

# Public Document Pack

**Peak District National Park Authority**

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



Our Ref: A.1142/1452

Date: 1 December 2016



## NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 9 December 2016**

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 11 November 2016** (*Pages 1 - 10*)
- 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 - Operational Facilities for Brosterfield Camping and Caravan Site to Include Amenity Building, New Access, Manager's Accommodation and Associated Ancillary Facilities at Brosterfield Caravan Site, Foolow** (Pages 11 - 40)

**PLEASE NOTE THAT SINCE PUBLICATION OF THE AGENDA ITEM 6 HAS BEEN WITHDRAWN FROM THE MEETING AND WILL NOW BE CONSIDERED AT THE MEETING OF THE PLANNING COMMITTEE TO BE HELD ON 13 JANUARY 2017.**

7. **Full Application - Erection of wooden Pods for Camping at Nettlebeds Farm, Top House Lane, Wincle (NP/CEC/0816/0804, P4075, 12/9/2016 395031 / 365493/SC)** (Pages 41 - 48)  
Site Plan
8. **Full Application - Erection of Local Needs Affordable Dwelling at Shutts Farm, Shutts Lane, Bakewell (NP/DDD/1016/1044, P11737, 19/10/2016, 421299/367498/ALN)** (Pages 49 - 60)  
Site Plan
9. **Full Application - Demolition of Existing Garage and Erection of New Two Storey Side Extension and Associated Works at 14 Park Road, Bakewell (NP/DDD/1016/0974 P.5903E 421779 / 368025 22/11/2016 LB)** (Pages 61 - 68)  
Site Plan
10. **Householder Application - Erection of Fencing to Property Boundary at Turnpike House, Kettleshulme (NP/CEC/1016/1008, P.8007, 11/10/2016, 398802 / 379622, MN)** (Pages 69 - 76)  
Site Plan
11. **Head of Law Report - Planning Appeals (A.1536/AMC)** (Pages 77 - 78)

### **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 Strategy and Development 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**

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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 A Hart
Mr R Helliwell	Cllr Mrs C Howe
Cllr H Laws	Ms S McGuire
Cllr J Macrae	Cllr Mrs K Potter
Cllr Mrs L C Roberts	Cllr Mrs J A Twigg
Cllr D Williams	

### **Other invited Members: (May speak but not vote)**

Cllr A McCloy Cllr F J Walton

Constituent Authorities  
Secretary of State for the Environment  
Natural England

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



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**MINUTES**

Meeting: **Planning Committee**

Date: Friday 11 November 2016 at 10.00 am

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

Chair: Mr P Ancell

Present: Cllr D Birkinshaw, Cllr P Brady, Cllr D Chapman, Cllr Mrs C Howe, Cllr H Laws, Ms S McGuire, Cllr J Macrae, Cllr Mrs K Potter, Cllr Mrs L C Roberts, Cllr Mrs J A Twigg and Cllr D Williams

Cllr A McCloy and Cllr F J Walton attended to observe and speak but not vote.

Apologies for absence: Cllr C Carr, Cllr A Hart and Mr R Helliwell.

**142/16 CHAIR'S ANNOUNCEMENTS**

The Chair stated that as it was Remembrance Day the fire alarm bell would sound at 11.00am and again at 11.02am to enable the Committee to hold a 2 minute silence.

**143/16 MINUTES OF PREVIOUS MEETING**

The minutes of the last meeting of the Planning Committee held on 14 October 2016 were approved as a correct record.

**144/16 MEMBERS DECLARATIONS OF INTEREST**

Item 6

Cllr D Chapman declared a personal interest as he had attended the RHS Chatsworth show launch on behalf of the Authority.

Ms S McGuire declared a personal interest as she had received an invitation to attend the RHS Chatsworth show launch but had declined to attend.

Cllr J Macrae declared a personal interest as he was a member of the RHS and was Deputy Chair of Tatton Park Board, Chair of Tatton Park Enterprise Ltd, host of RHS Flower Show, Tatton Park.

Cllr Mrs K Potter declared a personal interest as she had asked Rowsley Parish Council clerk to send 2 letters to Chatsworth – 1 on behalf of herself and 1 from a Mr Fowkes regarding the traffic problems experienced in Rowsley.

Cllr Mrs L Roberts declared a personal interest as she was in receipt of hospitality from the Duke and Duchess of Devonshire in her role as Chair of the Authority.

Cllr Mrs J A Twigg declared a personal interest as she had attend the RHS Chatsworth show launch and had also attended meetings of the DMO which had discussed the show.

#### Item 8

The following Members declared they had received a letter and a brochure from the applicants: Mr P Ancell, Cllr P Brady, Cllr Mrs C Howe, Cllr H Laws, Cllr A McCloy, Ms S McGuire, Cllr J Macrae, Cllr Mrs K Potter, Cllr Mrs L Roberts, Cllr Mrs J A Twigg and Cllr D Williams.

Cllr Mrs K Potter declared a personal interest as she had asked Stoney Middleton Parish Council if they had any problems with the proposed windows.

#### Item 9

Cllr Mrs K Potter, on her return from holiday yesterday, had found she had received a letter from Curbar Parish Council which passed to the Director of Conservation and Planning at the meeting.

#### Items 12 and 13

The following Members declared they had received a letter from the applicant: Cllr P Brady, Cllr D Birkinshaw, Cllr D Chapman, Cllr Mrs C Howe, Cllr J Macrae, Cllr Mrs K Potter, Cllr Mrs L Roberts, Cllr Mrs J A Twigg and Cllr D Williams

#### Item 14

Cllr P Brady declared a disclosable pecuniary interest as he was one of the joint owners of the site. Cllr Brady would leave the room during discussion of this item.

### **145/16 PUBLIC PARTICIPATION**

Ten members of the public were present to make representations to the Committee.

### **146/16 FULL APPLICATION - TEMPORARY USE OF LAND FOR A HORTICULTURAL SHOW, INCLUDING THE ERECTION OF TEMPORARY STRUCTURES, ON A YEARLY BASIS, WITH ASSOCIATED OPERATIONAL DEVELOPMENT, RIVER CROSSINGS AND OTHER FEATURES AND THE CREATION OF TEMPORARY SHOW GARDENS, CHATSWORTH HOUSE, CHATSWORTH**

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

The Planning officer reported that since the report was written a further letter of support had been received. The letter was from Royal Hospital, Chelsea and was summarised for the Committee. He also set out in more detail the letters of support that were referred to in the report. The Planning officer recommended an additional condition to the recommendation regarding submission of a scheme of ecological monitoring as requested by the Environment Agency. Officers felt that a 3 year permission would allow the Authority to retain some control and monitoring and enable them to work with the applicant on any issues that arose from the operation of the show. Officers noted that Section 66 of Planning (Listed Building and Conservation Areas) Act 1990 establishes

that any harm to Listed Buildings gives rise to a presumption in favour of refusal and requires clear and convincing justification. As the harm is considered by Historic England to be “less than substantial”, the Authority can weigh this harm against the public benefits of the proposal.

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

- Mr R Reynolds, Chatsworth House Trust, Supporter
- Mr O Jessop, Archaeologist, Supporter
- Mr J Beresford, local resident and supporter
- Ms S Biggs, Director General, Royal Horticultural Society, for the applicant.

Cllr Mrs K Potter declared a personal interest as a local bed and breakfast owner.

In response to Members’ queries it was noted that the applicant was unwilling to consider an alternative, less sensitive site within Chatsworth Park.

A motion for approval subject to conditions, including the extra condition regarding ecological monitoring, but for a period of 10 years was moved and seconded.

Members were mindful of the National Park’s statutory purposes and the impacts on the site but considered that with a personal consent to the applicant and conditions including traffic controls and a liaison committee the public benefits of the proposal would outweigh the harms. The Committee considered that there would public benefits in respect of income that would be spent on maintaining and restoring heritage assets at Chatsworth, the benefits to the local economy and the educational benefits to visitors to the show.

The Director of Conservation and Planning stated that if Members were minded to approve the application a condition requiring the submission of an annual management plan to be submitted and agreed in writing with the Authority would be needed, also conditions regarding annual monitoring of the ecology and archaeology impacts, traffic controls including for construction traffic and the setting up of a liaison committee.

The motion for approval for 10 years subject to conditions was voted on and carried.

**RESOLVED:**

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

- 1. Temporary permission for ten years, personal to the RHS.**
- 2. Development to be carried out in accordance with the specified amended plans, subject to the conditions below:**

**Archaeology**

- 3. Written scheme of archaeological works to be submitted and agreed and thereafter implemented.**
- 4. Programme of archaeological monitoring to be submitted and agreed and thereafter implemented.**
- 5. Limit on excavations above the ‘Cana Duck pond’.**
- 6. Details of the temporary bridge foundations and footings and bridge deck clearance height to be submitted and agreed and thereafter implemented.**
- 7. Detailed show removal and site restoration scheme to be submitted and agreed and thereafter implemented.**

8. A scheme of details of dimensions, depth and location of all required groundworks to be submitted and agreed and thereafter implemented.
9. A scheme of details of the Hay Meadows Project exhibition to be submitted and agreed and thereafter implemented.
10. A scheme of details of the means of securing the structures on the site to be submitted and agreed and thereafter implemented.

#### Conservation and Landscape

11. A scheme of details of the perimeter show site fencing, including any draping, to be submitted and agreed and thereafter implemented.

#### Highways

12. Traffic Management Plan, including construction traffic, to be submitted and agreed and thereafter implemented.
13. Temporary car parking provision as shown on the submitted plans to be provided throughout the show period.
14. No other events to take place at Chatsworth during the show week.

#### Flood Risk

15. The development shall be carried out in full accordance with the mitigation measures identified within the submitted Flood Risk Assessment.
16. Submit, agree and implement scheme to show detailed information of the temporary bridge crossings across the River Derwent.
17. Scheme of Ecological monitoring of site as requested by the Environment Agency.

#### Monitoring and Review

18. A Liaison Committee to be set up to include the Parish Councils.
19. An Annual Management Plan to be submitted to and approved by the Authority, to include a review and assessment of the impact of the show and measures to address any issues arising.

The meeting was adjourned for a short break at 1155 and reconvened at 1200.

### **147/16 FULL APPLICATION - RETENTION OF SPA IN BASEMENT WITH NEW ENTRANCE AREA AND CONVERSION OF UPPER FLOORS INTO TWO APARTMENTS AND SIX TOWNHOUSES AT SPA BUILDING, RUTLAND MEWS, BAKEWELL**

The following spoke under the public participation at meetings scheme:

- Mr D Oulsnam, Agent.

The recommendation for approval subject to conditions was moved and seconded. An amendment to condition 3 to restrict the use to a health spa and ancillary café only was agreed. The motion was then voted on and carried.

#### **RESOLVED:**

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

1. 3 year implementation time limit.
2. Adopt amended plans.
3. The basement of the premises shall be used for a health spa and ancillary café and for no other purposes (including any other purpose in Class D2 of the schedule to the Town and Country Planning (Use



Classes) Order 1987 or in any order revoking and re-enacting that order).

4. The spa shall be open to customers no earlier than 9am and no later than 8pm on any one day.
5. Hard and soft landscaping scheme to be submitted and agreed in writing. Thereafter the scheme shall be fully implemented.
6. All mitigation measures detailed in the submitted flood risk assessment to be carried out prior to first occupation of the development hereby approved, including that finished floor levels shall be set no lower than 120.80m above Ordnance Datum (AOD).
7. The premises the subject of the application shall not be taken into use/occupied until the proposed footbridge and linking footway have been provided in accordance with approved drawing numbers 15/07/1A and 15/07/2.
8. The premises the subject of the application shall not be taken into use/occupied until on-site parking (including secure covered cycle parking) has been provided in accordance with the application drawings and maintained thereafter free from any impediment to its designated use.
9. Remove permitted development rights for alterations, extensions, outbuildings and boundaries.
10. Details of the finish for the steelwork, the design and finish of the balustrading and timber decking and the materials for the footpath surfacing shall be submitted and agreed. Thereafter the bridge and path shall be constructed in accordance with the agreed details.
11. New window and door frames to be dark grey aluminium in accordance with submitted sample.
12. All new window and door frames to be recessed a minimum of 100mm (approx. 4 inches) from the external face of the wall.
13. Rooflights to be fitted flush with the roofslope.
14. All pipework to be internal.
15. Details of the position, design and finish of meter boxes to be submitted and agreed.
16. The boundary between the external spa seating area and the residential courtyard shall be a 2m high natural drystone wall to match the adjacent walls unless otherwise agreed.
17. The existing opening on the north side of the existing boundary wall shall be blocked off using natural limestone to match the adjacent wall.
18. All new external walls shall be in natural limestone with half round gritstone copers to match the adjacent walls.

**148/16 S.73 APPLICATION - REMOVAL OR VARIATION OF CONDITIONS 2, 3, 9 AND 40 ON PLANNING APPLICATION NP/DDD/0713/0582 AT ROCKMILL BUSINESS PARK, THE DALE, STONEY MIDDLETON**

The Planning officer reported the officer recommendation on the submitted proposals would be for refusal, however officers had suggested an alternative four storey proposal which the applicants felt had merit.

The following spoke under the public participation at meetings scheme:

- Mr C Hall, applicant.

The recommendation for deferral to allow officers and the applicants to continue design negotiations on the four storey proposal was moved, seconded, voted on and carried.

**RESOLVED:**

**That the application be DEFERRED to allow Officers and the applicant to continue design negotiations and to secure amended plans to increase the height of the Mill building to four storeys and to allow for public re-consultation on the amended plans.**

**149/16 FULL APPLICATION - INCREASE THE SIZE OF AN EXISTING HORSE EXERCISE MANEGE AND ASSOCIATED WORKS AT LANE FARM, BAR ROAD, CURBAR**

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

The following spoke under the public participation at meetings scheme:

- Mr N Marriott, Agent.

The recommendation for approval subject to conditions was moved and seconded. It was agreed to amend condition 8 regarding landscaping by incorporating the second sentence of condition 9 and to omit the remainder of condition 9 regarding a maintenance plan. The motion was then voted on and carried.

**RESOLVED:**

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

1. **Standard time limit**
2. **Development in accordance with the submitted plan 1606/02C and Specifications and as amended by the submitted tree protection plan '028/03' and specifications, subject to the following conditions or modifications.**
3. **The horse riding arena hereby approved shall be ancillary to and remain within the same planning unit as Lane Farm, and for private use of the occupants of that dwelling only. The horse riding arena shall not be used for commercial purposes or livery.**
4. **There shall be no external lighting/flood lighting on the site throughout the life of the development.**
5. **The surfacing of the riding arena hereby approved shall have a dark coloured finish in black rubber chippings to match the submitted specification and shall be permanently so maintained.**
6. **No trees on the site shall be wilfully damaged or destroyed or felled, topped, lopped or uprooted without the prior written consent of the National Park Authority, other than those which are specifically shown on the approved plan '028/03' for removal. Any trees proposed for removal shall be replaced as part of a replanting scheme to be submitted to and agreed in writing by the Authority. Such a replanting scheme shall be submitted at the same time as any felling proposals.**
7. **No works or development shall take place until full details of the mitigation planting scheme have been submitted to and approved by the Authority. These details shall include, as appropriate:**
  - **Planting plan (to include sufficient width of planting on the west, north and east sides of the riding arena/manege to provide adequate**

- screening in the opinion of the Authority)
- **Softworks specifications and planting schedules, noting species, planting sizes and proposed numbers/densities**
8. **All soft landscape works shall be carried out in accordance with the approved details. Any trees that, within a period of five years after planting, are removed, die or become, in the opinion of the Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Authority gives its written consent to any variation.**

The meeting adjourned at 1306 for a lunch break and reconvened at 1330.

