walling.

Plans show the yard areas hard surfaced in macadam with the maximum height of stored materials in each area limited according to the location and relationship to the ground levels outside the site. The maximum storage height is shown on the amended plans to be 4m on the lower area next to the building and backing onto the site boundary, 3m in the NW corner and 2m in the more open central and NE areas. These storage heights reflect the relative ground levels and are considered appropriate subject to a condition limiting the heights to those areas shown on the amended plans. In this way the visual impact of external storage would be limited and seen against the background of existing buildings and tree planting. Further screen planting is proposed as a 2m wide belt of trees along the northern and eastern boundaries which would help to mitigate the visual impact to an acceptable degree and which would also grow to foil the proposed 2.4m high green palisade fence around the perimeter which is essential for the security of the site.

### Landscaping

The new building and external storage yard will be clearly visible and somewhat prominent from certain viewpoints on the approach to the village from the A623 until the boundary planting has matured. Closer views will, however, be foiled in part by the existing farm buildings at Bank Farm. In any case, where it is visible and in particular from the longer views off the A623, the development will be seen against the background of the existing industrial estate and mature planting outside the site along the SW boundary which lies above the site levels.

The siting and proposed levels, together with the proposed 2m wide belt of tree planting inside the whole of the eastern and northern boundaries will ensure that where visible, the development will not be intrusive and instead appear appropriate in this setting and with the walling and landscaping helping to integrate this development and provide a strong edge to the settlement. Subject to appropriate conditions covering the submission of detailed landscape works for final approval the impact of the development on its immediate and wider landscape setting is considered acceptable.

### **Highway and Access considerations**

The current unsurfaced agricultural access track is too narrow for the proposed business use. Plans therefore show the boundary wall to the east moved back to give the required access width between the road and the site enable the provision of a suitable tarmac roadway and footpath into the site. Although this work requires the removal of three dilapidated farm buildings these are of no merit and in very poor condition and consequently it is considered that their removal is acceptable.

In terms of highway safety, the amended plans demonstrate that the desired visibility sight lines required by the Highway Authority can be achieved along with the extended footway linking the site to the public pavement leading down into the village. The visibility splays will require the

adjacent boundary walls and a short section of hedgerow to be relocated back behind the splays. These works are modest, not considered to detrimentally affect the street-scene and can be secured through the use of an appropriate planning condition, as previously applied to the former lapsed consent. On this basis there are no highway objections.

### **Protected Species Issues**

An updated protected species survey of the three buildings adjacent the access track was undertaken in June 2015, with no species being found (as in 2009 and 2012 surveys). Although no species were found the survey highlighted that one building has potential for use by bats and the site has the potential to become a wildlife habitat, particularly for birds. An updated survey of the building in the corner of the main site was not undertaken given the extant consent at the time of submission and the fact that the 2012 survey found no evidence of use as had been the case in the previous 2009 survey. Consequently, whilst Natural England and the PDNPA Ecology service have no objections, a precautionary approach to all the demolition is recommended by the PDNPA Ecologist together with mitigation in the form of nesting boxes around the site.

### **Other Material Considerations**

The site and access are sufficiently divorced from the nearest residential property so not to give rise to any residential amenity issues.

The agent states modest lighting will be positioned on the building and the site which will be shielded to prevent spillage outside the site. No details of the proposed lighting have been submitted however it is considered this can be reasonably controlled by the imposition of a condition requiring details to be approved by the Authority.

No details of the environmental performance of the building or the measures to meet the requirements of the Authority's climate change policy have been submitted with the application. Whilst largely controlled by separate building regulations nevertheless the orientation of the building lends itself to the use of solar and/or air source heat pump renewable technologies. A condition requiring the prior submission and agreement of a suitable scheme is therefore considered appropriate in these circumstances.

### **Conclusion**

The proposed development represents a logical extension to the existing industrial estate on this edge of village site and as such accords with local development plans policies for the siting of new business development.

Although the building is acknowledged to be substantial and amounts to 'Major Development', the principle of major development on this site has effectively been established over the years by the recent consents for 8 industrial buildings with a broadly equivalent floor space. Nevertheless consideration of the particular circumstances in this case show that there is an exceptional local need justifying this major development on operational grounds for the business to be based within or on the edge of Tideswell.

The development is required to meet the operational needs of the applicant's building supplies business already operating at the other end of the village on a less than ideal site in terms of highway access and proximity to residential property. It cannot be located outside the park as it serves a local market and benefits the local rural economy via the provision of local employment opportunities which may otherwise be lost. Relocation outside the park would likely be damaging to the long term future viability of the business and would conflict with local and national policy aims to support a prosperous thriving rural economy. In contrast approval would meet those aims and bring a net benefit to the local economy. It has therefore been concluded that the applicant has demonstrated an exceptional need for this major development to be on this site inside the National Park to accord with local and national policy guidance (GSP1 and NPPF paragraphs 115 and 116).

The design, siting and colouring of the building are all appropriate for this location. The setting of the building into the site to lower its overall height ensures it will be viewed largely against existing built development, part of which is at a higher level and with the additional tree planting demonstrates the development can be successfully assimilated into the local landscape. Furthermore the landscaping scheme would also bring ecological benefits in terms of additional nesting opportunities for birds subject to appropriate species choice. It is therefore concluded that subject to the imposition of relevant conditions and footnotes as set out above the proposed development can be satisfactorily accommodated on this site and will not detrimentally affect the landscape or the National Park statutory purposes.

The proposed development is therefore considered to be in accordance with relevant policies in the development plan in terms of the main issues of need and landscape impact (policies DS1, E1, LE6 and L1). The proposed development would not have any adverse impact upon the ecology of the area, highway safety (policy LT18) or the amenity of the nearby neighbouring property (policy LC4)

Therefore, in the absence of any further material considerations it is considered that the proposed development is in accordance with the development plan. Accordingly the proposal is recommended for approval subject to the conditions outlined in this report.

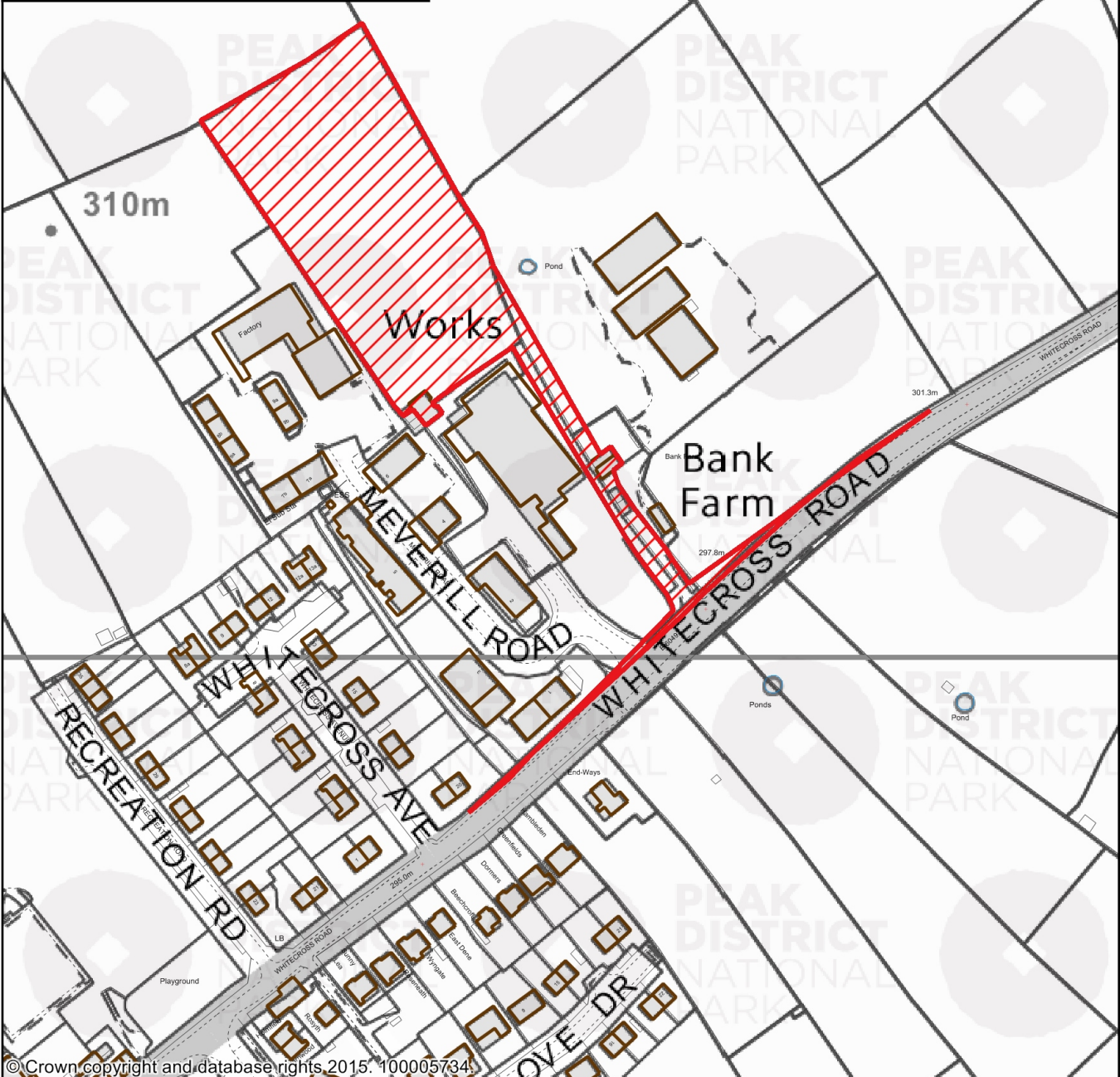
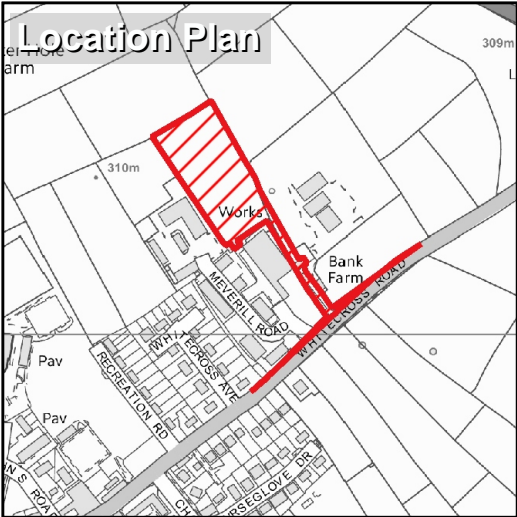
### **Human Rights**

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

### **List of Background Papers** (not previously published)

Nil

This page is intentionally left blank



© Crown copyright and database rights 2015. 100005734

Committee Date:	13/11/2015
Item Number:	6
Application No:	NP/DDD/0715/0661
Grid Reference:	415604, 376075

**Title:** 6. Land adjacent to Tideswell Industrial Park  
Whitecross Road  
Tideswell



This page is intentionally left blank

---

**7. FULL APPLICATION – ERECTION OF AN AFFORDABLE DWELLING TO MEET A LOCAL NEED AT, GREEN FARM, ALDWARK (NP/DDD/0515/0425, P.2656, 422786/357367, 30/10/2015/CF/KW)**

**APPLICANT: MR DANIEL WAIN**

**Background**

A decision on this application was deferred by members at the meeting of the Planning Committee in October 2015 following a resolution to approve the application contrary to an officer recommendation of refusal on policy grounds. The following report sets out the reasons for approval of this application and the reasons for conditions and a legal agreement that officers would recommend being imposed on any permission granted by the Authority for the newly-built house proposed in this application.

**Site and Surroundings**

The application site is situated on the northern edge of Aldwark hamlet and within the designated Aldwark Conservation Area. It comprises a small croft bounded by a neighbouring detached cottage (Ivy Cottage) to the east and a modern farm building to the west. The frontage of the croft is set behind a small enclosed area of land, which fronts on to the central grassed area that forms a distinctive part of the character of Aldwark hamlet. The rear boundary of the croft is situated adjacent to open farmland.

Access to the croft is via a short grass tack which leads directly off the western side of the central grassed area. A public footpath also passes close to the site along the track on the north-western side of the central open grassed area.

**Proposals**

The current application proposes the erection of a newly-built affordable local needs dwelling for the applicant who works on the family farm in Aldwark. The applicant also run a local contracting firm based near the application site.

The amended plans submitted in support of the application show a detached affordable, two-bedroomed local needs dwelling positioned in the centre of the croft. The two storey house would have a simple traditional double-fronted design and would be constructed of natural limestone under a natural blue slate roof. The internal floor area of the dwelling measures around 81m<sup>2</sup>, which is within the Authority's maximum size guidelines for affordable local needs dwellings (87m<sup>2</sup>).

Vehicular access would be via the existing grassed track with a grassed driveway/parking area provided to the front of the dwelling.

**RECOMMENDATION:**

**That the revised application be APPROVED subject to prior entry into a s.106 legal agreement that would maintain the proposed house as an affordable house to meet local need in perpetuity naming the applicant as the intended first occupant and subject to the following conditions/modifications:**

- 1. The development hereby permitted shall be commenced within two years of the date of the permission.**
- 2. The development hereby permitted shall not be carried out otherwise in complete accordance with amended elevation plans and the submitted block plans subject**

to the following conditions:

3. **No development shall take place until a written scheme of investigation (WSI) for archaeological work has been submitted to and approved by the National Park Authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:**
  - (i) **The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works**
  - (ii) **The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.**
4. **No development shall take place until a landscaping scheme 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; and (iv) precise details of parking provision within the site curtilage. 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.**
5. **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 a sample panel of the stonework for the external walls, sample 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, 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.**
6. **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 shall be erected.**
7. **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.**

### **Key Issues**

1. Reasons for approval of the current application
2. Whether the proposed legal agreement would be directly related to the development; and fairly and reasonably related in scale and kind to the development as well as being necessary to make the development acceptable in planning terms
3. Whether the suggested conditions are reasonable and necessary



## **History**

There is no relevant planning history on the proposed dwelling site prior to the resolution made by the Authority's Planning committee to approve this application. However, the following planning history on Green Farm is considered to be relevant to this proposal.

January 2009 – Refusal of full planning consent for the conversion of a barn to the south of green Farm to a holiday unit and a dependant relative unit on grounds that the resultant dwelling would not be ancillary and insufficient evidence had been submitted to satisfy the requirements of the Authority's affordable local needs dwelling conversion policies.

April 2009 – Consent granted for the conversion of the barn to the south of Green Farm to two holiday units.

November 2011 – Refusal of consent for extension between two detached outbuildings and conversion to a holiday unit, on grounds that the scheme would require significant enlargement and alteration to the existing buildings, which would harm their character and setting and the Conservation area.

August 2014 – Enquiry from the applicant seeking advice on whether an extension between the two detached buildings to the north-west of Green farmhouse and their conversion to a local needs dwelling would be acceptable.

Following a site visit by the Authority officers, the applicant was advised that as the proposal would require demolition and rebuilding of the larger of the two buildings, the principle of conversion/extension of the buildings to a separate local needs dwelling would not meet the Authority's affordable local needs dwelling policies as it would comprise primarily new-build local needs dwelling accommodation outside of a 'Named Settlement'.

Officers also advised verbally that the principle of the rebuilding/extension and conversion of the buildings to an ancillary dwelling for the applicant tied to Green farm via a Section 106 legal agreement would receive officer support. Further detailed design advice was also given by officers to resolve outstanding design issues with respect to the initial sketch scheme submitted by the applicant. The amended scheme was for a modest, low two-storey ancillary dwelling unit with an approximate internal floor area of around 90m<sup>2</sup>. Notwithstanding this advice, the applicant subsequently confirmed that this option was no longer available, for family reasons.

## **Consultations**

### **External Consultees**

County Council (Highway Authority) – No objections, subject to the attaching of conditions requiring space to be provided for storage of plant and materials etc.; the new vehicular driveway (min. width 2.75m) and sightlines on to the highway being provided; parking spaces being provided prior to occupation and details of the measures taken to prevent the discharge of water from the site onto the highway.

District Council – No reply to date.

Parish Council - There is no Parish Council or Parish Meeting representing Aldwark, however, seven individual letters of support have been received. These are reported in the Letters of Representation section of this report below.

### **Internal Consultees**

Authority Conservation Architect – Detailed comments have been received, which state that the site comprises an irregular-shaped field located within the northern part of the village core. The site is enclosed by drystone walls built from locally-derived limestone. The site access is located at the south-west corner. This is approached via a short narrow route off the road that encloses the village Green. A small rectangular field, containing a former pig sty and store, separates the development site from the road.

To the east of the site stands a 17<sup>th</sup> century listed cottage with outbuildings. This property and many other dwellings in the northern part of the village face south. A large modern agricultural structure is located to the western edge of the site. To the north are open fields, enclosed by a network of drystone walls, which then drop in level towards the north. The historic Ordnance Survey map records show a rectangular feature, possibly a building, on this site. Additionally, Aldwark is one of the oldest settled villages in the National Park. Consequently, it is recommended that the Authority Archaeologist be consulted on the proposal.

Aldwark Conservation Area appraisal describes the centre of the village as, 'Most of Aldwark encircles the central field with farms and a few houses widely spaced around it'. Constructing a property on the proposed site will maintain the wide spaces between the buildings, therefore the settlement pattern and grain will not be harmed. There is also no objection to the proposed position of the building on the site or its orientation. The latter is in keeping with neighbouring properties.

There are no objections to the density or general mass of the building; however, it would be preferable if the dwelling was excavated into the slightly sloping ground levels across the site. The dwelling proportions, design and materials reflect the local vernacular; however, the proposed use of photovoltaics on the front roof pitch, facing the village centre will detract from the host building and the Conservation Area. Subject to minor design amendments and a sympathetic landscaping scheme for the building and the access track, this proposal will not harm the setting of the listed buildings in the vicinity of the site. The new-build will obstruct long-ranging views out of the Conservation Area when viewed from the south of the site, but this will not harm its character.

Authority Archaeologist – The application has archaeological implications. The field which is proposed for development is within the historic core of Aldwark village and is within its Conservation Area. In respect of the evaluation work on archaeology submitted by the applicant to address these concerns, the Authority's archaeologist has stated that the evaluation results are a little inconclusive but in the absence of remains of high significance or complexity; there is no archaeological objection to the development proposals.

The Authority's archaeologist goes on to say it is likely however that the development groundworks will impact upon further structural fragments (similar to those encountered in the evaluation trenches in the applicant's evaluation), and given the archaeological sensitivity of the site it is still possible that fragmentary early remains might be present. There is consequently a requirement for a conditioned scheme of archaeological work to record any such remains in line with paragraph 141 of the Framework. This should take the form of archaeological monitoring and recording during the development groundworks.

### **Representations**

Seven individual letters of support have been received from Aldwark residents, which make the following points:

- The applicant is a hard-working Aldwark resident who provides an important service for the local farming community. He deserves to be able to live and work in Aldwark where he has lived all his life.

- There is a need for a better balance of age groups in the hamlet; young people are forced to move as they cannot afford to buy here.
- There are plenty of holiday-lets; more permanent residents are needed in order to keep the rural community alive and to prevent the village dying.
- The proposed dwelling is in keeping with the village.

## **Main Policies**

### **Local and National 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 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. However, the Framework does not offer any support for the provision of affordable housing to meet local need anywhere other than in existing settlements.

Policy DS1 of the Core Strategy reflects the objectives of national policy and sets out very clearly new residential development should normally be built within existing settlements within the National Park. In this case, there is some residential development in and around Aldwark but Aldwark is not a named settlement for the purposes of DS1 and the application site is within open countryside for the purposes of local and national planning policies.

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 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. In accordance with national policies in the Framework, and policies DS1 and HC1 in the Core Strategy, policy LH1 of the Local Plan says that, exceptionally, newly built dwellings will be permitted in or on the edge of named settlements subject to certain criteria including proof of need; local qualification and the affordability of the proposed housing.

### **Design and Conservation Policies**

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.

Policy GSP3 of the Core Strategy and Policy LC4 of the Local Plan are also directly to the current application because they set out the design principles for all new development in the National Park, seeking to safeguard the amenities of properties affected by development proposals, and setting 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. Policy CC1 of the Core Strategy and the associated supplementary planning document on climate change and sustainable development encourage incorporating energy saving measures and renewable energy into new development.

Policies GSP2 and L1 of the Core Strategy are also especially relevant to the current application because they reiterate that landscape conservation is a priority in the National Park. L1 also cross refers to the Authority's Landscape Strategy and Action Plan. With reference to the Authority's adopted Landscape Strategy and Action Plan. The application site is within the White Peak, and specifically within the Limestone Village Farmlands landscape type.

In these respects, the application site and its landscape setting is characterised as pastoral farmland enclosed by drystone walls made from limestone with repeating pattern of narrow strip fields originating from medieval open fields, scattered boundary trees and tree groups around buildings, and discrete limestone villages centred on clusters of stone-built dwellings. Taken together, L1 and Landscape Strategy and Action Plan seek to ensure development proposals would not harm these valued characteristics of the Limestone Village Farmlands or the scenic beauty of the National Park

These policies are consistent with national planning policies in the Framework that afford great weight to the conservation of the natural beauty of the National Park and promote high standards of design for development proposals, which should be sensitive to the locally distinctive characteristics of their landscape setting.

The location of the application site within a Conservation Area is also a highly relevant consideration noting that the Framework states that the conservation of heritage assets in a manner appropriate to their significance forms one of 12 core planning principles. 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. These provisions are consistent with the criteria for assessing development within a Conservation Area set out in policy L3 of the Core Strategy and saved Local Plan policy LC5.

L3 states that development must conserve and where appropriate enhance and reveal the significance of archaeological, architectural, artistic or historic assets and their settings, including statutory designations and other heritage assets of national, regional or local importance or special interest. LC5 also states that applications for development in a Conservation Area, or for development that affects its setting or important views into or out of the area, should assess and clearly demonstrate how the existing character and appearance of the conservation area will be preserved and, where possible, enhanced.

Finally, saved Local Plan policies LC15 and LC16 require an appropriate archaeological assessment of sites that may be of archaeological interest. Where development affecting a site of archaeological interest is acceptable, this will require the implementation of an appropriate scheme for archaeological investigation prior to and during development in accordance with these policies and in accordance the overarching objectives of Core Strategy policy L3.

## **Assessment**

In this case, the applicant has demonstrated that there is a need for the dwelling and he has a local qualification. The proposed dwelling also meets the relevant affordable floorspace guidelines and affordability criteria set out in the Authority's proposals. It is also clear that the proposed house could be accommodated on the application site without any harmful impact on the special qualities of the surrounding Conservation Area or its wider landscape setting. The house would be of an appropriate design and would not be unneighbourly and it could be provided with a safe and suitable access. Therefore, the principal reason for refusal of this application was the concern that Aldwark is not in a named settlement and housing policies in the Development Plan only support the provision of newly-built affordable dwellings in named settlements as set out in policy DS1 of the Core Strategy.

Whilst the emerging Development Plan Document takes the same approach to affordable housing in the National Park, in October 2015 members of the Authority's Planning Committee took the firm view that Aldwark should be seen in the same way as a named settlement and was therefore an appropriate location for a new affordable house justified by a genuine local need also taking into account the proposals were found to be in general accordance with the wider range of design and conservation policies in the Development Plan and the Framework. Furthermore, in the absence of any harm to the valued characteristics of the National Park and taking into account the intended first occupant worked within the local area, it was considered that the new house would be a sustainable form of development that could be easily distinguished from an isolated new home in open countryside.

Therefore, it was considered that an approval for the current application would be a warranted exception from the specific provisions of Local Plan policy LH1 rather than a significant departure from the Development Plan. However, the resolution to approve this application was made to subject to prior entry into a legal agreement for affordable housing and appropriate planning conditions.

In this case, the planning reasons for approving the newly-built house are based principally on the applicant's local qualification so the proposed legal agreement is necessary to make the development acceptable in planning terms noting the same agreement would be required if the new house were in a settlement named in DS1 in any event. As noted above, the legal agreement would include obligations regarding to affordability and local occupancy criteria in accordance with the requirements of the Authority's adopted guidance on affordable housing. Therefore, it is considered that the legal agreement would be directly related to the development and fairly and reasonably related in scale and kind to the development, as well as being necessary to make the development acceptable in planning terms both in terms of maintaining the proposed development as affordable housing to meet local need. Consequently, the requirement to enter into the proposed legal agreement before the permission is issued can be robustly justified.

The Authority's adopted guidance on affordable housing requires a start to be made on the development within two years, primarily because of the pace of change in terms of need and cost. A condition specifying the approved plans is necessary in the interests of the proper planning of the local area taking into account the acceptability of the design, siting and layout of the proposed development would support any approval of the current application. Pre-commencement conditions relating to submission of landscaping details and agreement on construction materials, design details and architectural specifications would also be necessary to ensure that the development is completed to an appropriate standard of design if the current application were to be approved. These conditions also reflect guidance in the recently published Planning Practice Guidance, which says conditions should not be overly prescriptive and a long list of conditions specifying design details should be avoided.

Planning Practice Guidance also says that permitted development rights should not be removed other than in exceptional circumstances. In this case, it is considered necessary to remove permitted development rights for extensions and outbuildings in accordance with the Authority's adopted guidance on affordable housing. If the current application were to be approved, it is considered that managing further extensions to the house and any additional outbuildings is important to ensure the house remains affordable and within the size limits for affordable housing. It is therefore considered that the exceptional circumstances exist in this case that justify removing permitted development rights.

Finally, taking into account the archaeological sensitivity of the site, it is possible that the proposed development could damage archaeological interest and fragmentary early remains might be present on the application site. There is consequently a requirement for a conditioned scheme of archaeological work to record any such remains in line with paragraph 141 of the Framework and policies LC16 and LC17 in the Local Plan, which should take the form of archaeological monitoring and recording during the development groundworks as set out above.

### **Conclusions**

It is therefore concluded that the reasons for approval of this application are based on proper planning considerations and the suggested conditions and the requirement for a legal agreement are properly justified. Therefore, it is considered that an approval for the current application would be an acceptable exception to, rather than a substantial departure from, the Development Plan and national planning policies in the Framework and that it would not be fundamentally contrary to the principles of sustainability underpinning housing policy in the National Park.

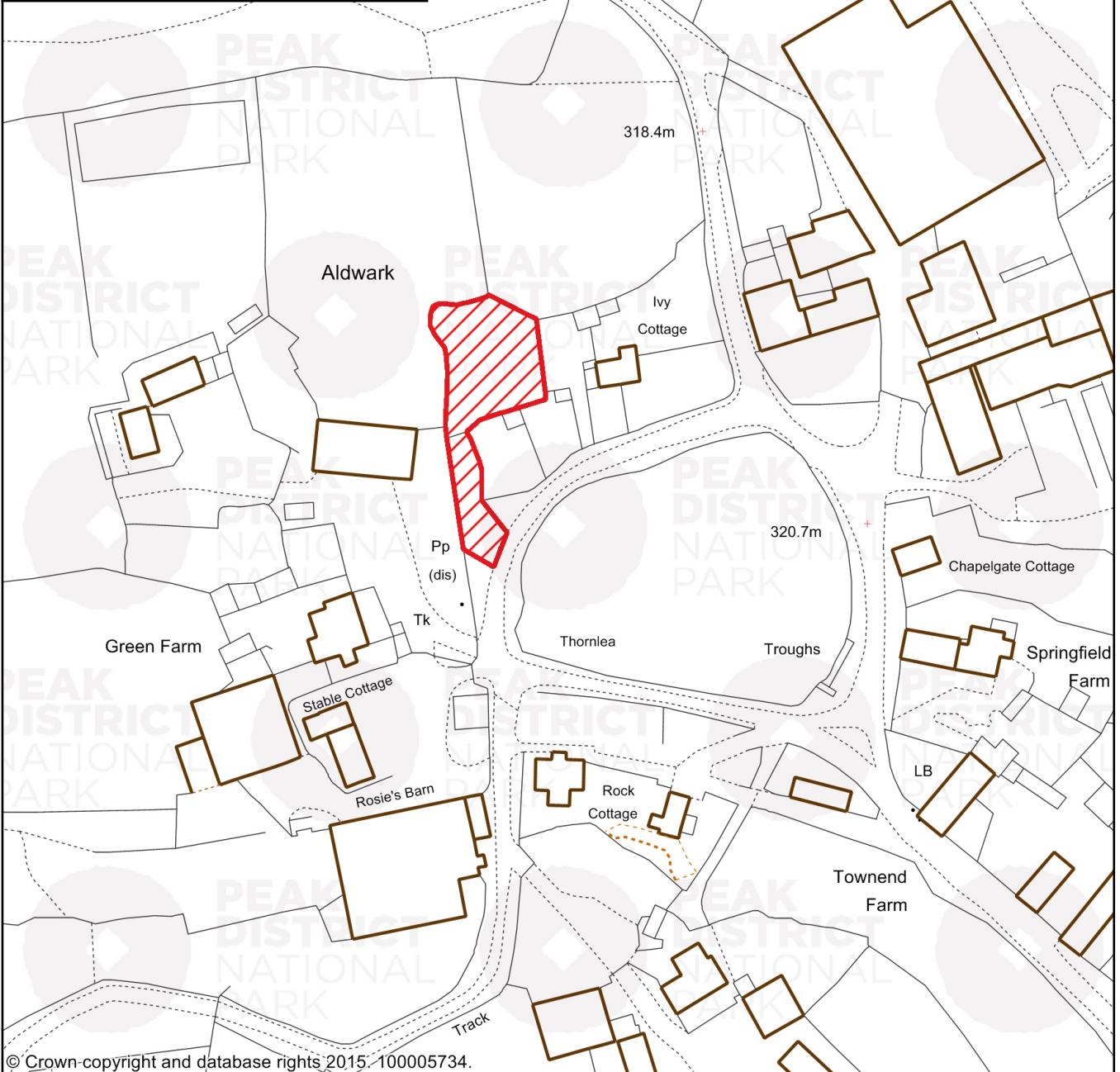
Accordingly, the current application is recommended for conditional approval subject to prior entry into an appropriate legal agreement for affordable housing to meet local need naming the applicant as the intended first occupant.

### **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



© Crown-copyright and database rights 2015. 100005734.

Committee Date:	13/11/2015	<b>Title:</b> Green Farm Aldwark Grange Mill	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	7		
Application No:	NP/DDD/0515/0425		
Grid Reference:	422786, 357367		

This page is intentionally left blank



**8. FULL APPLICATION – CHANGE OF USE OF CAMPING BARN TO AGRICULTURAL WORKER’S DWELLING AT BUTTERLANDS BARN, GREENHILL LANE, ALSTONEFIELD, (NP/SM/0815/0806, P10789, 412565/356666, 28/08/2015/ALN)**

**APPLICANT: MR ROBERT FLOWER**

**Site and Surroundings**

The application site is a detached barn situated in an isolated position approximately 640m north of the edge of Alstonefield village. It is located adjacent to a narrow track that runs north from the road that leads from Alstonefield north towards Hulme End. The track is designated as a bridleway. Access to the barn is directly off the bridleway and there is a parking area enclosed by a drystone wall to the south of the building. A further public right of way runs on and north-south alignment approximately 150m to the east of the barn

The barn was converted to a camping barn following planning consent in 1997. It is a traditional field barn, having a two storey form and constructed of rubble limestone under a Staffordshire Blue natural plain clay tiled roof. It is very modest in scale, measuring only 7.1m long by 6m wide. It has a robust, simple appearance and a limited number of openings. The door openings are dressed with natural gritstone heads and jambs. The conversion to a low key camping barn use has had little impact on the character and setting of the building and it essentially still appears as an isolated field barn.

**Proposals**

Consent is being sought for the conversion and extension of the camping barn to form an agricultural worker’s dwelling for the applicant’s son. The applicant and his family operate from their farm at Gateham Grange Farm, which is approximately 800m to the south west of the application site. The family currently live together at Gateham Grange Farm.

The submitted scheme proposes the conversion of the barn to a two-bedroomed agricultural workers dwelling. The barn would also be extended by means of a single storey gabled extension off the east facing elevation. A kitchen would be provided within the extension and living room, shower room and hallway on the ground floor of the existing barn. The two bedrooms would be located on the first floor. The overall floor area as extended would be 78.5m<sup>2</sup>, which is below the maximum size for a 5 person local needs dwelling (87 m<sup>2</sup>).

In addition to the extension the scheme proposes the alteration of a window on the north facing elevation to form a doorway. A larger curtilage would be created by enclosing a 3.5m strip of the field that abuts the northern elevation of the barn. Two parking spaces would be provided within the existing parking area to the south of the barn.

**RECOMMENDATION:**

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

- 1. The barn occupies a prominent and isolated position in the landscape. The proposals would spoil the character and setting of the barn by the addition of an extension and by the introduction of a domestic use, The proposals are therefore contrary to Core Strategy polices GSP1, GSP2, GSP3, L1 and L3 and saved Local Plan policies LC4 and LC8 and national planning policies in the Framework.**
- 2. The proposed development fails to meet criterion (ii) of saved Local Plan policy LC12 as it does not represent the most suitable accommodation in the locality the could reasonably be made available for occupation by the worker concerned, and**

**the application does not propose a sustainable form of development when taking into account the that a less damaging practicable option to meet the needs of the farm exists. The proposals are therefore contrary to the principle of sustainable development set out in Core Strategy policy GSP1 and national planning policies in the Framework.**

- 3. Insufficient information has been provided to establish whether the development would impact upon any sites, features or species of biodiversity importance contrary to Core Strategy policy L2 and Local Plan policy LC17 and national planning policies in the Framework.**

### **Key Issues**

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

### **History**

1982 – Outline and reserved matters applications approved for new-build farm worker's dwelling at Gateham Grange Farm for a previous owner. The consent was not implemented.

January 1997 – Planning permission granted for conversion of barn to a camping barn.

### **Consultations**

County Council (Highway Authority) – No response to date

District Council – No response to date

Parish Council – Fully support the application because it is the Council's view that the dwelling would provide suitable affordable housing for a young family, which given the business case submitted in the application, is not available elsewhere.

The Parish Council go on to say that according to the National Planning Policy Framework, the re-use of existing resources is to be encouraged and the business need for an agricultural workers dwelling has been clearly proven in the Agricultural Business Appraisal submitted. This will be providing a house for a local farming family. There is also the animal welfare point given the large numbers of lambs being born at this farm, hence the need for the workers being close to the farm barns. It may also be of help that this barn has been used for residential in recent years, albeit in camping form.

Authority's Ecologist – Recommends refusal on basis that the application as submitted is not accompanied by sufficient information in order to demonstrate the presence or otherwise of protected species and the extent that they may be affected by the proposed development.

The Ecologist's recommendations were made following a site visit and taking into account that there is a pond within 5m of the site that is capable of containing great crested newts and that there are large vents/breathers in the front and rear face and on the eastern face of the building, which may provide access for bat species into any wall cavities.

## **Representations**

One letter of support has been received from a local resident on the basis that it is very important that young people from the village can find suitable and affordable accommodation to remain in the area to work and the author does not foresee any problems with increased traffic on the road.

## **Main Policies**

In this case it is considered that 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 in this case 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.

## **Wider Policy Context**

Relevant Core Strategy policies include: GSP1, GSP2, GSP3, DS1, HC1, HC2, L1, L2, L3, T1 & T7

Relevant Local Plan policies include : LC4, LC12, LC17, LT11 & LT18

Notwithstanding the general support for principle of the provision of housing for key workers in national and local planning policies, the Framework 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 says 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 also 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.

The wider range of conservation and design policies in the Development Plan are consistent with these aims and objectives of the Framework and promote sustainable forms of development within the National Park that would be sensitive to its locally distinctive and valued characteristics.

## **Assessment**

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

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) 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.

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.

In summary, these policies mean 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 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. This approach is otherwise consistent with the approach taken in policy DMH4: Essential worker dwellings in the emerging Development Plan Document. However, 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

An agricultural business appraisal has been submitted with the application. This explains that the farm at Gateham Grange extends to 240 acres and consists of sheep and suckler cow enterprises. The farm has also diversified with the provision of holiday cottages. On average the farm carries 55 suckler cows and 400 breeding ewes. Based on the day to day demands the established labour demand is equivalent to 2.42 full time farm workers. The applicant and his son are the two full time workers on the farm. Both currently live in the farmhouse but the applicant's son now wishes to start a family home with his long term partner. On this basis officers concur that there is convincing functional case for a farm workers dwelling at Gateham Grange Farm.

#### Financial Appraisal

The applicant has submitted financial accounts for the years 2011-2013 and these demonstrate that the farming enterprise has made a profit in each of these years, which satisfies the financial test.

#### 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 and form and particularly its isolated yet prominent setting adjacent to the public bridleway and the building clearly contributes to the special landscape qualities of the locality. The building appears to be in good structural condition.

In this case, it is not considered that the conversion and extension of the building to an open-market dwelling would fully comply with HC1 C I because the barn is already in use as a camping barn and there is no significant conservation or enhancement of the building that would be achieved by its conversion to a dwelling. Notwithstanding this, 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.

In respect of the size of the proposed dwelling (78.5m<sup>2</sup>), this is considered to be modest and commensurate with the size of the farm enterprise. The barn already benefits from the provision of water and electricity supplies and such it is likely that the conversion can be carried out within the scope of the likely sustainable income of the business. 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 Gateham Grange Farm holding.

Therefore, the case for conversion of the barn to a farm worker's dwelling has been made quite strongly by the applicant and, in principle, the barn would offer appropriate accommodation for a farm worker subject to design and conservation considerations and whether or not there is more suitable accommodation in the locality that could reasonably be made available for occupation by the applicant which is required to be assessed under criterion (ii) of Local Plan policy LC12.

As noted above, Core Strategy policy HC2 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. Criterion (ii) of LC12 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.

In respect of these requirements, officers acknowledge that the option of purchasing a property in Alstonefield is likely to be 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 Gateham Grange 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 substantial two-storey range of barns to the west of the farmhouse and in close proximity to the modern sheds associated with the farm business. In addition there is a second single storey traditional barn on the opposite side of the farmyard which has an enclosed space to the rear which could be used as a discreet and private garden area in association with a residential use. Both of these traditional buildings are of some architectural or vernacular merit and given their position within the main farm yard they are considered to be more appropriate alternatives for animal husbandry purposes, being within close sight and sound of the animals.

The applicants maintain that these buildings are still being used for agricultural purposes, but parts of the buildings were not being used intensively at the time of the site inspection. Officers acknowledge that for conversion of either of these barns to take place, some re-organisation and rationalisation of the use of the buildings as a whole on the farm would be required. However, this is not considered to be unreasonable given the established need for a second full time worker on the site. It is understood that the personal preference of the applicant is to live more remotely and 'privately' in the barn, rather than close to the existing farm buildings, but the operational requirements of the business indicate that a worker sited on the farm itself would meet the established needs much more directly than a worker sited some 1km away by road.

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.

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 Limestone Village Farmlands landscape character type of the White Peak Landscape Character Area. Key characteristics include a gently undulating plateau; pastoral farmland enclosed by drystone walls made from limestone and a repeating pattern of narrow strip fields originating from medieval open fields. In this landscape setting, field barns are identified in the Landscape Strategy and Action Plan as landscape features to be conserved and enhanced.

LC8 and L3 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 the current proposals, the barn in question is a field barn that stands in complete isolation from other buildings adjacent to the public bridleway. The barn is prominent at the side of the lane, and is seen alone against a backdrop of gently undulating pastoral farmland. It is also visible from the public right of way that runs to the east of the building and is seen in its wider landscape setting from the Lode Lane and the unclassified road that leads from Alstonefield to Hulme End to the west. Whilst it currently has a use as a camping barn, this use is very low key and has had little impact on either the fabric or the setting of the barn.

Officers acknowledge that the 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. Crucially, however, it is proposed to enlarge the barn by the addition of a single storey extension. Whilst the extension would be fairly modest in scale it would fundamentally alter the basic shape and massing of the building and would signal a domestic use. Such an extension would be contrary to the requirements of policy LC8 which states that alterations to form and mass in schemes to convert a building of historic or vernacular merit are not appropriate.

Given the exceptionally small size of the barn it would not be possible to configure a successful scheme that omits the extension and for this same reason officers consider that it is likely that the Authority would face demands for further extensions to the building in the future. 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 proposed conversion would significantly detract from the valued characteristics of the area.

For these reasons it is considered that even though there is a strong and convincing justification which supports the principle of the conversion of the barn to an agricultural worker's dwelling; the

proposal are open to strong objections on landscape grounds because of the harmful impact of the proposed conversion. Therefore, any approval of 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.

### Sustainability

In this case, the barn occupies a remote and prominent location within the National Park and 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.

Notwithstanding the availability of the barns closer to the existing farm buildings and the likelihood proposals to convert these barns would be supported by officers, the harm that would result from proposed conversion of the application building is such that officers would recommend that a new-build farm worker's dwelling should be considered in the event that the barns closer to the existing farm buildings is not considered to be viable, rather than grant planning permission for this application. In these respects, a newly-built farm worker's dwelling closer to the existing farm buildings (possibly on the site of the previously approved farm worker's dwelling) 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.

However, 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 adverse effect that the proposal would have on the landscape quality of the National Park. The benefits of granting planning permission for the current application would be significantly outweighed by the adverse impacts of doing so, when these proposals are assessed against the policies in the Framework and Development Plan, when taken as a whole.

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 and requires that adequate site investigation information is presented.

The application site is within 5m of a sizeable pond which is located in the field to the north of the barn which is capable of containing great crested newts. In addition the barn does not appear to have been re-roofed in recent years and there are large vents/breathers in the front and rear face and on the eastern face of the building, which may provide access for bat species into any wall cavities if present. Therefore, according to the Authority's Practice Note on Protected Species, there is a likelihood that bats could be present at the site. Despite this, no ecological assessment has been submitted with the application.

The Authority's Ecologist has visited the site and considers that protected species surveys are required in order to assess whether the development would impact on species of biodiversity importance. Without that information it is not possible to have certainty that the proposals would accord with the requirement of policies L2 and LC17.



---

## **Conclusion**

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 Gateham Grange Farm. It is also acknowledged that the barn is in a low key use at present as a camping barn. 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 and are contrary to Core Strategy policies GSP1 and HC2, Local Plan policy LC12 and national planning policies in the Framework.

Even if this alternative option was not considered to be suitable, the current proposals cannot be accepted because the proposals conflict with landscape conservation objectives and the proposed barn conversion would 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, LC8 and LC12 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.

Finally insufficient evidence has been provided to demonstrate that the proposals would not cause harm to any sites, features or species of biodiversity importance contrary to Core Strategy policy L2 and Local Plan policy LC17 and national planning policies in the Framework.

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.

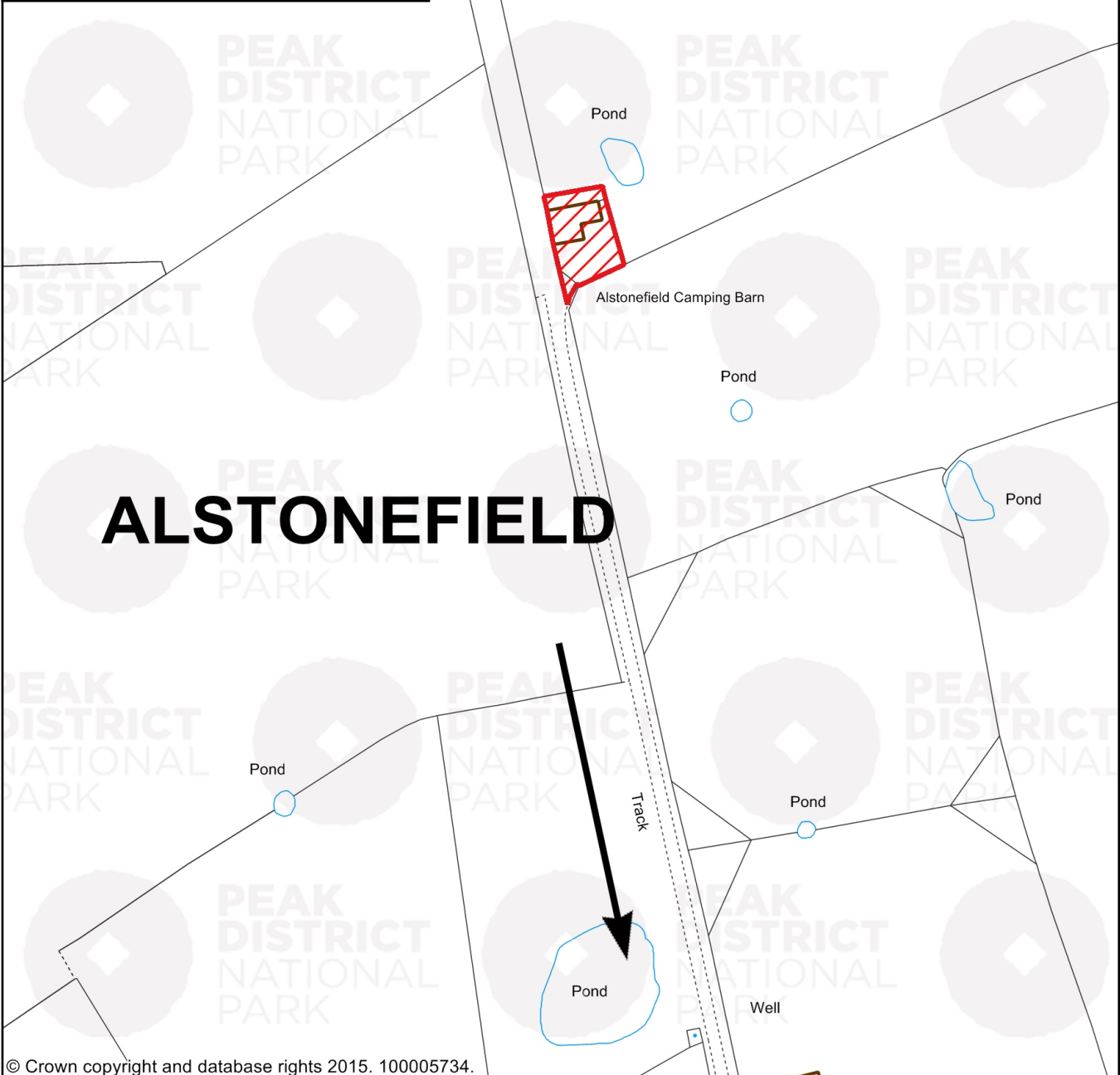
### **List of Background Papers** (not previously published)

Nil


This page is intentionally left blank



1:1250



© Crown copyright and database rights 2015. 100005734.

Committee Date:	13/11/2015	<b>Title:</b> Butterlands Barn Greenhill Lane Alstonefield	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	8		
Application No:	NP/SM/0815/0806		
Grid Reference:	412565, 356666		

This page is intentionally left blank

**9. FULL APPLICATION: CHANGE OF USE OF BARN/FORMER BLACKSMITH'S WORKSHOP TO DWELLINGHOUSE, THE BARN, BACK LANE, ALSTONEFIELD (NP/SM/0615/0548 P.2561 412978/365506 1/11/2015/CF)**

**APPLICANT: MS MANDY TURLEY**

**Site and Surroundings**

The current application site concerns a disused stone-built barn known as 'The Barn' and also referred to as the Blacksmith's Cottage or former blacksmith's workshop in the submitted application. The Barn is situated in a relatively isolated position adjacent to Back Lane approximately 200m to the south-west of the main group of residential properties in Alstonefield. The single-storey building is simple and robust in its form and detailing and is constructed from traditional building materials.

**Proposal**

The current application originally proposed the conversion of The Barn to an open market dwelling to meet general demand. The applicant has since indicated that she would be willing to enter into a s.106 legal agreement for affordable housing, which would prioritise local people in terms of the future occupancy of the converted barn. The applicant would be the intended first occupant if planning permission were to be granted for the current application. As such, the revised application now proposes a one bedroom affordable house that would be subject to a legal agreement and local occupancy restriction.

The design of the proposed conversion is intended to conserve the existing character and appearance of The Barn by utilising existing openings and restricting the size of the proposed residential curtilage to an area already enclosed by a dry-stone wall. The submitted plans show the ground floor of the barn would be subdivided to provide a single bedroom, shower room, and open plan kitchen and sitting room with a loft above in the remaining roof space.

**RECOMMENDATION:**

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

**The applicant does not have an eligible local need for new housing within the National Park and the current application is therefore contrary to policy HC1(A) of the Core Strategy and contrary to saved Local Plan policies LH1 and LH2. In this case, there are no exceptional circumstances or any other material planning consideration that would justify a departure from the Authority's adopted housing policies.**

**Key Issues**

- the landscape and visual impact of the proposed development; and
- vehicular access; and
- whether an exception to saved Local Plan policies LH1 and LH2 and policy HC1(A) of the Core Strategy is justified.

**History**

1987 Appeal dismissed for conversion of The Barn on landscape grounds and highway safety grounds with further concerns raised that the building had no special architectural interest.

- 1986 Planning permission refused for conversion of The Barn to holiday let on the grounds that it would be isolated and sporadic development in open countryside.
- 1986 Planning permission refused for conversion of The Barn to holiday let taking into account the visual impact of the extensions proposed to the building to facilitate its conversion.

### **Consultation**

County Council (Highway Authority) - No objections on highway grounds to the proposed development subject to conditions.

District Council – No response to date

Parish Council – The Council objected to this application on the grounds of access and egress being unsuitable, overdevelopment and the site being outside the village boundary with concerns over the fact that this is not perceived to have ever been anything other than a field barn by local residents and therefore should not be converted into domestic accommodation. Comments regarding its former use referred to within the application were also felt to be erroneous by residents and Councillors who were unanimously against the development.

### **Representations**

One letter objecting to the current application has been received to date. The author of this letter sums up their concerns by saying: *“The proposed development in Back Lane does not seem to address the needs of those who live in the Peak District. It simply looks like a speculative purchase of a barn with a view to conversion and maybe a profitable sale. And such a development would be at the expense of the essence of Back Lane. There would be a loss of amenity through the degradation of a traditional British rural scene. I do hope that you will continue to feel that a barn is exactly the right use for an old building sited out in the countryside on Back Lane”.*

A further letter commenting on the access to the application site has also been received from one of the joint owners of one half of Back Lane and the adjacent field to the east. The author of this letter says she would refuse permission for any alteration to Back Lane, the wall on the east side or to the diversion of the footpath into the field.

### **Main Policies**

#### **Housing Policy**

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 generally 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.

However, policies in the emerging Development Plan Document, saved Local Plan policy LH1

and policy HC1(A) of the Core Strategy are more permissive than national planning policies because they explicitly allow conversion of buildings in the open countryside to affordable housing to meet local need, which is not an approach to affordable housing that is particularly well supported by national planning policies in the Framework.

In these respects, saved Local Plan policy LH1 says exceptionally, residential development will be permitted either as a newly built dwelling in or on the edge of settlements or, as the conversion of an existing building of traditional design and materials in the countryside provided that it would be affordable housing to meet local need and it meets the criteria of Saved Local Plan policy LC4. Saved Local Plan policy LH2 otherwise sets out the Authority's definition of a person with a local qualification for affordable housing saying:

Exceptionally new housing will be permitted for a person with a proven need in accordance with Policy LH1 provided that the dwelling will be occupied by:

- i. a person (and his or her dependants) who has a minimum period of 10 years' permanent residence in the parish or an adjoining parish and is currently living in accommodation which is overcrowded or otherwise unsatisfactory;
- ii. a person (and his or her dependants) who has a minimum period of 10 years permanent residence in the parish or an adjoining parish and is forming a household for the first time; or
- iii. a person not now resident in the parish but with a proven need and a strong local connection with the parish, including a period of residence of 10 years or more within the last 20 years; or
- iv. a person who has an essential need to live close to another person who has a minimum of 10 years' residence in the parish, the essential need arising from age or infirmity; or
- v. a person who has an essential functional need to live close to his or her work in the parish, or an adjoining parish within the National Park.

### Design and Conservation Policies

Saved Local Plan 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 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. These policies are consistent with national planning policies and core policies in the Core Strategy including GSP1, GSP2 and GSP3.

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 Landscape Strategy and Action Plan shows that the barn is situated in the Limestone Village Farmlands landscape character type of the White Peak landscape character area. Key characteristics of the White Peak include the historic pattern of enclosure, the nucleated settlement pattern and the integrity and setting of traditional buildings. The guidelines in the Landscape Strategy and Action Plan for the White Peak state that protecting and maintaining historic field barns is a priority throughout the Limestone Village Farmlands landscape character type. In particular, the Landscape Strategy and Action Plan says:

*“... Isolated field barns are a special cultural feature in the White Peak... Where they can no longer be maintained in agricultural use, careful consideration needs to be given to appropriate alternatives. Changes to the building or its surroundings should be avoided, especially where these are not in keeping with the rural character of the landscape. Conversion to residential use would be particularly inappropriate in a region where settlement is strongly nucleated in small villages.”*

It is considered the Authority's Landscape Strategy and Action Plan along with the Authority's adopted design guidance and the wider range of design and conservation policies in the Development Plan, as noted above, are 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**

#### Landscape and Visual Impact

In the first instance, permission was refused twice in 1986 for conversion of 'The Barn' to a holiday let. Subsequently one of these decisions was appealed, but the appeal was dismissed in 1987. A key issue reason for refusal on each occasion was the landscape and visual impact of the domestic paraphernalia associated with the proposed use of the building. Notably, the Inspector in the appeal decision in 1987 stated that whilst the building itself could be seen from the fields to the south and from part of the village to the east of the site, the building itself is not assertive within the landscape. It is considered that more than twenty five years after this appeal decision this assessment holds true, and the building proposed for conversion is not a particularly conspicuous feature in its landscape setting.

Therefore, the landscape and visual impact of the proposed conversion would be far less than a number of barn conversions recently granted planning permission by the Authority's Planning Committee. However, one factor that distinguishes this building from a more traditional field barn is that it already has a semi-domestic appearance. Information submitted by the applicant refers to 'The Barn' as a former blacksmith's cottage or workshop related to Alstonefield Manor, which is now in separate ownership. However, there is no evidence to support this claim but the building does look much more like a workshop or a very humble dwelling rather than a disused agricultural building. The detailed treatment of the conversion retains this character and would maintain its modest appearance.

The Barn also has a defined curtilage and, on balance, it is considered that the proposed residential use of the barn would not have an unduly harmful visual impact on the surrounding landscape. However, this assessment relies heavily on a comparison with other barn



conversions that have been consented but lie in much more prominent locations in open countryside and have less of a domestic character than the building, which is the subject of the current application. On this basis, officers do not consider the landscape and visual impact is a determinative factor in the final decision on this application. However, conditions removing permitted development rights for extensions and alterations to the building and development in the curtilage would be reasonable and necessary to retain the character and appearance of the building and a landscaping scheme would also be necessary to seek to mitigate the visual impact of the parking area and domestic use of the associated garden if planning permission were to be granted for the current application.

### Vehicular Access

It is highly relevant that previous applications for conversion of The Barn have been refused in 1986 and a subsequent appeal has been dismissed in 1987 because it was considered that the building could not be provided with a safe and suitable vehicular access. The access arrangements proposed in this application also give rise to local concerns but the Highway Authority has no objections to the current application. With regard to these issues, it is of particular note is that the part of Back Lane that would be used for vehicular access from the public highway to the converted barn is an unclassified road that has not been dedicated as a public right of way albeit it is recognised that the lane is used 'informally' to access the bridleways and other footpaths in the local area. The lane is also used by farm traffic.

To address the concerns about the vehicular access, which the applicant was aware of prior to submitting this application, a thorough transport assessment has been submitted by the applicant that illustrates that it is highly unlikely that the traffic generated by the proposed one-bedroomed dwelling house would generate vehicular movements that would cause highway safety concerns or conflict with other vehicles or other people using Back Lane. Taking this information into account and the Highways Authority's response, it is therefore considered that it has now been demonstrated that highway safety concerns would not be a sustainable reason for refusal of the current application. This is especially the case because the Highways Authority's conditions relate solely to the provision of the parking area before the dwelling is first occupied and the location of any septic tank or package treatment plant.

### Housing Policy

The previous decisions relating to conversion of The Barn are again particularly relevant in considering whether its conversion to an open market house to meet general demand would be appropriate. In this respect, it is clear that the building does not have any special historic or architectural interest and the applicant has so far not been able to demonstrate that it has any particular significance because it may have been a former blacksmith's workshop or cottage. The building also appears to be in a relatively sound condition and there is no evidence that the impetus of open market values is required for its long term conservation.

Therefore, the exceptional circumstances set out in policy HC1(C)I of the Core Strategy and paragraph 55 of the Framework do not exist in this case and permission for conversion of the barn to an open market dwelling to meet general demand is simply not warranted in policy terms. However, to address these concerns, the applicant has confirmed that she would be willing to enter into a section 106 legal agreement naming herself as the first occupant and then containing the normal obligations that would retain the converted barn as an affordable home and restrict future occupancy of the barn to a person (or people) with a local qualification. In this respect, if it is accepted that the proposed barn conversion is appropriate in landscape conservation and design terms then the building would be a suitable candidate for affordable housing.

The cost of conversion and its potential market value with an occupancy restriction would mean that the converted building would be affordable, and the internal floor area of around 40m<sup>2</sup> is well within the normal size guidelines for affordable housing albeit slightly larger than the guideline

figure for a one bedroom house. However, the problem is that the applicant does not have a local qualification as set out in saved Local Plan policy LH2 and would not meet any of the criteria in the cascade provisions in the Authority's normal legal agreements for affordable housing. This means that the applicant cannot be considered to be a person with a proven need for a new house within the National Park or a person with an appropriate local qualification contrary to the provisions of saved Local Plan policies LH1 and LH2.

In these respects, the current application is also contrary to policy HC1(A) of the Core Strategy because the applicant cannot demonstrate that the new house would address an eligible local need for new housing in the National Park. On this basis, any approval for the current application would be a significant departure from the Development Plan especially when taking into account that the emerging Development Plan Document will carry forward very similar criteria for assessing eligible local needs.

### Sustainability

Paragraph 14 of the Framework contains a presumption in favour of sustainable development and policies GSP1 and GSP2 in the Core Strategy also promote and encourage sustainable forms of development within the National Park. In this case, it is notable that (i) the proposed conversion would result in very limited harm to the scenic beauty of the surrounding landscape, (ii) the proposed conversion can be provided with a safe and suitable access, (iii) there are no neighbourliness issues because of the barn's isolated location, and (iv) there is no evidence that the building has any archaeological or ecological interest. Therefore, any approval for the current application would harm the consistent application of planning policies and consistency of decision making within the National Park rather than the amenities of the local area.

In terms of the benefits that might result from the grant of planning permission for the current application, very limited weight can be given to the suggestion that any new housing in the National Park is required to meet 'housing targets'. This is because the 'English National Parks and the Broads: UK Government Vision and Circular 2010', which is cross referred to in Paragraph 14 of the Framework, makes it very clear that the Government's intention is not to meet demand for housing in the National Parks; the priority in rural areas such as the National Park is to meet the need for affordable housing as set out very clearly in paragraph 54 of the Framework and the Authority's housing policies. Therefore, the principal public benefit that would be achieved by granting planning permission for the current applicant would be the longer term benefits of the delivery of an affordable house to meet local need through the applicant's private investment in the building.

Setting aside the issue of whether the purchase cost of the building was based on 'hope value', the cost of converting the building will still be in the region of £80,000, which is considered to be a substantial investment in a one-bedroom property that might be difficult to extend because of the restricted access to the property, the potential for an extended building to have a greater impact on the character of the surrounding landscape and the modest size of the building, which means that it is difficult to consider any significant extension to the building would be acceptable in design and conservation terms.

Therefore, it is unlikely the applicant would be able to do more than 'break even' if the property was to be converted and sold with a local occupancy restriction in the future. Consequently, the proposed conversion of The Barn to an affordable home to meet local needs with the applicant as the named first occupant would clearly benefit the applicant insofar as she would be able to live in a new house within the National Park that she could afford rather than provide a speculative investment opportunity.

The wider public benefits of granting planning permission would arise on the future sale of the converted barn at an affordable price to a person with an eligible local need who would not otherwise be able to buy a house in the local area on the open market.

However, it also has to be taken into account that the Parish Council do not support this application because they are concerned that the building is outside of the settlement as well as the proposals represent over-development and their concerns about vehicular access. In contrast, the Parish Council have not given any indication yet that the provision of a one bedroom house would help to maintain the viability or vitality of the local community or that the offer of a legal agreement that would mean the converted barn would become an affordable house to meet local need in the future addresses their concerns.

Therefore, there is no evidence that suggests that granting planning permission for the current application would accord with the Authority's statutory duty to seek to foster the economic and social welfare of the local community even though there is compelling evidence that more affordable housing is needed within the local area, and this need is unlikely to be met before the converted barn might be sold by the applicant.

### **Conclusion**

It is therefore concluded that the current proposals do not comply with the specific provisions of policy HC1(A) or saved Local Plan policies LH1 and LH2 because the applicant does not have an eligible local need for a new house in the National Park and this conflict is not offset or outweighed by other relevant planning considerations. Although, the proposals may give rise to some public benefits because the applicant is willing to enter into a legal agreement to maintain the affordability of the converted barn and restrict its future occupancy to a person (or people) with an appropriate local qualification, any approval for the current application would harm the future application of the Authority's adopted policies and consistency of decision making in the National Park. Moreover, the emerging Development Plan Document does not suggest that the local qualification in saved Local Plan policy LH2 will change, which means there is no support in the emerging development management to consider relaxing the local qualification on an exceptional basis.

This is of particular concern when taking into account there is high demand to live in the National Park and the applicant current circumstances are not exceptional not least because it has not been demonstrated that the applicant has a particularly strong local connection to Alstonefield or that there is an essential need for the applicant to live within the local area. Therefore, the offer of entering into a legal agreement restricting the future occupancy and maintaining the affordability of the converted barn that might justify approval of the current application could be too easily repeated and in these respects, any approval for this application may form a precedent for future decisions made by the Authority in similar cases.

Accordingly, in the absence of an eligible local need and in the absence of exceptional circumstances that would warrant such a departure from the Authority's adopted housing policies, the current application is recommended for refusal.

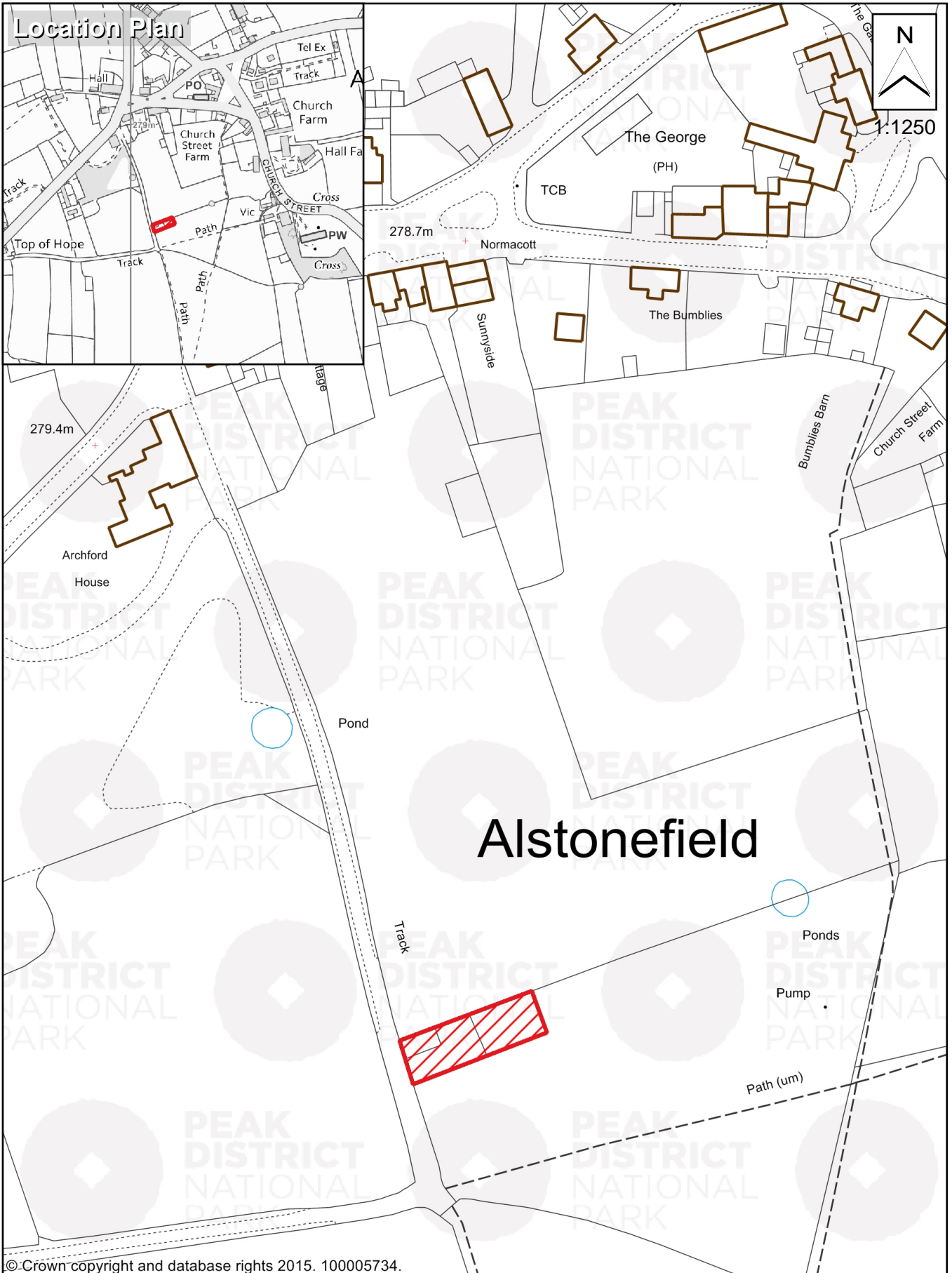
### **Human Rights**


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

### **List of Background Papers** (not previously published)

Nil

This page is intentionally left blank



Committee Date:	13/11/2015	<b>Title:</b> The Barn Back Lane Alstonefield	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	9		
Application No:	NP/SM/0615/0548		
Grid Reference:	412978, 355506		

This page is intentionally left blank

**10. FULL APPLICATION – PROPOSED HOLIDAY BARN CONVERSION, MANEGE, STABLING AND IMPLEMENT SHED INCLUDING CHANGE OF USE OF LAND AND BUILDINGS AND RETROSPECTIVE CONSENT FOR CREATION OF TWO TURNOUT YARDS AT WILLOW FARM, BUTTERTON (NP/SM/0815/0739, P.1087, 406881/356346, 30/10/2015/ALN)**

**APPLICANT: MRS MICHELLE ETHERINGTON**

**Site and Surroundings**

The application site, Willow Farm (formerly New House Farm) is situated in open countryside approximately 600m to the west of Butterson village. Access is gained via a surfaced track leading south from an unclassified road that links the B5053 with Butterson village. A public right of way heads south from the road towards the property, across fields to the east of the access track, before turning west on a line just to the south of the buildings associated with the property.

The property is no longer a working farm. It currently consists of a red bricked farmhouse (recently extended) and to the west is a traditional barn currently used in association with the keeping of horses and for domestic storage (Barn 1 for the purposes of this report)). Across a yard to the south of the barn is a set of timber stables which do not benefit from planning permission. To the south of the stables the land levels have been altered and an area fenced off to create 'turnout' yards for the horses. Planning permission was not sought for these engineering operations.

Approximately 35m to the east of the house is a second traditional barn which is currently being converted to a holiday cottage following consent in 2013. This barn is described as "Barn 2" for the purposes of this report.

**Proposal**

Firstly, this application seeks planning permission for the conversion of the first floor space within the barn to the west of the dwelling house to a unit of holiday accommodation (Barn 1). Secondly, it is proposed to replace the unauthorised timber stables with a larger L shaped block of stabling constructed in a mixture of timber and stone. Thirdly, it is proposed to erect a second block of stabling immediately to the east of Barn 2 and fourthly a ménage is proposed. The submitted plans showed the manege in a field immediately to the south of the existing stabling and turnout yard. Following negotiations, amended plans have been received showing the manege relocated to a position immediately to the south of Barn 2. The application also seeks retrospective consent for the two turnout yards.

The submitted plans also showed the erection on an implement shed between the dwelling house and Barn 1, but following negotiations this has now been omitted from the scheme.

**RECOMMENDATION:**

**That the application be APPROVED subject to the following conditions.**

1. 3 year implementation time limit.
2. Adopt amended plans.

3. **Work shall not commence on any of the stabling hereby approved or the manege until a diversion order to the public right of way known as 'Butterton no.17' has been approved re-routing the footpath to the route shown on the approved plans and the new footpath has been provided on the diverted route.**
4. **Turnout areas to be removed and land restored to its former levels and condition within 3 months of the date of failure to meet the requirement set out in (i) below:**
  - (i) **if within 9 months of the date of this decision Staffordshire County Council refuse to make a footpath diversion order of Butterton Footpath no. 17 to the route shown on the approved bock plan and the new route is not provided in accordance with the approved order.**
5. **The development hereby approved shall be used only in connection with ancillary equestrian use in association with the domestic use of Willow Farm or in connection with occupiers of the two approved holiday cottages on site. The facilities shall not be used as commercial livery or as a riding school.**
6. **Existing wooden stables to be completely removed from the site within 4 weeks of either stable block hereby approved being first brought into use.**
7. **Holiday occupancy condition on barn conversion.**
8. **Stables to be removed when no longer required for the keeping of horses.**
9. **First 5m of access track rear of the public highway to be surfaced with an appropriate hard surface before the development hereby approved is first brought into use.**
10. **Manure to be stored in areas shown on approved plans and to be managed in accordance with details received in letter from agent dated 12 October 2015.**
11. **Adopt submitted landscaping scheme for planting to south of manege. Landscaping scheme for additional planting to south of turnout areas to be submitted and agreed.**
12. **Minor Design Details.**

### **Key Issues**

- Whether the proposed development would cause harm to the established landscape character of the area and whether it would conserve a building of historic and vernacular merit.
- Whether the proposed development would compromise the use of the public right of way known as 'Butterton Footpath no. 17.
- Impact on highway safety.

### **History**

March 2014 – consent granted for alterations and extensions to dwelling house (NP/SM/0314/0239).

June 2013 – consent granted for conversion of barn to holiday use (NP/SM/0612/0603).



June 2007 – application for solar water heating collectors refused (NP/SM/0607/0573).

Sept 2006 – consent granted for extension to dwelling house (NP/SM/0906/0883).

Aug 2002 – consent granted for new vehicular access and driveway (NP/SM/0802/044).

### **Consultations**

Highway Authority – no objections subject to a condition required the first 5m of the access driveway rear of the public highway being surfaced with an appropriate hard material.

District Council – no response

Parish Council – With regard to the submitted plans, raise issues with regard to:

- Use of public footpath no.17 – a diversion order does not seem to have been agreed and the applicants have already blocked off part of the track.
- There are no bridleways close to Willow Farm and to access the nearest Bridleway and the Manifold Trail users would have to use local roads which are narrow and already congested.
- Do not object to the use of the barn as a holiday cottage but concerned about general overdevelopment of the site and impact on the landscape.
- Concerns about storage and dispersal of horse manure.
- Existing stables and turnout areas do not benefit from planning permission.

With regard to consultation on amended plans, the Parish Council have made the additional comments:

- Manege is in a better position but screening on eastern side should be considered.
- Otherwise initial comments remain the same.

County Council Rights Of Way Officer –

- SCC is currently processing a diversion of Public Footpath No 17 Butterton which was requested by the owners of Willow Farm.
- The existing definitive line runs around the rear of Willow Farm after crossing fields heading south from Butterton Moor Bank.
- At the informal consultation stage we received no objections although we did receive a letter from Butterton Parish Council. The track that is mentioned in the letter is non-definitive and the public do not have a legal right to use it
- The diversion proposal was approved by the Countryside and Rights of Way Panel on 14 September 2012.
- There have been delays in processing this and other Public Path Orders in recent years and this Order has not yet been made.

- In the forthcoming weeks we will be making the Order and arranging for the formal consultation to take place.

### **Main Policies**

Relevant Core Strategy policies include : GSP1, GSP2, GSP3, L1, L3, RT1, RT2, T6

Relevant Local Plan policies: LC4, LR7, LT20

Policy RT1 of the Core Strategy and saved policy LR7 of the Local Plan provides a clear starting point consistent with the National Park's statutory purposes for the determination of this application. This is because these policies set out the principles for assessing proposals for recreation based developments in the National Park, and in particular for facilities for the keeping and riding of horses.

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. The Framework, at para 28 seeks to support the sustainable growth of rural tourism and leisure development that benefit businesses, communities and visitors and which respect the character of the countryside.

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**

In assessing the principle of this proposal the key policies in relation to the provision of facilities for the keeping and riding of horses are Core Strategy policy RT1 and Saved Local Plan policy LR7.

RT1 states that proposals for recreation facilities will be supported provided that they are appropriate to the National Parks' valued characteristics. New provision must justify its location in relation to environmental capacity, scale and intensity of use or activity and be informed by the Landscape Strategy. In the open countryside, clear demonstration of need for such a location will be necessary. Wherever possible development must re-use existing traditional buildings of historic or vernacular merit. Where this is not possible the construction of new buildings may be acceptable. Development must not on its own, or cumulatively prejudice or disadvantage people's enjoyment of other existing and appropriate activities including the informal quiet enjoyment of the National Park.

Local Plan policy LR7 states that facilities for keeping and riding of horses will be permitted provided that the development (i) does not detract from the landscape and valued characteristics of the area either individually or cumulatively; (ii) is located adjacent to existing buildings or groups of buildings; (iii) is not likely to cause road safety problems; (iv) in the case of commercial stables, has good access to route networks and to adequate bridleway networks and (v) does not constitute a nuisance to local residents, landowners or farmers by noise, smell or other adverse impact. These provisions are repeated in policy DMR4: Facilities for keeping and riding horses in the emerging Development Management Development Plan Document (DPD).

Also of relevance is Core Strategy policy GSP3 which states that development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development proposal.

L1 states that development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan and other valued characteristics, and L3 which requires that development must conserve and where appropriate enhance or reveal

significance of archaeological, artistic or historic asset and their setting, including statutory designation and other heritage assets of international, national, regional or local importance or special interest.

RT2 permits that change of use of a traditional building of historic or vernacular merit to catering holiday accommodation except where it would create unacceptable landscape impact in open countryside. Local Plan policy LC8 allows for the conversion of buildings of historic or vernacular merit to another use provided it can be accommodated without changes that would adversely affect the buildings character and the new use does not lead to change to the building curtilage or require new access or services that would adversely affect its character. Policy LC4 expects a high standard of design with particular attention being paid to scale, form and mass, building materials, landscaping, and amenity and privacy

The proposed development, which is for facilities for keeping and riding of horses and for a unit of tourist accommodation is acceptable in principle, taking into account the requirement of the policies summarised above. The main material considerations in reaching a decision are the impact of the development on landscape character, any impact on the enjoyment of the nearby public right of way, and highway issues.