**150/16 FULL APPLICATION - CHANGE OF USE TO 3 AFFORDABLE DWELLINGS AT HURST WATER TREATMENT PLANT, DERBYSHIRE LEVEL**

The following spoke under the public participation at meetings scheme:

- Mr Milner, applicant.

Although the site was within open countryside Members felt it was not isolated and that the building had some merit for conversion as it had a history related to water management and treatment in the area. There was also concern expressed about the third reason recommendation for refusal. A motion for deferral for further negotiations with the applicant was moved and seconded.

The Planning officer stated that no pre-application advice had been sought on this proposal and that it would be preferable for a decision to be made and for discussions to then take place with the applicant.

The motion for deferral was withdrawn and a new motion for refusal on reasons 1 and 2 of the recommendation with an amended reason 3 was moved and seconded. This was then voted on and carried.

**RESOLVED:**

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

1. **No housing need survey or other evidence has been submitted to demonstrate a proven need for the proposed affordable housing. Given the sparsely populated nature of the Parish of Charlesworth and in the absence of any compelling evidence to demonstrate that there is an un-met demand for affordable housing within the Parish it is therefore considered the application has not demonstrated any proven need for the proposed development and is therefore contrary to saved Local Plan policy LH1 (i) and the Authority's adopted Supplementary Planning Guidance 'Meeting the local need for affordable housing in the Peak District National Park'.**
2. **The total floor area of proposed four bedroom dwellings named Plot 1 and Plot 2 would be substantially greater than the floor space guidelines within paragraph 7.2 of the Authority's adopted Supplementary Planning Guidance 'Meeting the local need for affordable housing in the Peak District National Park'. The development would also be set in a large plot potentially providing large garden areas to each of the proposed dwellings. It is therefore considered that the proposed dwellings would not be affordable by size or type to local people on low or moderate incomes contrary to saved Local Plan policy LH1 (iv).**

3. **It is therefore considered that the proposed development would not address eligible local needs for homes that remain affordable contrary to Core Strategy policy HC1 A.**

**151/16 FULL APPLICATION - ERECTION OF WOODEN PODS FOR CAMPING AT NETTLEBEDS FARM, TOP HOUSE LANE, WINCLE**

2.The following spoke under the public participation at meetings scheme:

- Mr J Cartlidge on behalf of the applicant.

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

**RESOLVED:**

**That consideration of the application be DEFERRED pending a site visit to assess the impact of the proposed development.**

*1430 Cllr J Walton left the meeting.*

**152/16 FULL APPLICATION - SINGLE STOREY LEAN-TO EXTENSION TO THE REAR ELEVATION, THE COACH HOUSE, MAIN STREET, GREAT LONGSTONE**

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

The following spoke under the public participation at meetings scheme regarding this item and the following item:

- Mr Taft, applicant.

Members felt that there would be no harm to the architectural or historic significance of the Grade II listed Coach House and the setting of Grade II\* Longstone Hall. A motion for approval subject to conditions was moved and seconded. Conditions regarding material details were agreed. The motion for approval was then voted on and carried.

**RESOLVED:**

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

1. **3 year implementation time limit.**
2. **Materials.**
3. **Details of window openings.**

**153/16 LISTED BUILDING CONSENT - SINGLE STOREY LEAN-TO EXTENSION TO THE REAR ELEVATION, THE COACH HOUSE, MAIN STREET, GREAT LONGSTONE**

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

Members felt that there would be no harm to the architectural or historic significance of the Grade II listed Coach House and the setting of Grade II\* Longstone Hall. A motion for approval subject to conditions was moved and seconded. Conditions regarding materials details were agreed. The motion for approval was then voted on and carried.

**RESOLVED:**

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

- 1. 3 year implementation time limit.**
- 2. Materials.**
- 3. Details of window openings.**

The meeting adjourned for a short break at 1457 and reconvened at 1500.

**154/16 FULL APPLICATION - PROPOSED GENERAL PURPOSE STORAGE AND LIVESTOCK HOUSING BUILDING TO REPLACE EXISTING BUILDINGS AT ADES CROFT, LOWER SMITHY LANE, TADDINGTON**

CICllr P Brady had declared a disclosable pecuniary interest in this item and therefore left the room and took no part in the debate.

The recommendation for approval subject to conditions was moved and seconded. It was agreed to amend condition 3 to include that the building remains as part of a single planning unit with the host dwelling at Ades Croft. The motion was then voted on and carried.

**RESOLVED:**

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

- 1. The development hereby permitted shall be begun within three years of the date of the permission.**
- 2. The development shall not be carried out other than in accordance with the submitted plans, drawing number 1148-001 (Elevation Details), received by the National Park Authority on 16<sup>th</sup> September 2016.**
- 3. The use of the building hereby approved shall remain ancillary to the host dwelling at Ades Croft and be maintained as a single planning unit.**
- 4. The building hereby approved shall not be brought into use until all buildings identified for demolition on submitted site plan reference 1148-002 have been completely removed.**

Cllr P Brady rejoined the meeting at 1510, after consideration of the above item.

**155/16 DESIGNATION OF SADDLEWORTH PARISH AS NEIGHBOURHOOD PLAN AREA**

The recommendation for designation of the neighbourhood plan was moved and seconded.

Cllr Mrs Roberts reported that Cllr McLaren, the Authority Member appointed by Oldham Borough Council, fully supported this proposal and had been working with Saddleworth Parish towards designation.

The motion was then voted on and carried.

**RESOLVED:**

**That the area of Saddleworth Parish as shown on the map in Appendix 1 of the report be designated as a neighbourhood area, under the *Localism Act 2011 Schedule 9, section 61G.***

**156/16 HEAD OF LAW REPORT - PLANNING APPEALS**

Members noted the appeals lodged and decided during the month.

**RESOLVED:**

**That the report be received.**

**157/16 EXEMPT INFORMATION S100 (A) LOCAL GOVERNMENT ACT 1972**

**RESOLVED:**

**That the public be excluded from the meeting during consideration of Agenda Item No. 18 to avoid the disclosure of Exempt Information under S100 (A) (4) Local Government Act 1972, Schedule 12A, Paragraph 6 "Information which reveals that the Authority proposes —**

**a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment".**

**158/16 EXEMPT MINUTES OF PREVIOUS MEETING**

**RESOLVED:**

**That the exempt minutes of the last meeting of the Planning Committee held on 14 October 2016 were approved as a correct record.**

The meeting ended at Time Not Specified

**6. FULL APPLICATION – OPERATIONAL FACILITIES FOR BROSTERFIELD CAMPING AND CARAVAN SITE TO INCLUDE AMENITY BUILDING, NEW ACCESS, MANAGER'S ACCOMMODATION AND ASSOCIATED ANCILLARY FACILITIES AT BROSTERFIELD CARAVAN SITE, FOLOW (NP/DDD/1016/0972, P.10457, P.11062 AND P.4484, 03/10/2016, 418941 / 376200/AM)**

**APPLICANT: PEAK DISTRICT NATIONAL PARK AUTHORITY**

**Site and Surroundings**

The application site is located in open countryside approximately 260m to the south of the edge of Foolow. The site lies outside of the designated Foolow Conservation Area which extends out to Ivy Farm and Home Farm 64m to the north of the application site. The application site is located within the White Peak Landscape Character Area and specifically within the Limestone Village Farmlands Landscape Character Type.

The land under the ownership and control of the applicant includes two fields located to the west of the Housley – Foolow road. The red-edged application site includes the westernmost of these two fields, a belt of planting which separates the two fields and a narrow strip of land along the northern part of the easternmost field which connects to the highway.

The application site is currently used for sheep grazing but benefits from planning permission for the use of the land as a caravan site for up to 50 pitches (see Planning History section later in the report) utilising the existing access to the southern boundary of the site which also serves Brosterfield Farm and Brosterfield Hall to the west which are the nearest neighbouring properties.

A public right of way follows the existing access track along the southern boundary of the site and there is also a public footpath 360m to the north of the site which runs from Foolow towards Wardlow Mires to the south-west.

**Proposal**

**Planning application**

This application seeks planning permission for operational facilities for the existing camping and caravan site including an amenity building, new access, manager's accommodation and ancillary facilities.

The application is supported by plans which show that a total of 50 pitches would be laid out on the application site. 20 pitches in the north western corner of the site would be occupied all year round (year round pitches), while the remaining 30 pitches would be seasonal pitches with occupation limited to between Easter and the end of October only. Two of the permanent pitches would be surfaced with limestone chippings with the remaining 18 grass reinforced by heavy duty mesh. All 30 of the seasonal pitches would be grass pitches.

The proposed new access would run along the northern boundary of the easternmost field from the Housley – Foolow road and into the north of the site. A new dropped kerb would be installed at the entrance which would have curved radii of 6m. The first 19m of the access track would be 5.5m wide with the remaining track 3m wide. The first 10m of the access would have a macadam surface with metal drainage channel. The existing adjacent field gate would be closed off and the new access provided with timber gates.

The remainder of the track would be surfaced with a buff coloured limestone aggregate, over sown with grass seed to match the existing field. A grass strip would also be laid up the centre of the access 19m back from the highway. The access track would then split into a circulation route

to provide access to the year round pitches and five of the seasonal pitches. A stock proof fence would be erected along the southern boundary of the track and a grass verge retained along the northern boundary.

An amenity building is proposed on the northern part of the site adjacent to the proposed access track and would provide toilet, laundry and washing facilities along with a site reception / office. The building would measure 8m wide by 21.2m long, 3.3m high to eaves and 5.6m high to ridge. The roof and walls of the amenity building would be clad with continuous zinc sheeting. The southern gable of the building would be open sided with a partially protecting office structure. Sliding doors would provide access to storage and plant rooms on the northern side of the building.

A two bedroom site manager's dwelling is also proposed on the northern part of the site adjacent to the proposed amenity building. The building would measure 7m wide by 14.4m long, 3m high to eaves and 5m high to ridge. The manager's dwelling would be clad with natural random coursed gritstone under a pitched roof clad with blue slate with concealed gutters. Windows and doors would be dark grey aluminium units.

The application proposes that chemical waste from the site will be disposed of to a cess tank within a compound in the north of the site. The cess tank would be fitted with a high level alarm and would be emptied and waste removed from the site. Foul drainage from the amenity building and manager's accommodation would be to an underground package treatment plant sited to the south of the manager's accommodation.

Finally the submitted application proposed to remove a dilapidated building in the south west corner of the site which was formerly used as office accommodation. The submitted plans also include additional native planting around the boundary of the site and to reinforce the existing group of trees to the east of the site where the new access would cut through.

#### Discontinuance of use Order ("DO")

The DO is proposed in order to reduce the effect of the existing 1998 planning permission and to ensure that it cannot be used in the way that the Inspector who determined the lawful use appeal decided it could be used. Subsection 102(1) (b) (ii) allows modified conditions to be incorporated into the 1998 planning permission to achieve what the applicant proposes and these are set out in the order replacing the existing conditions. The reasons for making the order are set out in the proposed statement of reasons (see Appendix C).

The procedure following making the DO is set out in Appendix A and committee should note that the DO must be confirmed (with or without modifications) by the Secretary of State (for Communities and Local Government).

Taken together the proposed planning permission and DO (modifying the 1998 planning permission) will achieve what is proposed by the applicant. Subject to the Planning Committee resolving to approve the application, the new planning permission (NP/DDD/1016/0972) would only be issued following confirmation of the DO by the Secretary of State. If the DO is not confirmed or confirmed with unsuitable conditions, then it may be necessary to bring the matter back to Planning Committee.

#### **RECOMMENDATION:**

**That the application be APPROVED subject to the confirmation of the proposed discontinuance of use order and subject to the following conditions and modifications:**

- 1. Statutory 3 year time limit for implementation.**



2. Development to be carried out in full accordance with specified approved plans.
3. No other works shall commence until the new access has been fully laid out and constructed in accordance with approved plans. Access visibility and vehicular passing places to be maintained throughout the lifetime of the development.
4. Detailed landscaping scheme to be submitted to and approved in writing by the National Park Authority and thereafter implemented in accordance with approved timescale.
5. No lighting shall be installed other than in accordance with a scheme submitted to and approved in writing by the National Park Authority.
6. The package treatment plant and cess tank hereby approved shall be installed prior to the first occupation of either the amenity building or manager's accommodation hereby approved.
7. Sample of metal sheeting for walls and roof of amenity building to be submitted and approved prior to the erection of the amenity building.
8. Prior to the erection of the office / reception within the amenity building, full details of the external finish of the office / reception shall be submitted to and approved in writing by the National Park Authority.
9. Notwithstanding submitted plans / application forms the walls of the manager's accommodation shall be natural limestone in accordance with a sample panel which shall be approved in writing by the National Park Authority.
10. External finish of windows and doors to the amenity building and manager's accommodation to be submitted and approved in writing prior to installation.
11. Roof of manager's accommodation shall be natural blue slate.
12. Occupation of manager's accommodation to be restricted to site wardens employed at Brosterfield Caravan Site and their dependents only.
13. Restrict use of site to touring caravans and / or tents only. Restrict maximum number of caravans and / or tents to no more than 50 between 31 March (or Good Friday if earlier than 31 March) and 31 October inclusive and no more than 20 at any other time.
14. Holiday occupancy condition (no more than 28 day occupancy for any individual per calendar year) and no single caravan or tent shall be retained on site for a period exceeding 28 days in any calendar year.
15. Siting of 'year round' pitches to be restricted in accordance with submitted plans.
16. No caravan or tent shall be sited on the eastern field edged in blue on submitted site plan at any time.
17. Remove permitted development rights for extensions and alterations to manager's accommodation.
18. Remove permitted development rights for development required by the conditions of a site licence.

**PROPOSED DISCONTINUANCE OF USE ORDER**  
**Section 102 Town and Country Planning Act 1990 (see Appendix A)**

If a motion for the proposed manager's accommodation, toilet block etc. as set out earlier in this report is agreed, then committee is asked to consider a further resolution as follows:

**The Brosterfield Caravan Site Discontinuance Order [2016] set out in Appendix B be made; and**

**The reasons for making the Order are as set out in Appendix C.**

**Key Issues**

- The planning history of the site.
- Whether the proposed development is acceptable in principle.
- The impact of the proposed development upon the landscape and the local area.

**Relevant Planning History**

1998: NP/DDD/0497/156: Planning permission granted conditionally for change of use of part of agricultural land to caravan site. Permission was granted subject to a S.106 legal agreement which surrendered an existing lawful use of a field to the south for 15 caravans.

Planning condition 2 imposed on the above permission restricts the number of caravans and tents on site and states:

The number of caravans and/or tents on the site on any day shall not exceed the following:

- a) Between 31 March (or Good Friday if earlier than 31 March) and 31 October inclusive – 30 caravans and/or tents.
- b) On Bank Holiday weekends (i.e. Thursday to Tuesday) between 31 March (or Good Friday if earlier than 31 March) and 31 October inclusive – 50 caravans and/or tents.
- c) At any other time – 20 caravans and/or tents.

1999: NP/DDD/1198/545: Planning permission granted temporarily for retention of caravan with extension for use as reception for caravan holiday park.

2002: NP/DDD/0702/351: Planning permission refused for erection of amenity block with managers flat on 1<sup>st</sup> floor to serve existing caravan park and new septic tank.

2003: NP/DDD/0203/070: Planning permission granted conditionally for erection of amenity block to serve existing caravan park. Officer note: This planning permission was never implemented and has therefore lapsed.

2007: NP/DDD/1007/0956: Planning application for variation of condition to allow for the remaining 10 of 30 approved caravans and/or tents to be sited on a 12 month, year round basis withdrawn prior to determination.

2008: NP/DDD/0708/0648: Application for Certificate of Lawful use refused for the unrestricted all year round occupation of 20 caravans falling within the statutory definition (i.e. to include mobile "Park" homes).

2011: APP/M9496/X/09/2105897: Appeal against the above decision allowed and Certificate of Lawful use granted for the unrestricted all year round occupation of 20 caravans falling within the statutory definition (i.e. to include mobile “Park” homes). The appeal was initially allowed in 2010, but the Authority challenged the decision. The High Court subsequently quashed the appeal decision. It was then re-determined and was allowed in 2011.

2014: NP/DDD/1214/1264: Planning application for touring caravan and camping site to include 20 year – round surfaced pitches with 5 camping pods, 1 warden touring pitch and 14 serviced touring pitches, 30 grass pitches from Easter to 31 October, amenity block, new access from public highway together with ancillary facilities withdrawn prior to determination.

## **Consultations**

Highway Authority – Makes the following comments:

The principle of a new access to serve the site has been agreed. However previous comments also included the suitability of proposed radii for caravans as the Highway Authority would not wish to see any overrunning and damage to the highway verge. Please ask the applicant to provide swept paths demonstrating the suitability of the access for use by caravans.

The Highway Authority would also recommend that the access is widened for the first 15m beyond the highway boundary to a minimum of 5.5m width to allow two vehicles and associated towing caravans to pass. A scheme of passing places within the track was proposed in the previous application but does not appear to have been included in the current submission.

Additionally it is noted that the revised access drawing Ref BCC/0816/11 shows a proposed brown tourist sign opposite. Please note that irrespective of any planning consent as may be granted signage cannot be placed in the public highway without the express permission of the Highway Authority.

The revised internal layout is noted and it will be acceptable from a highway point of view.

Officer note: Amended plans have been received which show the access with a radii of 6m and the first 19m of the track widened to 5.5m to allow two vehicles and caravans to pass. The Highway Authority has been re-consulted on the amended plans but no further response has been received to date.

District Council – No response received to date.

Parish Meeting – No response received to date

Environment Agency – No response received to date.

Natural England – No response received to date.

PDNPA Landscape – Raise no objection to the application subject to conditions to secure implementation of an approved planting scheme and maintenance and make the following comments:

*“A PRoW runs along the access track to Brosterfield Farm to the south of the site and another runs south west from Foolow to the north of the application site. There may be glimpsed and distant (2km+) views from Hucklow Edge and Eyam Edge.*

*The Landscape Assessment considers the extant permission for the site as its baseline (up to 20 park style mobile homes).*

*I do not disagree with the findings of this assessment in terms of effects on landscape character in that the application site is visually well-contained so potential landscape impacts are confined to the site itself. I think that the proposed access road and the associated post and wire fencing will potentially have a localised impact on character, but this is minimal. The new buildings are in a farmstead style and located adjacent to existing vegetation, so do not conflict with local character.*

*Visually the site appears to be part of a localised wooded area and is seen in the context of existing agricultural buildings. Again, I do not disagree with the findings of this assessment as the site is visually well contained by landform, tree cover and the belt of Leylandii to the south of the application site. On a site visit I did not consider that the scheme would have any significant adverse visual effects on views from the local footpath network.*

*A landscape scheme has been submitted with the application which I think provides a suitable landscape structure for the site.*

*The application does not conflict with any of the identified protection and management priorities – whilst a new access is created I think this will not have significant effects on the management of the network of minor roads and farm access points as it is in keeping with farm tracks in the area.”*

**PDNPA Ecology** – Raise no objection and make the following comments.

The site has been previously assessed for ecological interests. The grassland within the site is improved. There is opportunity to enhance the grassland interest here; however, the long term management of the site needs to be secured before considering habitat creation works.

The presence of Great Crested Newts (GCN) were considered at this location. A small pond located approx. 300 metres southwest of the site at Brosterfield Hall supports common amphibians. This pond was assessed for its suitability to support GCN using the Habitat Suitability Index (HSI). The pond was recorded as average under the HSI. It was then subject to survey in 2015 by Jonathan Eyres, a licenced Ecologist. GCN were not recorded during the survey. Given that the site is more than 250 metres away from the pond and no GCN were found during the survey, no further measures are required for GCN.

The pond was found to support common amphibians which will be present within the wider landscape. The site could be enhanced for amphibians by leaving a 2 metre uncut grass margin around the stone walls. This would provide a wildlife corridor. This would also provide a winter foraging area for seed eating birds. The area could be maintained by cutting on a bi-annual basis in November.

### **Representations**

A total of fourteen representation letters have been received to date, including one letter from the Friends of the Peak District. All fourteen letters object to the proposed development. The material planning reasons for objection are summarised below. The letters can be read in full on the Authority's website.

- There is already noise at weekends from people who stay in the Foundry Activity Centre (which is in Great Hucklow).
- Proposal would result in a significant increase in the number of touring caravans compared to the previous occupancy. When viewed from neighbouring hillsides the impact will be considerable and will be greater and longer lasting compared to the previous occupancy.

- The proposed development would have an adverse impact on the landscape and visual amenity of this part of the White Peak and create the impression of a sprawling extension of Brosterfield Farm.
- Because of the proposed increase in the number of touring caravans, 20 of the pitches which could only be occupied on bank holidays would increase to the whole summer season. There could be up to 50 touring caravans on the site and therefore the application is proposing to double the population of the village for half the year.
- The site is partially screened by trees, however in winter months Brosterfield Farm to the west can easily be seen through the shelterbelt of bare trees when walking the footpath on the southern boundary of the site or along the Foolow Road. Therefore the top third of caravans on the year round pitches, amenity block and wardens dwelling would be visible through leafless trees.
- In the wider landscape the field would become a focal point for the eye and distract from the overall distinctive view of the landscape.
- Views of the field from the south would not be minimal, much of the field can be seen above the leylandii – consequently visual impact of the site would be adverse in longer distance views.
- The proposed development would harm the designated Foolow Conservation Area.
- Light from the site and buildings will have adverse visual impact and impact upon tranquillity.
- The proposed access and gateway would harm the distinctive and pleasant approach to Foolow through a farmed landscape. The wide grass verge would be interrupted by the new access. The eastern field is highly visible in both near and distant views.
- Proposed access track would bring the development closer to the village increasing negative impacts in terms of traffic.
- Traffic and service vehicles visiting the site on the new access would impact on visual amenity from all views and result in a negative visual impact.
- The proposal includes the entire eastern field and it would be possible for caravans and tents to spill into this field. Even if this is not the case then cars and vans would still cross an open field to access the pitches.
- Neither turn into / out of Foolow onto the A623 enjoys great sight lines and therefore the proposal is likely to increase the chance of an accident involving a towed caravan.
- Bungalows are not normally an acceptable building form as they do not reflect traditional scale / proportions. The application includes a bungalow for the managers dwelling which does not reflect local barns.
- There is no proposed restriction on hours of operation and therefore the proposal is likely to cause local noise nuisance due to larger scale of the proposed development.
- Proposed development will cause problems for drainage and increase pressure on the sewer systems, electricity and broadband.

*Officer note: A package treatment plant is proposed for the foul drainage which would have no connection to the public sewer.*

- Proposed development would be likely to increase opportunistic crime within Foolow.
- Approval of this application would set a precedent for further campsite development in the local area.
- There is no need for an additional campsite in the area.
- Planning permission was previously refused in 1997 for an increase to 60 touring pitches in the interests of the amenity and due to inconvenience to nearby residents.  
*Officer note: no planning application can be found in the planning history for the site matching that description or date stated in this representation.*
- It is contrary to the principles of natural justice that the National Park Authority should be applicant and arbiter in this case. The application should be determined by a different National Park Authority or called in.
- Measuring the impact of the proposed development against what the current permission allows (20 permanent “Park” homes) is inappropriate given that the National Park Authority intervened and purchased the site to remove that threat. Therefore the assessment should be measured against the current situation which is two empty grazed fields.
- There are no objections to 30 touring caravans or the proposed new access however the proposed increase in numbers and the managers dwelling is an unjustifiable increase and would be refused under normal circumstances.
- The current extant planning permission for a caravan site should be discontinued and the land remain in agricultural use.
- The current extant planning permission for a caravan site cannot be used as there is no available access.

### **Main Policies**

#### **National Planning Policy Framework**

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.

Paragraph 17 of the Framework 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 Framework says that planning policies should support economic growth in rural areas and should take a positive approach to sustainable new development. Planning policies should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

Paragraph 129 in the Framework says the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) should be identified and assessed taking account of the available evidence and any necessary expertise. This assessment should be taken into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 132 of the Framework says that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

### Development Plan

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, L2, L3, HC2 and RT3

Relevant Local Plan policies: LC4, LC5, LC17, LC21, LR3, LR5, LT10 and LT18

Relevant policies in the Development Plan are consistent with national planning policies in the Framework because they promote sustainable recreational and tourism development in the Peak District (including proposals for camping and caravans) where it is consistent with the conservation and enhancement of the National Park's scenic beauty, cultural heritage and wildlife interests.

Core Strategy policy RT3 is especially important in determining the acceptability of the proposed development. RT3 says that proposals for caravan and camping sites must conform to the following principles:

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

The supporting text which precedes RT3 is also a relevant consideration. Paragraph 10.26 says:

*“Many landscapes in the National Park are very open, with narrow and often ecologically sensitive valleys and dales, and many areas have poor road access. A restrictive policy is appropriate because national policy gives particular weight to protection of the landscape in national parks. Size is an important factor in assessing the impact of a camping or caravan site on the landscape and traffic movements. The following policy states that small touring camping and caravan sites may be acceptable, but ‘small’ is not defined, either in terms of extent or number of pitches. Appropriate size will vary from site to site. For guidance, sites up to 30 pitches are more likely to be acceptable, although this may be too large in many circumstances. Exceptionally, static caravans, chalets or lodges may be acceptable in locations where they are not intrusive in the landscape. There may be some locations where, through the use of effective*

*design and landscaping, small, simple timber structures may be acceptable as replacements for existing static caravans where this would result in enhancement”.*

Paragraph 10.28 says:

*“Permanent homes for site wardens on camping and caravan sites may be acceptable in some circumstances, but must be justified in terms of essential need for a dwelling on-site. Wherever possible, they should be provided by conversion of existing traditional buildings of historic or vernacular merit. Proposals will be considered with reference to policy HC2.”*

Core Strategy policy HC2 says that new housing for key workers in rural enterprises must be justified by functional and financial tests and wherever possible must be provided by re-using traditional buildings that are no longer required for their previous use. HC2 C says that any new dwelling will be tied to the rural enterprise for which it is declared to be needed.

Core Strategy policy 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. Core Strategy policy GSP3 and Local Plan policy LC4 require all development to be of a high standard of design (in accordance with the design guide) and landscaping which conserves and enhances the character, appearance and amenity of the site (or buildings) its setting and that of neighboring properties.

Core Strategy policy L2 and Local Plan Policy LC17 together require all development to conserve and enhance the biodiversity of the National Park including designated sites and protected species and habitats.

Core Strategy policy L3 and Local Plan Policy LC5 together require all development to conserve and enhance the significance of any effected archaeological, architectural, artistic or historic assets and their setting. LC5 provides detailed criteria to assess proposals which are either within or affect the setting of designated Conservation Areas.

Local Plan policy LC21 states that development that presents a risk of pollution or disturbance will not be permitted unless adequate measures are to control emissions within acceptable limits are put in place. Local Plan policy LT18 states that the provision of safe access is a pre-requisite for any development within the National Park but that where a new access would harm the valued characteristics of the National Park that refusal of planning permission will be considered. Local Plan policy LT10 requires development to be served by satisfactory parking provision.

The Authority's adopted Landscape Strategy and Action Plan and the Foolow Conservation Area analysis document dated 1994 are material planning considerations along with the Authority's design guide which is an adopted supplementary planning document. The English National Parks and the Broads Vision and Circular 2010 is also a relevant material planning consideration.

## **Assessment**

### **Lawful use of the site**

Planning permission was granted at the application site for the change of use of the land to a caravan site in 1998 (the 1998 permission). The 1998 permission was granted subject to conditions to control the maximum numbers of caravans / tents at the site at any one time and to remove permitted development rights for building operations.

Some ten years after the 1998 permission was granted an application for Certificate of Lawful use for the unrestricted all year round occupation of 20 caravans on the site falling within the statutory definition (i.e. to include mobile “Park” homes) was made.



The application was refused by the Authority in 2008 but an appeal was subsequently allowed by the Planning Inspector in 2011.

The lawful use of the site was fully investigated as part of the lawful development certificate application in 2008 and the subsequent appeal in 2011. The Planning Inspector ultimately allowed the 2011 appeal and issued the Certificate of Lawful use. Officers therefore consider it clear that the application site does benefit from a lawful use as a caravan site subject to the planning conditions imposed upon the 1998 permission.

The point has been made in representations that the existing access to the site (which also serves Brosterfield Farm and Brosterfield Hall) is not available to the applicant and therefore that little weight should be given to the 1998 permission because the applicant is not able to access or operate the land as a caravan site. However, private rights such as rights of access are not material planning considerations. It is clear on site that the existing access and field gate remain and could in planning terms be utilised either by the applicant or any future occupant of the land.

A number of representations have also stated that it is inappropriate to take the lawful use of the site into account because the Peak District National Park Authority is the owner of the site and the applicant. A number of representations have also questioned the intentions of the applicant in purchasing the application site and making the current planning application.

In considering a planning application, the identity of any landowner or applicant at that particular point in time is not a material planning consideration. It is a widely accepted principle that any planning permission runs with the land and that an application should be determined on its own merits and in accordance with policies in the Development Plan unless material considerations indicate otherwise. Any planning permission would run with the land and could be occupied by several different parties over its lifetime; therefore it is not appropriate to base planning decisions upon the identity of the applicant or land owner.

The circumstances of an individual or business making a planning application can in some circumstances be relevant (such as a justification for affordable housing based upon the need of an individual) but this is not considered to be the case here. It is therefore considered that the existing planning permission is a material consideration for the assessment of the current application.

#### Principle of proposed development

The application site is located in open countryside but is not designated as Natural Zone or within any designated nature conservation site. Therefore in principle Core Strategy policy DS1 says that recreation and tourism development is acceptable in principle.

Core Strategy policy RT3 and LR3 are relevant for proposals for caravan and camping sites. Both policies say that touring camping and caravan sites will be permitted, particularly in areas where there are few existing sites, provided that they are well screened, have appropriate access to the road network and do not adversely affect living conditions. The term “small” is not defined within the policies, but the supporting text explains that appropriate size will vary from site to site and that for guidance purposes, sites up to 30 pitches are more likely to be acceptable (although this may be too large in many circumstances).

Core Strategy policy RT3 B says that static caravans, chalets or lodges will not be permitted. Core Strategy policy RT3 C says the provision of improved facilities on existing caravan and camping sites, including shops and recreation opportunities, must be of a scale appropriate to the site itself. Core Strategy policy RT3 D says that development that would improve the quality of existing sites, including improvements to upgrade facilities, access, landscaping or the appearance of existing static caravans, will be encouraged.

It is therefore considered that relevant policies in the development plan say that proposals for small touring caravan and camping sites are acceptable in principle provided that the development conserves the valued characteristics of the National Park and does not harm the amenity of neighbours or the local community or highway safety. The relevant policies also encourage development that would improve the quality of existing sites.

Saved Local Plan policy LR3 (c) says that permanent dwellings for site wardens' accommodation at camping and caravan sites will not be permitted. However this policy referred back to previous structure plan policy which said that sites must be sited close to existing farmsteads. This has been superseded by Core Strategy policy RT3, the supporting text for which says that permanent homes for site wardens may be acceptable in some circumstances and that proposals will be considered with reference to policy HC2.