**Issue 1 - Whether the proposed development would cause harm to the established landscape character of the area and whether it would conserve a building of historic and vernacular merit.**

The proposals are for a range of equestrian related facilities on land at Willow Farm. The submitted Design and Access Statement and other information provided by the agent explains that the applicant currently has four horses and two donkeys on site, all of which are kept for private enjoyment. It is proposed to make both the barn conversion approved in 2012 and the barn conversion currently proposed available for equestrian holiday use and so the total number of 'equines' on the site could increase from 6 to 10 in total.

For the purposes of policies RT1 and L1 the site falls within the Upland Pastures Landscape Character Type within the South West Peak. 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. This is a peaceful rural landscape with open views to surrounding higher ground.

Stable block to west of Barn 1

Firstly, it is proposed the remove the existing unauthorised stable block to the south of Barn 1 and replace it with an L-shaped range of stables constructed in a mixture of stone and timber with a Staffordshire clay tiled roof. At present there is a lean-to attached to the west facing elevation of Barn 1. This is constructed in stone with a sheeted roof. It is a later addition and is not in keeping with the character of the barn. This structure would be removed to make way for the new stable block. Following negotiations amended plans have been received showing the block reduced in size such that the front elevation of the traditional barn would be more fully apparent. As amended the building would provide two loose boxes and a foaling box, a utility box (for shoeing, washing grooming etc.) and a hay and bedding store in the stone clad section.

The northernmost section of stable block, directly adjacent to the traditional barn and facing north towards the access track would be faced in natural gritstone and this is considered to be appropriate as this is the main approach to the property and is in close juxtaposition to the vernacular barn. The remaining section of the block would be constructed with horizontal timbered walls with a clay tiled roof. Although the timber is a more temporary material that is not always appropriate in the National Park, in this case, the materials are considered to be acceptable as there is already a mixed palette of materials used at the site (i.e. stone on the barns and red brick on the house) and given the fairly discreet location it is not considered that

the timber cladding would appear unduly prominent or at odds with its surroundings. In addition officers are aware that stabling can be a transitory requirement for local residents and the use of timber makes a condition requiring the removal of the stables when no longer required for keeping horses, more reasonable.

With regard to wider landscape the stabling would be visible from the existing public right of way that runs to the south of the farmstead, at close quarters, however for the reasons given above and because of the close proximity of the proposed stabling to existing buildings on the site, it is not considered that the visual qualities of the pastoral landscape would be harmed. When the footpath is diverted (as currently proposed and discussed later in this report) the new route would take walkers to the north of the proposed stables and from where the new building would be less visible. There is a further public right of way (Butterton footpath no. 16) approximately 250m to the south of the application site.

The proposed stables may be just visible at some considerable distance in these views but against a backdrop of rising land in the context of a wider group of existing buildings and so it is not considered that the effect would be harmful to the landscape character of the area. Therefore, it is considered that there are no overriding objections to this proposal on landscape grounds.

#### Conversion of Barn to Holiday Unit

Also proposed is the conversion of the first floor and part of the ground floor of the two storey barn to the west of the dwelling house (Barn 1) to a single unit of holiday accommodation. The submitted plans show that a cloakroom and w/c would be provided at ground floor and a bedroom and kitchen/living room at first floor.

The barn is a traditional barn constructed in natural gritstone under a clay tiled roof. It has the simple architectural qualities and robust style that is typical of barns in the National Park and as such is considered to have some historic and vernacular merit. The conversion would be carried out within the shell of the existing building and would utilise existing openings. A single conservation rooflight would be provided on the rear (north) facing roofslope. By the removal of the attached untraditional lean-to the significance of the building would be better revealed.

Whilst the proposed accommodation would be in close proximity to the proposed stabling the applicant is proposing to market the unit for equestrian holidays and as such it is not considered that the proximity would lead to unacceptable disturbance or loss of amenity. However because of this juxtaposition it is not considered that the barn would be suitable for an independent dwelling house under the provision of HC1 (c) and so a condition restricting occupancy to holiday use is necessary and reasonable.

Subject to the occupancy condition and other minor design details it is considered that the proposed barn conversion would conserve and enhance the non-designated heritage asset in accordance with L3, LC4 and LC8.

#### Stable Block to east of Barn 2

The third element of the proposals is the construction of a second block of stabling to the east of Barn 2, that is the barn that lies detached, to the east of the dwelling house. The stable block would have an L-shaped plan form and would be constructed in vertically boarded timber under a blue clay tiled roof. The building would provide space for up to 5 loose boxes. An existing mono-pitched implement building constructed in grey corrugated sheeting would be removed to make way for the new stable building.

In terms of the requirements of Local Plan policy LR7, the building would be visible from the public right of way (Butterton no.17) that runs through the site but on the revised line, as

proposed, the building would not be clearly seen.

As with the first stable block, officers consider that timber is appropriate in the context of this site and the fact that it is not prominent in the wider landscape and given the possibly transient nature of the 'need'. The building would be adjacent to and therefore well related to the adjacent barn which is in the process of conversion to a holiday cottage following permission in 2013. From the more remote public right of way to the south the building would be screened by existing tree and hedgerow that is growing along the north eastern boundary of the application site.

Additional planting is also proposed to the south of the stables and proposed manege which would mitigate any visual impact from the south. The removal of the unsightly shed that currently sits on the site is also factor that weighs in favour of acceptance of the new stable block. On balance, officers consider that the proposed stable block would not cause any significant harm to the established landscape quality of the area and this aspect of the proposals is therefore considered to be in accordance with L1 and LR7 (i) and (ii).

### Manege

As submitted the plans showed the construction of a new manege immediately to the south of Barn 1. However, the field in question sloped steeply from north to south and the proposals would have required a significant 'cut and fill' operation to provide the manege with a level surface. Officers and the Parish Council were concerned about the landscape impact of the engineering works when viewed from the public right of way to the south.

Following negotiations amended plans have been received showing the manege moved to a position in a paddock immediately to the south of Barn 2. The manege would measure 40m by 20m and would be enclosed by a 1.5m high post and rail fence. It would be surfaced with a black dressing, a sample of which has been submitted. The revised site has the advantage of being relatively flat so fewer engineering works are required, is better related physically to the other buildings on the site and is screened by the existing trees along the eastern boundary. A planting scheme has been submitted which shows additional planting along the southern boundary of the arena to help further screen the manege in views from the south.

The wider landscape impact of the proposed manege, as amended would not be significant subject to the proposed landscaping scheme and therefore, the proposal is considered to be in accordance with L1 and LR7 (i) and (ii).

### Retrospective consent – turnout yards

Two turnout yards have been created to the south of Barn 1. These measure 20m by 11m and 21m by 10m respectively. They have been formed by altering the prevailing ground levels to provide level surfaces and have been enclosed by post and rail fences. Buff coloured sand-based surfacing has been provided. These areas are located close to the main group of buildings and are not prominent in the wider landscape. However, some additional planting along the southern boundary of the manege would help to soften the appearance of the whole site when viewed from the south and so a condition requiring the submission of a landscaping scheme is considered to be necessary and reasonable.

### Cumulative Impacts

LR7 requires that the cumulative impacts of horse-related developments must be considered. Over-development of the site is one of the concerns that has been raised by the Parish Council. Purely in terms of landscape impact, as explained above, officers consider that each individual element of the scheme is acceptable in landscape terms subject to conditions. When taken cumulatively officers also consider that on balance, with the stable adjacent to Barn 1 reduced in size; with the initially proposed implement shed omitted; and with the manege relocated, that

when taken as a whole the development would not cause harm to the valued character of the site or its setting within the wider landscape. Therefore, there are no overriding objections to the revised application on landscape grounds but it is recognised there are a number of local concerns about the proposals including the question of whether the proposed development would affect the definitive line of a public right of way.

## **Issue 2 - Whether the proposed development would compromise the use of the public right of way known as 'Butterton Footpath no. 17.'**

Saved Local Plan policy LT20 states that where development proposals affect a public right of way, either the definitive line of the right of way should be retained or, in exceptional circumstances where the retention of the definitive line is not possible, the developer will be required to provide an alternative route that is (i) of equal or better quality than the original and (ii) has a similar or improved surface and (iii) wherever appropriate is of benefit to users with special needs and (iv) is available before the definitive route is affected and (v) is as convenient and attractive as the original. These provisions would be preserved in policy DMT4: Development affecting a public right of way in the emerging Development Plan Document.

In this case, a public right of way known as 'Butterton footpath no.17' heads south from the road to the east of and parallel to the access track to Willow Farm. It then turns west across land just to the south of the house and Barn 1. In 2012 the applicant applied to Staffordshire County Council to have the footpath diverted to a line which follows the access track south from the road before meeting the definitive line again to the west of Willow Farm, thus avoiding the route around the south of the buildings associated with Willow Farm, which raised security and privacy issues.

The County Council received no objections at that stage and the diversion order was approved by their Countryside and Rights of Way Panel on 14 September 2012. The officer's report highlighted the fact that people were already using the track rather than walking in the fields and that the proposed route is flatter and presents less boundary crossings thus making it easier to use for less able walkers. However, despite panel approval and new signage being placed on the revised route, the County Council's Public Rights of Way Officer has explained that there have been delays in processing this and other Public Path Orders in recent years and that the Order has not yet been formally made in legal terms.

This is relevant to the current proposals because both of the proposed stable blocks and the manege would sit across the original line of the public rights of way. The proposals would therefore be contrary to the first part of LT20 which requires the definitive line of a right of way to be retained other than in exceptional circumstances. However, given that the diversion order has been approved in principle and is in progress, there is a reasonable certainty that the alternative route will be provided in the near future and will meet the criteria for an exception under LT20. It is therefore considered to be reasonable and necessary to append a condition which prevents work on either of the stable blocks or the manege from commencing until the footpath order has been made. The agent has agreed to such a condition on behalf of his client.

In addition, the existing turnout yard to the south of Barn 1 (for which retrospective consent is being sought) impedes the line of the public right of way on its original line. Again, because there is reasonable certainty that the revised route will be approved, a condition that requires the turnout area to be removed, the land returned to its original contours and the right of way reinstated if, within 12 months of the date of the decision, the County Council refuses to complete an order to formally divert the public footpath to the route shown on the approved plans, is considered to be necessary and reasonable.

Therefore, subject to the conditions outlined above, the proposals would accord with the requirements of Saved Local Plan policy LT20. However, for clarity, the track to which the Parish Council refer (and which runs west to east immediately to the north of the farmhouse and which

has been gated off by the applicant), is non-definitive and the public do not have a right to use. The current use of this track is therefore not considered to weigh heavily in the determination of the current application. However, the Parish Council have also raised concerns about the impact of large number of horses on the local road network and the fact that there are no bridleways in the vicinity of the site.

### **Issue 3 - Impact on highway safety**

Saved Local Plan policy LR7 (iii) states that facilities for horses will be permitted provided that they are not likely to cause road safety problems and (iv) in the case of commercial stabling has good access from the bridleway network. The Parish Council are correct in that there are no bridleways in close to the application site. However the applicant has emphasised that the proposals are not intended to provide for commercial stabling or for a riding school. Most of the stabling would be for the applicants own horses and some provision would also be made for horses belonging to occupiers of the holiday cottages.

On that basis, given a maximum of 10 horses at any one time on site, it is not likely that there would be a significant impact either on the local road network or on the valued character of the area due to increased activity. It should be noted that the Highway Authority has raised no objections to the proposals. A condition restricting use of the facilities currently proposed to that in association with the private, domestic use of the occupiers of Willow Farm and by occupiers of the on-site holiday cottages is considered to be necessary and reasonable however, in order to restrict the nature and level of use to an acceptable level in accordance with LR7.

### Impact on Living Conditions and Public Amenity

Other material considerations in relation to the proposals include impact on the living conditions of neighbours as well as its potential impacts on the general amenities of the local area. Core Strategy policy GPS3 and Local Plan policy LC4 require that impact on privacy and amenity be taken into account in planning decisions whilst RT3 requires that development must not prejudice peoples' enjoyment of other existing activities including the quiet enjoyment of the National Park.

In this case the nearest neighbouring residential dwelling is 'Little Twist' which is some 250m to the south east and because of the distances involved; it is very unlikely that there would be any impact on the privacy and amenity of this property. With regard to the quiet enjoyment of the local area by the wider public, the Parish Council has raised issues with regard to manure storage and proximity to the public right of way. The agent, in response, has submitted a plan showing the location of the current muck heap which is close to the southern boundary of the land which the applicant's control, approximately 15m away from public footpath no. 18.

The agent has also confirmed that the heap is made up of dung, straw and wood shavings is not malodorous and is screened from the public right of way by a row of willows. In order to better manage the litter, a management plan has been submitted which shows a second heap, close to the first. The agents considers that whilst an earth bunded concrete panelled storage area could be provided, this is unnecessary given the volumes involved and could appear over-engineered. Officers concur with this view, especially given the screened nature of the site and the fact that the applicant has the machinery available to spread the muck on the land in ownership.

Consequently it is not considered that the proposals would prejudice the ability of walkers to enjoy the nearby public right of way and that they are therefore compliant with RT3 subject to a condition that requires the muck to be managed in accordance with the submitted plans, which is considered to be necessary and reasonable.

### Protected Species

Finally, in accordance with The Authority's Guidance Notes on Projected Species and

Development, a protected species survey was not required in this case because the barn to be converted to holiday use has been extensively renovated and re-roofed in 2012. There are no other obvious concerns that the proposals would otherwise affect a protected species or its habitat.

### **Conclusion**

In conclusion, the proposed development, as amended and subject to the conditions outlined above, represents an appropriate form of equestrian related development that would conserve the landscape character of the area as identified in the adopted Landscape Strategy; and which would conserve and enhance a non-designated heritage asset in accordance with policies L3, RT2, LC8 and LC4.

It is also considered that a number of the concerns raised by the Parish Council can be addressed by conditions controlling timing of works so that an alternative route for the public footpath, that is not prejudiced by the proposed development is put in place and subject to conditions controlling the level and nature of the use, the proposals are unlikely to have a significant impact upon the local road network or otherwise harm the valued character of the area due to the intensity of the proposed use.

Accordingly, the revised application is recommended for conditional approval.

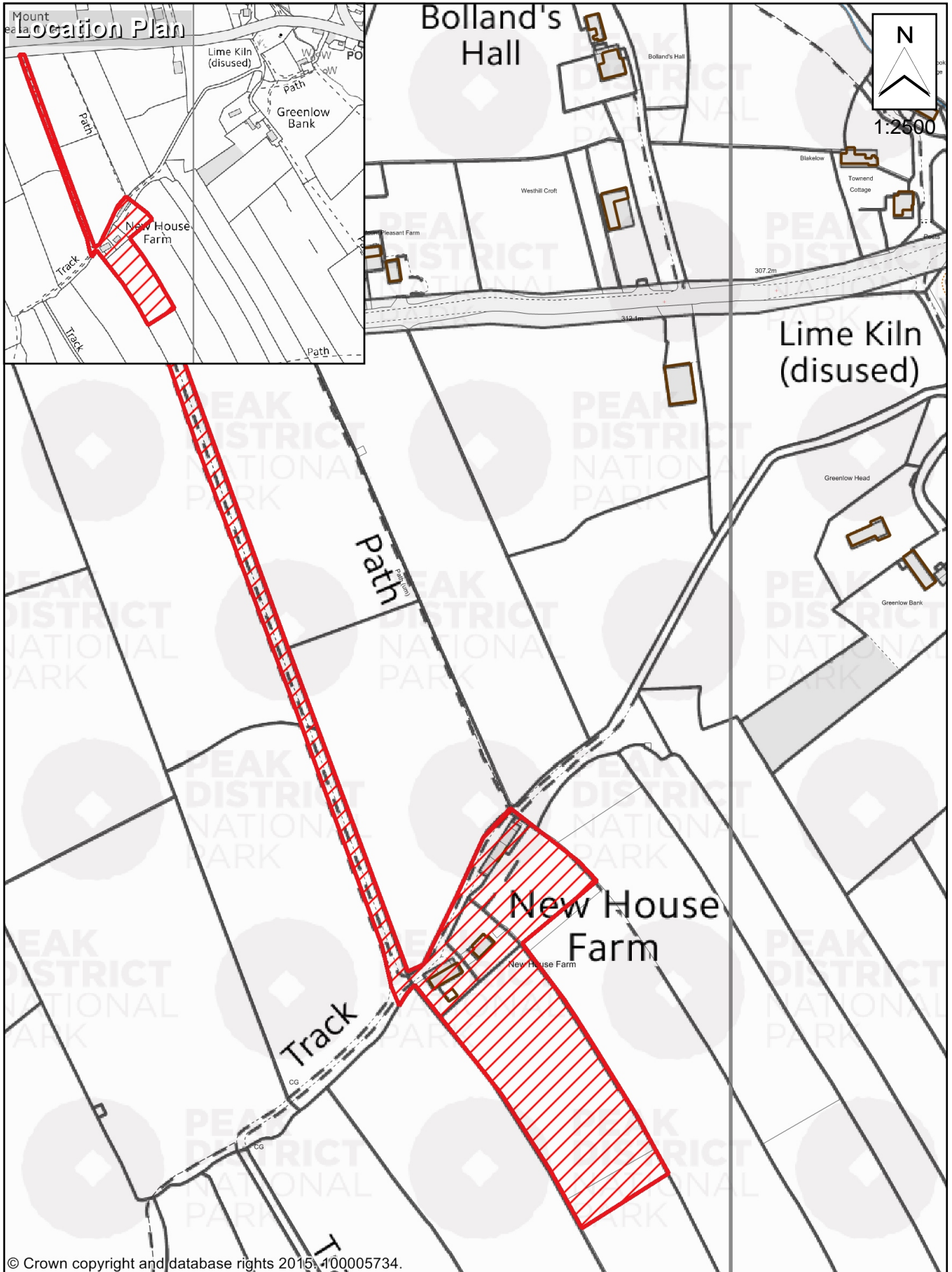
### **Human Rights**

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

### **List of Background Papers (not previously published)**

Nil





© Crown copyright and database rights 2015. 100005734.

Committee Date: 13/11/2015  
 Item Number: 10  
 Application No: NP/SM/0815/0739  
 Grid Reference: 406881, 356346

**Title:** Willow Farm  
 Butterton Moor Bank  
 Butterton



This page is intentionally left blank

**11. FULL APPLICATION – CHANGE OF USE OF UNITS 1 and 2 FROM CAFÉ/CRAFT SCULPTURE WORKSHOP TO MICROBREWERY (USE CLASS B2). RETAINING CAR PARKING AND EXTERNAL ELEMENTS (INCLUDING ELEVATIONS) AS EXISTING AT ROOKES POTTERY, MILL LANE, HARTINGTON. (NP/DDD/0815/0798, P6063, 412793 / 360345, 30/10/2015/SC)**

**APPLICANT: MR GILES LITCHFIELD**

**Site and Surroundings**

The premises which are subject of this application lie immediately adjacent to the public toilets in Hartington, close to the centre of the village and within the designated Conservation Area. The land rises gradually from Mill Lane to the rear of the premises, with the existing building appearing to be laid out broadly on two levels. The premises currently operate predominantly as a café with a pottery workshop and craft shop.

The building itself is divided into two units with one unit in the taller part of the structure at the rear of the site and another in the more substantial part of the structure lying at lower level and fronting towards Mill Lane. The roof of the building is clad with profile sheeting, with the external walls being clad with a variety of materials, including Davie Blocks, random coursed limestone, gritstone and profile sheeting.

There is a surfaced forecourt area in front of the building used for visitor parking, with space provided to the north of the building for a staff car park with a narrow grassed area beyond. Public rights of way run through the site, one in an east-west direction north of the building and another passing between the building and the public toilets; both these footpaths link up with a further footpath to the rear of the site.

The nearest private dwelling (Dove View) lies approximately 16m to the south of the main building and separated from the site by the public toilets in-between. Another private dwelling is situated approximately 32m to the north of the premises (Croft Cottage).

**Proposal**

The application seeks planning permission for a change of use of the premises from a café, pottery workshop/craft centre (mixed use), to a micro-brewery (B2 use class). The brewery would primarily make bespoke beers, but the application also indicates that some off sales are intended and the premises may provide brewery tours.

The submitted plans show the upper part of the premises would be used for storage and deliveries, with the lower unit incorporating a production process section, toilets, office space and sales area, with a mezzanine level for additional storage.

The external elevations of the building would otherwise remain unchanged with any future external alterations and/or advertising requiring separate applications if changes were to be made in the future. The existing external landscaping and access and parking would also remain unchanged.

**RECOMMENDATION:**

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

- 1. Statutory time limit**

2. To be carried out in accordance with the submitted plans
3. Restrict use to microbrewery within B2 Use Class (General Industrial)
4. Noise restriction at boundary of site
5. Odour limit at boundary of site
6. Restrict times of opening and deliveries
7. Retain existing parking and manoeuvring space

### **Key Issues**

- The impact of the proposed micro-brewery on the amenities of the local area

### **History**

- 1980 – Planning permission granted for the change of use of vehicle workshop to a B1 use.
- 2012 – Planning permission approved for the change of use to café incorporating gallery and craft shop.

### **Consultations**

Highway Authority - No objections, as the proposal is unlikely to result in any additional traffic movements over and above the existing authorised use.

District Council - No response to date

Parish Council - Object on the grounds that whilst they acknowledge the units have historically been used for industrial purposes, are concerned by a number of aspects, including the position of the microbrewery in the middle of a residential area. In addition, the microbrewery would not bring any new employment to the parish.

Other concerns surrounded smell/odour, potential 24 hour noise and possible increase in vermin around the area caused by raw materials required for the brewery. Visual impact from the storage of items was also of concern. Members felt that further information about drainage is required together with detailed information about the levels of noise associated with the operation of the microbrewery.

Environmental Health - No objections, subject to conditions being imposed to consider the mitigation of potential loss of amenity from noise and odours, including a condition to limit deliveries and dispatch of materials.

### **Representations**

Four letters of objection and two letters of support have been received. The key issues raised in these letters are summarised below:

#### **Objections**

- Traffic impact
- Impact on the historic village and the Conservation Area.

- Issues regarding effluent and drainage
- Noise issues relating to the amenity of neighbouring property
- Odour issues relating to the amenity of neighbouring property.
- Location not suitable for microbrewery.
- Impact upon the economy of the village, where a substantial percentage of income comes from tourism.

#### Support

- The microbrewery would attract more visitors and enhance the facilities for the local community in addition to providing employment, and making good use of the existing building.

#### **Main Development Plan Policies**

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1 and E1

Relevant Local Plan policies: LC4, LE6

#### Core Strategy

GSP1, GSP2, jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park's landscape and its natural and heritage assets.

GSP3 requires that particular attention is paid to the impact on the character and setting of buildings and that the design is in accord with the Authority's Design Guide and development is appropriate to the character and appearance of the National Park.

DS1 supports the conversion or change of use for business use, by seeking to direct development to the most sustainable locations.

E1 states amongst other things that proposals for employment uses of land and buildings within the National Park must be of a scale that is consistent with the needs of the local population and wherever possible, re-use existing traditional buildings or previous developed sites, and take up opportunities for enhancement.

#### Saved Local Plan

Policy LC4 expects a high standard of design with particular attention being paid to scale, form and mass, building materials, landscaping, amenity and privacy.

Local Plan policy LE6 states that where development for employment purposes is acceptable in principle, it will only be permitted provided that every practicable means is used, to minimise any adverse effects on the valued characteristics and amenity of the surrounding area. It also states, that where necessary, planning permission will restrict the future scale and intensity of the activities of the site.

#### Emerging Development Management Development Plan Document

Policy DME9 in the emerging Development Plan Document generally repeats the provisions of saved Local Plan policy LE6 and reiterates that where necessary, planning conditions will restrict future growth and intensity of the activities on an employment site.

### **National Planning Policy Framework ('the Framework')**

It is considered that the relevant policies in the Development Plan are consistent with national planning policies in the Framework because they support sustainable economic development and the reuse of existing buildings for employment uses.

In particular, paragraph 28, the Framework states, 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 and to promote a strong rural economy, local planning authorities should; 'support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings. Paragraph 115 of the Framework otherwise restates that great weight should be attached to conserving and enhancing the valued characteristics of the National Park.

### **Assessment**

DS1 supports the conversion or change of use for business use, by seeking to direct development to the most sustainable locations. Policy E1 states that proposals for business premises must be of a scale that is consistent with the needs of the local population and wherever possible, proposals must re-use existing traditional buildings of historic or vernacular merit or previously developed sites, and take up opportunities for enhancement. In these respects, the premises are in a sustainable location close to the centre of the village of Hartington, and the micro-brewery would be located in an existing building already in a mixture of use that would be of a scale and size that is consistent with the needs of a small artisan type business. Therefore, there are no 'in principle' objections to the current application.

The building currently houses a sculpture workshop in the top unit and the café, gallery within the larger unit, with the internal space of this unit being mainly open plan with some internal division providing toilets, office/sales, kitchen space and a mezzanine level for storage. Outside, to the front of the building is a customer car park area, with a smaller area to the north of the units for staff parking. In these respects, the current premises are not offering any particular community facility. The access and parking arrangement for the micro-brewery would remain unaltered from the general layout already in use and the Highway Authority has no objections to the current application as they consider the micro-brewery would be unlikely result in any additional traffic movements over and above the existing authorised use of the premises. Therefore, there would be a safe and suitable access to the premises and parking arrangements would be adequate, whilst the new use of the building would not result in the loss of a community facility or employment space.

There are no proposed external alterations to the building being proposed so the new use of the building would not impact on the character and appearance of the surrounding Conservation Area. Therefore, the potential adverse impacts of the new use of the building are primarily limited to any noise and disturbance arising from deliveries to and from the site, and noise and odours arising from the operation of the micro-brewery. In these respects, there are two residential properties that would be most likely to be directly affected by the proposals (Croft Cottage and Dove View) and there is a number of other nearby dwellings in the local area albeit these are over 25-30m away and on the opposite side of Mill Lane.

However, the District Council's Environmental Health Officer is satisfied that noise and odour issues can be dealt with by appropriate planning conditions and supplementary information has been submitted by the applicant that provides evidence that only a negligible amount of noise and odours would be omitted from the micro-brewery once it was taken into use.

These findings are consistent with the operation of other micro-breweries within the National Park that do not have any significant impact on amenity and do not appear to be unneighbourly. It is therefore considered that conditions limiting noise and odour levels at the boundary of the application site should adequately safeguard the residential amenities of the neighbouring properties whilst a restriction on hours of opening and delivery times would prevent any additional noise and disturbance that might be associated with vehicle movements and visitors to the premises.

It would also be reasonable and necessary to retain the existing parking and manoeuvring areas free from obstruction in the interests of highway safety and to restrict the use of the premises to a micro-brewery rather than grant consent for an unrestricted B2 use of the building. In this respect, whilst officers consider the proposed micro-brewery would not be unneighbourly, general industrial uses within a B2 class use can give rise to amenity concerns and therefore it would be appropriate to restrict the use of the premises especially when taking into account local residents' concerns about the use of the premises as a micro-brewery.

### **Conclusion**

It is therefore concluded that the application conforms to the relevant policies in the Development Plan and national planning policies in the Framework. This is because the micro-brewery would be an appropriate use for the premises, which are appropriately located within a named settlement and have a safe and suitable access. The proposed use would not otherwise have an adverse impact on the surrounding Conservation Area or the character, appearance and amenities of the local area subject to appropriate planning conditions. Accordingly, the application is recommended for conditional approval.

### **Human Rights**

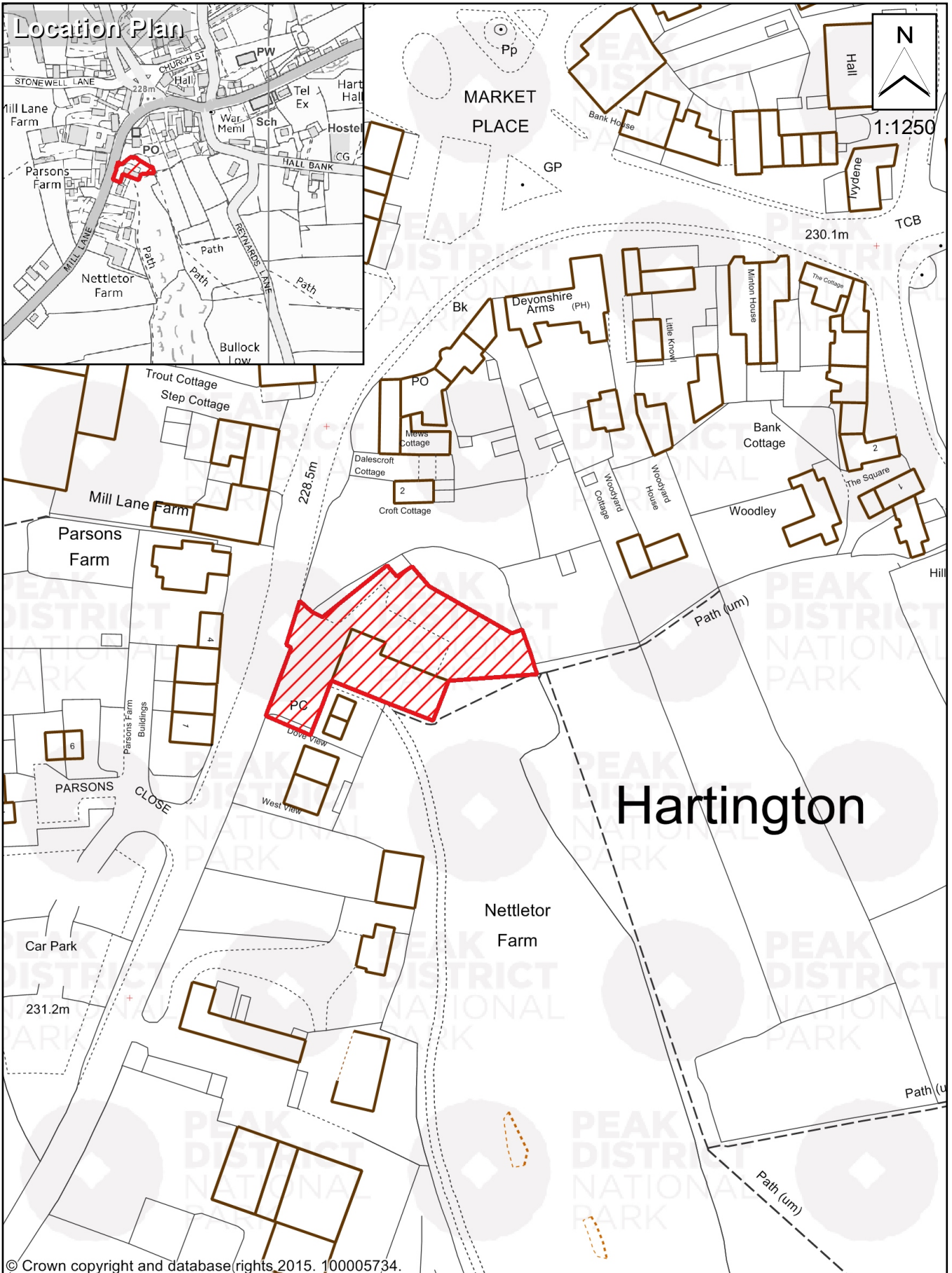
Any human rights issues have been considered and addressed in the preparation of this report.

### **List of Background Papers** (not previously published)


Nil

This page is intentionally left blank





© Crown copyright and database rights 2015. 100005734.

Committee Date:	13/11/2015	<b>Title:</b> Units 1 and 2 Rookes Pottery Mill Lane Hartington	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	11		
Application No:	NP/DDD/0815/0798		
Grid Reference:	412793, 360345		

This page is intentionally left blank

---

**12. FULL APPLICATION – PROPOSED AGRICULTURAL UNIT AT TOWN END FARM, MAIN STREET, CHELMORTON (NP/DDD/0715/0658, P.7868, 411102/369744, CF/1/11/2015)**

**APPLICANT:** Mr John Devereux

**Site and Surroundings:**

The application site lies to the west of Main Road towards the southern end of Chelmorton at the rear of a former stone built farmhouse and outbuildings which have been converted into a small housing complex of 6 residential units. The applicant lives in 'Unit 6' (now known as Town End Farm) which is to the rear of the other dwellings on the site, on the northern boundary of the residential development, and still owns the 11 acres of grassland which runs to the west of the site, and an area currently used as storage for building materials between the houses and the fields. There is a timber field shelter on the southern boundary of this area and the application site is on the northern boundary of this partly enclosed area between Unit 6 and the field wall.

The nearest neighbouring residential properties to the application site other than Town End Farm are Units 4 and 5 which are the nearest of the now-converted farm buildings to the application site. 'Unit 5' is approximately 38m to the south, and 'Unit 4' is approximately 35m to the south east of the application site.

Chelmorton is a named settlement in Core Strategy policy DS1 and the site is within the designated Chelmorton Conservation Area. The application site also lies within the 'Limestone Village Farmlands' landscape character area of the White Peak. The application site and surrounding landscape is typical of the Limestone Village Farmlands which is characterised by gently rolling plateaus alongside limestone villages and narrow strips of farmland with dry stone boundary walls

**Proposal:**

The current application seeks planning permission for the erection of an agricultural building. It is a resubmission of an earlier application (NP/DDD/0415/0343) and seeks to address the concerns raised by that application. However, this application has also been revised since its original submission and the applicant requires the application to be determined on the basis of amended plans that were submitted primarily to address concerns raised by officers regarding the design of the building.

The amended plans show that the proposed farm building would measure 13.715m x 7.62m, with an eaves height at 3.35m and ridge height at 4.4m above the adjacent ground level. The amended plans also show the walls would be clad with brown profiled metal sheeting and the shallow pitched roof clad with brown profiled zinc roofing. The roof of the building would be provided with six glass reinforced plastic rooflights on each side of the building and there would be two vertically timbered stable doors, a pair of full height timber doors in the south facing elevation and a picking hole with vertically timbered shutter in the west facing gable of the building.

The amended plans also show that the ridge of the roof over the building would run east to west with the building sited close to the northern boundary of the application site, which is defined by a dry-stone wall. A small section of wall on the western boundary would be relocated but the relocated wall would run up to either side of the western gable of the proposed building rather than enclose the building within the area that has been partially walled off at the rear of Town End Farm.

Notably, the revised application shows that access to the application site will now be restricted to access from the southernmost of two access points to the site from Main Road. Officers have also requested the submission of an agricultural appraisal for the building by an independent and

suitably qualified land agent but this additional information has not been submitted by the applicant.

### **RECOMMENDATION:**

That the application be APPROVED subject to prior entry into a s.106 legal agreement preventing the separate sale of the existing house at Town End Farm, the proposed farm building and associated land in the applicant's control, and subject to the following conditions or modifications:

#### **Statutory Time Limit**

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

#### **Approved Plans**

2. The development hereby permitted shall be carried out in complete accordance with the amended plans subject to the following conditions/modifications:

#### **Landscaping**

3. No development shall take place until a landscaping scheme, showing (i) precise details of types and numbers of tree species to be planted, (ii) a schedule for the permanent removal of the existing field shelter on land within the applicant's control, (iii) the details and timing of the blocking up of the existing alternative access to the application site from Main Road and (iv) a revised siting of the building and the details and timing of the erection a new field boundary wall, shall be submitted to and agreed in writing by the National Park Authority.

Thereafter, the permanent removal of the field shelter, the blocking up of the alternative access and the precise siting of the building and associated walling shall be carried out in complete accordance with the approved details and the approved planting scheme shall be carried out in the first planting season after the completion of the development, or the first planting season following the building first being taken in to use, whichever is sooner. Any plants that are damaged or die within the first five years of being planted shall be replaced with an identical specimen or a replacement agreed in writing by the National Park Authority.

#### **Design Details**

4. Confirmation of design details including vertical timber boarding to damp proof level for the walls and fibre cement sheeting factory coloured dark slate blue for the roof.

#### **Permitted Development Rights**

5. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, (or any order revoking and re-enacting that order) the building hereby approved shall not be used for any other purpose other than for the purposes related directly to agriculture as defined by s.336 of the Town and Country Planning Act 1990.

### **Key Issues:**

- The potential impact of the proposed building on its landscape setting; and

- whether the proposed building would harm other valued characteristics of the local area including views into and out of the surrounding area and nearby Conservation Area; and
- whether the proposed development is of a suitable size and scale, and where possible makes best use of existing buildings and landscape features; and
- whether the benefits of granting planning permission offset the limited agricultural justification for the proposed building.

### **History**

The conversion of the farm complex to residential units at Townend Farm began in 2006, there are numerous applications regarding the conversion and householder applications from the residents. The most relevant to this application are considered to be:

- 2015 Application seeking planning permission for proposed agricultural unit withdrawn prior to determination (NP/DDD/0415/0343).
- 2015 Retrospective planning permission for field shelter granted subject to conditions (NP/DDD/0415/0342).
- 2009 Removal of condition 12 on application number NP/DDD/0708/0577 to allow alternative access granted subject to conditions (NP/DDD/0309/0192)
- 2008 Proposed conversion and extension of existing barn to form dwelling (Unit 5) granted planning permission subject to conditions (NP/DDD/0708/0577)

### **Consultations**

Chelmorton Parish Council: In terms of the original submission, the Parish Council still had concerns about the proposed size of the farm building (in comparison to the building proposed in the previous application) in relation to all the other buildings around it most of which are now homes.