The submitted application says that the proposed manager's accommodation is required to support the proposed use of the site for up to 50 touring caravan and tent pitches during the summer season. The application says that a warden is required for operational reasons to manage the site all year round and that a warden would need to be available out of normal working hours and at short notice to deal with any emergencies.

Given the number of proposed pitches it is considered reasonable to conclude that a single site warden is required. Given the nature of the use it is considered clear that the caravan and camping site would operate all year round and that a warden would be relied upon to deal with any emergencies which could arise at any time of day or night.

It is therefore considered that there is a functional need for the proposed manager's accommodation. Taking the proposed development as a whole which would in effect prevent the siting of 20 permanent residential caravans on the site it is considered that the proposed manager's accommodation is acceptable in principle. If permission is granted a condition to restrict the occupancy of the proposed managers accommodation would be recommended.

Therefore having regard to relevant development plan policies, consultation responses and representations it is considered that the key issue is the impact of the proposed development upon the locality and the wider landscape and upon the local community.

#### Landscape and visual impact

The application site is located within the White Peak and specifically within the Limestone Village Farmlands character area identified within the Authority's adopted Landscape Strategy and Action Plan. This is a small-scale settled agricultural landscape characterised by limestone villages, set within a repeating pattern of narrow strip fields bounded by drystone walls. Some of the key characteristics of this landscape type are gently undulating plateau, pastoral farmland enclosed by limestone drystone walls, scattered boundary trees and tree groups around buildings and discrete limestone villages and clusters of stone dwellings.

The application site and the surrounding landscape reflect the character identified in the Landscape Strategy and Action Plan. The application site comprises fields on the plateau bounded by drystone walls with scattered boundary trees and tree groups.

The boundary trees around the application site include a belt of native trees and hedges along the eastern boundary of the field which were planted following the grant of planning permission in 1998 and more mature trees to the south and west of the site which form part of Brosterfield Farm. A row of conifers (*leylandii*) have been planted outside of the southern boundary of the site along part of the existing access track and footpath which runs along the southern boundary of the application site.

When viewed in the wider landscape the application site and the neighbouring Brosterfield Farm and Brosterfield Hall are viewed as a cluster of traditional domestic properties and more modern farm buildings away from the main settlement of Foolow. The cluster of buildings is viewed in the context of the surrounding pastoral fields and drystone walls and amongst the established boundary and groups of trees.

As discussed earlier in the report the application site benefits from the 1998 planning permission which allows the use as a camping and caravan site. The 1998 planning permission allows for up to 20 permanent pitches without any restriction upon the type of caravan that can be sited on the land or the maximum duration of occupation. Therefore the existing site can be utilised for siting static caravans, chalets or “park” homes which could be occupied as permanent dwellings. The 1998 permission allows for a further 10 caravans on a seasonal basis and a further 20 during bank holiday weekends.

The existing planting around the application site would mitigate the siting of up to 20 permanent residential caravans to a certain degree. However it is considered that due to the increased size and mass of static caravans, chalets or “park” homes and the formal layout typically found on permanent caravan sites that up to 20 permanent residential caravans along with associated garden areas, and activity could not be accommodated on the application site without a significant harmful impact upon visual amenity from nearby public vantage points and the wider landscape.

This application proposes various building operations, including the creation of a new access track, new amenity block and new manager’s accommodation for the existing caravan and campsite. The submitted application documents and plans make clear that the proposed operational development would facilitate the laying out of the site for a total of 50 pitches for touring caravans and tents.

The applicant proposes that 20 of the pitches would be occupied on a ‘year round’ basis and that the remaining 30 pitches would be occupied on a seasonal basis (31 March or Good Friday until the 31 October). The applicant also proposes that if planning permission is granted then a discontinuance order (DO) would be made. The DO would have the effect of restricting the use of the 1998 planning permission to touring caravans and tents only and would restrict the maximum number and season of the site to match that shown on the submitted plans.

Therefore the impact of approving the proposals would be to restrict the use of the application site for touring caravans and tents only. The total number of permanent ‘year round’ pitches would remain unchanged at 20 but the total number of seasonal pitches would increase from 10 to 30 (see table below).

	Existing site	Proposal
Permanent unrestricted pitches	20	0
Permanent pitches restricted to touring caravans / tents	0	20
Seasonal pitches restricted to touring caravans / tents	10	30
Pitches restricted to bank holiday weekend in summer season	20	0

The application also proposes additional planting including additional Beech and Hawthorn planting along the northern boundary, Sycamore, Field Maple and Hawthorn on either side of where the proposed access track would cross the existing boundary trees, Beech trees along the southern boundary, a block of Hawthorn, Mountain Ash, Sycamore and Field Maple in the south east corner of the site and Mountain Ash, Hawthorn and Field Maple along the eastern boundary.

In assessing the impact of the proposed development Officers have visited the site and also viewed the site from more distant vantage points including Bretton and Hucklow Edge to the north, Thunderpit Lane and the public footpath at Burnt Heath to the south east and Wardlow Hay Cop to the south west. Officers have also consulted the Authority’s Landscape Officer who

has assessed the proposals independently and provided written comments (see consultation section of this report). The Authority's Landscape Officer concludes that the application does not conflict with any of the identified protection and management priorities and that whilst a new access is created this will not have significant effects on the management of the network of minor roads and farm access points as it is in keeping with farm tracks in the area.

Several concerns have been raised in representations in regard to the potential visual and landscape impact of the proposals both from nearby vantage points and in the wider landscape.

Following the 1998 planning permission the planting was carried out along the eastern boundary of the application site and this has become established and now provides what is considered to an effective screen of the camping and caravan site from nearby views from the highway to the east and north east. It is considered that this planting does effectively screen the application site from these views and from the approach from Foolow such that the visual impact of the proposed development would be limited to the proposed new access.

From the adjacent highway the proposed new access and the majority of the proposed track would be visible before the land dips towards the eastern boundary of the camping field. When viewed from the highway to the north the proposed access would be visible but the track would be effectively hidden behind the existing northern field boundary wall. When viewed from the highway to the south the proposed access track would be visible but would run along the northern field boundary which would mitigate the impact of the track as it crosses the open field in accordance with the Authority's policy guidance.

The proposed access would widen the existing field gate and cut across a section of the public footpath and grass verge. It is accepted that this would be a visual change which would interrupt the existing grass verge and that the access would be utilised by cars and caravans which would have an impact but it is considered that the access would be designed and surfaced to reflect existing agricultural access tracks in the local area and would not result in a harmful visual impact or harm identified landscape character.

There would also be close views into the site from the public footpath which runs along the southern boundary of the site and along the access track which serves Brosterfield Farm and Brosterfield Hall. Views from the majority of the footpath as it passes the site boundary are effectively screened by existing Leylandii planting on neighbouring land. There is however glimpses of the site between planting and through the existing field gate on the southern boundary of the site.

The application site is clearly seen from the footpath where there are breaks in the planting, however the visual impact of these views is limited to these specific points rather than for an extended period. It is therefore considered that the proposed buildings, layout of 'year round' and seasonal pitches and circulation route within the site would not have an adverse visual impact from these views especially taking into account the lawful use of the site.

Officers have reached the same conclusion in regard to when viewing the site from the public footpath which runs east to west 370m to the north of the site. There are very limited views of the application site from this footpath which are filtered through the existing planting along the eastern and western boundary of the application site.

Officers therefore agree with the Landscape Officer that the existing application site is generally well contained within the existing planting around the application site. It is noted some of the planting which contains the site is outside of the land controlled by the applicant and that therefore there is no guarantee that this planting will be maintained. The application proposes additional planting along these boundaries which will re-inforce the existing planting with native

species and provide some mitigation in the event that the planting on the neighbouring land is removed.

If permission is granted, Officers agree with the Landscape Officer that a planning condition should be imposed to require the submission, approval and implementation of a detailed landscaping scheme, including a planting schedule. This will ensure that appropriate new planting is carried out to re-inforce the existing planting around the site and to mitigate in the event that planting on neighbouring property is removed in the future. Subject to this condition Officers are satisfied that the proposed development can be accommodated without a harmful visual impact from nearby vantage points.

Furthermore it is considered that the proposed development can be accommodated on the site without harm to the setting of the Foolow Conservation Area. The application site is viewed from within the Conservation Area to the north at its boundary at Ivy Farm and from the footpath to the north of the site as it passes South Barn. However from both these vantage points the site would be well screened and therefore not have an adverse impact upon the setting of the Conservation Area. Similarly views of the development on the approach to the village would be limited and would not result in any harmful impact.

The site is seen in the wider landscape from more distant viewpoints including from Bretton / Hucklow Edge, Thunderpit Lane and the footpath at Burnt Heath to the south east and from Wardlow Hay Cop to the south west. Due to the distance from these viewpoints the application site is viewed as a field adjacent to the existing group of buildings at Brosterfield Farm and amongst the existing mature tree and hedge planting which surrounds both the application site and the adjacent group of buildings. Officers have considered these vantage points carefully and have concluded that from the views in the wider landscape that there would be very limited glimpsed views to the proposed amenity building, manager's accommodation and the upper part of the 'year round' permanent touring pitches.

However, any views of the proposed buildings and touring caravans and tents on the site would be limited and seen through the existing mature planting which would be reinforced by the proposed planting. The proposed buildings would be read in the wider landscape as a modest extension to the existing group of buildings at Brosterfield Farm and it is considered would not result in an adverse visual impact or harm landscape character.

Concern is raised in representations that light generated by the site would result in light pollution which would harm dark skies, which is a valued characteristic of the National Park. The submitted application states that proposed lighting would be limited to low level lights for the amenity block, managers accommodation and permanent 'year round' pitches. Officers are sensitive to the concerns raised but it is considered that subject to appropriate low-powered down lighting, which could be secured by an appropriate planning condition, that the impact of light pollution could be mitigated such that the development would not have an adverse impact.

Therefore, taking the proposals as a whole, including impacts of the proposed access track, amenity building, manager's accommodation and the proposed discontinuance order it is considered that the proposed development would result in an enhancement to the site and its setting within the landscape. It is considered that the impact of the proposed increase in seasonal pitches and the proposed operational development would be very limited and that the proposals on their own merits would conserve visual amenity and landscape character. The removal of the possibility for up to 20 permanent unrestricted residential caravans on the site would result in a significant enhancement.

It is therefore considered that taken as a whole the proposed development is in accordance with Core Strategy policy RT3, L1, L3 and saved Local Plan policies LC5 and LR3. In coming to this conclusion Officers have taken into account the lawful use of the site, set out earlier in the report.

### Design, amenity and highway safety

The proposed development includes the erection of two buildings within the site including an amenity block and a dwelling for manager's accommodation. The submitted application says that the buildings have been designed to reflect a small group of single storey agricultural buildings and therefore the buildings have a similar form but utilise different external materials.

The proposed amenity block would be clad with zinc sheeting which would be continuous up the walls and roof. The building would have no gutter detailing with rainwater running to drainage at the base of the walls. The southern part of the building would be open with an office structure within. Openings would be limited to vertical window openings and doors for the proposed storage areas.

The proposed manager's accommodation would have a similar form but be built from natural stone under a natural slate roof with dark coloured recessed glazing. The two buildings would be linked by a wall which would form the garden and parking area for the manager's accommodation. The amenity block would be accessed from a path to the west and east to serve the proposed pitches.

Buildings around the application site and the wider limestone plateau, including vernacular barns are built from natural limestone with gritstone detailing. It is therefore considered that the use of gritstone for the walls of the manager's accommodation is appropriate in landscape terms and that natural limestone should be utilised to reflect existing landscape character. If permission was granted a condition requiring the use of natural limestone would be recommended.

Subject to the above it is considered that the proposed buildings are to a high standard of design which responds positively to the established landscape character. Taken together the two buildings would have a similar appearance to low height agricultural buildings especially when viewed in the wider landscape. The proposed detailing is considered to be simple and of a high standard, utilising openings with vertical proportions ridge glazing and solar panels on the rear roof slope of the manager's accommodation.

It is therefore considered that subject to conditions to ensure approval of proposed materials and architectural specifications, the design of the proposed buildings is of a high standard and in accordance with adopted design guidance.

Concern has been raised in representations that the proposed manager's accommodation would have the appearance of a bungalow which is not in accordance with the design guide. However, Officers consider that the design of the proposed manager's dwelling would more closely reflect a single storey traditional farm building with simple eaves and window detailing rather than a domestic bungalow which would have domestic detailing and typically have wide gables.

The layout of the site is considered to be acceptable, with each proposed pitch would be provided with sufficient space and ample amenity in relation to nearby pitches. The proposed permanent 'year round' pitches would be surfaced with either buff limestone to match the access track or reinforced grass which would be appropriate in visual terms but also prevent damage to the site during the wetter winter months. The proposed manager's accommodation would be provided with a modest garden and parking area and would have sufficient amenity space.

Given the distance from the proposed amenity building, manager's accommodation and pitches to the nearest neighbouring property at Brosterfield Hall, and the intervening planting and buildings between the dwelling and holiday accommodation at that property, there are no concerns that the proposed development would result in any loss of privacy or overlooking towards the neighbouring property.

Activity at the site is likely to be audible from Brosterfield Farm; however any additional impact from the increased number of seasonal pitches (as compared to the use permitted by the existing planning permission) would not be significant as the majority of these are located further away from Brosterfield Farm to the east of the site. The proposed new access would separate from the shared existing access serving Brosterfield Farm and Brosterfield Hall. The removal of vehicles and caravans utilising the existing access would potentially benefit the amenity of both Brosterfield Farm and Brosterfield Hall as occupants would no longer meet visitors to the caravan site along the shared access route.

The Highway Authority advises that the principle of the proposed new access is acceptable and has recommended that the radii of the access be increased to reduce the likelihood of caravans overrunning and damaging the highway verge and that the first 15m of the access be widened to a minimum of 5.5m to allow to vehicles and towed caravans to pass. The applicant has submitted amended plans which show these changes.

Subject to the amended plans it is considered that the proposed access would be safe and that visitors to the site would have adequate visibility upon entering and exiting the site taking into account speeds on the existing highway which have been recorded in the submitted speed survey. Therefore subject to conditions to secure the amended plans it is considered that the development would be served by safe access and satisfactory parking in accordance with saved Local Plan policy LT11 and LT18.

It is noted that a proposed advert and brown tourist sign for the site is shown on the submitted plans. These advertisements fall under the advertisement regulations and therefore if separate express consent is required for the signage then this would need to come forward at a later point under a separate application. Therefore the proposed signage should not be taken into account in the determination of the current application.

#### Other issues

The Authority's Ecologist has visited the site and advises that the site is improved grassland. The application site itself is therefore considered to be of limited ecological significance. The presence of Great Crested Newts (GCN) has been considered by the Authority's Ecologist, there is a pond at Brosterfield Hall some 300m to the south west of the site but surveys have concluded that while the pond supports common amphibians no GCN were found.

It is therefore concluded that the proposed development would not be likely to have any adverse impact upon protected species on site or their habitats. Given the distance from the site to the nearest designated sites it is considered that the proposed development would not have any adverse impact upon these sites.

The application proposes that two foul drainage systems would be installed as part of the proposed development. A package treatment plant is proposed to deal with foul waste from the amenity building and manager's accommodation and a cess tank is proposed to store chemical waste from touring caravans. The cess tank would be provided with a high level alarm and be emptied by a vehicle which would take the waste to an appropriate disposal facility.

The application is supported by correspondence from Seven Trent Water who confirm that there is insufficient capacity within the local sewage works at Foolow to receive and treat the waste from the proposed development. Therefore Officers accept that it is not feasible to connect to the main sewer and therefore that a package treatment plant is acceptable in principle and in accordance with Government guidance.