In terms of the revised application, the Parish Council continues to object to this application due to its scale, though the Council is pleased to see the height of the building has been reduced in the revised plans. The Council also considers that a more acceptable length building would confine the building to within the existing boundary stone walls ensuring that a gap is left between the boundary walls and the building itself to mask the lower blockwork. Moreover, the Council considers that the building should be timber clad down to the damp line with a fibre cement dark slate roof sheet.

The Parish Council conclude their comments on the revised application by saying that the scale of the building demonstrates a need for a fuller case for appraisal of its agricultural needs as the potential increased activity with the access road passing in front of all the domestic properties on this site needing to be assessed.

Derbyshire County Council (Highway Authority): No objections subject to use of development being associated with surrounding tied land only with no future sub-letting or selling-off.

Derbyshire Dales District Council: No response to date

### **Representations**

One letter has been received during the statutory consultation period objecting to the original

version of the current application. This letter raises the following concerns:

- An increase in traffic along the original northern driveway. The access to the south of the development was originally granted solely for agricultural access to the fields, thus enabling the separation of domestic and agricultural traffic. The original driveway severs units 1-4 from their parking as well as our garden from the rest of the house (Unit 4). The alternative access was therefore intended to increase the safety of all residents, in particular young families, as well as to avoid mess and disruption to units 1-4 from farm vehicles which were the stated reasons on the planning application for this access. However, despite this the original access can still be used for agricultural vehicles and this will increase with this development. A second gate on the northern driveway has never been installed despite it being on the plans which would have afforded us a small degree of safety. Large agricultural vehicles such as a tractor and baler and 8 wheeler wagons have negotiated the southern access with ease.
- The agricultural unit will be visible from all west facing windows and doors of our house which is the main outlook. It is still very large and high and will be visible from many other parts of the village across the fields. The size seems greatly in excess of the needs of the smallholding described. Had all the original agricultural buildings on this site not been converted to residential there would be no need for this additional building to manage the farmland.
- The proposed unit will make a big impact on the nature of the development which is now residential not agricultural and it is not on the site of a previous building. There is already lots of storage with Unit 6 which has got 4 garages. It extends the line of the development and the orientation remains unchanged from the original application. Although the height of the barn has been reduced it will still be a significant height compared to the surrounding buildings, particularly as the existing ground level rises up behind unit 6 where it is to be located.
- There could be a change of use to residential in the future on this building's footprint.

### **Main Policies**

Local Plan policy LC13 is directly relevant to the key issues at stake in the determination of the current application because it sets out specific criteria to assess the acceptability of new agricultural development within the National Park. LC13 states that new agricultural buildings will be permitted provided that they:

- (i) are close to the main group of buildings wherever possible and in all cases relate well to and make best use of existing buildings, trees, walls and other landscape features; and
- (ii) respect the design, scale, mass and colouring of existing buildings and building traditions characteristic of the area, reflecting this as far as possible in their own design; and
- (iii) avoid harm to the area's valued characteristics including important local views, making use of the least obtrusive or otherwise damaging possible location; and
- (iv) do not require obtrusive access tracks, roads or services. These should be designed with particular respect for the landscape and its historic patterns of land use and movement, and any landscape change likely to result from agricultural or forestry practices.

The Authority's Supplementary Planning Guidance (SPG) on agricultural development offers further guidance on the design of modern farm buildings and makes a clear distinction between the acceptability of a modern farm building which is consistent with the character of a farmed landscape and a building of unacceptable design where there is no functional justification for its size and massing.

Paragraph 3.6.4 of the SPG also states that most modern farm buildings are now typically constructed from a portal frame and clad in timber or sheeting which are often of a subtle color that would allow the building to assimilate into the landscape, and these are the types of modern farm buildings the Authority is most likely to find acceptable under the provisions of LC13.

### **Wider Policy Context**

The provisions of LC13 are supported by a wider range of design and conservation policies in the Development Plan including policies DS1, GSP1, GPS3, L1 and L3 of the Core Strategy and Local Plan policies: LC4 and LC5.

DS1 states that agricultural development is permissible within the National Park but farm buildings should also meet the requirements of landscape conservation policies GSP1 and L1 to ensure that the provision of new farm buildings does not result in conflict with the 'conservation purpose' of the National Park even where they may be reasonably required for the purposes of agriculture.

GSP3 and LC4 are applicable to all development in the National Park but are especially relevant to the current application because they reinforce the provisions of LC13 in respects of safeguarding the amenities of the local area, and they promote design solutions that would be sensitive to the distinctive character of both the natural and built environment of the National Park.

L3 and LC5 are also relevant because the application site is within the setting of a designated Conservation Area. L3 sets out a clear presumption against development that would not preserve the special qualities of a designated Conservation Area. LC5 otherwise sets out criteria that reflects the protection afforded to a Conservation Area by L3 and includes a presumption against development that would harm important views in and out of the Conservation Area

### **Landscape Strategy and Action Plan**

The Authority's Landscape Strategy and Action Plan is also a material consideration and says that that the application site is located in an area identified as Limestone Village Farmlands, in the White Peak, which is characterised by limestone villages, set within repeating pattern of narrow strip fields bounded by dry stones walls within gently undulating plateau of pastoral farmland.

The overall strategy is to protect and manage the distinctive and valued historic character of the settled, agricultural landscapes, whilst seeking opportunities to enhance the wild character and diversity of remoter areas. L1 of the Core Strategy otherwise requires development to respect and reflect landscape conservation priorities and objectives set out in the Authority's Landscape Strategy and Action Plan.

## **National Planning Policy Framework**

The relationship between policies in the Development Plan and the National Planning Framework has also been considered and it is concluded that they are consistent because the Framework promotes sustainable development sensitive to the locally distinctive character of its setting but also places great weight on the conservation of the scenic beauty of the National Park, its wildlife, and its heritage assets.

## **Assessment**

### **Agricultural Justification**

In the first instance, the revised application is not supported by an appropriate agricultural justification and whilst the building has been reduced in size and its design revised to more readily reflect a building that is purpose designed for agriculture, there remains concerns that the building is larger than is reasonably required for farming taking in to account the planning statement submitted with the application says applicant currently owns around 11 acres of land two horses and four lambs. This statement does however say it is the applicant's intention to build up a small herd of high quality sheep as well as eventually acquire some calving cows and that the building is required for storage of fodder, a tractor and implements as well as a lambing pen.

Notably, the provisions of saved Local Plan policy LC13 does not require an agricultural justification for new farm buildings whereas the equivalent policy for new farm buildings in the emerging Development Plan Document will require new farm buildings to be properly justified, if the policy is formally adopted as drafted. However, the emerging policy can only be given very limited weight at this time. Therefore, the acceptability of the farm building proposed in this application has to be made primarily on the basis of the very limited information supplied by the applicant with regard to whether the proposed building is otherwise acceptable in planning terms and meets the criteria in LC13, which is the current Development Plan policy that deals specifically with farm buildings.

### **Siting**

In terms of siting, LC13(i) says new farm buildings should be close to the main group of buildings wherever possible and in all cases relate well to and make best use of existing buildings, trees, walls and other landscape features. In this case, it is acknowledged that there are no remaining buildings on land in the applicant's control that could be used for farming other than the field shelter recently granted retrospective planning permission. However, on the amended plans the building is sited so it would relate reasonably well to surrounding landscape features. In particular, mature trees would serve to screen views into the site from distant vantage points, and the building has been sited so it would relate reasonably well to an existing field boundary albeit another dry stone wall on the western edge of the application site would need to be relocated.

Therefore, the revised proposal broadly accords with LC13(i) subject to refining the precise siting of the building so it is contained within a dry stone wall enclosure. The proposals would otherwise conform to LC13 (iv) because no hardstandings or new access tracks would be required to facilitate the proposed development because of its siting. Moreover, the proposed siting of the building also has the advantage that the building would not interfere with the medieval strip field system on the edge of the village more than what has already been done at the rear of Town End Farm subject to the slight amendment to the precise siting of the building, as suggested above. The site does not have any ecological value having been previously used for the storage of building materials, albeit this use of the land appears to have been carried out without the benefit of planning permission.



### Landscape and Visual Impact

By virtue of the proposed siting for the building, its visual impact would be mitigated by the presence of existing mature trees and other built development between the application site and the road running through Chelmorton (Main Road). This means that the building would not be especially prominent in the landscape or have a substantial impact on views into and out of the Conservation Area. In these respects, it is considered that the proposed building would be compliant with LC13(iii) insofar as the building would be sited in the least damaging practicable location on land in the applicant's control subject to a minor revision to the precise siting of the building, as suggested above.

Moreover, because of the limited visual impact of the building, the revised proposals would also comply with policies GSP1, GSP2, L1 and L3 of the Core Strategy and saved Local Plan policies LC4 and LC5, which seek to safeguard landscape character and the special qualities of the surrounding Conservation Area. However, officers would recommend that additional planting should be carried out to supplement the existing tree cover some of which is not on land within the applicant's control.

### Design

LC13(ii) otherwise requires new farm buildings to respect the design, scale, mass and colouring of existing buildings and building traditions characteristic of the area, reflecting this as far as possible in their own design. Further guidance on the appropriate design of modern farm buildings is provided in the Authority's SPG on agricultural development. In this case, despite several revisions, the proposed building is still problematic in design terms albeit the reductions in the size and scale of the building have helped to address some of the Parish Council's concerns about this application.

Reducing the overall form and massing of the proposed building during the course of this resubmission, particularly when compared to the previous application, means that the building would not be particularly over dominant when seen in the context of the nearby houses including the applicant's own house, which is immediately adjacent to the application site. Nonetheless, the materials used in the construction of the building are not especially appropriate for a building that might accommodate livestock and it is not evident why a building that does not appear to have a loft has a picking hole at high level or why stable doors are required unless the building was to accommodate horses.

Notwithstanding these issues, officers agree with the Parish Council's recommendations that the building should be timber clad down to the damp line with a fibre cement dark slate roof sheet. Officers also consider that the doors in the building should be restricted to a standard pedestrian door and a pair of full height sliding doors. With these amendments to the design of the building alongside the amendment to its precise siting as mentioned above, the building would meet the requirements of LC13(ii) whilst continuing to be able to meet the functional requirements of the applicant's planned farming operations.

### Neighbourliness

The property that would be most directly affected by the proposed building would be the applicant's own house that lies immediately adjacent to the application site and the site of the proposed building. Whilst the proposed building would not overshadow the applicant's house, block light or harm the outlook from the principal windows in the applicant's house, noise and disturbance and odour nuisance could become an issue if the building and associated land were to be sold separately. These potential problems would be resolved by prior entry into a legal agreement preventing separate sale of the existing house, the proposed buildings and the associated land in the applicant's ownership. This type of legal agreement would also mitigate concerns that the building is not properly justified by the operational requirements of a farm

business because preventing the separate sale of the building from the associated land would mean the building would continue to be required for managing the 11 acres of land that are being used to justify the need for a modern farm building.

In these respects, it is considered that a legal agreement of this nature would be necessary to make the proposed development acceptable in planning terms, would be directly related to the proposed development and would be reasonably related to the proposed development in scale and kind. Furthermore, a planning condition could not otherwise be used to prevent the separate sale of the existing house and the proposed building and/or the associated land.

In terms of other nearby residential properties, the applicant has partially addressed some concerns by showing that access to the application site would be restricted to the southernmost access to the application site from Main Road. The revised plans show the northern access point off Main Road would be blocked off with a drystone wall. This would mean that the residential properties that also use the northern access point would suffer less disturbance from any farm vehicles moving to and from the proposed building and there would be less potential for conflict between farm vehicles and domestic traffic. The Highway Authority does not object to the proposals providing the building remains in an agricultural use. Consequently, officers are satisfied that the farm building if it were restricted to an agricultural use would have a safe and suitable access.

By virtue of its siting and the intervening distances between the proposed building and the nearest residential properties (other than the applicant's own house), it is highly unlikely that the building would otherwise be unneighbourly or detract from the living conditions of other local residents to such an extent that refusal of the application on amenity grounds would be reasonable. Therefore, the revised application is considered to be in accordance with LC4 and GSP3, which seek to safeguard the residential amenities of properties affected by development proposals subject to prior entry into a section 106 legal agreement on the terms set out above to safeguard the residential amenities of Town End Farm itself.

### Sustainability

Subject to the conditions recommended above relating to the precise design and siting of the proposed building and landscaping (including the blocking up of the northern access point to the application site) and the recommended legal agreement, it is considered that the proposed building would not unduly harm the valued characteristics of the local area. Therefore, it could be possible to grant planning permission for the building on these terms. However, the issues are finely balanced and it is also reasonable to say that the proposed building would not enhance the character, appearance or amenities of the local area by virtue of its size and scale and the materials used in its construction. This is especially the case taking into account the adverse impacts of the storage of building materials on the site appears to arise from a potentially unauthorised use of the land.

Furthermore, it does remain that the proposed legal agreement only partially addresses the concerns that the building has not been properly justified in terms of it being reasonably required to meet the operational needs of a subsisting farm business. This issue is of particular concern to the Parish Council and policies in the emerging Development Plan Document would require more justification than supplied by the applicant to support this application before permission could be granted. Therefore, it is reasonable to say the proposed building should only be acceptable in this location within a Conservation Area within a National Park if it were reasonably required for farming. In this respect, the applicant's case is not helped by the retention of the field shelter on the land.

The retention of the field shelter would give rise to serious concerns that the proposed building would actually be put into a mixed use for farming and the keeping of horses, which the applicant has not applied for and the applicant has not paid the relevant application fee for a mixed use

building either. A condition restricting the use of the building could address this concern and also prevent a change of use of the building under permitted development rights to a flexible use, which would not be acceptable in planning terms not least because of the restricted nature of vehicular access to the application site.

However, the retention of the field shelter also gives rise to concerns that the proposed building and the field shelter cumulatively would have an unacceptable impact on the character and appearance of the Conservation Area and the immediate landscape setting of the application site. Moreover, the keeping of horses on the land could prejudice the quality of the fields for grazing by way of excessive poaching in the winter months. Therefore, it is considered reasonable and necessary to require the field shelter to be permanently removed from the land prior to the erection of the proposed building.

This condition would then give greater certainty that the applicant's stated intentions to expand his very limited farming operations would be reasonably likely to happen and give rise to wider public benefits than is currently being indicated would be achieved if planning permission were to be granted for the revised application. The removal of the field shelter would therefore help to promote a more sustainable form of development that should provide some socio-economic benefits by allowing the applicant to concentrate on developing his farming business and offer some environmental improvements to the local area that would not be achieved if planning permission were granted for the new building but the field shelter was also kept on the adjacent land in the applicant's control.

### **Conclusion**

It is therefore concluded that the current application does meet the criteria set out in LC13 for agricultural developments and in all other respects complies with the relevant policies in the Development Plan and the Framework subject to the planning conditions recommended in the above report and subject to prior entry into a s.106 legal agreement to prevent the separate sale of the existing house at Town End Farm from the proposed building and associated land in the applicant's control.

Accordingly, the current application is recommended for conditional approval.

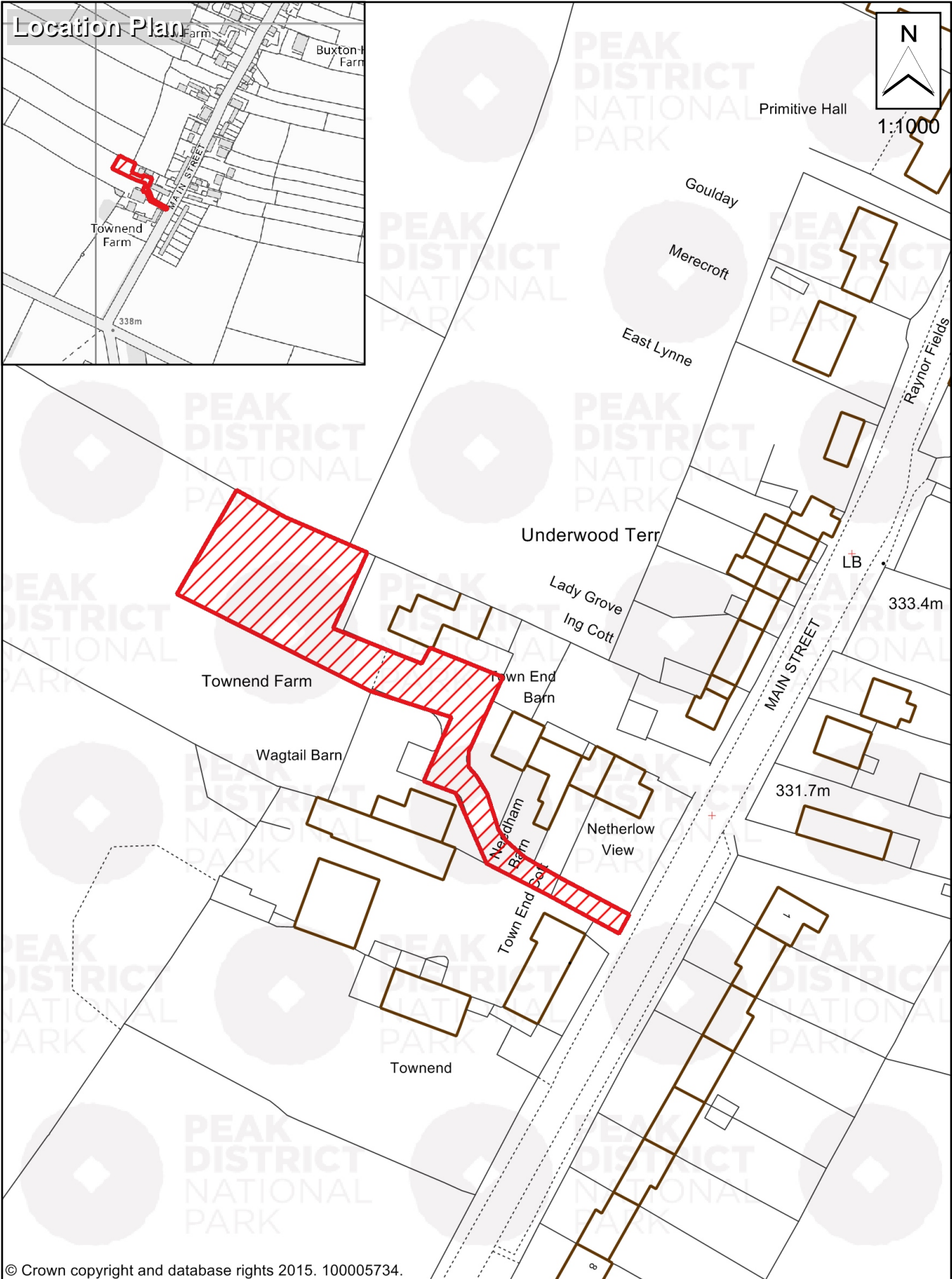
### **Human Rights**

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


### **List of Background Papers** (not previously published)

Nil

This page is intentionally left blank



© Crown copyright and database rights 2015. 100005734.

Committee Date:	13/11/2015	<b>Title:</b> Town End Farm	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	12	Main Street	
Application No:	NP/DDD/0715/0658	Chelmorton	
Grid Reference:	411102, 369744		

This page is intentionally left blank

**13. FULL APPLICATION – DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF REPLACEMENT DWELLING, INCLUDING NEW SITE ACCESS AT, THE TREES, INTAKE LANE, BAKEWELL (NP/DDD/0915/0862, P.7707, 422287 367494, 22/09/2015/KW)**

**APPLICANT: MR JOHN UPTON**

**Site and Surroundings**

The Trees is a modern early 1960's bungalow situated close to the top of a steeply sloping bankside above the western side of Intake lane, on the southernmost edge Bakewell. The bungalow sits fairly close to the edge of the bankside and has an overbearing impact upon Intake Lane below, particularly during the winter months, when intervening vegetation is not in leaf. It is also prominent in the landscape when viewed from a section of the A6 to the east.

The bungalow is constructed of reconstructed gritstone under a concrete tile roof, and is of a typical 1960's bungalow design with a timber shingle-clad 'feature' frontage facing towards Intake Lane. There is an attached flat-roofed addition to the rear, which abuts the sloping field levels. There is a large mature tree in the northern corner of the site. Access to the bungalow is via Intake Lane, a single-width tarmacked lane, which has substandard visibility on to the A6. The current access to the site is on the inside of a bend in the lane, to the south of the bungalow.

The site is bounded by a detached bungalow to the north and open fields to the rear (south-west). The applicant owns the adjacent field to the south-west and has parked four building construction vehicles in the field, immediately to the rear of the bungalow. He has also installed some temporary security fencing along the field frontage on to Intake Lane, to deter theft of the vehicles.

**Proposals**

The application proposes the demolition of the existing bungalow and its replacement with a two-storey replacement dwelling, which is to be re-sited a further 11.0m back into the site away from Intake Lane, into part of the field to the rear. The floor level of the house is to be the same as the existing bungalow and this requires excavation into the rising field levels to the rear in order to achieve this.

The proposed dwelling has a low two-storey form and an 'L' plan footprint (134.35m<sup>2</sup>) with a 13.3m frontage length and a total internal floor area of 216.57m<sup>2</sup>. The existing bungalow has a footprint of 146.80m<sup>2</sup>, a frontage length of 14.6m and a total internal floor area of 121.32m<sup>2</sup>.

The dwelling is designed to resemble a traditional low two-storey farm outbuilding. It would be constructed of natural limestone under a natural blue slate roof (35° pitch). Some natural gritstone would be introduced into the walling, which is a particular feature of walling stone in the Bakewell area. The opening details reflect the traditional barn vernacular and comprise simple, undivided window and door frames, which are to be provided with natural gritstone lintels and sills. Traditional, full-length arched openings are to be inserted in the main frontage elevation and the south-eastern gable to maximise the views over the Wye Valley and to further emphasise the traditional vernacular farm outbuilding design approach.

A double garage would be provided within the rising ground levels, such that the garage roof is at field level and land above the garage retained as part of the field. In order to achieve the same ground floor level as the existing bungalow, the new house would be excavated into the sharply rising field levels, requiring the erection of 3.5m high natural limestone retaining wall to the rear of the house.

Although not forming part of this application, the large mature tree in the northern corner of the site is to be felled as it is within close proximity to the existing and proposed dwellings and also overshadows the adjacent bungalow to the north. Amended plans have also been received since the original submission of this application showing minor amendments to window details.

**RECOMMENDATION:**

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

- 1. 3 year implementation time limit**
- 2. In accordance with the submitted plans and amended plan no. PO5 Rev D.**
- 3. The replacement dwelling shall be set into the sloping ground levels, with the finished ground floor level set at the same level as the existing bungalow. Prior to the commencement of the replacement dwelling works, plans to a minimum scale of 1:100 shall be submitted and agreed in writing by the Authority showing the finished ground levels of the replacement dwelling, showing the dwelling excavated into the existing sloping ground levels adjacent to the replacement dwelling footprint. Once agreed, the scheme shall be carried out in accordance with the approved details.**
- 4. Existing bungalow and other existing structures, to be removed from the site prior to the commencement of the replacement dwelling works.**
- 5. Submit and agree any details of spoil removal arising from the dwelling demolition and excavation works.**
- 6. 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 replacement dwelling shall be carried out and no extensions, porches, ancillary buildings, solar panels, gates, fences, walls or other means of boundary enclosure shall be erected on the site without the National Park Authority's prior written consent.**
- 7. Prior to the installation of any external lighting, full details of the precise design and specifications of the lighting, or source of illumination including its location, and luminosity, shall be submitted to and approved in writing by the National Park Authority. The lighting or any other source of illumination shall thereafter be carried out in accordance with the approved specification and shall be permanently so maintained.**
- 8. Submit and agree comprehensive hard and soft landscaping scheme.**
- 9. Restrict domestic curtilage to area edged green on plan no. 1/P.7707.**
- 10. Details of a scheme of appropriate Environmental Management measures, including details of the position and specification of 'built in' solar panels, 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 agreed in writing by the Authority.**
- 11. Stonework to be in natural limestone interspersed with natural gritstone. Sample panel to be agreed.**



12. **Roofs to be clad in natural blue slate.**
13. **Central first floor window in North-East Elevation to be reduced in width to 1.1m to match the width of the ground floor window beneath.**
14. **The external corners of the replacement dwelling shall be provided with dressed natural gritstone quoins, where shown on the approved elevational plan. The quoins shall be 450mm in length x 300mm deep.**
15. **Recess all door and window frames a minimum of 100mm (4inches) from the external face of the wall.**
16. **The full length arched opening in the North-East Elevation shall be provided with natural gritstone voussoirs to the depth shown on the approved elevational drawing.**
17. **All window openings shall be provided with natural gritstone lintels and sills, and all door openings shall be provided with natural gritstone lintels where shown on the approved elevational plans.**
18. **The external doors and window frames shall be of timber construction or narrow-section powder-coated aluminium. Prior to the installation of the doors and door and window frames, full details of their precise design, including any glazing bar detail and external finish/treatment, shall be submitted to and approved by the Authority. The scheme shall then be carried out in accordance with the approved details and the external finish of the timberwork shall be permanently so maintained.**
19. **Submit and agree hard-surfacing details in respect of the access and access drive.**
20. **All new service lines associated with the approved development, and on land with the applicant's ownership and control, shall be placed underground and the ground restored to its original condition thereafter.**
21. **Submit and agree details of disposal of foul and surface waters.**
22. **Minor design details.**
23. **Submit and agree details of construction compound to be installed prior to commencement of the construction of replacement dwelling**
24. **Vehicle parking and manoeuvring spaces to be provided prior to the occupation of the replacement dwelling and maintained free from obstruction thereafter.**
25. **Prior to occupation of the replacement dwelling, adequate bin storage and a bin dwell area for us on refuse collection days shall be provided within the site curtilage clear of all access and parking and turning provision and maintained free from obstruction thereafter.**

### **Key Issues**

1. Whether the principle of the proposed replacement dwelling complies with Local Plan policy LH5 and the emerging Development Management Document (DPD).
2. Whether the proposed dwelling is of a similar size to the bungalow it will replace (LH5 criterion iii)

3. Landscape and visual impact and design.
4. Impact on neighbours.
5. Environmental Management.
6. Access and Parking.

### **History**

August 1959 – Full planning consent granted for the erection of the bungalow.

January and October 2015 - Enforcement enquiries lodged concerning the removal of a hedge, vegetation clearance and the storage of builders' materials and vehicles in the field to the rear.

February-September 2015 - Pre-application discussions concerning the erection of a replacement dwelling. The agent was advised that the principle of a replacement dwelling would be acceptable, given the prominent position and untraditional design and form of the existing bungalow. A contemporary design approach was initially discussed, however, it was subsequently concluded that a tradition dwelling approach would be the most appropriate for this site. It was also considered that a low-two storey dwelling replacement, set further back away from the steeply sloping bankside adjacent to Intake Lane would be preferable, in order to mitigate its landscape impact and enhance the landscape character of the locality.

### **Consultations:**

Highway Authority – Conditional consent to cover the following highway concerns:

Intake Lane is a private lane generally of single vehicle width and is without footway margins, street lighting and drainage. It is mostly unmade and would appear to serve a very limited number of premises. Other premises only back onto it being served via frontages to publicly maintainable estate roads. Exit visibility from the Lane out onto the adjacent classified road (A6) does not meet current requirements. Additionally Intake Lane carries the route of a Public Right of Way (Bridleway 11 Bakewell on the Derbyshire Definitive Map). On the basis of the above it is not considered suitable for any significant increase in traffic movements.

Notwithstanding the above it is noted that the application is to replace an existing dwelling and as such it is not considered that the proposals would result in any significant traffic movements over and above the current authorised use of the site. The lane appears to be very lightly trafficked at present and as a result of its limitations the majority of drivers drive at an appropriately low speed suitable for the nature of the lane. There are no recorded injury accidents in the vicinity of the site that would justify the Highway Authority raising objection to the application proposals presented on highway safety grounds.

Exit/pedestrian visibility should be maximised from the access point i.e. the proposed front boundary wall should not exceed 1 m in height.

Given the distance from the publicly maintainable highway access by service/delivery vehicles will be required and as such the Highway Authority recommend that the proposals should include adequate turning provision for such vehicles. It is presumed that there is already an existing arrangement for refuse collection. It is noted that there is sufficient space within the site curtilage to provide for bin storage and bin dwell area. Bin storage and dwell areas should not obstruct the private drive access, parking or turning provision.

The construction phase may require consideration - the lane is narrow and carries the route of a Public Right of Way. Construction traffic would potentially lead to equestrian/pedestrian/vehicular conflict.

District Council – No response to date.

Town Council – Recommend acceptance of the proposal on design and appearance grounds.

### **Main Policies**

In this case, saved policies LC4 and LH5 are considered to be especially relevant to the key issues in the determination of the current application.

Policy LC4 states that 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. Particular attention will be paid to, amongst other things, the amenity, privacy and security of the development and of nearby properties.

Policy LH5 (Replacement Dwellings) states that the replacement of unlisted dwellings will be permitted provided that:

- (i) the replacement contributes to the character or appearance of the area.
- (ii) it is not preferable to repair the existing dwelling.
- (iii) the proposed dwelling will be a similar size to the dwelling it will replace.
- (iv) it will not have an adverse effect on neighbouring properties.
- (v) it will not be more intrusive in the landscape, either through increased building mass or the greater activity created.

LH5 also says the existing structure must be removed from the site prior to the completion of the replacement dwelling or within 3 months of the occupation of the new dwelling where the existing dwelling is a family house.

In addition to policies LC4 and LH5, the draft Development Management Policies Development Plan Document (DPD) was presented to and agreed by members at the Authority Meeting on 2 October 2015. At the October Authority Meeting members agreed that from this stage some limited weight may be attached to the emerging DPD as a material planning consideration; as an agreed statement of the Authority's intended position on development management policy.

Policy DMH9 of the emerging DPD is of particular relevance to this application. This specifically relates to Replacement Dwellings and states that these will be permitted provided that:

- (i) the dwelling to be replaced is not listed individually or as part of a group listing, and
- (ii) the dwelling to be replaced is not considered to have cultural heritage significance, and

Where the original dwelling complies with these principles, development will only be permitted where:

- (iii) the proposed replacement dwelling demonstrates significant overall enhancement to the valued character and appearance of the site itself, and the surrounding built environment and landscape, and
- (iv) the replacement dwelling will not create an adverse impact on neighbours residential amenity, and
- (v) in the event that the replacement dwelling is on another footprint, the existing dwelling is removed from the site prior to the completion of the development, or within 3 months of the first occupation of the new dwelling where the existing dwelling is in residential use, and
- (vi) where there is specific evidence of general housing demand in the Parish for dwellings of the size proposed to be replaced, the replacement dwelling is restricted to that size and/or type.

Further detailed advice on design is provided in the Authority's supplementary planning documents: the Design Guide and its appendix, the Building Design Guide.

#### Wider Policy Context

Relevant Core Strategy policies include: CC1, GSP1, GSP2, GSP3, GSP4, L1 and L2.

Relevant saved Local Plan policies include: LC17, LC20, LT11 and LT18

Policy 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. Policy GSP2 states that, proposals intended to enhance the National park will need to demonstrate that they off significant overall benefit to the natural beauty, wildlife and cultural heritage of the area. They should not undermine the achievement of other Core policies.

GSP2 further states that when development is permitted, a design will be sought that respects the character of the area, and where appropriate, landscaping and planting schemes will be sought that are consistent with local landscape characteristics and their setting, complementing the locality and helping to achieve biodiversity objectives. GSP2 also says opportunities should be taken to enhance the National Park by the treatment or removal of undesirable features or buildings. Work must be undertaken in a manner which conserves the valued characteristics of the site and its surroundings.

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

Policy GSP4 states, amongst other things, that in order to aid the achievement of its spatial outcomes, the Authority will consider the contribution that a development can make directly and/or to its setting, including where consistent with government guidance, using planning conditions and planning obligations.

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 CC1 states that all development must make the most efficient and sustainable use of land, buildings and natural resources, must take account of the energy hierarchy and must achieve the highest possible standards of carbon reductions and water efficiency. Policies CC1 is also supported by the Authority's adopted supplementary planning document (SPD) on Climate Change and Sustainable Building.

L2 and LC17 promote and encourage biodiversity within the National Park and seek to safeguard nature conservation interests. LT20 seeks to safeguard important trees that might be affected by development proposals. 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.

### **National Planning Policy Framework ('The Framework')**

It is considered that the relevant policies in the Development Plan, noted above, are consistent with national policies in the Framework in this case because both local and national planning policies promote sustainable development that would be of a high standard of design and sensitive to the valued characteristics of the National Park.

### **Assessment**

#### **Issue 1 - Whether the principle of the proposed replacement dwelling complies with Local Plan policy LH5.**

Policy LH5 (ii) specifies that a replacement dwelling will only be permitted where it is not preferable to repair the existing dwelling. In this case the existing bungalow was built in the early 1960's. It has a simple rectangular plan, a 7.85m gable width and a fairly shallow roof pitch (28°). The materials are inappropriate to the area being a mixture of reconstructed gritstone walling with inappropriate snecked, random rubble coursing and a 'feature' panel of cedar shingles on its main frontage. The roof is clad with engineered concrete tiles of inappropriate form. The detailing is also inappropriate comprising dark brown 'timber effect' uPVC door and window frames. The overall effect is a property that is out of keeping with the local vernacular. It would therefore clearly not be preferable to repair and retain the existing dwelling due to its unsympathetic character, appearance and materials, and its prominence in the landscape.

In this case it is therefore considered that the site represents an opportunity for enhancement both in building and landscape terms, by an appropriate redevelopment of the site. The principle of a replacement dwelling is, therefore considered to meet criterion (ii) of Local Plan policy LH5.

#### **Issue 2 - Whether the proposed dwelling is of a similar size to the bungalow it will replace (LH5 criteria iii)**

This aspect of the policy uses the phrase 'similar size' as a parameter to control the size of replacement dwellings to protect the landscape, instead of a simple like for like floor space or volume calculation. This enables a degree of flexibility necessary to both achieve enhancement of the Park and to allow the scale of a replacement dwelling to respond to what is appropriate for any particular site and its setting.

Whilst this consideration cannot be divorced from landscape impact it does need to be satisfied if the scheme is to be judged as policy compliant. In this case, the existing bungalow has a footprint of 146.80<sup>2</sup>. The replacement dwelling has a footprint area of 134.35m<sup>2</sup>. In footprint terms, therefore, the replacement dwelling is smaller. The internal floor area of the existing bungalow is 121.32m<sup>2</sup>. Whilst the proposed replacement dwelling is of a low, two-storey form, it

does provide accommodation on two floors and consequently, its total floor area amounts to 216.57m<sup>2</sup>, which represents an increase in floor area of 95.25m<sup>2</sup>, or 78%.

Footprint and floor area must also be considered alongside other measures of size, and volume is a useful measure as this more closely represents the scale and massing of a proposal and is therefore more indicative of how these relate to the local building traditional and potential impact on the surroundings. In this case, the bungalow has a volume of 558.5m<sup>3</sup>. The replacement house has an above ground volume of 782.5m<sup>3</sup> which equates to a 40% increase in the size of the existing bungalow. This would therefore exceed the normally accepted allowance of 25% on top of the original bungalow which is the guideline volume given in the Local Plan for domestic extensions.

However, the repositioning of the dwelling further into the adjacent field and away from the more prominent site of the existing dwelling will serve to mitigate the impact the increased size/height of the proposed dwelling. It is therefore considered that the replacement dwelling size, as proposed is within acceptable parameters

It is considered, therefore, that the phrase ‘similar size’ in this part of policy LH5 enables a degree of flexibility necessary to achieve enhancement of the Park and to allow the scale of a replacement dwelling to respond to what is appropriate for any particular site and its setting. In this case, whilst the replacement dwelling would be larger than the existing, it is considered that its acceptability depends upon whether the proposals would contribute to the character of the area or offer up other planning gain that would outweigh any concerns about the increase in size.

In addition to the Authority’s Core Strategy and Local Plan policies, there is a specific policy on replacement dwellings in the Authority’s emerging Development Plan Document (DPD). Policy DMH9 of the DPD states that these will be permitted where:

- (i) the dwelling to be replaced is not listed individually or as part of a group listing, and
- (ii) the dwelling to be replaced is not considered to have cultural heritage significance, and

Where the original dwelling complies with these principles development will only be permitted where:

- (iii) the proposed replacement dwelling demonstrates significant overall enhancement to the valued character and appearance of the site itself, and the surrounding built environment and landscape, and
- (iv) the replacement dwelling will not create an adverse impact on neighbours residential amenity, and
- (v) in the event that the replacement dwelling is on another footprint, the existing dwelling is removed from the site prior to the completion of the development, or within 3 months of the first occupation of the new dwelling where the existing dwelling is in residential use, and
- (vi) where there is specific evidence of general housing demand in the Parish for dwellings of the size proposed to be replaced, the replacement dwelling is restricted to that size and/or type.

Officers consider that the current proposal meets the criteria (i) – (v) listed in DPD policy DMH9, particularly in respect of Criterion (iii) as the proposed scheme offers up significant enhancement of the site itself and the locality.

In respect of criterion (vi) this is a detached bungalow with a floor area of around 121.32m<sup>2</sup>. It is acknowledged that there is general housing demand in the Bakewell area for single level properties. Whilst this is generally the case, it is considered that the floor area of the present bungalow easily exceeds the maximum floorspace guidelines for 5-person local needs dwellings (87m<sup>2</sup>), and this particular site is situated on a steeply sloping bankside on the southernmost edge of the town about 1.0km away from the town centre.

In this case, pedestrian access is initially via Intake Lane, which has no separate footpath and with a substandard access crossing point across the A6. Moreover, it is not considered that there is a shortage of similar bungalows of this size or type in Bakewell itself, which are in more sustainable locations, and are available to purchase on the open-market. For these reasons, it is not considered that, in this case, the size of the replacement dwelling needs to be restricted to the size/floor area of the present bungalow.

It is therefore considered that the proposals comply with all aspects of the emerging DPD policy DMH9, albeit the DPD can be afforded only limited weight as a material planning consideration because it has not yet been formally adopted as part of the statutory Development Plan.

### Issue 3 - Landscape, Visual Impact and Design

Clause (i) in policy LH5 requires that the replacement dwelling must contribute to the character and appearance of the area and clause (v) states that it should not be more intrusive in the landscape either through increased building mass or the greater activity created. In this case, given the flexibility offered up in clause (iii) in terms of the dwelling being of a 'similar' rather than the same size as the dwelling to be replaced, officers consider that a larger dwelling could be accommodated on this site without necessarily causing harm to the landscape. Moreover, given the more appropriate design, form and detailing of the proposed dwelling and its repositioning further away from the steeply sloping contours of the bankside immediately adjacent to Intake lane this will provide significant enhancement of the immediate site surroundings and the wider landscape.

The existing bungalow is prominent from a number of vantage points. In particular, it has a dominant, overbearing impact when viewed from Intake Lane below and is also visible from a section of the A6 to the east, particularly during the winter months when the roadside trees along this section of the A6 are not in leaf.

Due to the prominence of the existing bungalow and its position close to the steeply sloping bankside, officers advised at the pre-application stage that a low two-storey dwelling of a reduced footprint repositioned further into the adjacent field would be the best approach for this area. This was subject to the finished floor level of the proposed dwelling being the same as the existing bungalow. The submitted scheme reflects the officer's pre-application advice and proposes a simple, low, traditional farm outbuilding re-sited further into the rising field levels to the rear of the site. The floor level of the house is to be the same as the existing bungalow and this requires excavation into the rising field levels to the rear in order to achieve this.

The proposed dwelling has a low two-storey form and an 'L' plan footprint (134.35m<sup>2</sup>) with a 13.3m frontage length, both of which represent a reduction in the footprint area/frontage length of the existing bungalow (148.80m<sup>2</sup>/14.6m respectively).

Although the overall ridge height of the dwelling is 2.25m higher by compared to the existing bungalow, this is mitigated by the repositioning of the dwelling frontage a further 11.0m away from the steeply sloping bankside, and the more appropriate traditional design, form and materials proposed.

The dwelling is designed to resemble a traditional low two-storey farm outbuilding. It would be constructed of natural limestone under a natural blue slate roof (35° pitch). Some natural

gritstone is to be introduced into the walling, which is a particular feature of walling stone in the Bakewell area. The opening details reflect the traditional barn vernacular and comprise simple, undivided window and door frames, which are to be provided with natural gritstone lintels and sills. Traditional, full-length arched openings are to be inserted in the main frontage elevation and the south-eastern gable to maximise the views over the Wye Valley and to further emphasise the traditional vernacular farm outbuilding design approach. A minor amendment to the window opening arrangements has been agreed with the agent, which improves the composition of the openings on the front elevation.

It is considered that the repositioning of the dwelling footprint, a significantly improved design, form and materials, together with a sympathetic landscape scheme will provide significant enhancement of the site and the surrounding locality. It is also considered that the 'converted farm outbuilding' design approach will be more sympathetic to this site which is enclosed by farmland on two sides, and would be preferable to perpetuating a suburban dwelling design approach on this elevated edge of town location.

The submitted scheme also proposes a double garage, which would be built within the rising ground levels, such that the garage roof is at field level and land above the garage retained as part of the field. This contemporary design concept is welcomed, as it minimises the impact of a separate garage building on the surrounding locality and represents a subtle approach to the provision of garaging in this fairly prominent location.

A new vehicular access and entrance drive are proposed 9m to the south of the present access entrance. The new access is situated further away from the bend in the lane and the entrance drive and garage enable vehicles to be parked less prominently and provide improved manoeuvring facilities for vehicles. In order to achieve the repositioning of the dwelling and the access/driveway improvements the dwelling site does encroach into the field to the rear, however, this is considered to be acceptable in view of the overall enhancement of the landscape that this will achieve.

Overall, it is considered that the dwelling scheme is appropriate in terms of its design, massing and detailing and represents a significant enhancement of the site and the landscape through the removal of the existing incongruous early 1960's bungalow.

If planning permission is granted, conditions securing minor design details would be recommended to ensure that the proposal complies with the requirements of Local Plan policy LC4. A condition removing permitted development rights for extensions, alterations, extensions, porches, ancillary buildings, walls, fences, satellite dishes and solar panels is also recommended to allow the Authority to retain control to protect the visual amenities of the local area.

It is therefore considered that the dwelling would contribute positively to the character and appearance of the area and would not be more intrusive in the landscape and therefore the proposals, as amended comply with criteria (i) and (v) of LH5.

#### Impact on Neighbours

It is considered that the proposal meets criteria (iv) of policy LH5 (and policy LC4) as, due to the repositioning of the dwelling and the existing mature vegetation along the northern boundary with the adjacent bungalow (Haddon Leys), there will be no impact on the residential amenities of this property. The north-western gable wall of the proposed dwelling has a single window at first floor level, which is top a proposed bathroom and will be obscure-glazed, so there will be no overlooking of the adjacent property's garden from the dwelling itself.

#### Environmental Management

Core Strategy policy CC1 states that all development must make the most efficient and



sustainable use of land, buildings and natural resources, must take account of the energy hierarchy and must achieve the highest possible standards of carbon reductions and water efficiency.

The submitted Design and Access Statement proposes the use of solar panels on suitable roof slopes. Given the orientation of the dwelling, it is considered that the rear, south-west facing roofslope of the main dwelling would be suitable, subject to the use of an appropriate solar panel accommodated within the roof structure, rather than being installed on top of the roof slates. Grey-water recycling is also to be used. A below-ground tank for surface-water storage and recycling is also proposed.

No precise details of these, or other environmental management measures have been submitted with the scheme, however, it is considered that these can be accommodated by attaching a condition requiring submission and agreement of appropriate environmental management measures.

### Access and Parking

Local Plan policy LT18 states that the highest standard of design and materials should be used in transport infrastructure and the provision of safe access arrangement will be a prerequisite of any development. LT11 states that the design and number of parking spaces must respect the valued character of the area. The current scheme for a replacement dwelling involves the repositioning of the existing vehicular access, an improved entrance drive and improved parking/manoeuvring facilities. provision for at least two vehicles, with associated turning in accordance with the highway authority's normal standards.

Notwithstanding the shortfalls of the approach lane and the substandard vehicular access onto the A6, the Highway Authority acknowledges that as there is an existing dwelling on the site, there are no highway objections to the replacement dwelling. The highway authority is, however, mindful to require the attaching of conditions requiring the provision of a site compound during the demolition and construction period in order to minimise disruption to users of Intake Lane. Subject to the attaching of a planning condition covering this and other standard highway conditions covering the access and parking/manoeuvring facilities, the scheme is considered to be acceptable and meets the requirements of Local plan policies LT11 and LT18.

### Conclusion

In conclusion, whilst the proposed dwelling would be larger than the existing, it would not be more intrusive in the landscape and would result in overall enhancement to both the appearance of the existing dwelling site and its setting subject to appropriate planning conditions.

Together with the proposed enhancements and environmental benefits which would be difficult to achieve in a scheme to retain and repair the existing dwelling, these factors weigh in favour of approval in this case.

Therefore, the proposals are considered to accord with Core Strategy policies GSP1, GSP2, GSP3, GSP4, L1 and CC1 and Local Plan policies LH5, LC4, LT11 and LT18 as well as national policies in the Framework and the relevant policy in the emerging DPD.

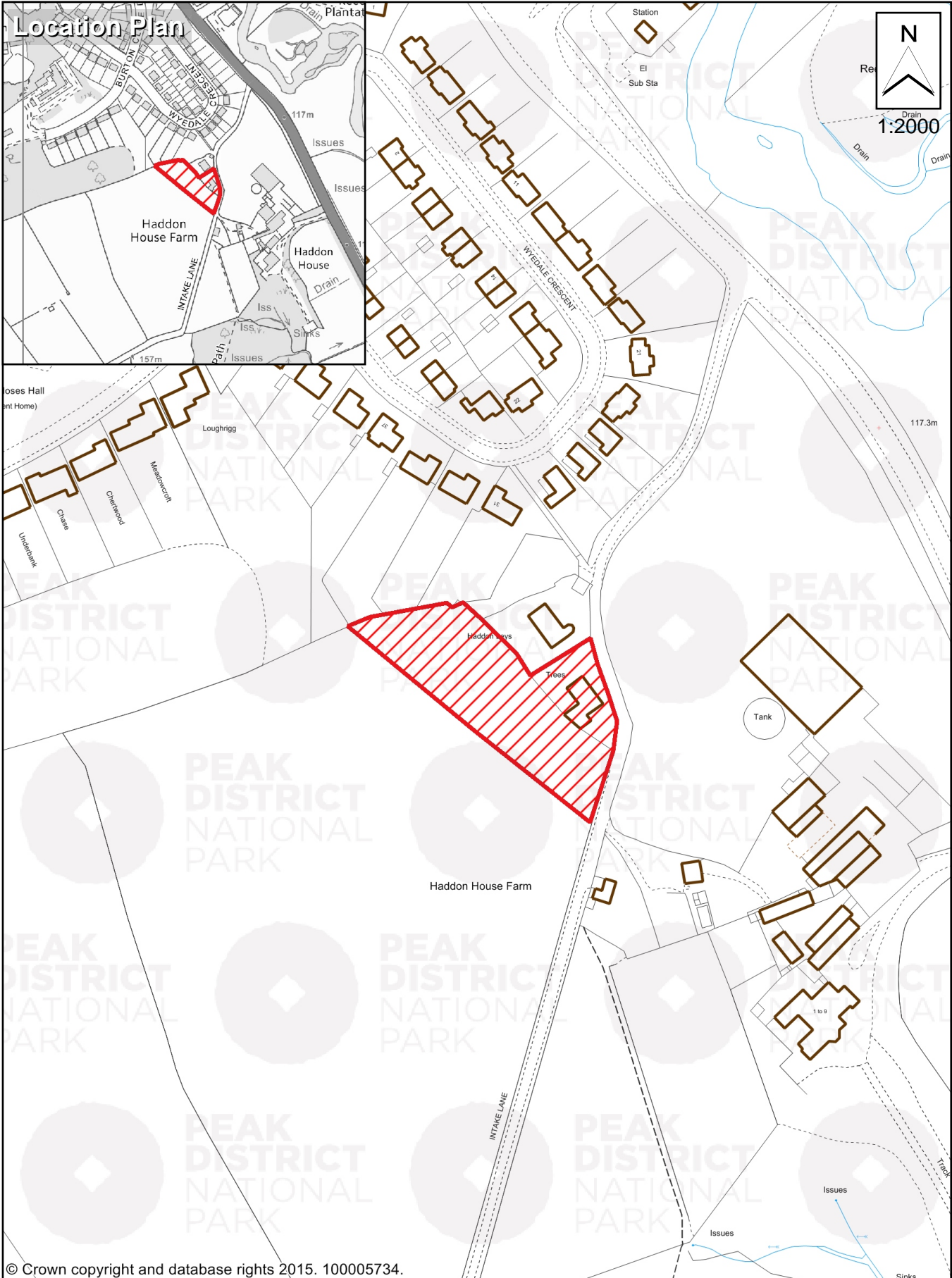
Accordingly, the current application is recommended for conditional approval.

### 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



© Crown copyright and database rights 2015. 100005734.

Committee Date:	13/11/2015	<b>Title:</b> The Trees Intake Lane Bakewell	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	13		
Application No:	NP/DDD/0915/0862		
Grid Reference:	422287, 367494		

This page is intentionally left blank

**14. FULL APPLICATION – INSTALLATION OF SOLAR ARRAY, PEAK DISTRICT NATIONAL PARK AUTHORITY, ALDERN HOUSE, BASLOW ROAD, BAKEWELL (NP/DDD/1015/0932, P.2760, 421961 / 369440, 30/10/2015/CF)**

**APPLICANT: PEAK DISTRICT NATIONAL PARK AUTHORITY**

**Site and Surroundings**

Aldern House is a Grade II listed building dating from c.1820, which was originally designed and occupied as a house and is now in a mixed use of commercial and local authority offices. The offices lie on northern edge of Bakewell, within Bakewell's development boundary but outside of the designated Bakewell Conservation Area.

**Proposal**

The application seeks planning permission for the installation of a solar array across the flat roof above Aldern House. Four panels would be installed in one row on the eastern end of the flat roof and a further eleven panels would be installed in two rows on the part of the flat roof above the reception area to Aldern House. The panels would be black with dark frames and each panel would measure 1640 x 992 x 35mm. Once installed, the solar array would result in a reduction in carbon emissions attributable to Aldern House of approximately 2 tonnes per annum.

The application has been revised because the panels proposed in the original application are no longer available. However, the alternative panels that are now going to be installed, if permission is granted, have a lower wattage and therefore to get the expected output an additional panel has been added to the scheme. Therefore, the proposed array would now include 15 panels rather than 14 as originally anticipated. A parallel application for listed building consent has also been submitted and revised by the applicant.

**RECOMMENDATION:**

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

- 1. Statutory three year time limit.**
- 2. The solar array shall be installed in complete accordance with the amended plans and specifications.**
- 3 The solar array shall be removed as soon as reasonably practicable when no longer needed.**

**Key Issues**

- The impact of the proposals on the significance of a Grade II listed building.

**Relevant Planning History**

There is a significant amount of planning history held on file for Aldern House, mostly for alterations and extensions to the building but there is nothing on file that is directly relevant to the current application.

**Consultations**

Highway Authority – No objections.

District Council – No response to date.

Town Council – Recommend approval on design grounds. The Town Council also commented that the proposal is to be applauded and encouraged and it is hoped others will follow this example on suitable buildings elsewhere in Bakewell.

### **Representations**

No further representations have been received to date.

### **Main Policies**

Policies in the Development Plan and emerging Development Plan Document support the provision of renewable energy developments where they would not harm the valued characteristics of the National Park (Policy CC2 of the Core Strategy and Saved Local Plan policy LU4) The Authority's Supplementary Planning Document on Climate Change provides further specific advice on solar arrays. The Authority's adopted policies and guidance on renewable energy is otherwise consistent with the approach taken in Paragraph 98 of the National Planning Policy Framework ('the Framework'), which says when determining planning applications for renewable energy development, local planning authorities should approve the application if its impacts are (or can be made) acceptable.

However, the Authority also has a statutory duty to have special regard to the desirability of preserving the Grade II listed Aldern House and its setting and any features of special architectural or historic interest which it possesses. The Authority must also pay due regard to the conservation purpose of its statutory designation. These statutory provisions are reflected in national planning policies including Paragraph 115 of the Framework, which says that great weight should be given to conserving landscape, wildlife and cultural heritage in National Parks, and paragraph 132, which says that great weight should be given to the conservation of a designated heritage assets (such as a listed building) affected by development proposals.

Similarly, Core Strategy policy L3 and saved Local Plan policy LC6 say that all development must conserve and enhance the significance of the listed building and other than in exceptional circumstances, development which would have a harmful impact on the significance of a designated heritage asset will not be permitted. Policies GSP1, GSP2 and GSP3 of the Core Strategy and saved Local Plan policy LC4 otherwise promote development that would be sensitive to the valued characteristics of the National Park and reflect and respect the purposes of its statutory designation.

Therefore, when determining the current application, it can be accepted that the solar array is acceptable in principle but the impact of the proposed development on the listed building and its setting is also a particularly important consideration alongside other planning considerations. Policies in the emerging Development Plan Document carry this approach forward promoting a positive and proactive approach towards renewable energy developments that are sensitive to the valued characteristics of the National Park.

### **Assessment**

The submitted application is supported by a Design and Access statement and heritage impact assessment which illustrate that the solar array would not have any significant impact on any special architectural or historic interest associated with Aldern House. Primarily, this is because the array would not be seen in the context of the historic part of the building partly as they would be set back from the edge of the flat roof and partly because they would be screened by a parapet wall at the front of the building or other parts of the building that rise up from the flat roof. However, the array would be seen from various vantage points within the car park to the west of the building, which is at a higher level than the ground floor of Aldern House. Nonetheless, the

array would be seen in the context of the more recent additions to Aldern House and would not be especially conspicuous.

In these respects, to further reduce the visual impact of the solar panels, the applicant is proposing dark panels and low supports also in a dark recessive colour. In addition, positioning the solar panels in rows will unify the appearance of the array and the Authority's Conservation Officer agrees that the siting, layout and design will mitigate the visual impact of the solar array. Furthermore, the proposed installation will not physically affect any historic fabric. Consequently, it is considered that the proposed development would not harm the significance of the designated heritage asset (i.e. Aldern House) or the significance of its setting especially when taking into account the relatively modest scale of the array and the appropriateness of its design, siting and layout.

In terms of other relevant planning considerations, the panels would not be unneighbourly as they do not face any nearby residential property, the array would clearly not have any impact on parking provision or affect access provision, and there is no evidence to suggest the installation of the array would have any impact on a protected species or its habitat. It is therefore concluded that not only is the installation of the solar array acceptable in principle, but also that the proposed development would not have any adverse impacts on any recognised conservation interest or have anything but a positive impact on the use of Aldern House by the Authority, its tenants and visiting members of the public.

### **Conclusion**

Accordingly, the current application is recommended for conditional approval because the proposed development fully complies with the Authority's adopted planning policies and guidance and accords with national planning policies in the Framework. In this case, conditions imposing the statutory time limit for commencement and compliance with the amended plans are necessary in the interests of the proper planning of the local area. A condition requiring the array to be removed when no longer required would be consistent with the identical condition attached to permitted development rights for solar arrays by the Government.

### **Human Rights**

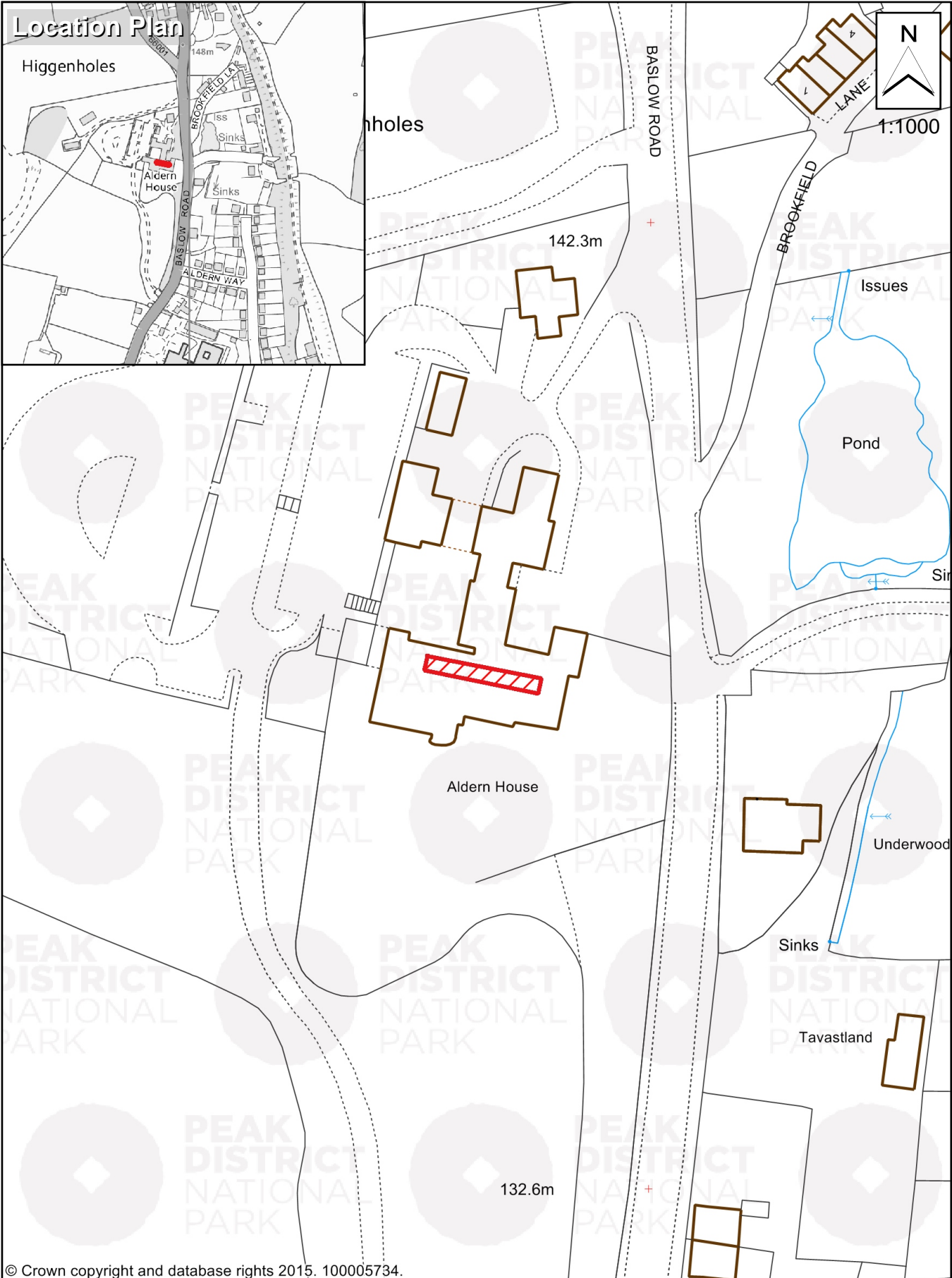
Any human rights issues have been considered and addressed in the preparation of this report.

### **List of Background Papers** (not previously published)


Nil

This page is intentionally left blank





© Crown copyright and database rights 2015. 100005734.

Committee Date:	13/11/2015	<b>Title:</b> Aldern House Baslow Road Bakewell	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	14		
Application No:	NP/DDD/1015/0932		
Grid Reference:	421961, 369440		

This page is intentionally left blank

**15. LISTED BUILDING APPLICATION – INSTALLATION OF SOLAR ARRAY, PEAK DISTRICT NATIONAL PARK AUTHORITY, ALDERN HOUSE, BASLOW ROAD, BAKEWELL (NP/DDD/1015/0933, P.2760, 421961 / 369440, 30/10/2015/CF)**

**APPLICANT: PEAK DISTRICT NATIONAL PARK AUTHORITY**

**Site and Surroundings**

Aldern House is a Grade II listed building dating from c.1820, which was originally designed and occupied as a house and is now in a mixed use of commercial and local authority offices. The offices lie on northern edge of Bakewell, within Bakewell's development boundary but outside of the designated Bakewell Conservation Area.

**Proposal**

The application seeks listed building consent for the installation of a solar array across the flat roof above Aldern House. Four panels would be installed in one row on the eastern end of the flat roof and a further eleven panels would be installed in two rows on the part of the flat roof above the reception area to Aldern House. The panels would be black with dark frames and each panel would measure 1640 x 992 x 35mm. Once installed, the solar array would result in a reduction in carbon emissions attributable to Aldern House of approximately 2 tonnes per annum.

The application has been revised because the panels proposed in the original application are no longer available. However, the alternative panels that are now going to be installed, if permission is granted, have a lower wattage and therefore to get the expected output; an additional panel has been added to the scheme. Therefore, the proposed array would now include 15 panels rather than 14 as originally anticipated. A parallel application for planning permission has also been submitted and revised by the applicant.

**RECOMMENDATION:**

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

- 1. Statutory three year time limit.**
- 2. The solar array shall be installed in complete accordance with the amended plans and specifications.**
- 3. The solar array shall be removed as soon as reasonably practicable when no longer needed.**

**Key Issues**

- The impact of the proposals on the significance of a Grade II listed building.

**Relevant Planning History**

There is a significant amount of planning history held on file for Aldern House mostly for alterations and extensions to the building but there is nothing on file that is directly relevant to the current application.

**Consultations**

Highway Authority – No objections.

District Council – No response to date.

Town Council – Recommend approval on design grounds. The Town Council also commented that the proposal is to be applauded and encouraged and it is hoped others will follow this example on suitable buildings elsewhere in Bakewell.

### **Representations**

No further representations have been received to date.

### **Main Policies**

In determining an application for listed building consent, the Authority has a statutory duty to have special regard to the desirability of preserving the Grade II listed Aldern House and its setting and any features of special architectural or historic interest which it possesses. The Authority must also pay due regard to the conservation purpose of its statutory designation. These statutory provisions are reflected in national planning policies including Paragraph 115 of the National Planning Policy Framework ('the Framework'), which says that great weight should be given to conserving landscape, wildlife and cultural heritage in National Parks, and paragraph 132, which says that great weight should be given to the conservation of a designated heritage assets (such as a listed building) affected by development proposals.

Equally, Core Strategy policy L3 and saved Local Plan policy LC6 say that all development must conserve and enhance the significance of the listed building and other than in exceptional circumstances, development which would have a harmful impact on the significance of a designated heritage asset will not be permitted. Policies GSP1, GSP2 and GSP3 of the Core Strategy and saved Local Plan policy LC4 otherwise promote development that would be sensitive to the valued characteristics of the National Park and reflect and respect the purposes of its statutory designation. However, because this is an application for works to a listed building rather than for development, 'land use' planning policies have only limited relevance to the determination of this application.

Nonetheless, it should be noted that policies in the Development Plan and emerging Development Plan Document support the provision of renewable energy developments where they would not harm the valued characteristics of the National Park (Policy CC2 of the Core Strategy and Saved Local Plan policy LU4) The Authority's Supplementary Planning Document on Climate Change provides further specific advice on solar arrays. The Authority's adopted policies and guidance on renewable energy is otherwise consistent with the approach taken in Paragraph 98 of the Framework which says when determining planning applications for renewable energy development, local planning authorities should approve the application if its impacts are (or can be made) acceptable.

### **Assessment**

The submitted application is supported by a Design and Access statement and heritage impact assessment that illustrate the solar array would not have any significant impact on any special architectural or historic interest associated with Aldern House. Primarily, this is because the array would not be seen in the context of the historic part of the building partly because they would be set back from the edge of the flat roof and partly because they would be screened by a parapet wall at the front of the building or other parts of the building that rise up from the flat roof. However, the array would be seen from various vantage points within the car park to the west of the building, which is at a higher level than the ground floor of Aldern House. Nonetheless, the array would be seen in the context of the more recent additions to Aldern House and would not be especially conspicuous.

In these respects, to further reduce the visual impact of the solar panels, the applicant is proposing dark panels and low supports also in a dark recessive colour. In addition, positioning the solar panels in rows will unify the appearance of the array and the Authority's Conservation

Officer agrees that the siting, layout and design will mitigate the visual impact of the solar array. Furthermore, the proposed installation will not physically affect any historic fabric. Consequently, it is considered that the proposed development would not harm the significance of the designated heritage asset (i.e. Aldern House) or the significance of its setting especially when taking into account the relatively modest scale of the array and the appropriateness of its design, siting and layout.

### **Conclusion**

Therefore, the current application is recommended for conditional approval because the proposed development fully complies with the Authority's adopted planning policies and guidance and accords with national planning policies in the Framework. In this case, conditions imposing the statutory time limit for commencement and compliance with the amended plans are necessary in the interests of the proper planning of the local area. A condition requiring the array to be removed when no longer required would be consistent with the longer term conservation of the listed building.

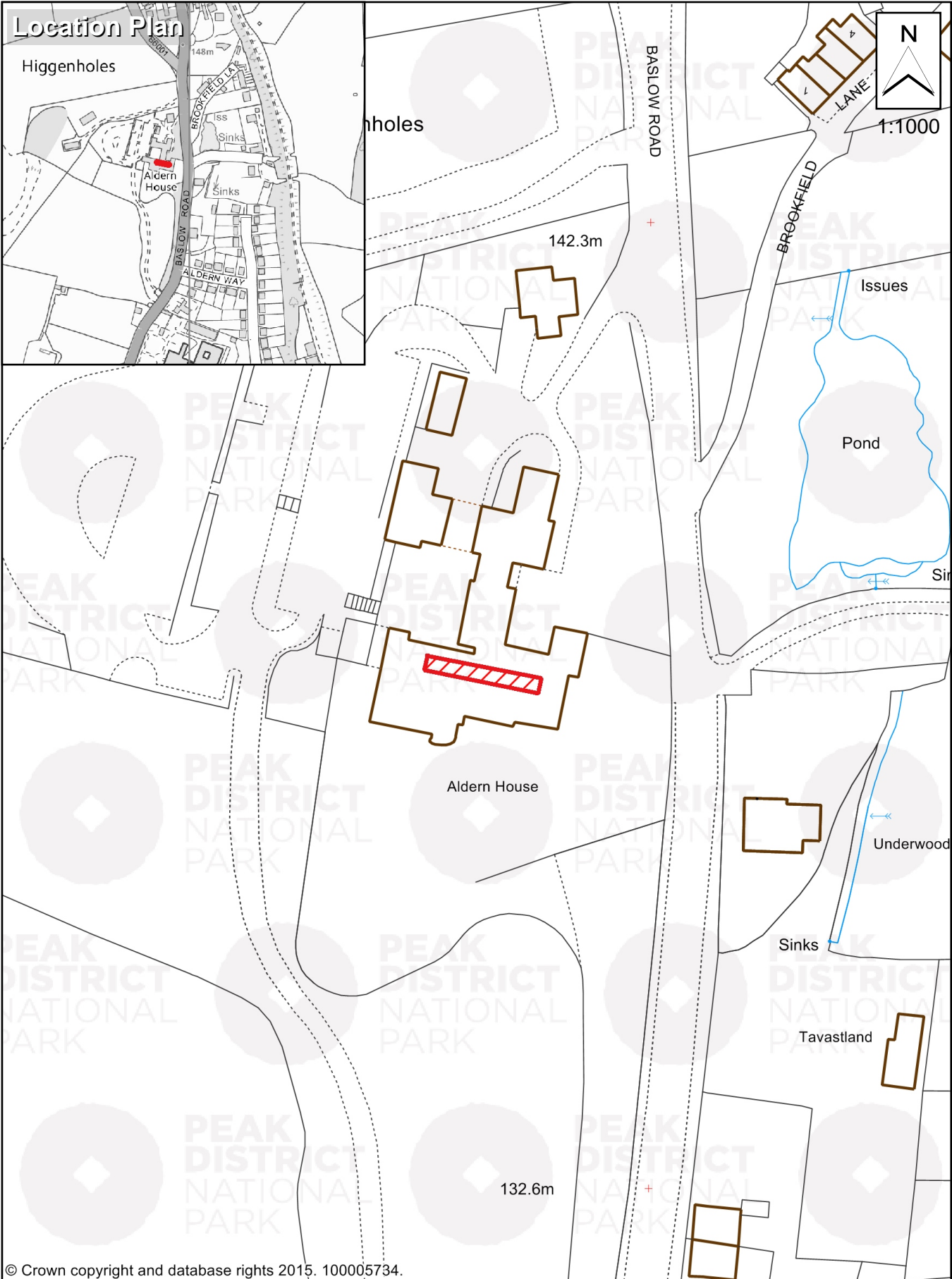
### **Human Rights**


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

### **List of Background Papers** (not previously published)

Nil

This page is intentionally left blank



Committee Date:	13/11/2015	<b>Title:</b> Aldern House Baslow Road Bakewell	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	15		
Application No:	NP/DDD/1015/0933		
Grid Reference:	421961, 369440		

This page is intentionally left blank



**16. HOUSEHOLDER APPLICATION: SINGLE STOREY REAR EXTENSION TO ADES CROFT (FORMERLY KNOWN AS KEEPER'S CROFT), LOWER SMITHY LANE, TADDINGTON (NP/DDD/0915/0826 P.3518 414284/371126 30/10/2015/CF)**

**APPLICANT: Mr Patrick Brady**

**Note:** This application is being reported to Committee because the applicant is a Member of the Authority.

**Site and Surroundings**

Ades Croft (formerly known as Keeper's Croft) is located on the edge of Taddington approximately 200m to the east of St Michael's church. The property is a two-storey house with rendered walls and has a roof clad with blue slates and is located within the designated Taddington Conservation Area. There is an existing vehicular access which joins to the track to the south of the site. A public right of way runs along the lanes across the southern and eastern boundaries of the site. The nearest neighbouring properties in this case are dwellings across the lane to the south of the site.

**Proposal**

The application seeks planning permission for a single-storey rear extension to the property. The amended plans show that the main part of the extension would be under a pitched roof hipped into the north facing roofslope of the existing house with its ridge set at 90° to the ridge line of the pitched roof over the house. There would also be a small glazed lobby area added to the side of the main extension that follows the line of the existing north facing roof slope. The main extension would also have three full length glazed panels in its east facing elevation. The materials used in the construction of the extension would otherwise match the existing house.

**RECOMMENDATION:**

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

- 1. Three year time limit for commencement**
- 2. The development shall not be carried out other than in complete accordance with the amended plans received by the Authority on 2 November 2015.**
- 3. The external facing materials for the roof and the walls (including external finishes), the door and window frames (including recess, sectional detail and external finish) and the rain water goods (including profile and external finish) shall match the design details of the those used in the construction of the existing house unless otherwise agreed in writing by the Authority.**

**Key Issues**

- Whether the proposed extension would detract from the character, appearance or amenity of Ades Croft, its setting within the conservation area, or the quiet enjoyment of neighbouring properties.

**History**

2012 Planning permission was granted for alterations and extensions to the pre-existing bungalow, which has since been extended upwards to create the two-storey dwelling described earlier in this report.

## **Consultations**

Derbyshire County Council (Highway Authority) - No objections

Derbyshire Dales District Council – No response to date

Taddington Parish Council – Recommend approval of this application

## **Representations**

One letter has been received by the Authority from the owner/occupiers of a property in the local area. The letter is set out in full below in the interests of transparency and accountability in respect of the Authority's decision making:

*“The National Park Authority is required by statute to designate Conservation Areas where groups of buildings (and the lanes, paths, trees and open spaces between and around them) create places of special architectural or historic interest.*

*On examining the submitted proposed plans we believe that this development is too large and will detract from the character of the conservation area inevitably causing a detrimental impact on neighbours, the community and visitors. We believe that this proposed development is out of character for the area it sits within and certainly does not harmonise or respect other buildings/homes nearby (as stated within Peak Park Policy).*

*We are unclear as to why this property should need to be extended again due to it already having been very recently, extensively extended changing the charming character of a ‘Croft’ single storey property to a modern house. This house is a two bedroomed house which was this year recently bought by the applicant, there are many fit for purpose houses and developments already within Taddington that would have been suitable for a retired couple without this detrimental development and its potential impact on the charming character of the village especially taking into account that walkers tread the green lanes which flank three sides of this property (with a field footpath running nearby along the fourth side) all very popular to walkers entering and leaving the village.*

*This house is highly visible to every person walking the lower and higher green lanes of Taddington due to the painted render which effectively makes this house ‘stick out like a beacon’ already, these plans aim to almost double the footprint of the property, again using render and therefore paint. Walking into the village via the green lane off the A6 this property is one of the very first buildings to greet you, it is not currently in keeping with neighbouring properties and if allowed to extend will become a huge modern blight.*

*As you examine the property there are several old dilapidated buildings which need replacing or removing. The owners and their grown family currently own some ponies and horses and keep them in the properties crofts and another local field owned by the family. It has been brought to our attention that the old buildings are planned to be turned into an equestrian establishment which would further over develop this site, in effect a modern small holding at a very popular and busy foot entrance to the village.*

*The size of this proposed development suggests that there will be additional vehicles (especially if it is turned into an equestrian property) which will greatly impact on the neighbours, community and walkers/visitors from the over use of vehicles on both Smithy Lanes.*

*As the applicant himself pointed out in an objection to a recent development (NP/DDD/1110/1181) which was proposed to be built in render “It will be highly visible from a number of public locations and well-used footpaths as well as the churchyard and is inappropriate in the National Park, particularly in a Conservation Area.”*

*The applicant is currently Chairman on the local parish council and we would like to be assured that objections to this application are fairly and rightly considered.*

*If the Planning Authority is minded to approve the application we suggest that it should never be built with render and instead be built with traditional limestone rubble and there should be screening completely surrounding this property and its land to soften and hide its appearance on and within the landscape”.*

### **Main Policies**

In principle, DS1 of the Core Strategy is supportive of extensions to existing buildings and policy LH4 of the Local Plan provides specific criteria for assessing householder extensions. LH4 says extensions and alterations to dwellings will be permitted provided that the proposal does not:

- i. detract from the character, appearance or amenity of the original building, its setting or neighbouring buildings; or
- ii. dominate the original dwelling where it is of architectural, historic or vernacular merit; or
- iii. amount to the creation of a separate dwelling or an annexe that could be used as a separate dwelling.

The Authority has also adopted three separate supplementary planning documents (SPD) that offers design guidance on householder development namely the Design Guide, the Building Design Guide and the Detailed Design Guide on Alterations and Extensions. This guidance offers specific criteria for assessing the impacts of householder development on neighbouring properties and contains a number of suggestions for the appropriate design of outbuildings such as garaging.

### **Wider Policy Context**

The provisions of policies DS1 and LH4 and guidance in the Authority’s adopted SPD are supported by a wider range of design and conservation policies in the Development Plan including policies GSP1, GSP2, GSP3 and L1 of the Core Strategy and policy LC4 of the Local Plan, which promote and encourage sustainable development that would be sensitive to the locally distinctive building traditions of the National Park and its landscape setting. Policy LC4 and GSP3 also say the impact of a development proposal on the living conditions of other residents is a further important consideration in the determination of this planning application.