The proposed method of foul drainage for both foul and chemical waste has followed previous advice from the Environment Agency and is considered to be acceptable. The Environment

Agency has been consulted on the current application but no response has been received to date. Any further response from the Environment Agency will be reported at the meeting.

Concern has been raised that the proposed development would put additional strain upon the existing electricity and broadband infrastructure. There is however no evidence to suggest that additional demand from the development would put unsustainable pressure on existing infrastructure provided that the development includes appropriate services. Moreover, it is important to compare the likely impact with what could happen under the existing permission, with permanently occupied units.

Finally, concern has been raised about the lack of public consultation by the Authority in making this application and that there is no demonstrable need for a campsite. Full details of the consultation process the applicant has undertaken is provided within the application documents which is available to read in full on the Authority's website. While the concerns raised are noted it is recommended that the proposal is determined on its own merits and that the need for the development and the consultation process carried out by the application should not weigh heavily either in favour of or against the proposals.

### **Conclusion**

The application site benefits from a lawful use as a caravan and camping site which has been confirmed by a Planning Inspector to allow for the siting of up to 20 "Park" homes. The lawful use of the site is a very strong material consideration to which significant weight must be attached and sets the starting point for the assessment of the proposed development.

It is considered that the proposed development can be accommodated on the site without harming the scenic beauty of the landscape or the setting of the designated Foolow Conservation Area. Subject to conditions it is considered that the proposed buildings represents a high standard of design in accordance with the design guide. The proposed development would be served by safe access and adequate parking and would not harm the amenity of neighbouring properties.

The proposed discontinuance order would prevent the use of the site for permanent "Park" homes which would enhance the site and its setting within the landscape.

In the absence of any further material considerations it is considered that the proposed development is in accordance with the development plan and therefore is recommended for approval subject to the confirmation of the discontinuance order and the conditions outlined in the 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



## **APPENDIX A**

### **TOWN AND COUNTRY PLANNING ACT 1990-extract of relevant provisions**

#### **Section 102.— Orders requiring discontinuance of use or alteration ...**

(1) If, having regard to the development plan and to any other material considerations, it appears to a local planning authority that it is expedient in the interests of the proper planning of their area (including the interests of amenity)—

(a) that any use of land should be discontinued or that any conditions should be imposed on the continuance of a use of land;

they may by order—

(b)

(i) require the discontinuance of that use, or

(ii) impose such conditions as may be specified in the order on the continuance of it, or as the case may be.

(2)

(3) Section 97 shall apply in relation to any planning permission granted by an order under this section as it applies in relation to planning permission granted by the local planning authority on an application made under this Part.

#### **Section 103.— Confirmation by Secretary of State of section 102 orders.**

(1) An order under section 102 shall not take effect unless it is confirmed by the Secretary of State, either without modification or subject to such modifications as he considers expedient.

(2) The power of the Secretary of State under this section to confirm an order subject to modifications includes power—

(a)

(b) to include in the order any grant of planning permission which might have been included in the order as submitted to him.

(3) Where a local planning authority submit an order to the Secretary of State for his confirmation under this section, they shall serve notice—

(a) on the owner of the land affected,

(b) on the occupier of that land, and

(c) on any other person who in their opinion will be affected by the order.

(4) The notice shall specify the period within which any person on whom it is served may require the Secretary of State to give him an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(5) If within that period such a person so requires, before the Secretary of State confirms the order, he shall give such an opportunity both to him and to the local planning authority.

(6) The period referred to in subsection (4) must not be less than 28 days from the service of the notice.

(7) Where an order under section 102 has been confirmed by the Secretary of State, the local planning authority shall serve a copy of the order on the owner and occupier of the land to which the order relates.

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APPENDIX B

ORDER FOR DISCONTINUANCE OF USE OR  
REMOVAL OF BUILDING OR WORKS  
PEAK DISTRICT NATIONAL PARK AUTHORITY

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 102

BROSTERFIELD CARAVAN SITE DISCONTINUANCE ORDER 2016

RECITALS

1. Peak District National Park Authority (“the Authority”) is the local planning authority in respect of the land described in the First Schedule (“the site”).
2. It appears to the Authority that it is expedient in the interests of the proper planning of their area (including the interests of amenity), having regard to the development plan and to all other material considerations, that the condition referred to herein should be imposed on the continuance of the use referred to herein to replace condition numbered 2 on planning permission reference NP/DDD/0497/156.

NOW THEREFORE the Authority as local planning authority and in pursuance of section 102 of the Town and Country Planning Act 1990 and of all other powers enabling hereby make the following Order:

1. Within one day after this Order takes effect the use specified in the Second Schedule shall continue only in accordance with the condition numbered 7 in the Third Schedule  
  
and  
  
the condition numbered 2 on planning permission reference NP/DDD/0497/156 shall cease to have effect.
2. This Order shall take effect on the date when a copy thereof as confirmed by the Secretary of State is served on the owner and occupier of the land and in the event of such service being effected on different dates the last of such dates.

FIRST SCHEDULE

Land known as Brosterfield Caravan Site, Brosterfield Farm, Foolow, Derbyshire as shown edged in red and coloured pink on the attached plan

SECOND SCHEDULE

Camping and caravan site

THIRD SCHEDULE

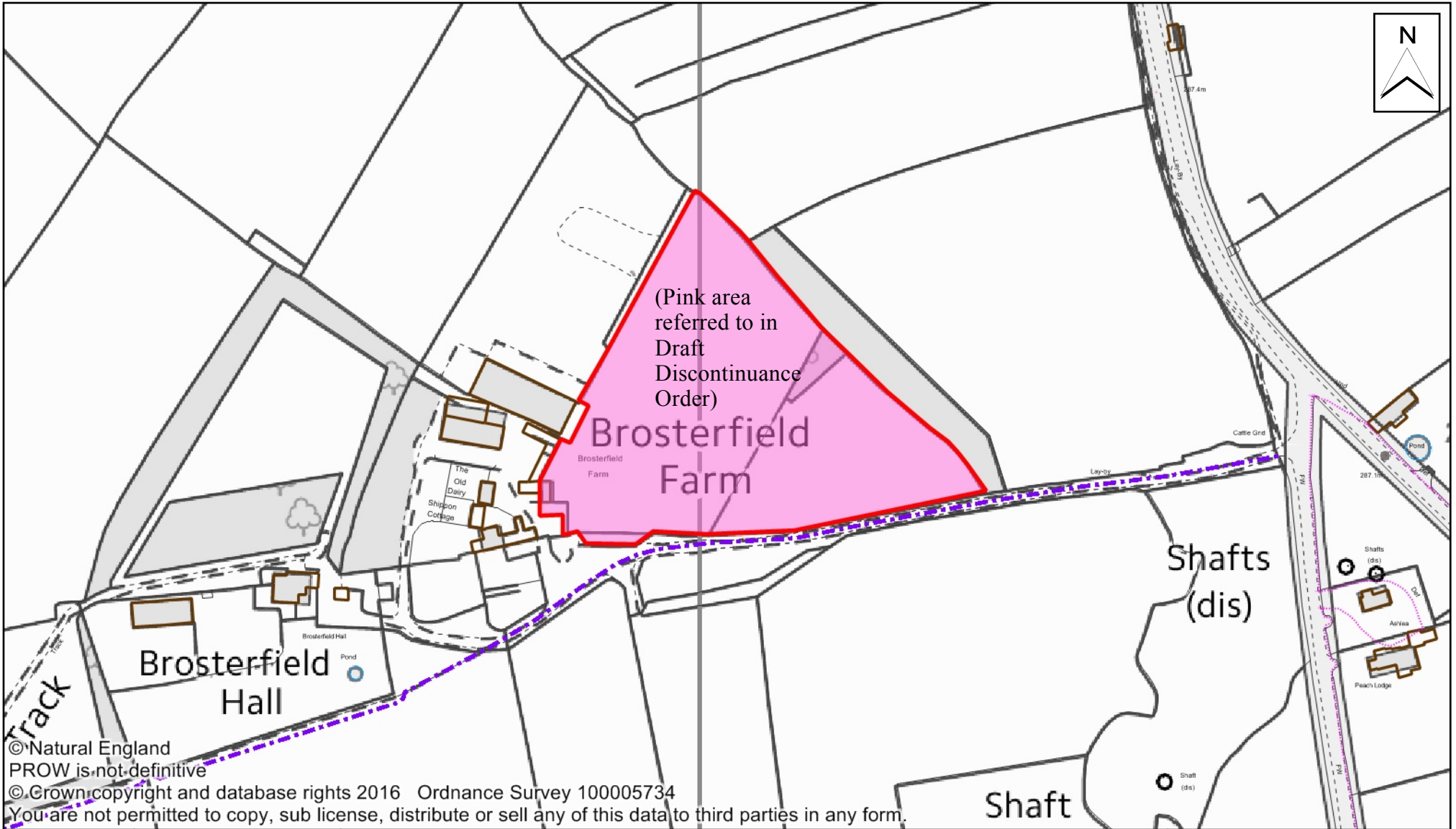
7

- (a) The term “touring caravan” means any single or twin axle caravan capable of being lawfully towed or driven on a public highway without division into separate parts.
- (b) Only touring caravans or tents may be stationed on the site.
- (c) All touring caravans shall be effectively maintained and capable of being towed or driven on a public highway without division into separate parts.
- (d)
  - (i) no touring caravan or tent shall be stationed on the site for more than 28 days in any calendar year; and
  - (ii) no more than 20 touring caravans or tents shall be stationed on the site except between 31<sup>st</sup> March or Good Friday if earlier and 31<sup>st</sup> October (all inclusive) when no more than 50 touring caravans or tents shall be stationed on the site.

GIVEN UNDER THE COMMON SEAL

of the PEAK DISTRICT NATIONAL PARK AUTHORITY

this                      day of



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Drawn by:	Collins Rich	<b>Title:</b>	Plan Referred to in Brosterfield Caravan Site Discontinuance Order
Date:	11 November 2016		
Drawing No:	Plan 3		Planning Committee 9 December 2016 Item 6
Scale:	1:2500 at A4		Appendix B -Plan



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## APPENDIX C

### BROSTERFIELD CARAVAN SITE DISCONTINUANCE ORDER [2016] SECTION 102 TOWN AND COUNTRY PLANNING ACT 1990 STATEMENT OF REASONS

#### Introduction

This Statement of Reasons is a non-statutory document. It sets out the reasons why it is expedient in the interests of the proper planning of the area that the conditions on the use of Brosterfield Caravan Site (“The Land”) should be changed and new conditions should be imposed on the continuance of the use.

The Discontinuance Order will be submitted to the Secretary of State for Communities and Local Government for confirmation pursuant to Section 103 of the Town and Country Planning Act 1990.

#### Site and Surroundings

The Land is located in open countryside, approximately 440 metres to the south of Foolow, Derbyshire (grid reference 418941 / 376200). Access to it is from a track which runs along the southern boundary of the site and joins the Foolow – Housley Road to the east. The track is used jointly with Brosterfield Farm and Brosterfield Hall. A public footpath runs along this track towards the south west. The Land is owned by the Peak District National Park Authority (“the Authority”).

The Land consists of two fields bounded by dry stone walls and extends to 1.7 Ha (4.2 acres). A block of native trees and hedges has been planted along the eastern boundary of the westernmost field. There are a number of native trees and hedges planted along parts of the western and southern boundaries outside of the Land along with a leylandii hedge. The Land is currently used for grazing but retains a dilapidated former office building in the south west corner of the site along with fire and water points.

For the purposes of the Authority’s adopted Landscape Strategy and Action Plan the Land is located within the White Peak and specifically within the Limestone Village Farmlands landscape character type.

It was purchased by the Peak District National Park Authority with the specific intention of changing the 1998 planning permission (ref NP/DDD/0497/156) (“the 1998 permission”) to align it with development plan policies.

#### Relevant Planning History

The 1998 permission was granted conditionally for the change of use of part of agricultural land to caravan site. Planning permission was also granted conditionally in 2003 for the erection of amenity block to serve existing caravan park (ref NP/DDD/0203/070), however, the 2003 permission was not implemented and has expired.

In 2011, a Planning Inspector issued a certificate of lawful use for the unrestricted all year round occupation of 20 caravans falling within the statutory definition (i.e. to include “Park” homes) (ref APP/M9496/X/09/2105897).

The Inspector determined that there is no restriction on the type of caravan that can be sited, period of stay or purpose of occupation. The effect of the 1998 permission and the Inspector’s decision is that 20 residential caravans can be permanently sited on the Land. This includes static caravans or any other structure that falls within the definition of a ‘twin-unit caravan’ as set

out in the Caravan Sites Act 1968 section 13. This would conflict with development plans policies if it were to be implemented as set out below.

#### Justification for Discontinuance Order

Core Strategy policy HC1 says that provision for housing to meet open market demand will not be made within the National Park. Open market housing is only acceptable in exceptional circumstances within the National Park where it is required in order to achieve conservation or enhancement in accordance with HC1 C. There is no provision within housing policies for sites for permanent residential caravans.

The Authority's housing policies closely reflect paragraphs 54 and 55 of the National Planning Policy Framework (the Framework) which restricts the provision of new housing in the countryside unless there are special circumstances. The National Parks Circular (2010) also makes clear that government considers it inappropriate to set general housing targets within National Parks.

It is clear that the siting of 20 permanent residential caravans on the Land would be wholly contrary to housing policies within the Development Plan and national policies within the Framework because this would represent wholly unsustainable development.

Core Strategy policy RT3 and saved Local Plan policies LR3 and LR5 say that small touring camping and caravanning sites will be acceptable in principle provided that their use is restricted to holiday accommodation. RT3 specifically states that static caravans, chalets or lodges will not be permitted. These policies are consistent with paragraph 28 of the Framework which supports sustainable rural tourism which conserves the valued characteristics of the National Park. The siting of static caravans or 'park' homes would be clearly contrary in principle to Core Strategy policy RT3.

Core Strategy policy L1 says that all development must conserve and enhance the landscape character of the National Park. This policy is consistent with paragraph 115 within the Framework which states that great weight should be given to conserving landscape and scenic beauty in National Parks.

The siting of up to 20 static caravans, chalets, "Park" homes or similar structures upon the Land would also have a considerable impact upon the character of it. They would have a visual impact on the public views from nearby footpaths and highways and in the wider landscape where the larger size of static caravans or 'park' homes and formal layout typically found on these types of sites would be obvious and would draw attention to the Land.

It is clear that the siting of 20 permanent residential caravans on the Land would be contrary to conservation, recreation and tourism policies within the Development Plan. The siting of 20 static caravans, chalets or "Park" homes falling within the definition of a 'twin-unit caravan' set out in the Caravan Sites Act 1986 section 13 could not be accommodated without a significant harmful impact upon visual amenity and the scenic beauty of the surrounding landscape which is given the highest status of protection in local and national planning policies.

The continued use of the Land as a caravan site in the absence of planning conditions to restrict the type, period of stay or purpose of occupation of any caravan is wholly unsustainable development and is contrary to local housing, recreation and conservation policies and the National Planning Policy Framework.

#### Effect of the Discontinuance Order

The Discontinuance Order has the effect of imposing a new planning condition upon the 1998 permission to replace condition 2. The proposed condition would allow touring caravans or tents only on the Land. Any touring caravan would be single or twin axle and capable of being lawfully towed or driven on a public highway without division into separate parts.

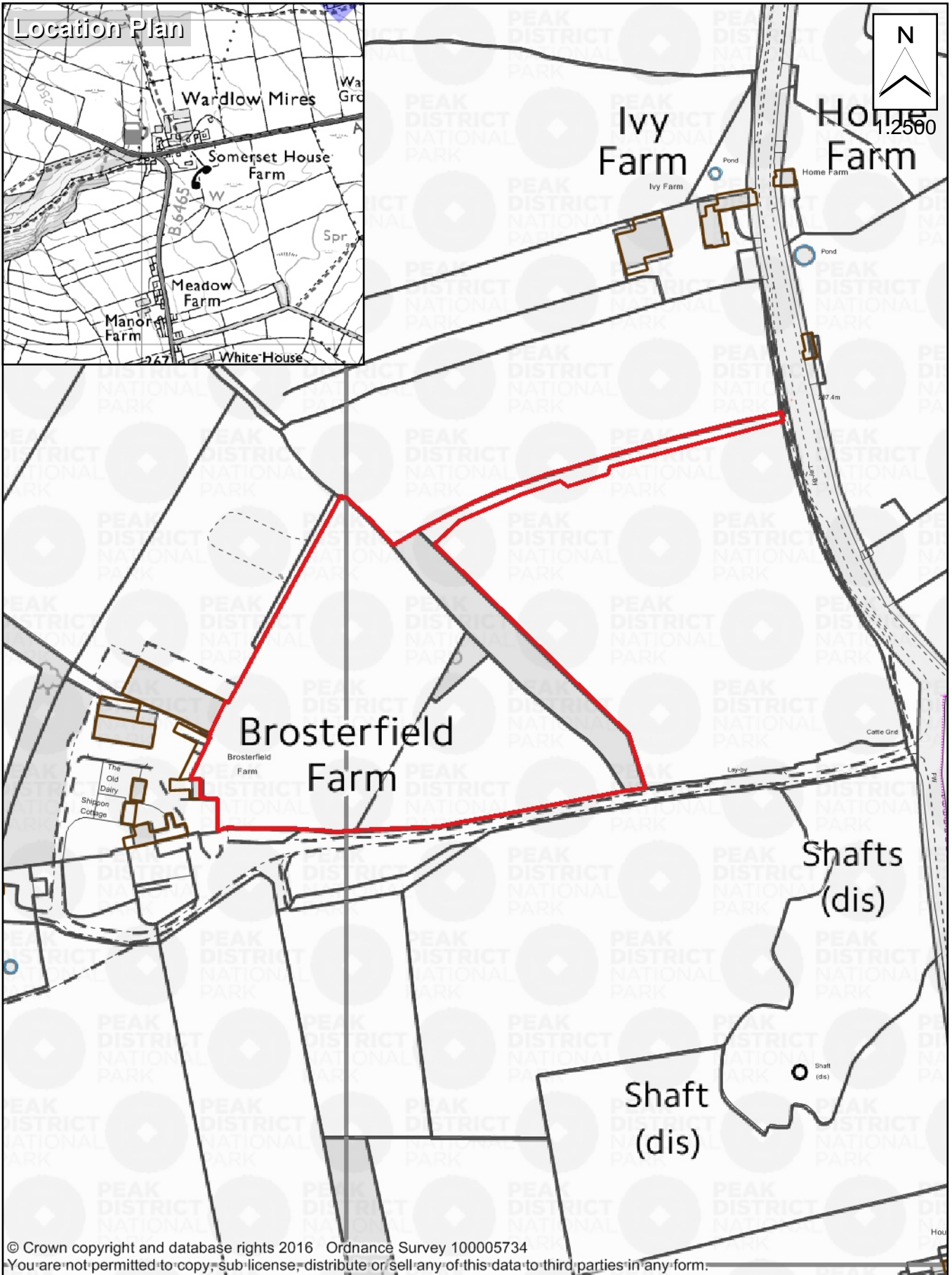


The proposed condition would also restrict the period of occupation for any one caravan or tent for no more than 28 days in any calendar year. It would also restrict the total number of caravans or tents to no more than 20 except between 31<sup>st</sup> March or Good Friday, if earlier, and 31<sup>st</sup> October (all inclusive) when no more than 50 touring caravans or tents can be stationed on the Land.

The proposed new condition would control the on-going use of the Land in a way compatible with development plan policies. It ensures that camping and caravanning can be accommodated without harming the visual amenity of the local area or the scenic beauty of the National Park. For these reasons the Authority has made and wishes to have confirmed an order for alteration of the use under section 102 of the 1990 Town and Country Planning Act ('The Brosterfield Caravan Site Discontinuance Order 2016').

ITEM DEFERRED

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Committee Date: 09/12/2016  
 Item Number: 6  
 Application No: NP/DDD/1016/0972  
 Grid Reference: 418941 376200

**Title:** Brosterfield Caravan Site, Foolow



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**7. FULL APPLICATION – ERECTION OF WOODEN PODS FOR CAMPING AT NETTLEBEDS FARM, TOP HOUSE LANE, WINCLE, (NP/CEC/0816/0804. P4075, 12/9/2016 395031 / 365493/SC)**

**APPLICANT: MR RICHARD LOMAS**

**Site and Surroundings**

Nettlebeds Farm is a working farm, situated about 1km west of Wincle and extending to around 32 hectares (79 acres), with the applicant renting a further 24 hectares (60 acres) at Swythameley and another 8 hectares (20 acres) at Adlington. It comprises a detached farmhouse with a nearby complex of modern and traditional farm buildings, which nestle into the lower valley slopes to the east of Rookery Wood. Access is via an 880m section of single track lane from Wincle and then via a further 715m long section of private track to the farm complex itself.

A Public Right of Way (PRoW) runs in a north south direction, passing through the farm yard, which then continues westwards down through Rookery/Kiss woods. The nearest neighbouring properties are Broomhill Cottage Farm 375m to the north, and Wincle Grange (Grade II Listed), sited approximately 500m to the east.

**Proposal**

Permission is being sought to change the use of part of an agricultural field for the erection and installation of 3 camping pods and associated works.

A decision was deferred on this application at the meeting of the Authority's Planning Committee in November, to allow members to visit the site to assess the impact of the proposed development. The report has been revised following the submission of photographic images and an indication that supplementary landscaping would be considered by the applicant. However, notwithstanding this additional information, your Officer's recommendation of refusal remains, for the same reasons.

**RECOMMENDATION:**

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

- 1. By virtue of the siting, size and layout of the proposed camping pods and the engineering works required to facilitate the development on this sloping site, the proposed development would appear unduly intrusive, having an unacceptable adverse visual impact on the character of the surrounding landscape and consequently harming the valued characteristics of the National Park. The development would therefore be contrary to Core Strategy policies GSP1, GSP3, L1 and RT3, saved Local Plan policies LC4 and LR3 and to policies in the National Planning Policy Framework, including the provisions of Paragraph 115 relating to development in National Parks.**

**Key Issues**

- Principle of development.
- Landscape and visual impact.

**Planning History**

- 2016 - Prior notification for the erection of an agricultural building – Accepted.

- 2015 - Part barn conversion into dwelling (retrospective application) – Approved.

### **Consultations**

Highway Authority - No Objection

District Council - No response to date

Parish Meeting - Support - Reason: The need for farmers to diversify to maintain income for their property/farmland and to expand tourism in the area.

### **National Planning Policy Framework (NPPF)**

Paragraph 17 of the NPPF sets out core planning principles including supporting sustainable economic development and high standards of design.

Paragraph 28 states that planning policies should support economic growth in rural areas and should take a positive approach to sustainable new development.

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.

### **Main Development Plan Policies**

Relevant Core Strategy policies: GSP1, 2, 3, DS1, L1, RT3

Relevant Local Plan policies: LC4, LR6, LT18

### **Core Strategy (CS)**

GSP1, GSP2 and GSP3, 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.

DS1 allows for leisure and tourism development in open countryside outside of the National Park's named settlements

RT3 states amongst other things, that static caravans, chalets or lodges will not be permitted.

L1 says that development must conserve and enhance valued landscape character, as identified in the Landscape Character Assessment and other valued characteristics.

### **Local Plan (LP)**

LC4 considers design, layout and landscaping and points out that particular attention will be paid to scale, form, mass and orientation in relation to existing buildings.

LR6 requires, that where self-catering accommodation is permitted outside a settlement limit, its use will be restricted to holiday accommodation.

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

## Relevant Guidance

The Authority's Landscape Strategy and Action Plan offers further relevant guidance on the application of landscape conservation policies in the Development Plan. In this case, the landscape around the application site is characterized as 'Slopes and Valleys with Woodlands'. This is defined as an undulating, in places steeply sloping topography, with an interlocking pattern of fields and blocks of woodland both ancient and secondary. There are patches of semi-improved and acid grasslands on steeper slopes with permanent pasture in small fields.

## Assessment

### Principle of development

Policies within the National Planning Policy Framework are regarded as material considerations. In particular, paragraph 28 states that policy should support sustainable rural tourism that benefits businesses in rural areas, communities and visitors and which respect the character of the countryside. In this respect, the Framework supports the proposed development in principle provided it would conserve the landscape character and other valued characteristics of National Park. Within the Development Plan, Core Strategy (CS) Policy DS1 allows for leisure and tourism development in open countryside outside of the National Park's named settlements.

CS Policy RT3 relates to Caravans & Camping, setting out an approach which favours small touring camping and caravan sites, provided they are well screened. The explanatory text to the policy explores the wider characteristics of caravan and camping sites and accepts the need to improve the quality of facilities, but only where it is of a scale appropriate to the site and, crucially, the character of the landscape in which it is located. CS policy RT3 (B) is especially relevant to this case, as it confirms that static caravans, chalets or lodges will not be permitted.

The policy is quite clear on statics, chalets and lodges. However, supporting paragraph 10.26 of the Core Strategy refers to exceptions for statics, chalets and lodges and states that they may be acceptable in some locations where they are not intrusive in the landscape and can be accommodated without harm to landscape character and other valued characteristics, then structures such as camping pods could be acceptable. Consequently, there is strong justification for taking a precautionary approach over landscape impact, especially if there is no enhancement proposed.

### Landscape and visual impact

The application seeks planning permission for the change of use of the land for the siting of three timber framed camping pods (and associated engineering works), to be occupied as holiday accommodation. These structures are not considered a temporary and transient use, with the camping pods being located permanently on the land and therefore the impact of the proposed change of use would be more comparable to siting static caravans.

As stated in the above text, policy RT3 (B) specifically says, that static caravans will not be permitted, while the supporting text says that, exceptionally, static caravans, chalets or lodges may be acceptable in locations where they are not intrusive in the landscape. In this case, the key issue is whether or not through effective siting, design and landscaping, this can be achieved.

The proposed camping pods and associated engineering operations, would be sited on a sloping area of open field, approximately 120 metres to the north of the main farm complex and 15m from the western margin of the field, which itself is bounded by a ribbon of mature trees. The three pods would be positioned in a line. Starting from a post and wire fence (that splits the field),

the first pod would be sited 10m from the fence, the second 11m from the first pod and the third approximately 14m from the second pod.

The pods themselves are relatively large, measuring approximately 6.8m in length x 3.48m in width x 3.2m to the highest point of the roof. Internally, the pods would incorporate 1 double bed, 1 sofa bed, mini kitchen with table and chairs, toilet, basin and cubicle shower space. In comparison, the largest pods approved at the North Lees Camp Site (NP/DDD/0215/0112), measured 4.7m in length x 2.8m in width x 2.65m to the highest point of the roof. The internal spaces of the pods at North Lees do not require the quantity of amenity space as the campsite has its own separate communal showering and toilet block. Moreover, the existing camping site at North Lees is very well screened from local vantage points and in the wider landscape.

In order to accommodate the pods on a level base, the site would require a broad amount of cutting out of the sloping field. In this case, there is no indication on the submitted plans showing what, if any, foundation/base materials would be required for this operation. Furthermore, no parking or outdoor amenity space has been included with the proposal. Access to the pods would be directly across the field from the main farm gravelled driveway, sited approximately 100m to the east of their proposed location.

One of the key characteristics of this local landscape character (as stated in the Authority's Landscape Strategy and Action Plan) is of an undulating, in places steeply sloping, topography, with an interlocking pattern of fields and blocks of woodland both ancient and secondary and patches of semi-improved and acid grasslands on steeper slopes with permanent pasture in small fields.

From this aspect, there is a PRow that runs in a north-south direction to the east of the application site. In this case, the site chosen for the pods would not be seen from the PRow until approaching the farmyard, where walkers would have a brief sight of them. The area of land the pods would occupy, is visible (at distance) from the PRow (FP3) above Spring Fields Farm, Higher Greasley to the northwest, giving an indication of the impact of the development in this location, which could be further increased through parking of vehicles, access paths and the introduction of domestic paraphernalia, such as temporary outdoor seating and barbeque and cooking areas, which can often be associated with holiday use accommodation.

Since the last committee, the applicants have submitted photo imagery from distance views across the valley in support of their proposal, indicating that the pods and associated works can be assimilated into the landscape without any adverse harm to the special qualities of the area. Additionally, they have verbally indicated they would accept a landscaping scheme to further mitigate any perceived landscape harm, should members be minded to approve the proposal.

Aside from the above, the pods would be sited within 100m of the neighbouring property's field boundary (Broomhill Cottage), where the camping pods and their associated holiday use could potentially create a harmful impact on the quiet enjoyment of their amenity, through added noise.

#### Other issues

The Highway Authority has raised no objections to the proposed development, as it would not affect the existing farm access/highway. In addition, the application details refer to sewage being disposed of through a septic tank. The Environment Agency's guidance on 'Water supply, wastewater and water quality' is that if connection to a public sewage treatment plant is not feasible, then a package treatment plant should be considered as a viable long-term sewerage option. In this case, should the proposal be considered acceptable in all other respects, this would need to be addressed by a revised submission or a planning condition.



## **Conclusion**

The proposed development would be sited within an open countryside setting, where it would be visible from nearby and wider vantage points. In this location, it is considered the scheme would have a harmful impact upon the character and special qualities of the National Park, contrary to Development Plan Policies and the National Planning Policy Framework, as indicated within the above report.

In this case, your Officers have assessed the proposal against Development Plan policies, the National Planning Policy Framework, and all other material considerations and concluded that it represents a form of development that was not capable of being amended in a way which would make the scheme acceptable within the current application. Notwithstanding this, the applicant had been given the opportunity to withdraw the proposed scheme and re-submit in order to discuss and consider a possible alternative location/scheme. However, this was not forthcoming, so the recommendation for refusal still stands on the grounds set out above.