As the proposed development is within the boundary of the Conservation Area, policy L3 of the Core Strategy and Local Plan policy LC5 are also relevant. These policies seek to ensure the existing character and appearance of the Conservation Area will be preserved and, where possible, enhanced, including its setting and important views into or out of the area.

These policies are consistent with national planning policies in the Framework (the National Planning Policy Framework) not least because core planning principles in the Framework require local planning authorities to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; and to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

### **Assessment**

Amended plans have been submitted at the suggestion of officers seeking to resolve the slightly awkward junction between the existing roof slope at the rear of Ades Croft and the proposed

extension. The amended scheme mostly achieves this objective by the introduction of a glazed lobby area that follows the line of the existing roof, which disguises the most problematic roof junctions, and successfully prevents the impression of this part of the extension creating an overly wide east facing gable. The glazed lobby helps to create a visual break between the more 'solid' existing east facing gable and the three full length glazed panels in the main part of the extension to the rear of the property. The main part of the rear extension is otherwise of traditional design and appearance, which would be clearly subsidiary to the main house.

Therefore, taken as a whole, the amended plans (particularly the axonometric projection) show a rear extension that responds to the site specific context of Ades Croft and would be of a better quality and more in keeping with the character and appearance of the surrounding area than the existing rear elevation of the property. In these respects, whilst it is acknowledged the approach taken to the design of the extension is a little unusual, there is a problem arising from a change in finished floor levels of the ground level of the main house and the proposed extension that has needed to be addressed and the existing lean-to at the rear of the property does not work in design terms because it does not particularly reflect or respect the styles and traditions of vernacular buildings within the local area.

Therefore, the revised application is considered to accord with the Authority's adopted policies and guidance on design and the proposed extension would preserve, if not enhance, the character and appearance of the surrounding Conservation Area. Although it is also recognised that the proposed extension would increase the overall size of the existing house, it is also considered that if the extension is constructed in the same materials as the existing house it would not be especially conspicuous and, as noted above, the glazed elements would help to break up the massing of the extended property as well. In these respects, it is not considered that the proposed extension would have a significant visual impact on the character of its wider landscape setting, including the setting of St Michael's church to the east of the property.

Although there are concerns raised in representations about the size of the proposed extension, officers consider that noted that the extension is relatively modest in scale and would not double the footprint of the existing house. As shown on the amended plans, the extension is actually intended to provide a downstairs bedroom and shower room and the property would become a three bedroom property. The property is currently a two bedroom house. Consequently officers do not consider that granting planning permission for the revised application would result in any significant increase in vehicular traffic to and from the property and any future intentions to turn the property into an 'equestrian establishment' carry no weight in the determination of the current application, which is solely for householder development. Furthermore, the Highway Authority has no objections to the application so officers are satisfied the proposed development would not give rise to highway safety problems and that the property has a safe and suitable access.

In terms of neighbourliness, the orientation of the rear extension and the intervening distances between Ades Croft and the nearest neighbouring residential properties mean that the proposed extensions would not have any impact on the quiet enjoyment of any other dwelling by way of overlooking, loss of privacy or loss of outlook. The proposed extension would not affect the nearby public rights of way other than it would be visible from some of the footpath network. However, as noted above, the proposed extension is relatively modest, at the rear of an existing dwelling house; it would also be of a satisfactory design and would be constructed from materials to match the existing house. Therefore, the proposed extension would be highly unlikely to spoil the quiet enjoyment of the scenic beauty of the National Park by any person looking at the extended property from one of the many nearby public vantage points.

## **Conclusions**

It is therefore concluded that the revised application meets the requirements of the wide range of design and conservation policies in the Development Plan and the requirements of national planning policies in the Framework because the extension would be of an appropriate design and would not harm the valued characteristics of the National Park or the special qualities of the

surrounding Conservation Area. The proposed extension meets the specific requirements of LH4, which deals with householder developments, and accords with the Authority's adopted design guidance because it will be subservient to and harmonise with the existing dwelling and it would not detract from the character, appearance or amenity of the main house or its setting or detract from quiet enjoyment of the nearest neighbouring properties.

Accordingly, in the absence of any other material considerations that indicate permission should be withheld, the application is recommended for conditional approval.

In this case, conditions specifying a time limit for commencement of the proposed development and ensuring compliance with the plans would be necessary in the interests of the proper planning of the local area. It would also be reasonable and necessary to specify design details and materials in the interests of the character and appearance of the completed development and to ensure the extension would harmonise with the host property.

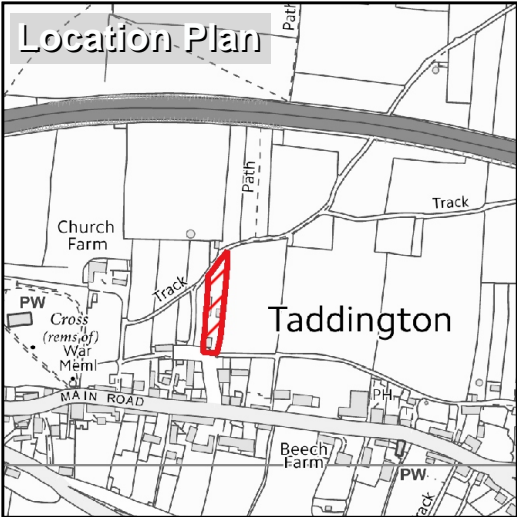
### **Human Rights**

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

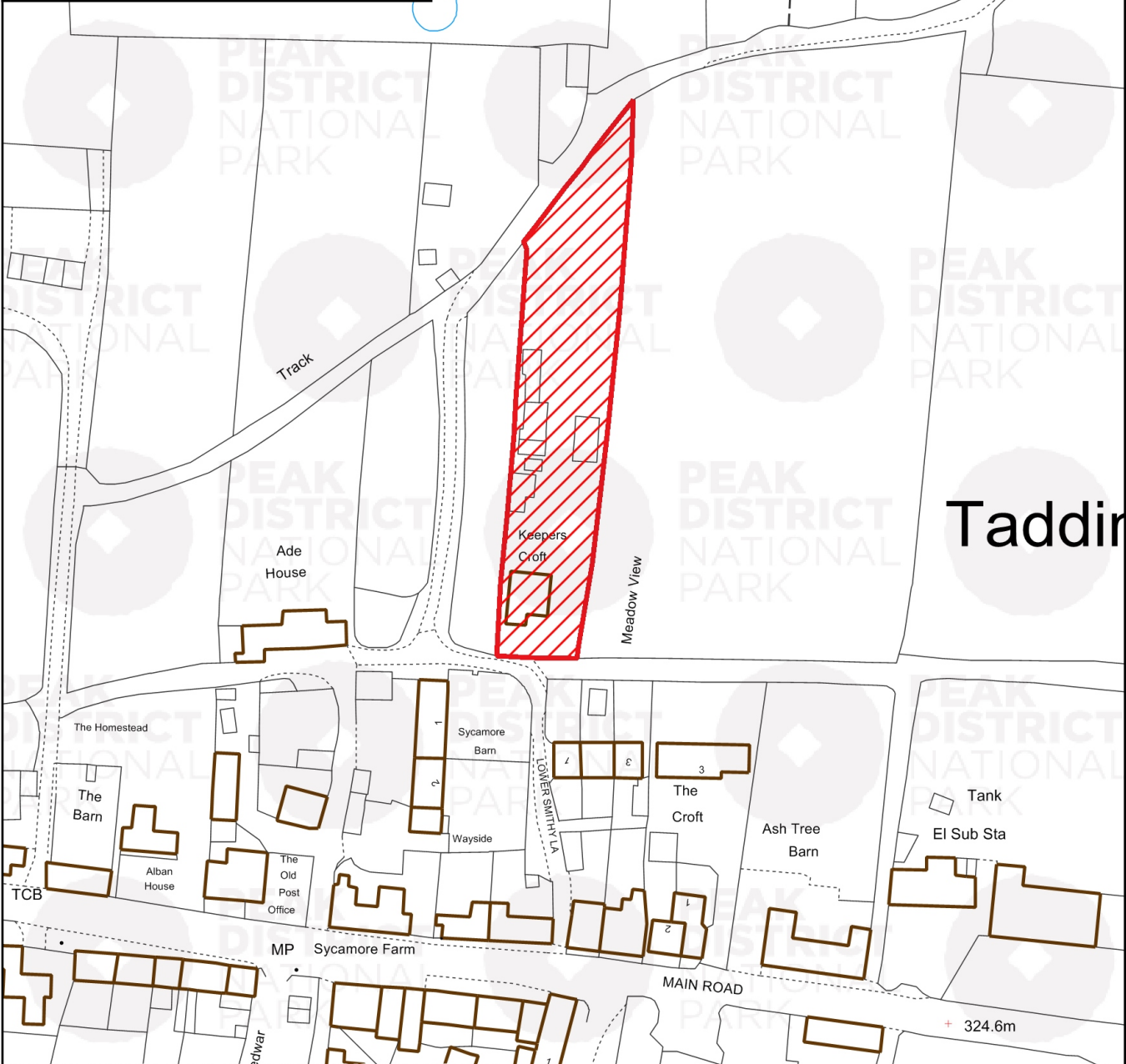
### **List of Background Papers** (not previously published)

Nil

This page is intentionally left blank



1:1250



© Crown copyright and database rights 2015. 100005734

Committee Date:	13/11/2015
Item Number:	16
Application No:	NP/DDD/0915/0826
Grid Reference:	414284, 371126

**Title:** Keepers Croft  
Lower Smithy Lane  
Taddington



This page is intentionally left blank



**17. FULL APPLICATION – CHANGE OF USE FROM AN UNUSED COMMERCIAL GARAGE TO A DOMESTIC DWELLING AT THE GARAGE AND PREMISES, WHESTON BANK, TIDESWELL. (NP/DDD/0915/0827 414920 / 376019 P1726 SPW)**

**APPLICANT:** Gary Newton

**Site and Surroundings**

The application site is located in Tideswell on Wheston Bank. It is within the designated Conservation Area at the edge of the village and contains a large building which formerly was in use as a haulage vehicle garage. It is a sloping site, with the land running down to the east.

The building has a large utilitarian size and form. It was erected for the garaging and servicing of no more than 2 lorries at any one time. The use was also granted on a personal basis to Mr C.A. Newton who at the time resided in the adjacent property (Honeysuckle House).

The building is finished in render, with a natural blue slate roof. The roof is asymmetrical in form and of a very shallow pitch. There are large door openings in the southern facing gable with roller shutter doors. There are also windows overlooking the neighbouring garden to Honeysuckle House which along with Chippers Barn are the two nearest dwellings. It stands out as being a relatively large building which is intrusive in this setting.

A large Sycamore tree and an Ash tree are growing close to the building. In addition there is a Hawthorn and an Elder growing in the highway verge. The Sycamore is so large that it screens much of the building and overhangs its roof. In views from the road to the south of the building the trees help to reduce the visual impact of this large untraditional garage building.

**Proposal**

The change of use of the building from unused garage to a domestic dwelling. It involves external alterations including cladding the gable end with stone, replacing the garage doors with a glazed opening, altering existing openings, inserting openings on the first floor and rooflights.

The conversion would provide accommodation over 2 floors providing open plan living on the ground floor with 3 double bedrooms and a study on the first floor.

An amended site plan has been submitted omitting land mistakenly shown in the application site area which is in fact associated with the neighbouring house, 'Honeysuckle House'.

**RECOMMENDATION:**

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

- 1. The proposal does not achieve a high standard of design and it fails to take the opportunities available for achieving enhancement via removal of the building. Retaining the building combined with the treatments to the building and site will not achieve conservation or enhancement and would in fact detract from the character and appearance of the Conservation Area and its National Park setting and also cause amenity issues with the neighbouring property Honeysuckle House. The proposal is therefore contrary to the policies of the development plan including Core Strategy Policies GSP1, GSP2, GSP3, L3, Local Plan Policies LC4, LC5 the Authority's SPD the 'Design Guide' and the NPPF.**

2. **Whilst it is accepted that the existing employment use can be released, the proposed conversion does not adequately demonstrate why the site could not be redeveloped for Local Needs Affordable Housing and the scheme itself is not considered to achieve an enhancement. Consequently the proposed unrestricted dwelling is not considered to be required for the conservation or enhancement of the site. The proposal is therefore contrary to the policies of the development plan including Core Strategy Policies E1, HC1, GSP2, Local Plan Policy LH1 and the NPPF.**
3. **The application does not include adequate information to enable the impact on trees to be considered; it is therefore contrary to Local Plan Policy LC20. As this may have implications for protected species it is also contrary to Local Plan Policy LC17 and Core Strategy Policy L2.**

### **Key Issues**

- Does the proposal comply with the housing policies of the development plan?
- Does the proposal offer a high standard of design (GSP3 and LC4) and achieve an enhancement as required by GSP2, E1, L3, LC5 and HC1?
- Does the proposal conserve or enhance the character or appearance of the designated Conservation Area?
- As required by E1, has the proposal demonstrated that redevelopment for a community use or affordable housing is not feasible for example by considering the viability of such a redevelopment.
- Is the land contaminated?
- Are there any amenity issues?

### **History**

1980 - NP/WED/880/416 - This granted planning permission for the erection of a lorry garage. As this was an exception to policy, planning conditions made this a personal consent for the sole benefit of Mr C.A. Newton and for the garaging and maintenance of the applicant's vehicles, no more than 2 on site at any one time and not to be used as a retail outlet or for other commercial or other purposes without prior consent.

2014 - Enquiry 19611 – Enquiry included a site location plan and was in relation to demolition or conversion of the building to dwelling. Officers advised that they would need to demonstrate that letting the existing business use go is acceptable within the terms of policy E1 and that any redevelopment of the site would need to be local needs affordable housing.

### **Consultations**

Highway Authority - Not clear if the application would affect common land (Ref CL62). If it does then additional permission may be required and the applicant would need to contact the Planning Inspectorate. The proposed use in comparison to the existing use represents no significant increase in traffic movements over and above that which could be generated by the current Authorised use of the building. Otherwise, no objections subject to conditions.

District Council - No response to date.

Tideswell Parish Council - The Council noted that the proposal should have a local occupancy

clause and that there is a need for more affordable housing and that this site could host 2 affordable houses. 4 voted in favour and 2 voted against the plans.

Officer note - The Parish Council's concerns are noted and the issue of affordable housing dealt with in full in the body of the report. The Parish Council's vote is also noted and taken as an expression of support for the scheme.

### **Representations**

None have been received

### **Main Policies**

Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, DS1, L1, L2, L3, CC1, E1, HC1.

Relevant Local Plan policies: LC3, LC4, LC5, LC20, LC24, LH1, LH2, LT11, LT18.

National Planning Policy Framework

### **Assessment**

#### **Principle of loss of the existing employment use and consideration of applicant's grounds for ruling out Affordable Housing**

The most relevant policy in relation to the principle of releasing the existing employment use is Core Strategy Policy E1 which also states what alternative uses should be considered.

Policy E1 deals with business development in towns or villages. Criteria D is the most relevant to this proposal. It safeguards existing business land or buildings, particularly those which are high quality and in a suitable location. Where the location, premises, activities or operations or an employment site are considered by the Authority to no longer be appropriate, opportunities for enhancement will be sought, which may include redevelopment for affordable housing or community uses.

In this case the permitted use for garaging and maintenance of lorries was an exceptional approval and personal to the applicant only, so continuing use of the premises beyond the terms of that personal consent would be in breach of the relevant planning conditions. It was also controlled to be specific to the activity undertaken and did not allow other uses without the need for planning permission. Consequently there is no threat of a non-conforming use taking on the premises, without first being considered via a planning application.

The use as it existed was controlled by planning conditions because it was an exception to the policies of the time and because of its close relationship with the adjoining property. Given the close relationship between the garage and the adjoining dwelling, Honeysuckle House, which is now in separate ownership, it is unlikely that the site could be occupied by a business without causing disturbance to the adjoining dwelling because, in addition to the proximity, there are also rear facing windows that would overlook the rear garden of Honeysuckle House.

The location of the premises, activities and operations of the employment site are considered by officers to no longer be appropriate because of the impact they would have on Honeysuckle House. As a result, officers consider that Core Strategy Policy E1 would allow enhancement of the site via redevelopment to affordable housing or community uses. However, the submitted scheme does not propose affordable housing or a community use. In the planning statement submitted by the applicant there is some explanation of why affordable housing has been ruled out, however this is simply on the basis that conversion of the existing building would result in a single dwelling that would be too large to be affordable. Subdivision to more than one dwelling has not been properly considered and neither has demolition of the existing building followed by

redevelopment of the site for affordable housing as envisaged by policy E1.

The proposal is therefore considered to be contrary to policy E1 as the opportunity to secure the necessary enhancement of the site envisaged by policy has not been properly explored and secured. For example, the redevelopment for affordable housing or community uses has not been adequately ruled out for example by submission of a viability assessment.

It is also noted that the submitted Planning Statement and the submitted scheme diverge on what is required to achieve enhancement. The Planning Statement suggests that cladding the whole building is a necessary treatment to achieve significant enhancement. However, the submitted scheme only shows the south facing gable clad with natural stone. Despite these differences in the applicant's submission, planning officers consider that even cladding the whole building with stone would still result in the retention of a building whose scale, form and massing would remain undesirable and which detracts from the character and appearance of the site and its setting, including the designated Conservation Area.

The Planning Statement, without showing any calculations, rules out subdividing the building to provide more affordable housing on the grounds that cladding the whole building would be cost prohibitive. However this is not the scheme that has been submitted and without a full viability assessment being submitted and independently assessed, the grounds set out in the Planning Statement for ruling out local needs affordable housing cannot be accepted.

#### Principle of change of use to a dwelling

As set out above there is a strong steer in policy E1 that the site should be considered for redevelopment to affordable housing.

Core Strategy Policy DS1 sets out at criterion C that conversion or change of use to housing and a number of other uses is acceptable in principle and would preferably be done by re-use of traditional buildings. Criterion D names Tideswell as a 'named' settlement in which there is scope to maintain and improve the sustainability and vitality of communities across the National Park and in or on the edge of these named settlements new build affordable housing will be acceptable.

Together, Core Strategy Policy HC1 and Local Plan Policies LH1 and LH2 provide the detailed housing policies. Policy HC1 sets out that provision will not be made for housing solely to meet open market demand. It goes on to state that exceptionally, new housing, whether newly built or from reuse of an existing building can be accepted where: Provision A is for Local Needs Affordable Housing (LNAH), Provision B is for Agricultural Workers Dwellings and Provision C sets out the only exceptions where other housing can be considered.

Provision HC1 C allows housing where in accordance with GSP1 and GSP2: (i) it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings; or (ii) it is required in order to achieve conservation or enhancement in settlements listed in core policy DS1.

Any schemes proposed under HC1 C(i) or (ii) that is able to accommodate more than one dwelling unit, must also address identified eligible local need and be affordable with occupation restricted to local people unless it is not viable or would provide more LNAH than are needed in the parish (in such a case a financial contribution would be required).

Given the steer from CS Policy E1 there is a clear requirement for consideration of the redevelopment of the site for LNAH, which is also reflected in HC1 A, and HC1 C (ii) subject to viability.

The proposal seeks conversion of a garage constructed for lorries which is utilitarian in scale, form, massing and detailing, and which does not offer a positive contribution to its Conservation Area setting. The conversion is to an unrestricted open market dwelling, no affordable housing is proposed and the reasons put forward in the application for ruling out affordable housing have not been accepted by officers.

The proposal is not required to conserve or enhance a valued vernacular building so the proposal does not comply with the provision at HC1 C (i). Although an exception under HC1 A could have been applicable if the scheme achieved affordable housing, it is not proposed in this application. HC1 C (ii) would have been applicable had the submitted scheme achieved enhancement. Given the steer from policy E1 for affordable housing any scheme proposed under HC1 C (ii) would also need to provide affordable housing unless proven to be unviable.

The proposal fails to take/consider the opportunity to remove the building from the site and replace it with a well-designed scheme that is designed in accordance with the Authority's 'Design Guide' and which addresses the site constraints adequately.

No conservation or enhancement would be achieved by the current scheme as it would essentially convert the large utilitarian building into a dwelling and thereby retain all its undesirable features of inappropriate scale, massing and design. This would only perpetuate the harm it causes to the valued character and appearance of the local building tradition and setting rather than ameliorating the harm as suggested in the submitted Planning Statement.

It is acknowledged that there are some treatments suggested in the scheme to enhance the building. The main treatment is to the south facing gable which would be clad with natural stone and roller shutter doors replaced with glazed opening, as well as removal of an oil tank, lean to and block work structure. However these works fall very far short of achieving the required level of conservation or enhancement to justify any exceptional approval for market housing under HC1 and GSP2. Furthermore, in combination with the other works to the building, including first floor windows to the road facing elevation and other alterations, the scheme would in fact detract from the character and appearance of the site and its Conservation Setting as it would secure a large utilitarian buildings future for the foreseeable future. Moreover, there are a number of mature trees that would be likely to be removed or pruned which would reveal more of the building, making it more obtrusive than it is at present.

The proposed conversion would result in a very poorly designed scheme, which bears no relation to the local building traditions in terms of scale, massing and detailing. Officers are clear that any conversion which retained the character of the original building would not achieve conservation or enhancement

In summary, whilst a well-designed scheme that redevelops the site, removing the existing building and replacing it with an affordable housing scheme could comply with E1 and HC1, the proposal to convert the existing building into a single dwelling is Contrary to both E1 and HC1 as well as GSP1 and GSP2, L3 and LC5 as the scheme shown does not achieve conservation or enhancement of the site or achieve affordable housing or a community use and would detract from the character and appearance of the Conservation Area.

The relationship between the Core Strategy and the National Planning Policy Framework has also been considered and it is concluded that they are consistent because the Framework recognises the special status of National Parks and promotes sustainable development sensitive to the locally distinctive character of its setting.

Paragraph 54 of the Framework otherwise says 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. This is consistent with the provisions of Core Strategy policy HC1, and Local Plan policies LH1 and LH2.

Paragraph 115 of the Framework supports this position in that it reiterates 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. In these respects, landscape protection restrains housing development in the National Park, which therefore provides justification for prioritising delivery of affordable housing to meet local need within the National Park.

### Design, Conservation and Enhancement and Impact on the Conservation Area

The Authority's design policies LPP LC4 and CS GSP3 together require a high standard of design that respects, conserves and where possible enhances the landscape, built environment and other valued characteristics of the area and design which is in accordance with the Authority's 'Design Guide'.

GSP2 seeks enhancement; criteria A explains that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon; Criteria B explains that they must demonstrate significant overall benefit to the natural beauty, wildlife and cultural heritage of the area and not undermine the achievement of other core policies; Criteria C requires a design that respects the character of the area; Criteria D explains that opportunities will be taken to enhance the National Park by the treatment or removal of undesirable features or buildings; Criteria E explains that in settlements a site brief may be necessary to achieve the best mix of uses to secure the conservation and enhancement of the national park and the most sustainable outcome for the community.

As the site is within a Conservation Area development that harmed the significance of the Conservation Area or which failed to conserve or enhance the Conservation Area would not be permitted by CS L3 or LPP LC5. The Authority's 'Design Guide' explains the local building traditions. Paragraph 17 of the NPPF also reiterates core planning principles include securing high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

As explained above, the main issue with the proposal's design is that it attempts to enhance the site by keeping the existing building and proposing treatments to improve the appearance of the building. A more appropriate design approach to achieve the necessary enhancement would be to remove the building and design a scheme that is in keeping with the local building traditions and setting taking account of the site constraints. This approach is considered to be capable of complying with GSP2, but the alternative of proposing treatments to the building whilst acceptable under GSP2 is still contrary to that policy as demonstrated below the proposal would exacerbate the impact of the existing building.

The treatments proposed to the building cannot hide the buildings scale, massing and its very shallow pitched roof and glazing the opening in the south facing gable would exacerbate its non-traditional appearance. The local building tradition is for gable ends to generally be relatively blank with little or no openings and where there are openings these are usually only very small. The proposed design is considered to exacerbate the harmful impact of the building, by securing it for the foreseeable future, making it more obtrusive, and increasing the impact of the building on the amenity of the neighbouring property Honeysuckle House.

For these reasons the proposal is not considered to achieve a high standard of design. It fails to take the opportunities available for achieving enhancement through removal of the building or significant alteration. The proposal would detract from the character and appearance of the Conservation Area and also cause amenity issues with the neighbouring property Honeysuckle House. The proposal is therefore contrary to the policies of the development plan including Core Strategy Policy GSP1, GSP2, GSP3, L3, Local Plan Policy LC4, LC5 the Authority's SPD the 'Design Guide' and the NPPF.

### Amenity

Whilst it is acknowledged that the former use may have had some impact on the neighbouring property Honeysuckle House, that impact would have been ameliorated as the site and the Honeysuckle House were in common ownership. Now the site has changed ownership, continuing the former use would be in breach of planning conditions.

In terms of amenity, in its current form controlled by planning conditions as it is, the existing land uses impact on the amenity of the Honeysuckle House is comparable to the impact of the site having null use or an inactive use. Introducing an independent residential use proposed at such close quarters to the existing dwelling Honeysuckle House will introduce overlooking of the garden and rear elevation. This would have an unacceptable impact on the amenity the occupants of Honeysuckle House could reasonably expect to enjoy. This is contrary to the policies of the development plan including LPP LC4 and CS GSP3 and the NPPF.

It is noted that Chippers Barn, the neighbouring dwelling to the north east, has some rooflights facing the rear elevation of the site. This dwelling is also on lower ground than the site, however it is not considered to harm the amenity of Chippers Barn, even when taking into account introducing a residential use and inserting roof lights.

### Contamination

Given the former haulage garage use which is reported to have ceased only this year after running for approximately 35 years, it is likely that some contamination of the land may have occurred from the garaging and maintenance of the lorries.

The relevant policy in the Development Plan relating to Contaminated Land are in the Local Plan, Policy LC24. This policy is permissive, where land is believed to be contaminated an accredited assessment needs to show that there is no risk to public health arising from existing contamination; and remedial measures (in situ or by safe disposal off site) can remove any public health risk and make the site fit for its intended use without harm to the valued characteristics of the area. The pre-ambule of this policy sets out that where there is a suspicion or evidence of only slight contamination planning permission may be granted with conditions requiring appropriate site investigation and subsequent remedial works carried out before development commences.

Given the possibility that the contamination may only be slight, if permission is granted for the proposal an appropriate planning condition could be used.

### Trees and Protected Species

Local Plan Policy LC20 explains that planning applications should provide sufficient information to enable their impact on trees, woodlands and other landscape features to be properly considered, where development that involves risk of damage to trees is acceptable, adequate space must be left for their replacement with appropriate species.

There are mature trees on the site (Sycamore, Ash and Hawthorn). These are within the designated Conservation Area and so are protected by virtue of the designation. The block plan identifies the trees and the planning application forms state that no trees would be affected.

Any works to the trees would need notification to the Authority because of the designation. Whilst no works are shown or described in the application, officers assume that if permission were granted then some works to the trees may be necessary (subject to notification); this is because at present they overhang the roof and the branches are very close to where the windows would be, so at least some pruning may be desirable. The application falls short of providing that detail at present and is therefore contrary to Local Plan Policy LC20.

This also has implications for the character and appearance of the area, as removal or pruning would reveal more of the building and may also harm the character of the trees. The extent of the

works that may be required is not known at this stage. If the application were heading towards a recommendation of approval Officers would have sought clarification and more detail.

### Environmental Management

The Planning statement explains that the large glazed opening in the gable end will assist in improving the sustainability of the house from both a heating and lighting perspective. The building if converted would also need to meet current building regulations for dwellings.

### Conclusion

The proposed conversion and alteration of the building to a market dwelling as submitted would retain the scale, massing, form and to a large extent the inappropriate detailing of the building which officers consider detracts from the character and appearance of the Conservation Area. The opportunity to secure the necessary enhancement to the site via an exceptional approval for housing has not been properly and fully explored. Insufficient evidence has been submitted to rule out affordable housing on the site or demonstrate a case for a market dwelling on viability grounds.

The application is therefore contrary to development plan policies which deal with employment land, housing, design, amenity, enhancement, conservation areas and because of the lack of detail on the impact on trees the policies of the development plan that deal with trees and protected species. The application is therefore recommended for refusal.

In terms of a way forward officers have suggested to the planning agent that the application be withdrawn and a revised application submitted for the redevelopment of the site for local needs affordable housing subject to viability. The agent has however requested that the current application be determined.

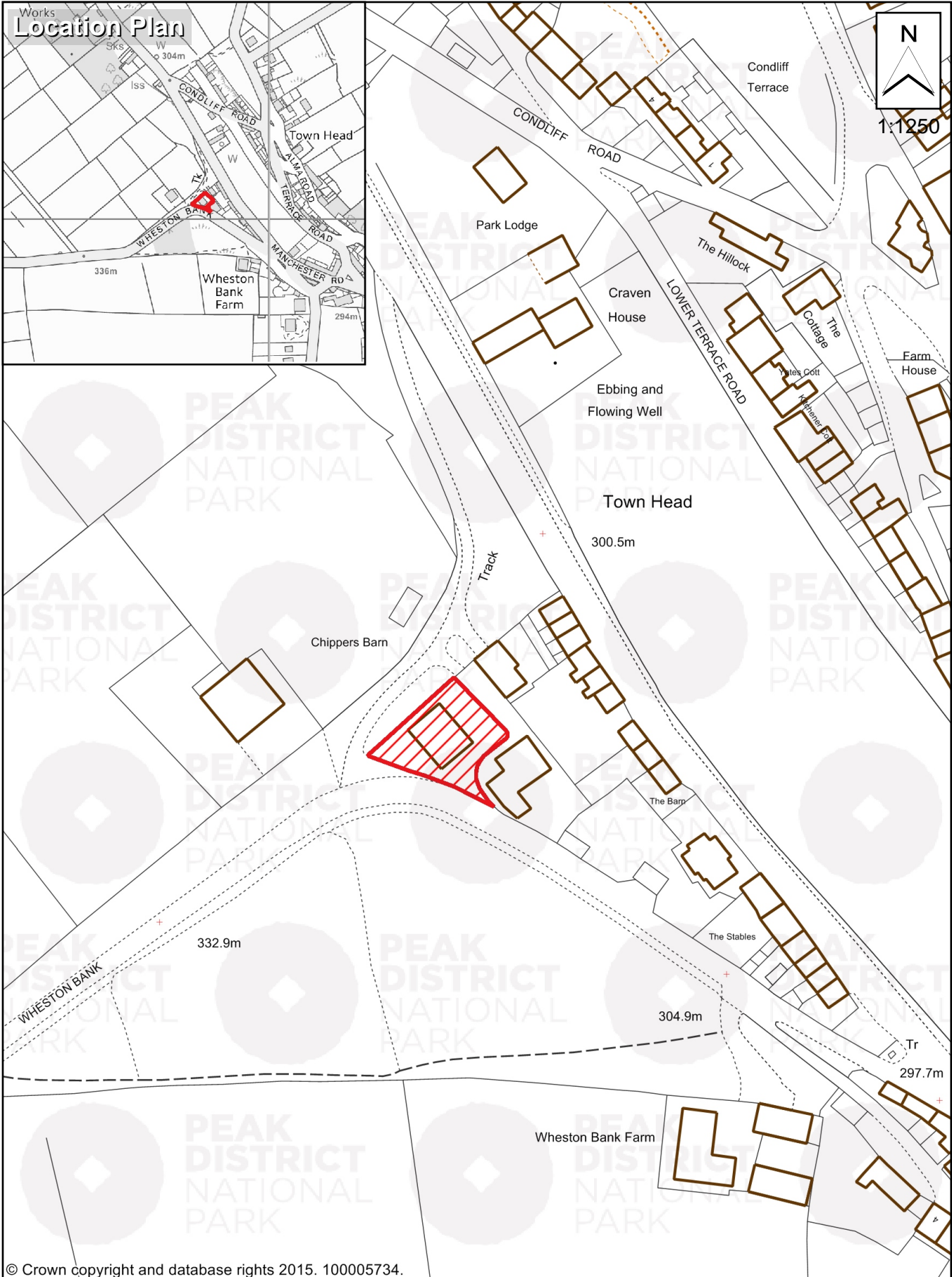
### Human Rights

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


### List of Background Papers (not previously published)

Nil





© Crown copyright and database rights 2015. 100005734.

Committee Date:	13/11/2015	<b>Title:</b> Garage and Premises	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	17	Wheston Bank	
Application No:	NP/DDD/0915/0827	Tideswell	
Grid Reference:	414920, 376019		

This page is intentionally left blank

**18. FULL APPLICATION – DEMOLITION OF EXISTING DWELLING AND PROPOSED REPLACEMENT DWELLING AT HILLCREST, SHERWOOD ROAD, TIDESWELL (NP/DDD/0315/0150, P.6398, 415072 / 375434, 24/10/2015/AM)**

**APPLICANT:** DLA PIPER LTD

**Site and Surroundings**

Hillcrest is located within Tideswell and within the designated Conservation Area. The property includes an existing dwelling with pedestrian and vehicular access off Sherwood Road.

The existing dwelling is a non-traditional building constructed from a timber frame with infill wet dash render panels on top of a stone plinth. Two prominent dormer gables face east towards the rear garden under pitched roofs clad with blue slate. The dwelling currently connects with an existing roadside barn which is in separate ownership. The land slopes away from Sherwood Road to the west.

The nearest neighbouring properties are 3 Sherwood Terrace to the north and Two Ways to the south.

**Proposal**

This application seeks planning permission for the demolition of the existing dwelling and the construction of a replacement dwelling.

The application proposes a detached two storey, four bedroom house built from natural limestone and limestone dash render under pitched roofs clad with natural blue slate. It would have painted timber windows and door frames with gritstone detailing. The plans show that the ground floor level of the dwelling would be 'dug in' below the level of the existing dwelling.

The four proposed bedrooms would be provided at ground and first floor (within the roof space) along with a living room and porch leading to the front entrance out onto the higher ground level to the front of the dwelling. The kitchen, dining room and additional living accommodation would be provided at the lower ground floor with access out onto the rear garden. The existing access will be retained and a total of three parking spaces would be provided; one to the front of the dwelling and two to the rear served by a driveway which would pass the side of the house.

**RECOMMENDATION:**

**That the application be APPROVED subject to the following conditions.**

- 1. Statutory 3 year time limit for implementation.**
- 2. Development not to be carried out otherwise than in accordance with specified amended plans.**
- 3. Removal of permitted development rights for external alterations and extensions.**
- 4. Prior approval of detailed scheme of landscaping (including any new planting, earth mounding, re-seeding, walls, gates and hard standing) to be implemented as part of the development.**
- 5. Prior approval of details of foul sewerage.**

6. **Conditions to specify or require prior approval of architectural and design details for the dwelling including, stonework, roof materials, windows and door design and finish and rainwater goods.**
7. **Require fixed windows and obscure glazing for first floor windows on the northern gable and the ground floor windows on the southern gable.**
8. **Prior approval of space within the site for accommodation, storage of plant, materials and parking for site operative's vehicles during construction works.**
9. **Prior approval of bin storage space.**
10. **Parking and turning areas to be laid and constructed prior to occupation and maintained available for use in perpetuity.**

### **Key Issues**

- Whether the principle of the replacement dwelling meets the requirements of Policy LH5.
- Whether the proposed development would otherwise conserve or enhance the valued characteristics of the National Park and be acceptable in all other respects.

### **Relevant Planning History**

None relevant.

### **Consultations**

Highway Authority – No objection.

District Council – No response to date.

Parish Council – No objection.

PDNPA Ecology – Response expected in time for the meeting.

### **Representations**

The Authority has received a total of nine representations on this application at the time this report was written. Four of the letters support the application and four object while one makes general comments. The reasons given in the letters are summarised below. The letters are available to read in full on the Authority's website.

### **Object**

- Proposed house is larger than the existing and do not consider that this addresses a local housing need which is for starter homes or properties that young families can afford. This proposed dwelling would be outside the pockets of most young families in the village.
- New building will be higher than the existing and will spoil views from neighbouring properties over the roof of the building towards the village and the church.
- The windows and roof lights in the building overlook neighbouring properties.
- The proposed two first floor gable windows specifically would overlook numbers 3 and 2 Sherwood Terrace.

- The proposed increase in height / width of the building will have an adverse impact upon the neighbouring properties by reducing sunlight. Any proposed replacement building should be no higher than the existing building.
- No new properties have been built in the Sherwood Road area which have more than two storeys therefore a three storey building is not in keeping with the area.
- Access to the property is between the roadside barn and Sherwood Terrace and therefore there is poor visibility for anyone exiting the site onto Sherwood Road.
- Although three off-street parking spaces are proposed it is easier and more convenient to park on the road which would add to the congestion on the road. The proposed parking spaces could also be used for other purposes and not be available to park cars.
- The vehicle access to the property has been newly created and previously there was no vehicle access to Hillcrest.
- Bats are known to be in the vicinity of the site and this issue needs to be assessed by the Authority when the application is determined.
- The existing property contains a lot of asbestos and demolition of the property could give rise to harmful dust which needs to be properly controlled.

#### Support

- The current building is an eyesore and is totally out of character with the village. The proposed building will be an enhancement to the Conservation Area and will provide a good home for a family.
- The plans show a traditional style of house which is about the same size as Two Ways and a lot smaller than Sherwood Terrace and would be built from proper limestone walls.
- The plans show that the building will be a little bit higher, but still a lot lower than Sherwood Terrace and spaced equally between Two Ways and Sherwood Terrace.
- The existing house has now off-street parking and would increase parking pressure on the road if it was re-occupied. The proposed dwelling accommodates off-street car parking.

#### General Comments

- Concern that while three off-street parking spaces are proposed that these will not be utilised. Occupants of the house must use the parking spaces and this should be compulsory.
- Concern about where skips will be placed and trader's vehicles parked during construction.

#### Main Policies

##### National Planning Policy Framework

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.

### Development Plan policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, L2, L3 and CC1

Relevant Local Plan policies: LC4, LC5, LC17, LH5, LT11 and LT18

Saved Local Plan policy LH5 is directly relevant for the current application and other key policies relate directly to landscape character, appropriate design and climate change mitigation and adaptation in the National Park.

Local Plan policy LH5 – Replacement Dwellings states that the replacement of unlisted dwellings will be permitted provided that:

- i. The replacement contributes to the character or appearance of the area.
- ii. It is not preferable to repair the existing dwelling.
- iii. The proposed dwelling will be a similar size to the dwelling it will replace.
- iv. It will not have an adverse effect on neighboring properties.
- v. It will not be more intrusive in the landscape, either through increased building mass or the greater activity created.

In addition to policies LC4 and LH5, the draft Development Management Policies Development Plan Document (DPD) was presented to and agreed by members at the Authority Meeting on 2 October 2015. At the October Authority Meeting members agreed that from this stage some limited weight may be attached to the emerging DPD as a material planning consideration; as an agreed statement of the Authority's intended position on development management policy.

Policy DMH9 of the emerging DPD is of particular relevance to this application. This specifically relates to Replacement Dwellings and states that these will be permitted provided that:

- (i) the dwelling to be replaced is not listed individually or as part of a group listing, and
- (ii) the dwelling to be replaced is not considered to have cultural heritage significance, and

Where the original dwelling complies with these principles, development will only be permitted where:

- (iii) the proposed replacement dwelling demonstrates significant overall enhancement to the valued character and appearance of the site itself, and the surrounding built environment and landscape, and
- (iv) the replacement dwelling will not create an adverse impact on neighbours residential amenity, and

- (v) in the event that the replacement dwelling is on another footprint, the existing dwelling is removed from the site prior to the completion of the development, or within 3 months of the first occupation of the new dwelling where the existing dwelling is in residential use, and
- (vi) where there is specific evidence of general housing demand in the Parish for dwellings of the size proposed to be replaced, the replacement dwelling is restricted to that size and/or type.

Adopted design guidance within the ‘Design Guide’, the adopted Climate Change and Sustainable Building Supplementary Planning Document (SPD) and the Authority’s Landscape Strategy and Action Plan offer further guidance on the application of these policies. These policies are supported by a wider range of policies in the Development Plan.

**Assessment**

**Whether the principle of the replacement dwelling meets the requirements of Local Plan policy LH5 (ii)**

The existing dwelling is modern has no particular architectural or historic merit. The low massing of the building, wide gables, large bay window openings and construction materials do not reflect the form or detailing of traditional vernacular buildings typically found within Tideswell and in the National Park more generally.

It is therefore considered that the replacement of the existing building with a more appropriate design which enhances the site and its surroundings and incorporates enhanced energy saving measures would be acceptable in principle and in accordance with LH5 (ii).

**Whether the proposed dwelling is of a similar size to the dwelling it will replace (Local Plan policy LH5 criteria (iii))**

This part of the policy uses the phrase ‘similar size’ as a parameter to control the size of replacement dwellings to protect the landscape, instead of a simple like for like floor space or volume calculation. This enables a degree of flexibility necessary to both achieve enhancement of the Park and to allow the scale of a replacement dwelling to respond to what is appropriate in the context of different sites and their setting.

The table below shows the difference in size between the existing and proposed dwelling. Members will be aware of officer advice in previous replacement dwelling applications that volume is considered to be a more reliable indicator of ‘similar size’ in relation to the key issue of landscape impact. Figures have been provided for footprint and volume of the building. Ridge height is discussed later in this report because the application proposes to lower the finished floor level of the proposed house.

	Existing House	Proposed House (percentage change compared to existing)
Footprint (m <sup>2</sup> )	58	55 (4% decrease)
Volume (m <sup>3</sup> )	307	397 (29% increase)

The proposed house would actually have a smaller footprint than the existing house but as a consequence of providing accommodation over three floors, the volume and height of the house would increase. The increase in volume and height is considered to be significant and therefore it is considered that the proposed house would not be a similar size to the existing house. However taking into consideration the supporting text states that the Authority will take account

of policy LH4 – Extensions to dwellings, which will generally allow around 25% or 30% increases in scale, the proposal is considered to be broadly in conformity with LH5 (iii).

The relative size of the existing and proposed house is only one criterion of the policy and should not be looked at in isolation from the context of the site or its setting within the landscape. In these respects criteria (i), (iv) and (v) of LH5 are particularly relevant.

Whether the proposed dwelling meets the requirements of Local Plan policy LH5 (i), (iv) and (v)

The site is located within Tideswell and there are no concerns that the proposed replacement dwelling would have any adverse impact upon the landscape character of the National Park. A number of representation letters raise concerns about the height and massing of the building and the potential impact upon the privacy of neighbouring properties from overlooking and the potential impact upon natural daylight and sunlight to the properties within Sherwood Terrace.

The proposed dwelling is higher than the existing to accommodate accommodation over three floors, with the third floor within the roof space. The application proposes to lower the finished floor level of the proposed dwelling by digging down into the site and creating a lower ground floor which opens out onto the garden which is at a lower level than Sherwood Road.

The proposed dwelling would therefore have the appearance of a two storey building from the garden side and a single storey building from Sherwood Road with roof lights and windows within the gables providing light into the first floor. The ridge height of the replacement dwelling would be 1.4m higher than the existing building but the overall height of the building would fall between the heights of the neighbouring buildings as the level of the land rises. Consequently, it is considered that the height and form of the proposed dwelling would not be dominant or harmful in the street scene because it would reflect the pattern of existing neighbouring built development.

The form, massing and proposed materials would reflect the local built tradition in accordance with adopted design guidance. The use of natural limestone under a natural blue slate roof reflects buildings within the Conservation Area and would be a significant enhancement over the existing timber infilled panels. The design and proportion of the proposed window and door openings is otherwise acceptable in design terms along with use of natural gritstone detailing.

It is therefore considered that the proposed dwelling is in accordance with LH5 (i) and (v) because the development would make a positive contribution to the character and appearance of the Conservation Area and because the new house would not be more intrusive in the landscape. If permission is granted, Officers would recommend that architectural details and specifications are secured by condition and that a condition to remove permitted development rights for alterations and extensions is also necessary to ensure that the Authority retains control of domestic development which could undermine the character and appearance of the development and the amenity of the area.

LH5 (iv) states that replacement dwellings must not have an adverse effect upon neighbouring properties and this is a key issue which has been raised in representations. Concern has been raised in particular about the impact of the new house upon the residential amenity of the occupants of 3 Sherwood Terrace.

Concern has been raised that the proposed house would result in a significant loss of sunlight and daylight to the occupants of 3 and 2 Sherwood Terrace and that the proposed house would have an overbearing impact upon the occupants of 3 Sherwood Terrace.

Officers have given careful consideration to this issue and visited the application site and 3 Sherwood Terrace at mid-morning when the development would potentially have the greatest impact upon sunlight given the eastern orientation of the properties. As a result Officers have sought amendments to the siting of the proposed house to ensure that the impacts of the



development are mitigated such that the development will not have a harmful impact upon the amenity of occupants of the neighbouring properties.

The proposed house would be 1.4m higher to ridge and 1.1m higher to eaves level than the existing house. The proposed house would also be sited 0.8m further down the garden (east on the site) compared to the existing building. Importantly however, the proposed building is set at a lower level compared to Sherwood Terrace and would be set a further 1m away from that property than the existing building.

As a result the proposed dwelling would remain beneath the eaves and ridge height of Sherwood Terrace and the proposed building would fall outside of the 45 degree measurements from the protected windows of 3 Sherwood Terrace and the 45 degree measurement from the nearest corner of 3 Sherwood Terrace. The proposed building would therefore meet the Authority's adopted guidelines in regard to daylight, sunlight and overbearing.

It is therefore considered that while the proposed building would be taller and set further down the garden than the existing building, the proposed development would not result in any loss of daylight or sunlight which would harm the residential amenity of either 3 or 2 Sherwood Terrace. It is also considered that the proposed development would not have an overbearing impact to 3 Sherwood Terrace.

Concern has also been raised in regard to over-looking from the two proposed first floor bedroom windows in the gable elevation facing north towards 3 Sherwood Terrace. These two windows would directly overlook the garden of 3 Sherwood Terrace and would look towards the rear wall of that property, albeit at an oblique angle. There is a living room window on the existing house which already overlooks 3 Sherwood Terrace and therefore it is arguable whether the proposal would result in any loss of privacy compared to the existing situation.

However, it is considered that the opportunity should be taken to control the overlooking issue by requiring the two proposed windows to be obscurely glazed and fixed to prevent overlooking which would be more likely to occur from the proposed two separate habitable rooms from a higher vantage point. For similar reasons it is recommended that the two ground floor windows on the gable facing south towards Two Ways are also obscurely glazed and fixed to prevent inter-visibility to the ground floor facing window which serves the neighbouring property.

Given the distance to other neighbouring properties there are no concerns that the proposal would result in any loss of privacy or amenity to any other neighbouring property. The potential impact of the development on private views across the village and property values are not material planning considerations and therefore Officers' advise that this issue is given no weight.

Therefore it is considered that the proposed replacement dwelling is in accordance with Local Plan policy LH5. Although the replacement dwelling is not a similar size to the existing dwelling, in the context of this site and its setting within the landscape, the proposed dwelling would make a positive contribution to the character and appearance of the area, would not have an adverse impact upon neighbours and would not be more intrusive in the landscape or street scene either through increased building mass or greater activity.

### Other Issues

The proposed house would be served by the existing access which would not be altered. Concern has been raised that the access has been installed recently but this has been carried out in accordance with permitted development rights to serve the existing dwelling and therefore this is the starting point for the determination of this application.

There is space within the site to park and turn three vehicles clear of the highway which is appropriate for the proposed four bedroom house. Therefore, subject to appropriate conditions to require details of a construction compound and provision and maintenance of parking and bin

storage space, it is considered that the development would be served by satisfactory parking and access arrangements in accordance with policies LT11 and LT18.

The application form states that foul sewage drainage is to be to a septic tank however no justification has been given to demonstrate that either a connection to the main sewer or to package treatment plant is not practicable or viable. Therefore the use of a septic tank would not be acceptable. If permission is granted a condition would be recommended to require full details of foul sewerage to be submitted and approved by the Authority. If a connection to the main sewer is not possible then the expectation would be that a suitable package treatment plant would be installed.

Concerns have been raised that the development may have an adverse impact upon protected species and particularly bats which have been witnessed leaving the existing building by occupants of the neighbouring properties. Officers therefore have requested a protected species survey been carried out and a report has now been submitted by the agent.

The survey found no evidence of bats roosting within the building but did find that commuting and feeding bats use the garden to the rear of the existing property. The report advises that where the house attaches to the neighbouring barn that it should be demolished using hand tools only because the barn may have potential to accommodate bats. This barn is in separate ownership and therefore could not be surveyed. The report also advises that any lighting to the outside of the building is direction so that light spill on the eastern end of the garden is minimised.

The report also recommends that demolition works are carried out outside of the bird-breeding season and that integral bird nesting boxes are integrated into the design to provide long-term protected nesting habitat.

Having had regard to the conclusions of the report it is considered that the proposed development would not have any adverse impact upon bats or birds or any other protected species or habitat provided that conditions are imposed to ensure that the development is carried out in accordance with the recommendations of the submitted survey.

The application states that the new dwelling would be constructed to meet the requirements of Code for Sustainable Homes Level 3, despite that code now having been abandoned. This would be achieved by utilising high performance insulation within the walls and roof, efficient lighting and water butts. Surface water would be to a soakaway to the lower end of the garden. The development would also re-use the stone plinth of the existing building within the landscaping works.

Finally, concern has been raised in regard to potential dust arising from asbestos within the existing building which will need to be removed from the site. Any asbestos and other waste arising from the proposed development will need to be removed by an approved contractor. Any removal of asbestos would need to be in accordance with the 2012 Control of Asbestos Regulations and as any impact and risk related to the demolition of the building and removal of asbestos is controlled by separate legislation it is not necessary to repeat this control by way of a planning condition.

## **Conclusion**

It is therefore concluded that the proposed development dwelling is in accordance with Local Plan policy LH5 because although the replacement dwelling is not a similar size to the existing dwelling, taking into account policy LH4 and the context of this site and its setting within the landscape, the proposed development would make a positive contribution to the character and appearance of the area, would not have an adverse impact upon neighbours and would not be more intrusive in the landscape either through increased building mass or greater activity.

There are no objections to the proposed access, parking and manoeuvring space or garage. The proposal would not harm the valued characteristics of the National Park including its landscape character and biodiversity.

In the absence of further material considerations, the proposed development is considered to be in accordance with the development plan and accordingly is recommended for approval subject to conditions.

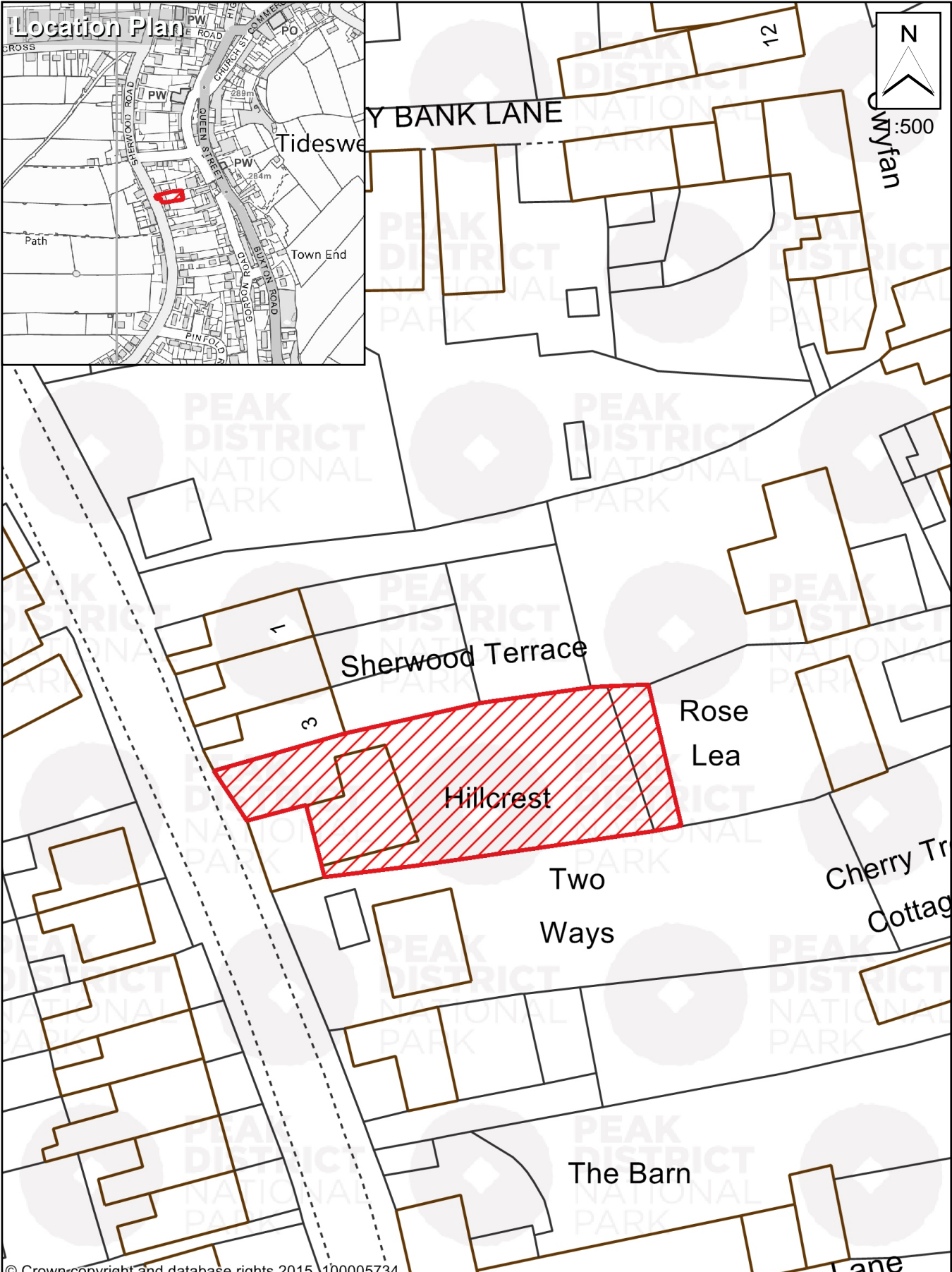
### **Human Rights**

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

### **List of Background Papers** (not previously published)

Nil

This page is intentionally left blank



© Crown-copyright and database rights 2015. 100005734.

Committee Date:	13/11/2015	<b>Title:</b> Hillcrest Shrwood Road Tideswell	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	18		
Application No:	NP/DDD/0315/0150		
Grid Reference:	415072, 375434		

This page is intentionally left blank

**19. FULL APPLICATION – DEMOLITION, RE-BUILD, ALTERATION AND EXTENSION AT WITHAMLEY HOUSE, BRADFIELD (NP/S/1015/0948, P.604, 426294 / 391038, 29/10/2015/AB)**

**APPLICANT: MR MARTIN HAGUE**

**Site and Surroundings**

The application site comprises a detached former farmhouse and associated outbuildings located at the end of a single width access track, approximately 300 metres from Hoar Stones Road to the west. The property has recently been re-built and is currently constructed of stone walls with a stone slate roof. The shell of the building has been completed but no windows or doors are currently in place.

The property is located in an isolated position in the open countryside to the south of Low Bradfield, with fields surrounding the property on all sides. Hoar Stones Road is located to the north and west but is not visible from the application site due to the land sloping steeply up from the road in a southerly/easterly direction. The land then flattens into a plateau on which the property is sited, before it then rises upwards beyond the property to the rear.

The nearest residential property to the site is the Grade II listed 'Fox Holes Farm House' that is located over 140 metres to the north-east. The neighbouring property is not highly visible from the application site due to the steeply sloping nature of the land to the south of this property, above Hoar Stones Road. The nearest village to the application site is Low Bradfield which is located over 700 metres to the north.

**Proposal**

This application seeks retrospective planning permission for the demolition of the existing dwelling and the construction of a replacement dwelling. The site has been the subject of an Enforcement Investigation, hence the submission of this application.

The dwellinghouse comprises a detached two storey, two bedroom dwelling built from natural stone with stone slate roofs. The dwelling has a two-storey double-fronted central section with a single storey lean-to erected to the western side and a two-storey with a pitched roof to the eastern side. It would have uPVC windows and timber doors and has stone lintels and cills. The dwelling's front elevation faces south, as did the now demolished former farmhouse.

The two bedrooms would be provided at first floor with a kitchen/diner, sitting room, study and wc provided at ground floor. The existing access will be retained with parking and turning space provided to the rear and side of the dwelling.

**RECOMMENDATION:**

**That the application be APPROVED subject to the following conditions.**

- 1. Development to be carried out in accordance with specified amended plans.**
- 2. Prior approval of detailed scheme of landscaping (including new planting, earth mounding, re-seeding, walls, gates and hardstanding) to be implemented as part of the development.**

3. **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 replacement dwelling shall be carried out and no extensions or porches shall be erected on the site without the National Park Authority's prior written consent.**
4. **Details of window materials to be submitted and approved. All window and door frames shall be recessed a minimum of 100mm from the external face of the wall.**
5. **Doors to be constructed of timber.**
6. **The rainwater goods shall be black. 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.**
7. **Parking and turning areas to be laid and constructed prior to occupation and maintained in perpetuity.**
8. **All pipework, other than rainwater goods, shall be completely internal within the building.**

### **Key Issues**

- Whether the principle of the replacement dwelling meets the requirements of saved Local Plan Policy LH5.
- Whether the proposed development would otherwise conserve or enhance the valued characteristics of the National Park and be acceptable in all other respects.

### **Relevant Planning History**

2007 – Extension to farmhouse - Approved

2006 – Extension to farmhouse – Withdrawn

### **Consultations**

Sheffield City Council – Comments awaited

Bradfield Parish Council – “*Bradfield Parish Council do not support retrospective applications*”

### **Representations**

At the time of writing no letters of representation have been received. However the consultation period does not expire until 12 November 2015, the day before the Committee Meeting. Therefore Members will be verbally updated at the meeting of any comments received.

### **Main Policies**

#### **National Planning Policy Framework**

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.



### Development Plan policies

Relevant Core Strategy (CS) policies: GSP3, L1 and CC1

Relevant Local Plan (LP) policies: LC4 and LH5

Saved LP policy LH5 is directly relevant for the current application and other key policies relate directly to landscape character, appropriate design and climate change mitigation and adaptation in the National Park.

Local Plan policy LH5 – Replacement Dwellings states that the replacement of unlisted dwellings will be permitted provided that:

- i. the replacement contributes to the character or appearance of the area.
- ii. it is not preferable to repair the existing dwelling.
- iii. the proposed dwelling will be a similar size to the dwelling it will replace.
- iv. it will not have an adverse effect on neighbouring properties.
- v. it will not be more intrusive in the landscape, either through increased building mass or the greater activity created.

In addition to policies LC4 and LH5, the draft Development Management Policies Development Plan Document (DPD) was presented to and agreed by members at the Authority Meeting on 2 October 2015. At the October Authority Meeting members agreed that from this stage some limited weight may be attached to the emerging DPD as a material planning consideration; as an agreed statement of the Authority's intended position on development management policy.

Policy DMH9 of the emerging DPD is of particular relevance to this application. This specifically relates to Replacement Dwellings and states that these will be permitted provided that:

- (i) the dwelling to be replaced is not listed individually or as part of a group listing, and
- (ii) the dwelling to be replaced is not considered to have cultural heritage significance, and

Where the original dwelling complies with these principles, development will only be permitted where:

- (iii) the proposed replacement dwelling demonstrates significant overall enhancement to the valued character and appearance of the site itself, and the surrounding built environment and landscape, and
- (iv) the replacement dwelling will not create an adverse impact on neighbours residential amenity, and
- (v) in the event that the replacement dwelling is on another footprint, the existing dwelling is removed from the site prior to the completion of the development, or within 3 months of the first occupation of the new dwelling where the existing dwelling is in residential use, and
- (vi) where there is specific evidence of general housing demand in the Parish for dwellings of the size proposed to be replaced, the replacement dwelling is restricted to that size and/or type.

Adopted design guidance within the 'Design Guide', the recently adopted Climate Change and Sustainable Building Supplementary Planning Document (SPD) and the Authority's Landscape Strategy and Action Plan offer further guidance on the application of these policies. These policies and guidance are supported by a wider range of policies in the Development Plan.

### **Wider Policy context**

Relevant Core Strategy (CS) policies: DS1, GSP1, GSP2, GSP4 and L2

Relevant Local Plan (LP) policies: LC17, LH4, LT11 and LT18

### **Assessment**

#### **Whether the principle of the replacement dwelling meets the requirements of Local Plan policy LH5 (ii)**

The applicant originally sought to retain the original farmhouse and submitted a planning application for a scheme to alter and extend the original building with a two-storey side extension to replace an existing single storey flat roofed attached garage, to alter an existing single storey attached lean-to dairy and to convert it to living accommodation, and to make other alterations to the external appearance of the dwelling. The application was approved in 2007.

Work commenced on site to implement the approved scheme, however during the demolition works approved by the previous application, the submitted Supporting Statement outlines that further parts of the building collapsed and the applicant felt he had no choice but to take the entire structure down to ground and re-commence work.

The building was therefore reconstructed as a replacement dwelling which did not have the benefit of planning permission. The reconstructed dwelling, as built, also differs from the approved extensions scheme. This application has therefore been submitted to regularise the development as built. As the original dwelling has been demolished, the original building cannot be repaired and therefore part (ii) of Local Plan policy LH5 is not applicable.

#### **Whether the proposed dwelling is of a similar size to the dwelling it will replace (Local Plan policy LH5 criteria (iii))**

This aspect of the policy uses the phrase 'similar size' as a parameter to control the size of replacement dwellings to protect the landscape, instead of a simple like-for-like floor space or volume calculation. This enables a degree of flexibility necessary to both achieve enhancement of the Park and to allow the scale of a replacement dwelling to respond to what is appropriate in the context of different sites and their setting.

A comparison between what was the original dwelling and what has now been constructed has been undertaken.

	<b>Original house (now demolished)</b>	<b>House as Constructed</b>
<b>Footprint (m<sup>2</sup>)</b>	100	98 (-2%)
<b>Floorspace (m<sup>2</sup>)</b>	151	177 (+17%)
<b>Ridge Height (m)</b>	5.4	5.9 (+0.4)
<b>Eaves Height (m)</b>	4.1	4.1 (-)

As can be seen from the above table, the house as constructed has a marginally smaller footprint than the demolished original dwelling and a 17% increase in floorspace. There is no change in the eaves height of the central element but its ridge height has increased by 400mm. The dwelling as constructed has a similar configuration as the previously demolished dwelling in that it is made up of three separate sections. The main double-fronted body of the house is located in

the middle with a single storey lean-to to the western side. A previous single storey flat roofed garage has been changed to two-storeys with a pitched roof to the eastern side. The additional volume of the building is mainly due to the increase in the height and number of storeys to the eastern section of the building. Therefore the replacement building is considered to be a similar size to the dwelling it replaced.

In addition, a comparison has been undertaken between what was previously approved and what has now been constructed on site, as this is a material consideration.

	<b>Previously Approved Extension Scheme</b>	<b>House as Constructed</b>
<b>Footprint (m<sup>2</sup>)</b>	92	98 (+6.5%)
<b>Floorspace (m<sup>2</sup>)</b>	166	177 (+6.6%)
<b>Ridge Height (m)</b>	6.15	5.9 (-0.25)
<b>Eaves Height (m)</b>	4.5	4.1 (-0.4)

As can be seen from the above table, the house as constructed has a marginally larger footprint and floorspace than the previously approved extension scheme. There is a reduction in the eaves height of the central element of the building by 400mm and a reduction of 250mm to the ridge height. As with the original dwelling, the dwelling as constructed has a similar configuration as the previously approved scheme in that it is made up of three separate sections with the additional volume of the building increasing mainly due to changes in the width and depths of the western and eastern sections. It should also be noted however that the roof of the lean-to has been reduced in height from the previously approved scheme; and the eaves of the two-storey eastern section has been increased but the ridge height remains unaltered. A comparison of the dwelling as constructed to what was previously approved by the Authority indicates that the replacement building, whilst different, is a similar size.

Notwithstanding this point, the relative size of the proposed dwelling is only one criterion of the policy and should not be looked at in isolation from the context of the site or its setting within the landscape. In these respects criteria (i), (iv) and (v) of Local Plan policy LH5 are relevant.

Whether the proposed dwelling meets the requirements of Local Plan policy LH5 (i), (iv) and (v)

The replacement dwelling is very similar in character and design to the dwelling it has replaced. It has been erected on the same part of the site and is constructed of identical materials (stone and stone slates). The original, now demolished dwellinghouse comprised a two-storey double-fronted dwellinghouse with a pitched roof that had a slightly lower eaves height to the rear elevation than the front elevation. Attached to the western side elevation was a lean-to dairy and attached to the eastern side elevation was a single storey garage with a flat roof. The replacement dwelling has a similar configuration with a central, two-storey double-fronted building with a pitched roof. Attached to the western side elevation is a single storey with a lean-to roof that has a greater width and depth than the dairy it replaced. A two-storey section has been attached to the eastern side elevation that has a lower eaves and ridge height than the central double-fronted part of the dwelling. It is the same depth as the garage it replaced with a width that is approximately one metre shorter. In addition, the replacement dwelling has a similar scale, design and character as the previously approved extension scheme that was considered to have an acceptable impact on the surrounding area.

It is noted that the land levels have been altered surrounding the dwelling with the ground having been increased in height. Whilst it is easily noted that the land to the north (rear) of the building has increased in height, it is unknown whether the land has been altered to the southern (front). It is also impossible to know by how much the land has been increased prior to the replacement building being erected, as a large amount of the work seems to have been done after the walls of the replacement dwelling had been constructed, resulting in the external floor level being higher than the internal floor level of the dwelling. Whatever change has been undertaken to the ground

level, given the isolated nature of the site with only long-ranging views of the building, any increase in the height of the ground and the subsequent height of the dwelling would be negligible from such a distance with little impact on the character or appearance of the surrounding area, especially once the site is landscaped.

Overall, it is considered that the replacement dwelling makes a positive contribution to the character and appearance of the area, in accordance with saved LP policy LH5 (i). If permission is granted, officers would recommend that conditions are attached in respect of those elements of the building that have yet to be completed (i.e. doors, windows and rainwater goods).

The property is located within the Dark Peak Yorkshire Fringe landscape character area identified within the Landscape Strategy and within the 'Slopes & Valleys with Woodland' landscape character type. The landscape around the application site is characterised by a varied undulating, often steeply sloping topography with interlocking blocks of ancient semi-natural and secondary woodland together with patches of acid grassland and bracken on steeper slopes.

In this case the replacement dwelling is very similar in scale and appearance to the previously approved extension scheme and is not significantly different to the original dwelling prior to its demolition. Therefore its impact on the landscape character would not be significant to the identified landscape character. There are only limited views into the site in the wider landscape due to the surrounding topography. In more distant views the increased size of the proposed dwelling would not have any significant landscape impact. The dwellinghouse has been re-built on a similar footprint as the original farmhouse and does not encroach into nearby fields.

It is therefore considered that the replacement dwelling is not more intrusive in the landscape and it conserves the character of the surrounding landscape in accordance with Local Plan policy LH5 (v). If permission is granted a condition would be recommended to require submission and agreement of a detailed scheme of landscaping including new planting, walls and hardstanding.

The nearest residential property is 'Fox Holes Farm House' that is located over 140 metres to the northeast and is sited on a much lower ground level resulting in the property not being highly visible from the application site. Therefore it is considered that the replacement dwelling would not have an adverse impact upon neighbouring properties in accordance with Local Plan policy LH5 (iv).

For the reasons detailed above, it is considered that the replacement dwelling is in accordance with Local Plan policy LH5. The replacement dwelling is a similar size to the existing dwelling, it makes a positive contribution to the character and appearance of the area, would not have an adverse impact upon neighbours and is not more intrusive in the landscape or street scene either through increased building mass or greater activity.

### Environmental Management

Core Strategy policy CC1 and the Authority's Climate Change and Sustainable Building SPD require all new housing to be built to a minimum sustainability standard equivalent to that required by the government for affordable housing by Registered Social Landlords. Whilst no renewable energy technologies are proposed within the replacement dwelling, the dwelling will have been constructed to comply with current Building Regulations and will be more thermally efficient than the building it replaced.

### Highways

The proposed dwelling would be served by the existing access which would not be altered. There is ample space within the application site to park three vehicles clear of the highway. Therefore subject to appropriate conditions to require details of the parking and turning space to be laid out and maintained in perpetuity it is considered that the proposed development would be served by satisfactory parking and access arrangements in accordance with saved LP policies LT11 and LT18.

### Protected Species

The original building has already been demolished and replaced with a newly constructed shell. The Bat Survey submitted with the previously approved extension scheme found no evidence of bats occupying the now demolished dwelling. The Authority's officers are not aware of any protected species or habitat that could be affected by the proposal.

### Conclusion

It is therefore concluded that the replacement dwelling is in accordance with Local Plan policy LH5 as it is of a similar size to the existing dwelling; it makes a positive contribution to the character and appearance of the area; it would not have an adverse impact upon neighbours; and it is not more intrusive in the landscape either through increased building mass or greater activity than the dwelling it has replaced. There are no objections to the proposed access, parking and manoeuvring space or garage. The proposal would not harm the valued characteristics of the National Park including its landscape character and biodiversity.

The Parish Council concern about retrospective applications is noted, but given the officer conclusion that the development complies with policy, it is considered that no significant weight should be given to the fact that this is a retrospective application.

If planning permission is granted, conditions securing minor design details would be recommended to ensure that the proposal complies with the requirements of Local Plan policy LC4. A condition removing permitted development rights for extensions and alterations is also recommended to allow the Authority to retain control to protect the visual amenities of the local area, as the replacement dwelling would benefit from new permitted development rights.

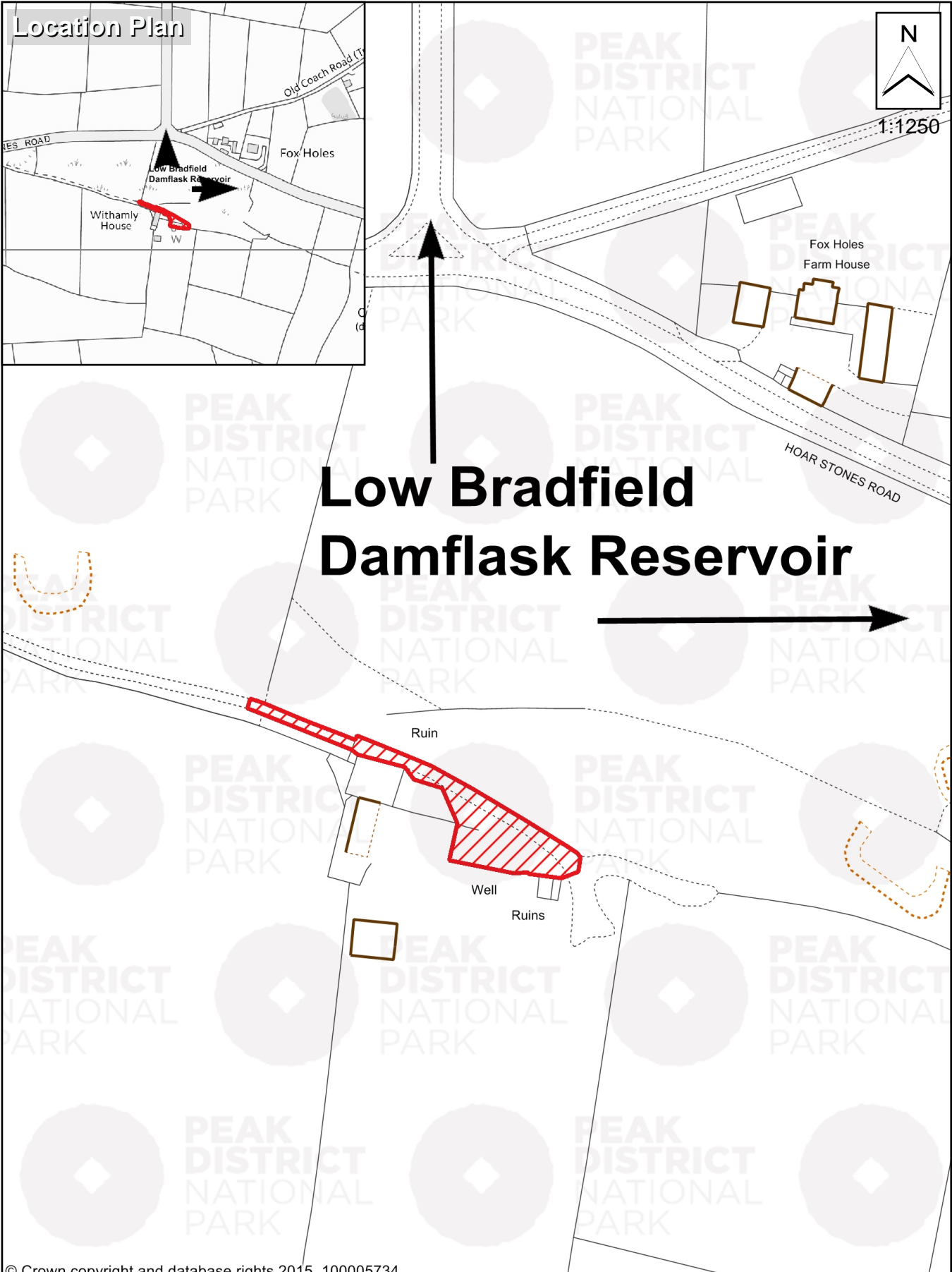
### Human Rights

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

### List of Background Papers (not previously published)

Nil

This page is intentionally left blank



# Low Bradfield Damflask Reservoir

© Crown copyright and database rights 2015. 100005734.

Committee Date:	13/11/2015
Item Number:	19
Application No:	NP/S/1015/0948
Grid Reference:	426294, 391038

**Title:** Withamley House  
Bradfield



This page is intentionally left blank



**20. FULL APPLICATION – DEMOLITION OF BUNGALOW AND CONSTRUCTION OF REPLACEMENT DWELLING AT HIGH PASTURE, CURBAR HILL, CURBAR (NP/DDD/0815/0745, P.6831, 424987 / 374471, 23/10/2015/AM)**

**APPLICANT: MR RAY GRIFFITHS**

**Site and Surroundings**

High Pasture is located upon the crest of the hillside which rises eastwards away from Baslow Road and Curbar Primary School. The site is outside of but adjacent to the designated Curbar Conservation Area which includes the open fields above and to the east of the site which are designated as important open space within the Conservation Area. There are open fields to the west and south of the site.

The property is a three bedroom bungalow constructed from a mixture of rendered and artificial stone walls under a pitched roof clad with concrete tiles. To the rear of the main building is a flat roofed element which includes a double garage. The building is set within a large garden which slopes away from the bungalow to the west with access from Curbar Hill to the north.