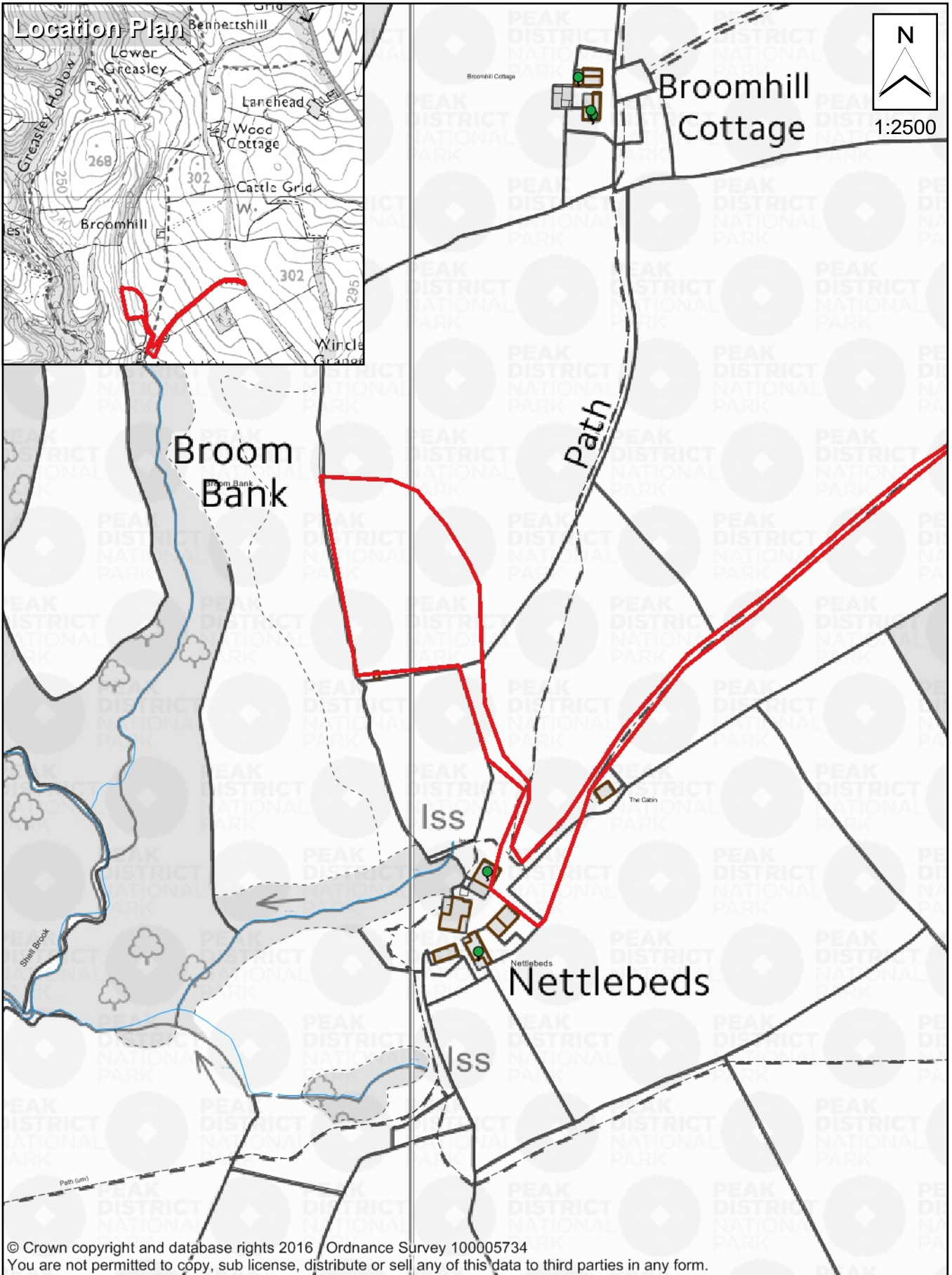
## **Human Rights**

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

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

Nil

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Committee Date: 09/12/2016  
 Item Number: 7  
 Application No: NP/CEC/0816/0804  
 Grid Reference: 395031 365493

**Title:** Nettlebeds Farm, Top House Lane, Wincle



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**8. FULL APPLICATION - ERECTION OF LOCAL NEEDS AFFORDABLE DWELLING AT SHUTTS FARM, SHUTTS LANE, BAKEWELL (NP/DDD/1016/1044, P11737, 19/10/2016, 421299/367498/ALN)**

**APPLICANT: MR CORBRIDGE AND MISS ALDERSON**

**Site and Surroundings**

The application site is located on the western side of Shutts Lane, a classified road that leads into Bakewell from Youlgreave to the south.

The site is 610 sqm in area and is positioned in the north western corner of a larger field parcel. It is served by an existing gated vehicular access to the highway.

The site lies outside of the Bakewell Development Boundary and the site is not within the Bakewell Conservation Area. There are residential dwellings on the opposite side of Shutts Lane and the grounds of Lady Manners School about the northern boundary.

**Proposal**

Planning permission is sought for the erection of a single, detached, two-storey affordable dwelling to meet local needs.

The dwelling would be located close to the boundary with the highway, with its front elevation facing south towards open fields. It would have a traditional double fronted design with a lean-to projection of the rear (west facing) elevation. The dwelling would have three bedrooms. The application forms state that the building would be constructed in natural limestone but the submitted plans state natural gritstone. The roof would be clad in natural blue slate. Two parking spaces would be provided to the west of the dwelling. The residential curtilage surrounding the property would be defined by new drystone boundary walls on the western and southern sides.

The current proposals differ from those previously submitted in that the orientation of the house has been turned by 90 degrees, it has been brought closer to the road and the residential curtilage has been reduced from 610 sqm to 444 sqm.

**RECOMMENDATION:**

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

- 1. The application site is outside of the Bakewell Development Boundary contrary to Saved Local Plan policy LB1 and exceptional circumstances have not been demonstrated that would warrant a departure from the adopted policy.**
- 2. In the absence of sufficient evidence to demonstrate that the applicants cannot afford to meet their needs within the existing housing stock the proposals are contrary to Saved Local Plan policy LH1(ii) and the Adopted SPG on Meeting the Needs for Affordable Housing.**
- 3. By virtue of its siting, the dwelling would not respect and would be harmful to the established pattern and character of the settlement contrary to Core Strategy policy GSP3 and Saved Local Plan policies LH1 (v) and LC4.**

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## **Key Issues**

1. Whether the applicant is in housing need and whether the need can be met by the existing housing stock
2. The acceptability of the location of the site outside of the Bakewell Development Boundary
3. The acceptability of the design of the proposed house, and its landscape and visual impact.
4. Whether the size and type of the proposed house means it would be affordable in perpetuity to local people on a low or moderate income.

## **History**

Planning permission was refused under delegated powers in August 2016 for the erection of a local needs dwelling on the same site for the following reasons:

1. The application site is outside of the Bakewell Development Boundary contrary to Saved Local Plan policy LB1 and exceptional circumstances have not been demonstrated that would warrant a departure from the adopted policy.
2. In the absence of sufficient evidence to demonstrate that the applicants cannot afford to meet their needs within the existing housing stock the proposals are contrary to Saved Local Plan policy LH1(ii) and the Adopted SPG on Meeting the Needs for Affordable Housing.
3. By virtue of its siting, the dwelling would not respect and would be harmful to the established pattern and character of the settlement contrary to Core Strategy policy GSP3 and Saved Local Plan policies LH1 (v) and LC4.
4. By virtue of the size of the proposed residential curtilage the dwelling would be unlikely to remain affordable to those on low or moderate incomes contrary to Saved Local Plan policy LH1 (iv).

Officers were able to refuse the application under delegated powers because the Town Council objected to the proposal and there were only 3 representations of support.

Following refusal of planning permission in officers have held further discussions with the applicant and agent.

## **Consultations**

Highway Authority - no objections subject to conditions with regard to modifications to the access, provision of parking/manoeuvring and position of any gates.

District Council - no response

Town Council - *'recommend approval of the proposal in view of the special circumstances of the application on the following material planning grounds: Design and appearance of the development; layout and density of buildings; local needs e.g. housing provision. It is felt that the local need outweighs the site being outside the development boundary because the applicant has strong agricultural ties with the site.'*

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## **Representations**

Seven letters of support have been received raising the following points:

- The applicant is involved in important work that supports many local farms.
- The siting would not be detrimental to the local area.
- There are not enough suitable affordable houses in the area.
- The community suffers if local people have to move out of the area.

One letter of objection has been received on the grounds that:

- The site is outside of the Development Boundary.
- Approval could set a precedent for other development in the field in question and elsewhere outside the Development Boundary.
- Any development outside of the Development boundary should be part of a strategic plan to provide affordable homes for the community rather than just for one family.

## **Main Policies**

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1P HC1, L1

Relevant Local Plan policies: LC4, LH1, LH2, LB1, LT18

### **National Planning Policy Framework**

The National Planning Policy Framework (The Framework) is a material consideration which carries particular weight where a development plan is absent, silent or relevant policies are out of date.

Paragraph 55 of the Framework says that housing should be located where it will enhance or maintain the vitality of rural communities.

Paragraph 115 of the Framework says that great weight should be given to conserving landscape and scenic beauty in National Parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight. Paragraph 115 refers to the National Parks and the Broads Circular which states that Government Policy is that the National Park should encourage affordable housing to meet local need and that the Parks are not suitable locations for unrestricted housing and therefore does not provide general housing targets.

### **Development Plan**

Policy DS1 of the Core Strategy reflects the objectives of national policy and sets out very clearly That new residential development should normally be built within existing settlements within the National Park. Core Strategy policy DS1 B states that the majority of new development (including about 80% to 90% of new homes) will be directed into Bakewell and named settlements, with the remainder occurring in other settlements and the rest of the countryside.

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.

Core Strategy policy HC1 also sets out the exceptional circumstances where new housing can be accepted in open countryside. These exceptional circumstances are where the new house would be for key workers in agriculture, forestry or other rural enterprises (in accordance with Core Strategy policy HC2), or where the conversion of an existing building is required for the conservation and enhancement of a listed building or building with vernacular merit, or where the conversion of an existing building would be for affordable housing to meet local need.

### Development in Bakewell

Saved Local Plan policy LB1 states that the future development of Bakewell will be contained within the Development Boundary.

### Affordable Housing Policy

In accordance with national policies in the Framework, and policies DS1 and HC1 in the Core Strategy, saved policy LH1 of the Local Plan says that, exceptionally, residential development will be permitted either as a newly built dwelling in or on the edge of Local Plan Settlements (Policy LC2) or as the conversion of an existing building of traditional design and materials in the countryside provided that:

(i) there is a proven need for the dwelling(s). In the case of proposals for more than one dwelling, this will be judged by reference to an up to date housing needs survey prepared by or in consultation with the district council as housing authority. In the case of individual dwellings, need will be judged by reference to the circumstances of the applicant including his or her present accommodation;

(ii) the need cannot be met within the existing housing stock. Individuals may be asked to provide evidence of a search for suitable property which they can afford to purchase within both their own and adjoining parishes;

(iii) the intended occupants meet the requirements of the National Park Authority's local occupancy criteria (policy LH2). In the case of proposals for more than one dwelling, where the intended occupants are not specified, a satisfactory mechanism to ensure compliance with the local occupancy restriction will be required - normally a planning obligation;

(iv) the dwelling(s) will be affordable by size and type to local people on low or moderate incomes and will remain so in perpetuity;

(v) the requirements of Policy LC4 are complied with.

Policy LH2 of the Local Plan sets out criteria to assess local qualification for affordable housing whilst the supporting text to LH1 and the Authority's supplementary planning guidance (SPG) offers further details on size guidelines, need and local qualifications to support the assessment of applications for local needs housing against the criteria set out in LH1.

### **Issue 1: whether the applicant is in housing need and whether the need can be met by the existing housing stock**

Policies DS1 and HC1 of the Core Strategy and LH1 of the Local Plan policy state that housing that addresses *eligible local needs* can be accepted in or on the edge of named settlements.



Local Plan policy LH1 also sets out five criteria for local needs housing, all of which must be met before a scheme can be deemed to be compliant with the Authority's housing policies.

Of these five criteria, LH1(i) states that applications must demonstrate that there is a proven need for the dwelling, and in the case of an individual dwelling, need will be judged by reference to the circumstances of the applicants including his or her present accommodation. LH1(ii) also states that the applicant must demonstrate that the need cannot be met within the existing housing stock. LH1(iii) says that the intended first occupants of newly-built affordable dwelling shall meet the Authority's local occupancy criteria as set out in saved Local Plan policy LH2.

In this case the submitted Design and Access Statement explains that Mr Corbridge (age 30) has lived at nearby Shutts Farm all his life and still lives there with his partner Miss Alderson and his parents. Shutts Farm is located approximately 140m to the south west of the application site. The applicants are looking to get married and would like to move into a house of their own.

As background the Design and Access statement explains that there are 5 existing dwellings at Shutts Farm. One is owned and inhabited by a family unrelated to the applicant. The second is the dwelling lived in by the applicants and their parents. The third dwelling is owned and occupied by Mr Corbridge's brother and his family, the fourth is rented out to a local family and the fifth is a holiday cottage.

It is clear therefore that the applicant has 10 years residency in the Parish and is forming a household for the first time. As such he meets part (i) of the local qualifications laid out in Local Plan policy LH2 and is considered to be in 'need' in terms of the requirements of LH1 (i).

LH1(ii) states that the applicant must demonstrate that the need cannot be met within the existing housing stock. The Authority's SPD on Meeting the Need for Affordable Housing states at paragraph 4.4 that unless there is written evidence that all options have been explored, planning consent is unlikely to be forthcoming.

When the first application was submitted earlier in 2016, some evidence of a search for alternative properties was provided but officers had identified other properties for sale in the local area that appeared to be within the applicant's price range. No evidence was provided to demonstrate whether the applicant could afford to buy one of those houses with a mortgage for example and what the maximum mortgage the applicant and his partner might be offered.

Further clarification and evidence of a more extensive search has been provided with this revised application. Mortgage quotations have been provided which indicate that the applicants could afford to buy a property with a value of up to £110,000. The land on the application site would be gifted to the applicant and the build costs of the proposed dwelling are estimated at £87,000. (£1000 per sqm) Officers consider that this is likely to be an underestimate. Figures produced for the National Park Authority by the Valuation Office Agency in 2013 indicate that build costs for a 5 person 87sqm detached property are more likely to be in the region of £2000 per sqm.

Only one property has been identified within the £110,000 price range. This is a 2-bedroom first floor flat on the market at £85,000 to £95,000. The applicants do not feel that this property would meet their needs as it has no garden or off street parking, the second bedroom is small and the overall size of the flat at 47 sqm means that the building would not be suitable as a home for a couple, who would like to establish a family. The Design and Access Statement also explains that the £110,000 property that officers had previously identified at Highfields Drive is no longer on the market and in any case was a 'shared ownership' property where the applicants would have had to pay £270/month rent on top of the mortgage repayments

Having done a further 'online search', officers are aware that there is currently one other two bedroomed flat with off street parking for sale at Vernon Court Bakewell (with Derbyshire occupancy clause) for £110,000 but it is presumed that the applicants would consider that this would not meet their longer term needs.

In addition, whilst 4 of the dwellings at Shutts Farm are not available to the applicant, the holiday cottage could potentially meet the applicant's initial needs. Whilst the Highway Authority indicated in 2004 that the use of the holiday cottage as an independent dwelling would lead to an intensification of the use of the existing substandard access, officers consider that it is unlikely that there would be a material difference in vehicle movements between a holiday use and a permanent dwelling, especially given that the applicant already lives at Shutts Farm and uses the same access.

In conclusion, whilst the existing properties identified would not meet the applicant's aspirational needs for the future, they could meet their immediate need and therefore whilst the applicant fulfils the local needs criteria set out in LH1 (i) and (iii) and LH2, insufficient evidence has been provided to demonstrate that the applicants' needs cannot be met within the existing housing stock as required by LH1 (ii).

## **Issue 2: the acceptability of the location of the site outside of the Bakewell Development Boundary.**

In general terms Core Strategy policy HC1 supports the principle of the provision of new affordable housing to meet a local need in or on the edge of settlements listed in policy DS1. (Bakewell is one such settlement) in order to improve the sustainability and vitality of communities within the National Park.

The application site might be considered to be 'on the edge' of Bakewell being located opposite other residential properties located directly to the east. However Core Strategy policy GSP1 makes it clear that policies should not be read in isolation and the more detailed Saved Local Plan policy LB1 states that the future development of Bakewell will be contained within the Development Boundary. Bakewell is subject to greater development pressure than elsewhere in the National Park and the Development boundary has been drawn to include land which would be acceptable for infill development to meet the social and economic needs of the community without causing harm to the character and setting of the town. The Local Plan makes it clear that the National Park Authority is not prepared to allow encroachment beyond this boundary other than in exceptional circumstances.