The nearest neighbouring properties in this case are the houses to the north of the site which front onto Curbar Hill.

**Proposal**

This application seeks planning permission for the demolition of the existing bungalow and the construction of a replacement dwelling.

The application proposes a detached two storey, six bedroom house built from natural gritstone under pitched roofs clad with blue slate. It would have painted timber windows and door frames with stone surrounds. The plans show that the dwelling would be set at the same level as the existing bungalow. A detached double garage is also proposed adjacent to the access and to the north of the proposed house.

The six proposed bedrooms would be provided at first floor and second floor along with a playroom which could also be potentially utilised as a seventh bedroom. The kitchen, dining room and living accommodation would be provided at ground floor. The existing access will be retained with parking and turning space provided to the east of the house.

**RECOMMENDATION:**

**That the application be REFUSED for the following reason.**

- 1. The proposed development would have an adverse visual impact and harm the scenic beauty of the National Park's landscape and the setting of the Curbar Conservation Area contrary to Core Strategy policies GSP1, GSP2, GSP3, L1 and L3, saved Local Plan policies LC4, LC5 and LH5 and the National Planning Policy Framework.**

**Key Issues**

- Whether the principle of the replacement dwelling meets the requirements of Policy LH5.
- Whether the proposed development would otherwise conserve or enhance the valued characteristics of the National Park and be acceptable in all other respects.

## **Relevant Planning History**

None relevant.

## **Consultations**

Highway Authority – No objection.

District Council – No response to date.

Parish Council – Object to the application for reasons which are summarised below. The Parish Council has also submitted photomontages of the site which can also be seen on the Authority's website.

- Inaccuracies within submitted application in regard to floor space of proposed house compared to the existing bungalow.
- The application does not comply with Local Plan policy LH5 (a) (iii) or (v).
- Object to the visible mass of the proposed house and its impact on the immediate landscape and broader views.
- References in the application to other developments in Curbar are not relevant. These are two storey houses not positioned on the landscape skyline.
- The proposed dwelling is very high and would greatly exceed that of the existing property.
- This is one site which is so prominent in the landscape that any increase at all in the height, width or volume of the building would only have an increased and more harmful impact.

## **Representations**

The Authority has received a total of six letters of representation at the time this report was written. One letter makes a general comment requesting the agent submit additional information, one letter supports the application and four letters object to the application. The reasons given in support and objection are summarised below. The letters can be read in full on the Authority's website.

### **Support**

- The proposed design is a distinct improvement on the existing building and provides a dwelling of character which blends in well with the surroundings and nearby dwellings.
- The development would also create a family-sized house which is not the case with the existing bungalow.
- The main aspect of the dwelling does not overlook properties in the immediate vicinity.

### **Object**

- The view over the application site looking west towards Hassop is particularly special. The current bungalow barely obstructs this view but the proposed house would be ruined by this unnecessarily large unattractive house.

- The quantity of glass windows in the south west elevation would make the building look even more intrusive and ruin the green and pleasant land that exists at the moment.
- Because of its size the proposed property would dominate the landscape in a grotesque way and would totally destroy the open aspect of this part of the village.
- Lack of information provided within the application in regard to views of the development from Cliff Lane.
- The development would have an unacceptable impact on both the setting and the wider landscape. The proposed building would be prominent from Cliff Lane and many other viewpoints. The site, on the brow of the slope down towards the main road at Calver, is very poorly chosen as the building would stand out in the landscape from viewpoints all around.
- The proposal is also clearly not compliant with policy LH5. The size (mass, volume, footprint and floor area) of the house is simply enormous.

## **Main Policies**

### National Planning Policy Framework

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.

### Development Plan policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, L2, L3 and CC1

Relevant Local Plan policies: LC4, LC5, LC17, LH5, LT11 and LT18

Saved Local Plan policy LH5 is directly relevant for the current application and other key policies relate directly to landscape character, appropriate design and climate change mitigation and adaptation in the National Park.

Local Plan policy LH5 – Replacement Dwellings states that the replacement of unlisted dwellings will be permitted provided that:

- i. The replacement contributes to the character or appearance of the area.
- ii. It is not preferable to repair the existing dwelling.
- iii. The proposed dwelling will be a similar size to the dwelling it will replace.
- iv. It will not have an adverse effect on neighboring properties.
- v. It will not be more intrusive in the landscape, either through increased building mass or the greater activity created.

Adopted design guidance within the 'Design Guide', the adopted Climate Change and Sustainable Building Supplementary Planning Document (SPD) and the Authority's Landscape Strategy and Action Plan offer further guidance on the application of these policies. These policies are supported by a wider range of policies in the Development Plan.

### **Assessment**

#### **Whether the principle of the replacement dwelling meets the requirements of Local Plan policy LH5 (ii)**

The existing bungalow is modern and has no particular architectural or historic merit. The low massing of the building, wide gables, flat roof garage extension and large horizontal window openings do not reflect the form or detailing of traditional vernacular buildings typically found within Curbar and in the National Park more generally.

It is therefore considered that the replacement of the existing building with a more appropriate design which enhances the site and its surroundings and incorporates enhanced energy saving measures would be acceptable in principle and in accordance with LH5 (ii).

#### **Whether the proposed dwelling is of a similar size to the dwelling it will replace (Local Plan policy LH5 criteria (iii))**

This part of the policy uses the phrase 'similar size' as a parameter to control the size of replacement dwellings to protect the landscape, instead of a simple like for like floor space or volume calculation. This enables a degree of flexibility necessary to both achieve enhancement of the Park and to allow the scale of a replacement dwelling to respond to what is appropriate in the context of different sites and their setting.

This is an important consideration here given the prominence of the site in the local area. The potential impact of the proposed house and its relative size compared to the existing bungalow is a key issue raised by the Parish Council and in representation letters from the public.

The table below shows the difference in size between the existing bungalow and the proposed house. The agent has provided figures in the application for existing and proposed floor space taking into account development which the agent considers could be carried out as permitted development. However, Members will be aware of officer advice in previous replacement dwelling applications that volume is considered to be a more reliable indicator of 'similar size' in relation to the key issue of landscape impact. Figures have therefore been provided for footprint, volume and the total height of the building (measured to the ridge of the main roof).

	Existing Bungalow	Proposed House (percentage change compared to existing)
Footprint (m <sup>2</sup> )	271	181 (33% decrease)
Volume (m <sup>3</sup> )	1005	1282 (28% increase)
Ridge height (m)	5.5	8.7

The proposed house would actually have a smaller footprint than the existing bungalow but as a consequence of providing accommodation over three floors, the volume and height of the house would increase. The increase in volume and height is considered to be significant and therefore it is considered that the proposed house would not be a similar size to the existing bungalow it would replace in conflict with LH5 (iii). Officers have taken into account extensions which could potentially be carried out under permitted development but these would be of a modest scale and critically only be single storey and to the rear of the bungalow. Therefore the potential impacts of

development carried out under permitted development would not be comparable to the proposed house.

The relative sizes of the existing bungalow and proposed dwelling is only one criterion of the policy and should not be looked at in isolation from the context of the site or its setting within the landscape. In these respects criteria (i), (iv) and (v) of LH5 are particularly relevant especially taking into account the concerns raised by the Parish Council and in representations.

Whether the proposed dwelling meets the requirements of Local Plan policy LH5 (i), (iv) and (v)

Officers have visited the site along with local viewpoints looking into the site from Curbar, Calver and in wider views from Curbar Edge and from Hassop Road. The proposed house would be sited broadly speaking in the same position on the site as the existing bungalow albeit turned to face south westwards.

This site is very prominent from local view points and in the wider landscape because it is positioned on the top of the crest of the hillside which rises up away from Baslow road and because there are clear views into the site from the open fields to the west, south and east of the site.

The existing bungalow is clearly visible on the crest of the hill and seen against the backdrop of Curbar Edge from lower ground within Calver and along Baslow Road and in wider views from the south west across the valley. The bungalow is less prominent from within Curbar Conservation Area, Cliff Lane and from Curbar Edge because the site is set down lower than the level of the adjacent field and only part of the concrete tile pitch roof is visible. The proposed house would be larger in volume and, critically, higher than the existing bungalow. As a result the proposed house would have a significantly greater visual impact where seen from local viewpoints and in the wider landscape.

In views from the south west the proposed house would stand significantly higher above the crest of the hillside and would skyline becoming a dominant feature at the top of the hillside. In views from the east from within the Curbar Conservation Area and from Cliff Lane the upper part of the walls and roof of the house would be visible and would interrupt a locally important viewpoint of the valley from Curbar Hill over the open fields.

The wide gables to facilitate the provision of accommodation within the roof space along the significant amounts of glazing on the south west elevation of the proposed house would further draw attention to the development in the wider landscape where it would appear as a substantial building at the crest of the hillside. It is therefore considered that the proposed house would be more intrusive in the landscape and that the house would not make a positive contribution to the character and appearance of the area.

In coming to this conclusion officers have taken into account the agents argument that the proposed house would have a smaller footprint and floor space compared to the existing bungalow. However it is the increased volume and height of the building which has been found to result in a harmful landscape and visual impact.

It is therefore considered that the proposed development would have a harmful impact upon the scenic beauty of the National Park landscape and the setting of the Curbar Conservation Area by virtue of its increased building mass and design contrary to Core Strategy policies GSP1, GSP2, GSP3 L1 and L3, Saved Local Plan policies LC4, LC5 and LH5 and adopted design guidance.

Officers have given pre-application advice about alternative designs of a smaller scale and height which may be more likely to be acceptable and have advised the agent that a re-submitted application which follows this advice would potentially be a way forward. However the agent has requested that the Authority determines the current application.

### Other Issues

The proposed house would be served by the existing access which would not be altered. There is space within the site to park and turn three more vehicles clear of the highway and there are no objections to the design or siting of the proposed garage. Therefore subject to appropriate conditions to require details of a construction compound and provision and maintenance of parking and bin storage space it is considered that the development would be served by satisfactory parking and access arrangements in accordance with policies LT11 and LT18.

The application form states that the existing and proposed foul sewage drainage is not known. If permission is granted a condition would be imposed requiring full details to be submitted for approval with the expectation that the development would be provided with a connection to the main sewer if viable and if not a package treatment plant.

The proposal falls outside of the Authority's requirement for a protected species survey because of the age of the building. The Authority's officers are not aware of any protected species or habitat that could be affected by the proposal. Although it is considered that the proposed development would be unlikely to have an adverse impact upon any nature conservation interests, an advisory footnote is recommended to remind the developer as a precautionary approach.

The application states that the dwelling would be constructed from a timber frame with high levels of insulation clad in natural stone. The design would also allow for passive heating through the large amount of glazing on the south west elevation. The application also states that there is the potential for the installation of a ground source heat pump on the site to provide energy for heating and hot water. This approach is acceptable and in accordance with CC1 but does not provide any over-riding justification to approve a development which would have a harmful impact upon the National Park.

### Conclusion

There are no concerns that the development would be un-neighbourly and the proposed house would be served by safe access and adequate parking. The development would not harm any protected species or their habitat.

However, these factors do not outweigh or override the fundamental objection to the application on the grounds that the proposed house would have an adverse visual impact and harm the scenic beauty of the National Park's landscape and the setting of the Curbar Conservation Area.

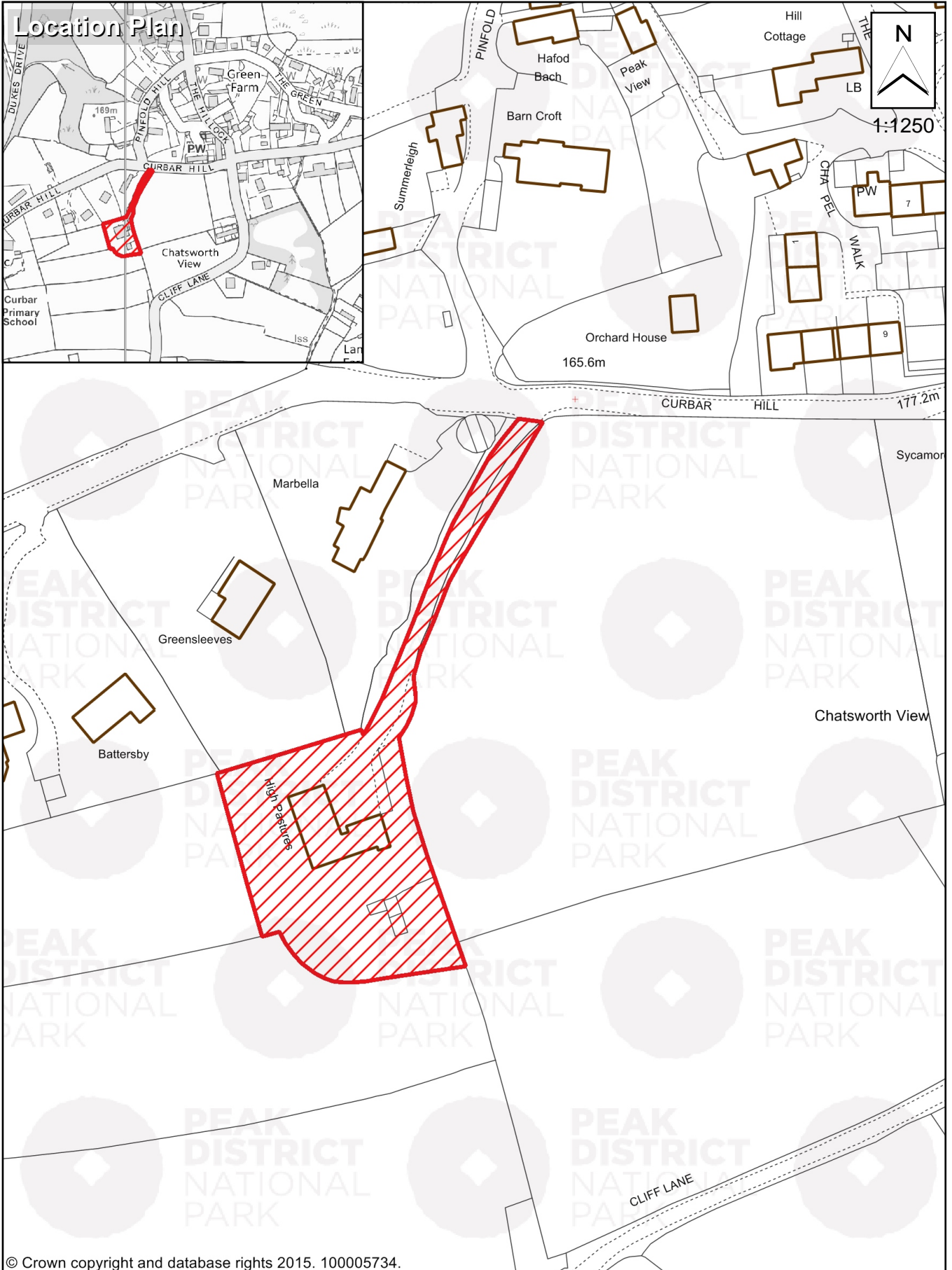
There are no exceptional circumstances to justify the proposed development and therefore it is considered that the proposal would represent unsustainable development contrary to contrary to Core Strategy policies GSP1, GSP2, GSP3, L1 and L3, saved Local Plan policies LC4, LC5 and LH5 and the National Planning Policy 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



© Crown copyright and database rights 2015. 100005734.

Committee Date:	13/11/2015	<b>Title:</b> High Pasture Curbar Hill Curbar	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	20		
Application No:	NP/DDD/0815/0745		
Grid Reference:	424987, 374471		

This page is intentionally left blank



---

**21. HOUSEHOLDER APPLICATION – REPLACEMENT ROOF AND EXTENSION,  
WOODLAND VIEW, TIDESWELL LANE, EYAM  
(NP/DDD/0915/0838, P.7268, 07/09/2015, 421142 / 376536, MN)**

**APPLICANT:** Mr Allistair Mew

**Site and Surroundings**

Woodland View is a bungalow property situated on Tideswell Lane, towards the western end of the village of Eyam. Tideswell Lane is a sloping road that adjoins Townhead, the main road through Eyam - some 250m north east of the application site. The property has a hipped roof which is of natural blue slate, with natural gritstone walls below. There is a detached garage to the rear of the dwelling in the north-west corner of the plot, which is accessed along the southern boundary of the site. There are gardens to front and rear.

In terms its relationships to other properties, the site is on the outskirts of the village. There is one bungalow property to the west, with a line of further bungalows leading east towards the village centre. To the north and south the property looks over open fields. A footpath runs east to west along the northern boundary of the site, joining Tideswell Lane to a footpath through to the fields behind the dwelling.

The property lies outside Eyam Conservation Area.

**Proposal**

The proposal comprises two main elements. Firstly, to replace the hipped roof of the property with a gabled roof with dormer windows and roof lights, facilitating conversion of the roof space to additional living accommodation. The second part of the proposal involves constructing a single storey rear extension that would follow the form of the altered dwellinghouse. A storm porch is also proposed to the front of the building.

**RECOMMENDATION:**

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

- 1. Statutory 3 year period to commence development.**
- 2. Completion in accordance with the revised plans.**
- 3. Rooflights to rear roof slope to be reduced from 4 to 2.**

**Key Issues**

1. Whether the development has an acceptable impact on the character and appearance of the dwelling and wider area
2. The impact of the development on the amenity of neighbouring properties

**Consultations**

Highway Authority - No objections subject to applicant maintaining 3 no off street parking spaces.

Derbyshire Dales District Council – No response at time of writing.

Eyam Parish Council – Object to part of the proposal, as follows:

The above application has been met with a number of councillor's objections due to the excessive extension of the roof and a number of discrepancies in the submitted plans [Officer note: revised plans have been submitted to correct errors on the original plans]. By doing away with the hipped roof and replacing it with a much higher gabled one, with dormer windows, will render the property highly visible from Windmill Lane and the adjacent footpath, and significantly alter the existing skyline.

It will make it the largest property on the smallest plot on this ribbon development, and will be out of keeping with the adjacent bungalows.

There has been no objection to the rear extension.

### **Representations**

Five letters of representation have been received in relation to the application, four supporting it and one raising objections.

The grounds for support are:

- The appearance of the property would be improved, and interest added.
- The development would have no impact on other properties.
- The plans are sympathetic to the National Planning Policy Framework, the Peak District National Park Design Guide and the Development Plan.
- Another application converting a bungalow to a more traditional house with a higher ridge height was recently approved locally and on a smaller plot than is the case here, setting a precedent that means the application should be supported.

The grounds for objection are:

- The new roof and extension would overshadow and be overbearing on the neighbouring property and garden of Scrumpy Croft.
- The gabled roof would have a significant impact on the skyline of the lane.
- The roof line will be higher than the existing roof line for most of its length contrary to the Authority's policies, and will also be in the opposite direction.
- If approved, the development would set a precedent for other hipped roof bungalows along the lane to adopt similar approaches, harming the rural character of the area which would be urbanised by the increased density in housing.
- The approach to Eyam from Foolow along the adjacent footpath would be harmed as the glazed extension would appear incongruous. In the other direction passers-by would be faced with a large house instead of a discrete bungalow.

### **Main Policies**

#### **Core strategy**

GSP1, GSP3, DS1

Policy DS1 allows for the extension of existing buildings in all settlements in the National Park.

Policy GSP1 requires all new development in the National Park to respect and reflect the conservation purpose of the National Park's statutory designation.

GSP3 states amongst other things that development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development proposals.

## **Local Plan**

LH4, LC4

The policies of the development plan are generally permissive of householder development provided it will not harm the character and appearance of the original building or its setting and will not harm the amenities of the site, neighbouring properties or the area (policies LC4 and LH4).

These policies are consistent with the wider range of conservation and design policies in the Development Plan, which promote high standards of design and support development proposals that would be sensitive to the locally distinctive character of the site and its setting and the valued characteristics of the National Park.

## **National Planning Policy Framework**

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 these policies detailed 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 secure high quality design, and promote the importance of landscape protection within the National Park.

## **Assessment**

Revised plans have been submitted during the course of the application due to some inaccuracies in the original plans. The proposal itself remains unchanged.

### ***Design – change to roof of dwelling***

In terms of form, the existing building is typical of its time, but does not reflect the local building traditions of the area. The current hipped roof does reflect the neighbouring dwellings to the east, but not the neighbouring property to the west, which has a dual pitched roof. In this context, the change from a hipped to a gabled roof is considered to be acceptable in principle. The existing hipped roof does serve to reduce the dominance of the roof. The proposed replacement would have a greater mass, having some affect on the apparent proportions of the building. The ridge height would not be increased however – it would actually be marginally reduced – and the creation of gable ends to the property does represent something of an improvement in form, bringing the building more in line with the local building traditions.

Overall, it is considered that the impact of the roof alterations on the appearance of the property would be neutral.

Three dormer windows are proposed to the new roof, two to the front and one to the rear. Whilst dormer windows are not generally a tradition of the local area, the Authority's adopted design guidance requires that where they are considered acceptable in principle they should usually be a continuation of the existing walls, be as small as possible, have gabled roofs, and reflect the openings below. Whilst the floor levels of the building do not permit the dormers to be at eaves level where they would be a continuation upwards of the existing walls, the applicant has in all other regards followed the Authority's design guidance when incorporating the windows.

Due to the non-traditional character of the building, its setting amongst similarly non-traditional dwellings, and because of the sensitive design approach adopted for them, the dormer windows are considered to conserve the appearance of the building.

The number of rooflights to the rear slope, in addition to the dormer window, would result in a cluttered appearance. It is therefore recommended that if permission is granted a condition be imposed that omits the westernmost of the two rooflights serving the bedroom and the eastern most of the two serving the stairwell. This would result in a more resolved and simple appearance that is considered acceptable.

### ***Design – rear extension***

The proposed extension would project from the rear elevation of the house, facing in to the back garden. In terms of scale, the ridge of the extension would be lower than that of the main house, and with a narrower gable. This results in a subordinate extension that does not compete with the main house. Materials would match those of the house (natural stone walls under a blue slate roof) which would help unify the two parts of the building.

The tall central glazing proposed to the gable of the extension is not a typical feature of properties of this type, nor is it reflective of other openings on the property. It does, however, serve to add some interest to the elevation and, given the character of the building and the otherwise conventional design of the extension, it is not considered to have a harmful effect on its appearance.

### ***Design – porch***

The proposed porch is modest in size, with materials to match the house, and with a gabled roof that reflects the design of the dormer windows. It is therefore considered to relate acceptably to the dwelling and conserve its appearance. Overall, the alterations and extensions are considered to relate acceptably to the dwelling and conserve the character and appearance of its setting, complying with policies LC4 and LH4.

### ***Impact on surrounding area***

In terms of its relationship to the surrounding built environment, the properties immediately east of the application site have hipped roofs, whilst the property immediately to the west has a dual pitched roof. Aside from the properties to the east having various forms of hipped roof, there is no notable consistency between the form, design and materials of these dwellings. As a result, a change to the form of the house subject of this application would not to have any detrimental impact on the character of the surrounding built environment, subject to being acceptable in design and massing terms.

The overall height of the building would not be increased. As a result it would not be significantly more prominent than the existing building when viewed from Windmill Lane to the east, or when approaching along the footpath to the west. It would be more prominent when viewed from Tideswell Lane directly in front of the building, but it is set back from the road and is still considered to relate acceptably to its surroundings.

The rear extension would be seen in some views when approaching along the footpath from the north. It would be viewed within the context of the existing property however, with which it is considered to be in keeping as detailed above, and so there is not considered to be any adverse impact on the character of the area in this regard.

Due to the scale and nature of the development it is not considered to have a significant impact on any other valued characteristics of the landscape in this location. Overall, the development is therefore considered to conserve the character of the area in accordance with policies LH4 and LC4.

### ***Impact on neighbouring amenity***

The neighbour considered to be most affected by the development is that of Scrumpy Croft to the lower, east side, due to the proximity of both their dwellinghouse and garden to the application site. Due to the orientation of the properties relative to the sun path, Woodland View does cast shadow over this neighbour for some part of the day. The development would increase this overshadowing to some degree. Longer shadows would be cast over some parts of the garden and, later in the day, over the western side of the dwellinghouse. This side of the house does not feature primary windows to any habitable rooms however, and the garden is of significant size. Given this, and the restricted nature of the increase in shadowing, it is not considered that the development would have a significant impact on the neighbour's ability to enjoy their property.

In terms of becoming overbearing, there would be some increase in massing that is apparent from the house and garden of Scrumpy Croft as the gable end of Woodland View would face this neighbour. The top of the extension would also be visible to them. However, there is no increase in overall height of the main property proposed and it would remain some 15 metres from this neighbour's dwellinghouse (although closer to the garden). Much of the proposed extension would be screened by the established boundary, and there would be further separation between it and the neighbour's garden due to their garage being sited in the rear garden adjacent to this shared boundary. The development is therefore not considered to be oppressive or overbearing on this neighbour.

With regard to the other neighbour, Fairview Farm, there would be a modest increase in shadowing of some of their garden at some times of day, but the house itself is some 25 metres away and set on higher ground where there is considered to be no risk of the development having an oppressive or overbearing affect.

There would be no loss of privacy to any neighbour as no overlooking windows are proposed.

Overall, the development is therefore considered to protect the amenity of neighbouring properties in accordance with LC4.

### ***Other matters***

Whilst the development has the potential of allowing increased occupation of the dwelling by virtue of increasing its size, this would not increase traffic levels along the road to any significant degree. The site has sufficient parking for 3 cars, which would be sufficient for a dwelling of this size. The Highway Authority has raised no objections subject to applicant maintaining 3 off street parking spaces. There are therefore considered to be no adverse highway impacts arising from the development.

### ***Conclusion***

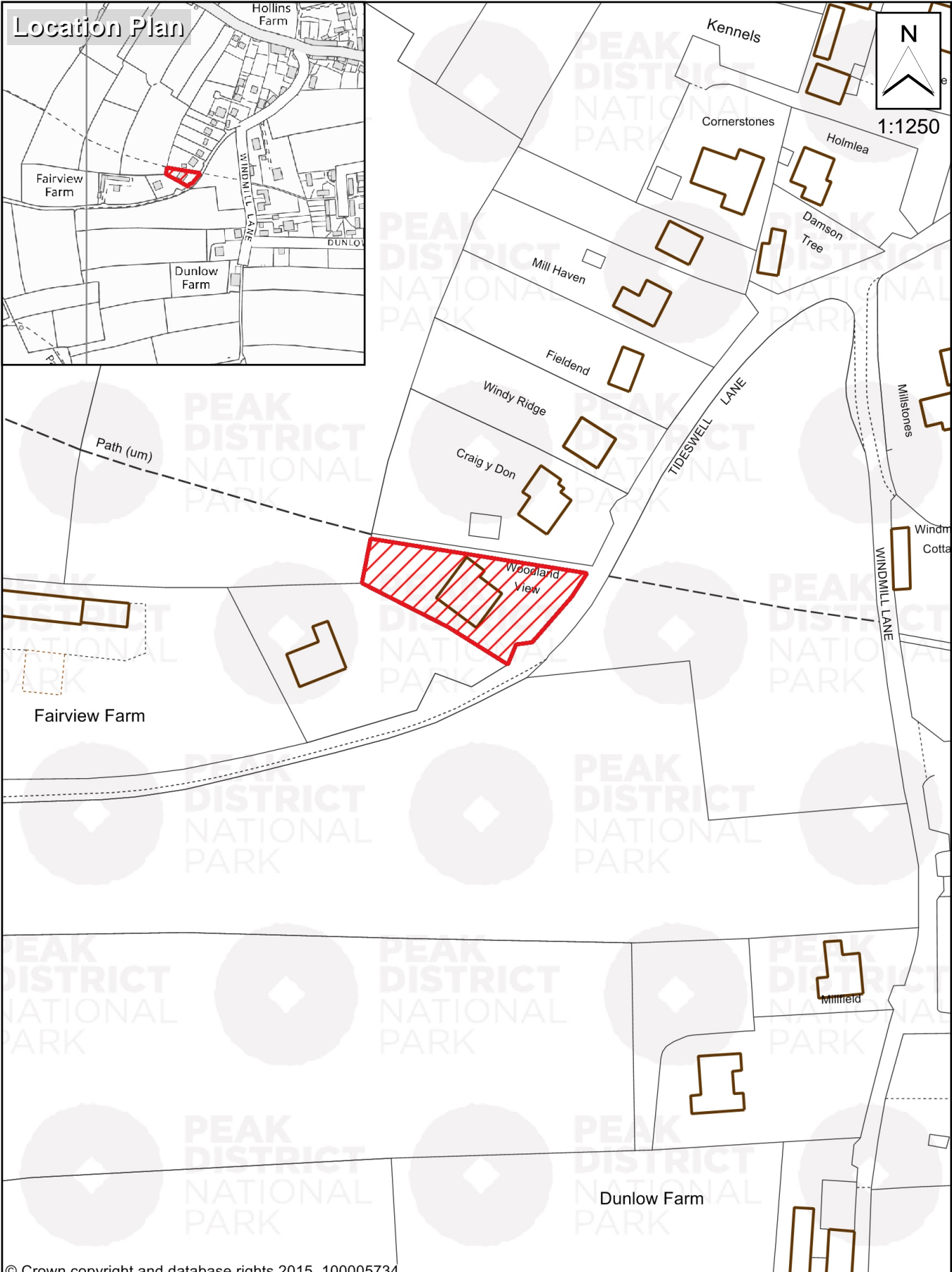
The form, design and size of the building are all considered to comply with both the Authority's Development Plan and its adopted design guidance, and to conserve the character and appearance of the built environment and the landscape of the area. Officers also consider that as proposed the application does not have such an impact on neighbouring amenity to be either significant or unacceptable. Given these considerations, and having taken account of all other material matters, the application is 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



© Crown copyright and database rights 2015. 100005734.

Committee Date:	13/11/2015	<b>Title:</b> Woodland View Tideswell Lane Eyam	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	21		
Application No:	NP/DDD/0915/0838		
Grid Reference:	421142, 376536		

This page is intentionally left blank



## **22. MAKING OF BRADWELL NEIGHBOURHOOD PLAN (AM/IF)**

### **Purpose of the report**

1. To note the positive outcome of the community referendum held on the Bradwell Neighbourhood Plan and to enable the formal “making” (adoption) of the Neighbourhood Plan.

### **Key issue**

2. Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Authority to “make” (adopt) the Neighbourhood Plan if more than half of those voting in a referendum upon the plan have voted in favour of the plan being used to help decide planning applications in the area.

3. **Recommendation**

- (i) **That Members confirm the making of the Bradwell Neighbourhood Development Plan 2015 – 2030 as part of the Peak District National Park Authority’s development plan for the designated Neighbourhood Area.**

### **How does this contribute to our policies and legal obligations?**

4. This is a legal obligation under the Localism Act 2011.

5. This proposal contributes to Corporate Objectives:

3. Provide a high quality planning service to the community of the National Park that achieves national park purposes and that is responsive to and contributes to the debate on planning reform nationally and locally.

5: Work with others in an integrated way to support local people to develop community facilities, local needs housing and services in ways that are sustainable and contribute to national park purposes.

### **Background**

6. Following successful examination of Bradwell Neighbourhood Plan in July 2015, the plan was the subject of a community referendum held on 22 October 2015. The Neighbourhood Plan received a majority “yes” vote. 260 people voted yes, 46 voted no, on a turnout of 26.8%. (For comparison, the turnout at Chapel-en-le-Frith was 32%.)

7. Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Authority to “make” (adopt) the Neighbourhood Plan if more than half of those voting in a referendum upon the plan have voted in favour of the plan being used to help decide planning applications in the area. The Authority is not subject to this duty if the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

8. At a meeting on 7 August 2015 the Planning Committee determined that Bradwell

neighbourhood Plan meets the Basic Conditions, is compatible with the Convention rights and complies with the definition of a Neighbourhood Development Plan and the provisions that can be made by a Neighbourhood Plan.

9. Since the Authority is satisfied that the making of the plan is consistent with the 2004 Act; and the Neighbourhood Plan was endorsed by a majority “yes” vote in the community referendum, the Authority must formally “make” the Neighbourhood Plan, following which, it becomes part of the development plan for the parish.

**Are there any corporate implications members should be concerned about?**

**Financial**

10. None.

**Risk Management:**

11. The steps that the Authority is taking, as described, to respond to the Localism Act, means that the risk around failing to meet government standards or legal obligations is low.

**Sustainability:**

12. Sustainability issues have been addressed in the neighbourhood plan making process and outlined in the report to planning committee (Item 27/15) on 13 March 2015.

**Background papers** (not previously published)

13. None.

**Appendices**

14. None.

**Report Author, Job Title and Publication Date**

Adele Metcalfe, Community Policy Planner  
Ian Fullilove, Policy Planner

## **23. HEAD OF LAW - PLANNING APPEALS (A.1536/AMC)**

### **1. APPEALS LODGED**

The following Appeals have been lodged during this month.

<b><u>Reference</u></b>	<b><u>Details</u></b>	<b><u>Method of Appeal</u></b>	<b><u>Committee/ Delegated</u></b>
15/0047 (Enf) 3128691 NP/HPK/0315/0169	Use of land for clay pigeon shooting without planning permission on land to the west of A624 Hayfield to Glossop Road	Written Representations	Committee

### **2. APPEALS WITHDRAWN**

The following Appeal was withdrawn during this month.

NP/DDD/0811/0766 2186724	Continuation of stone extraction at New Pilhough Quarry, New Road, Stanton in the Peak	Public Inquiry	Committee
-----------------------------	--	----------------	-----------

### **3. APPEALS DECIDED**

There were 5 appeals decided during this month.

<b><u>Reference</u></b>	<b><u>Details</u></b>	<b><u>Method of Appeal</u></b>	<b><u>Decision</u></b>	<b><u>Committee/ Delegated</u></b>
NP/DDD/0215/0074 3100595	Change of use of 'croft' to domestic curtilage, erection of gritstone clad retaining wall and associated ground works at the former Goldcrest Works, Main Road, Stanton in Peak, DE4 2LX	Written Representations	Allowed with conditions	Committee

The Inspector felt that the proposal would respect the locally distinctive pattern of development in Stanton and would not detract from the character and appearance of the surrounding area. She also felt that the proposal would not reduce the existing levels of privacy of the neighbours, so would not be contrary to Local Plan Policy LC4 which requires development to pay particular attention to the amenity, privacy and security of nearby properties. Having said that, the Inspector has stated as one of the conditions, that a landscaping scheme was necessary to safeguard the living conditions of the neighbours and that the use hereby permitted shall not begin until full landscaping works has been approved. The Inspector also considered that the proposal would conserve the natural beauty, wildlife and cultural heritage of the area and would not conflict with the statutory purposes of the National Park, the Framework of the development plan. The appeal was therefore allowed.

12/0040 (Enf) 3006175	Erection of a building without planning permission at Wigtwizzle Cottages, Sheffield, S36 4ZA	Written Representations	Enf Notice upheld with variation	Delegated
--------------------------	---	-------------------------	----------------------------------	-----------

The Inspector considered that the replacement building took on the appearance of a residential property rather than a functional agricultural building, and shared the Authority's concern that the building did not appear to have been designed with an agricultural use in mind; its external appearance and layout was more akin to a residential property, and in a location where a residential development would not be supported. It also did not conserve the landscape and scenic beauty of the surrounding area and so was contrary to relevant local and national policy. The Inspector agreed that the building must be demolished due to breach of planning control, but in upholding the enforcement notice, varied one of the enforcement notice requirements.

NP/HPK/0514/0542 3006599 (LDC)	Repair of stone wall and insertion of memorial plaques onto surface of wall on land west of Lockerbrook Farm, Hope, Derbyshire, S33 0AQ	Written Representations	Dismissed	Delegated
-----------------------------------	---	-------------------------	-----------	-----------

The Inspector considered that the wall would not have formed a means of enclosure and that the development would have involved a material change of use of the land and thus, for both of those reasons would not have been permitted development. She concluded that the Authority's refusal to grant an LDC in respect of the repair of the stone wall to insert memorial plaques was well-founded and therefore dismissed the Appeal.

NP/S/0415/0315 3133512	Erection of double garage and utility room with workshop/office space above at Dyson House, New Road, Bradfield, S6 6HW	Householder	Dismissed	Delegated
---------------------------	---	-------------	-----------	-----------

The Inspector considered that the proposed extension would have dominated the house and its primary elevation. Due to its considerable size and position in relation to the dwelling, it would have failed to be subordinate to the house, and rather than providing a new focal point for the original front elevation or improving its formal frontage, it would unacceptably overwhelm its appearance. It would appear out of proportion with the relatively modest and simple form of dwelling and unacceptably detract from the appearance of Dyson House. As a result the Inspector was not convinced that it would enhance the function or identity of the house so dismissed the appeal.

NP/DDD/1114/1157 3033489	Erection of a lean-to onto an existing agricultural building at Ashmount, Smalldale, Bradwell, S33 9JQ	Written Representations	Dismissed	Delegated
-----------------------------	--	-------------------------	-----------	-----------

The Inspector considered that the appeal proposal was not necessary and had not been sufficiently justified for the purposes of agriculture in the countryside location with the Peak National Park. It was also felt that, in terms of character, the statutory duty of conserving landscape and scenic beauty in the Peak National Park had not been demonstrated. Therefore it was considered that the proposal would have been detrimental to the character of the locality and conflicted with the relevant elements of Local Plan Policy LC13 and the Framework. In addition it would not have followed the objectives of the SPD. For these reasons the appeal was dismissed.

4. **RECOMMENDATION:**

**That the report be received.**