In this case the application site edged red is wholly outside of the Development Boundary. The boundary of the main body of the Development Area runs to the east of the application site, along Shutts Lane to include the houses on its eastern side and then along the boundary between the school playing fields and the houses on Moorhall. In addition Lady Manners secondary school, the grounds of which sit adjacent to the application site has been included separately as a detached area, with the Development Boundary encircling it. To the north the Development Boundary runs east to west approximately 60m away from the site.

In principle therefore the proposals are contrary to Saved Local Plan policy LB1. In terms of whether 'exceptional circumstances' exist to warrant a departure from policy, it is clear that the applicant does have an established local need. However as already discussed insufficient evidence has been provided to demonstrate whether or not that need can be met elsewhere. Another factor to take into account (bearing in mind that the applicant does not have an essential need for an agricultural workers dwelling, which might otherwise justify a new build dwelling outside the Development Boundary) is whether the proposals represent a truly innovative or

outstanding design that might warrant, under paragraph 55 of the NPPF a new isolated home in the countryside or whether in fact the development would cause harm to the established character of the area contrary to Core Strategy policies GSP3 and LH1 (v) and LC4.

### **Issue 3 - the acceptability of the design of the proposed house, and its landscape and visual impact**

When approaching the edge of the town from the south, along Shutts Lane, presently the western side of the lane, until the Moorhall Estate is reached is characterised by its open character, being made up (with the exception of the school grounds) by agricultural land and the playing fields associated with the school. On the western side of Shutts Lane, residential development stretches further to the south and so has a different, more 'developed' character. Paragraph 3.7 of the Authority's Adopted Design Guide states that *'new development, be it a single building or a group, should respect the grain of the settlement.'* In this case it is considered that a single, isolated detached dwelling on the western side of the road would stand out as an incongruous feature which would not respect the established pattern of development in the area contrary to Core Strategy policy GSP3 and saved Local Plan policies LH1 (v) and LC4.

In terms of the detailed design of the dwelling, the submitted plans show a traditional design in local materials and subject to confirmation that the dwelling should be constructed in natural gritstone rather than limestone to match the other dwellings in the vicinity and subject the proposed lean-to being set in from the north facing gable in order to articulate the gable end in a more traditional manner, the form, detailing and materials are considered to be acceptable. However the building is of a fairly standard design and is not considered to be innovative or outstanding in the terms referred to in paragraph 55 of the NPPF.

The position of the dwelling has been amended since the previous submission such that it is now closer to the eastern boundary with its gable facing towards the road. This is a more satisfactory arrangement in that the dwelling would relate better to boundary features than was previously the case. Nevertheless despite these amendments, the building would still stand out as an incongruous feature in its surroundings contrary to GSP3 and LC4.

### **Issue 4 - whether the size and type of the proposed house means it would be affordable in perpetuity to local people on a low or moderate income**

Saved Local Plan policy LH1 (iv) states that in meeting local need for affordable housing, the dwelling in question must be affordable by size and type to people of low or moderate incomes.

The Authority's Adopted Supplementary Planning Guidance on Meeting the Need for Affordable Housing states that dwellings with a floorspace of up to 87sqm are likely to remain more affordable. The submitted plans show that the dwelling would have an internal floor area of 88 sqm which is only marginally above the 87sqm guideline and is therefore acceptable.

Since the previous application the size of the residential curtilage has been reduced from 610 sqm (including the footprint of the dwelling) to 444sqm. The plot size is therefore more modest and would not put the dwelling out of reach to those on low or moderate incomes. The proposals therefore accord with policy LH1 (iv) in these respects.

### **Other Issues**

#### **Other Sites**

At the pre-application stage, officers tried to identify other sites within the applicant's control that might meet the identified need. The main operational centre of Shutts Farm (which is an agricultural contracting and engineering business) is situated on the opposite side of Shutts Lane to the application site and the dwellings associated with the farm. Here there are a number of

modern portal framed farm buildings along with a traditional stone barn. Core Strategy policy HC1 C allows for new housing where it is required in order to achieve the conservation and/or enhancement of valued vernacular buildings. Whilst the barn in question is considered to have some vernacular merit, it is currently in use for agricultural purposes and its position in the centre of the working yard, in a limited space between modern farm buildings and adjacent to an electricity substation means that it is unlikely that the building could be converted to a dwelling successfully whilst providing adequate outdoor residential amenity space separate from the business operations.

The agent has estimated the conversion costs of the building at £300,000 and states that this, together with the cost of re-locating the adjacent sheds to create a reasonable curtilage, would mean that this option would not be feasible within budget constraints. Officers consider that £300,000 is likely to be a considerable over-estimate of the cost given that the barn is already in ownership and appears to be in good structural condition. However it is accepted that the barn is currently in use and a significant re-organisation of the surrounding yard would be required in order to facilitate its conversion.

Another site adjacent to the group of dwellings at Shutts farm was investigated but would also be outside of the Development Boundary. In addition the Highway Authority raised objections with regards to intensification of use of the substandard access.

#### Impact on Residential Amenity

Core Strategy policy GSP3 and Saved Local Plan policy LC4 seek to ensure that the impacts of development on residential amenity are carefully considered. The only residential dwellings within the vicinity of the site are those on the opposite side of Shutts Lane, but because of the distances involved (around 35m between facing elevation) and the presence of the intervening highway it is not considered that there would any significant impact on the privacy or amenity of nearby residents or the residents of the proposed dwelling as a result of the proposals, in accordance with GSP3 and LC4.

#### Highway and Parking Issues

Saved Local Plan policy LT18 states that the provision of safe access arrangements will be a prerequisite of any development.

The existing vehicular access point would be utilised and altered to allow the gate into the site to be positioned further away from the highway edge. Visibility in both directions from the access point is generally acceptable. The submitted plans show the provision of two off street parking spaces which is sufficient to meet the needs of a 3-bedroomed dwelling. Subject to conditions recommended by the Highway Authority in respect of the provision of visibility splays and provision and retention of parking and turning facilities the proposals are in accordance with policy LT18.

#### Conclusion

In conclusion whilst the applicants meet the local needs criteria set out in Local Plan policy LH1 (i) and (iii), insufficient evidence has been submitted to demonstrate that the need cannot be met within the existing housing stock contrary to LH1 (ii). The site is outside of the Bakewell Development Boundary contrary to Saved Local Plan policy LB1 and exceptional circumstances have not been demonstrated that would warrant an exception to the policy. By virtue of its siting, the proposed dwelling would not respect and would be harmful to the established pattern and character of the settlement contrary to Core Strategy policy GSP3 and Saved Local Plan policies LH1 (v) and LC4.

## **Human Rights**

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

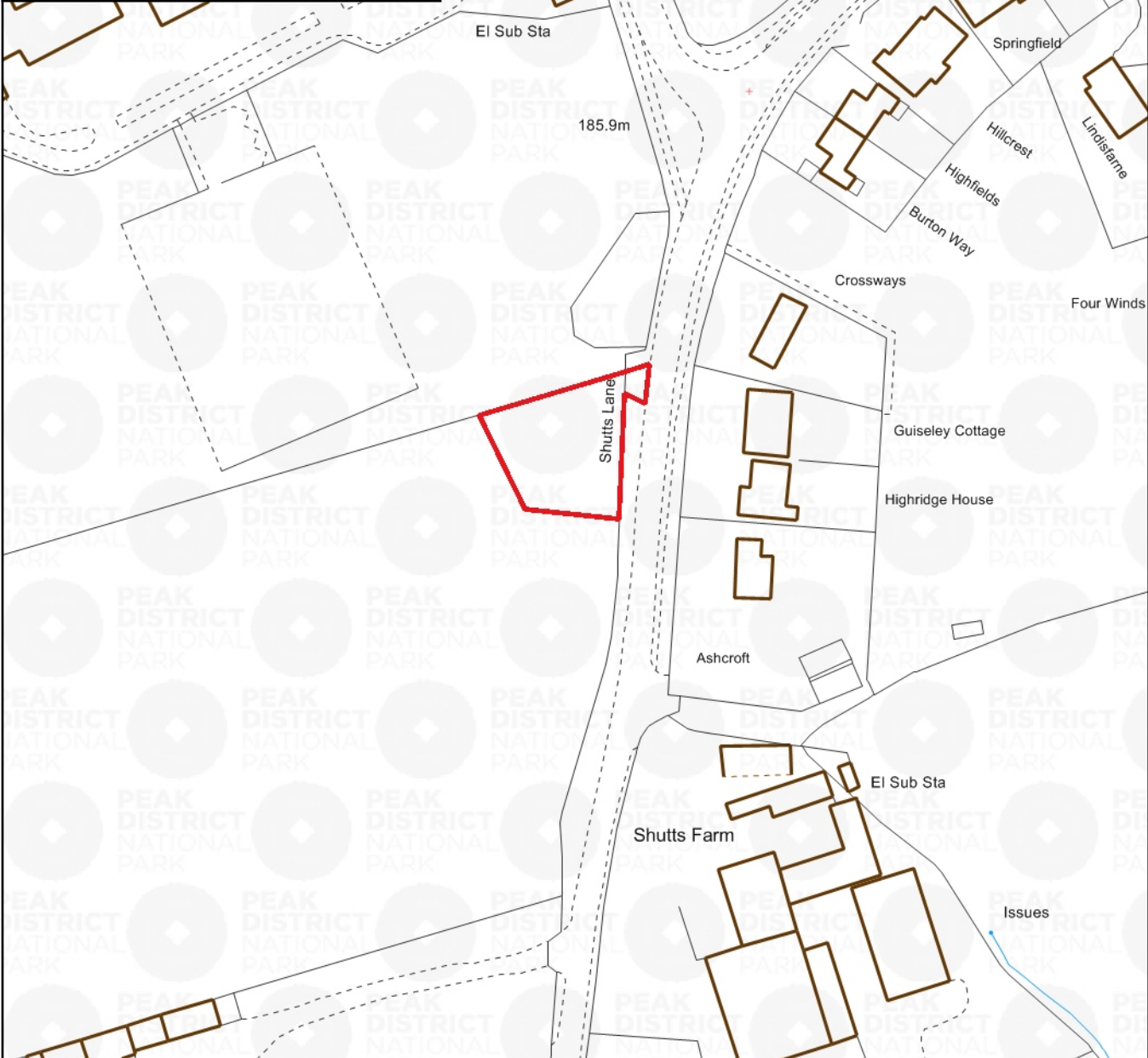
### List of Background Papers (not previously published)

Nil

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Committee Date: 09/12/2016  
 Item Number: 8  
 Application No: NP/DDD/1016/1044  
 Grid Reference: 421299 367498

**Title:** Shutts Farm, Shutts Lane,  
 Bakewell



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**9. FULL APPLICATION - DEMOLITION OF EXISTING GARAGE AND ERECTION OF NEW TWO STOREY SIDE EXTENSION AND ASSOCIATED WORKS AT 14 PARK ROAD, BAKEWELL (NP/DDD/1016/0974 P.5903E 421779 / 368025 22/11/2016 LB)**

**APPLICANT: MR AND MRS JOHN HUTCHINSON**

**Site and Surroundings**

14 Park Road is a modern (1960s) detached dwelling located in a relatively prominent position on Park Road, overlooking Woodside Close, south east of Bakewell town centre, within Bakewell's Development Boundary but outside of the designated Conservation Area. It is part of a modern housing estate of houses, bungalows and split-level dwellings

The property is constructed from artificial stone under an asymmetrical pitched roof with Hardrow tiles, brown Upvc windows and black rainwater goods. A single storey flat roofed garage and entrance projects off the eastern gable and a single storey lean-to projects off the western gable. A yard area to the south west of the dwelling provides a parking area and access off the highway. A large terraced garden is located to the south east of the dwelling.

The nearest neighbouring dwellings are No.12 Park Road, approximately 4 metres to the east, (at its nearest point) and No. 16 Park Road, approximately 4 metres to the west. No.12 Park Road, a detached dwelling under an asymmetrical roof, has a single storey flat roof extension which projects off the western gable providing a kitchen and a single storey flat roofed garage projecting off the eastern gable. No. 16 also has an asymmetrical roof and a single storey flat roofed extension which projects off the eastern gable providing a garage. Due to the steep nature of Park Road the dwellings are staggered in both height and location.

**Proposal**

The application proposes the erection of an asymmetrical pitched roof over the existing flat roofed garage. On the road facing elevation (south west) the proposed development would have the appearance of a single storey garage attached to the house and at the rear the proposed development would read as a typical two storey side extension.

The extension will measure 4.9 metres wide x 9.2 metres long, 6.8 metres to the ridge and an eaves height of 3 metres at the front of the dwelling and 4.8 metres at the rear.

The extension will be constructed from artificial stone to match the existing under a Hardrow tile roof with Upvc fenestration. Amended plans show a single leaf door and garage door will be maintained on the south west elevation. Double glazed doors and sidelights are proposed at ground floor on the north eastern elevation with a window serving the first floor. Four roof lights are also proposed. The extension will provide a reception room, bedroom and en-suite.

**RECOMMENDATION:**

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

- 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 otherwise than in complete accordance with the amended plan, drawing number '1617-02 'D' titled 'Prop Details' received by the Authority 22 November 2016, and submitted plan titled 'Block Plan', received by the Authority on the 4 October 2016; subject to the following conditions;**

3. The door openings shall be provided with a natural gritstone lintel.
4. All new stonework shall be in natural or artificial gritstone faced, coursed and pointed to match the existing stonework.
5. The roof shall be clad with Hardrow slate to match the existing.
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. The roof light(s) shall be fitted flush with the roof slope.

### **Key Issues**

- Whether the proposed development would be of an appropriate scale, form and design which would conserve the character, appearance and amenity of the host property, (i.e. 14 Park Road), its setting and nearby Bakewell Conservation Area and would not otherwise harm the amenities of the neighbouring properties and in particular the amenities of 12 Park Road, Bakewell and 16 Park Road, Bakewell.

### **History**

NP/DDD/0606/0539: Single storey extension and alterations; granted conditionally.

### **Consultations**

Highway Authority – No objection subject to no loss of parking.

District Council – No response to date.

Bakewell Town Council – Object to the proposal on the grounds it will cause overshadowing / loss of light and be an overbearing presence near a common boundary that is to the detriment of neighbours. It is further felt it will overlook a neighbouring property potentially resulting in a loss of privacy.

### **Representations**

The Authority has received 3 letters of representation.

Representations from No. 12 Park Road, Bakewell state:

*'Our house (No.12) sits below our neighbours house next door (No.14) by over one metre, due to the gradient of Park Road (see photos 1 & 2 enclosed). A double storey extension built at the side of their house and particularly the closer, higher roof, would overwhelm our property, because our house starts off lower before any such extension'.*

*'Our kitchen, on the same side as the proposed extension and built in 1980, had roof light domes installed to ensure sufficient daylight entered the kitchen. Because the proposed extension would come much closer to our house and would be significantly higher, we believe that the daylight in our kitchen, especially the dining area, would be detrimentally affected. The proposed height of the extension would, we believe, also affect the amount of light entering our upstairs side windows'*

*‘The architect, who drew the plans for No. 14, stated on Form DAI that the proposals for (No.14) will be ‘slightly’ higher than the existing structure and will therefore be more apparent to neighbour at the immediate east (that is us at No.12). That we believe, was an understatement. He goes on to say that it will not affect the amenity of the neighbour to enjoy their property’s they currently do. That is his view, but we at No. 12 have to disagree. His statements do not take into consideration, nor do his plans show, the relative differences in base height between No. 12 and No.14 and how building closer and higher will exacerbate the impact of that’.*

*‘The side patio retaining wall belonging to No.14 is in poor condition. If the extension wall is built where proposed, there is a concern that the stress on the retaining wall will cause it to fail, endangering anyone passing along the neighbouring path at the time’.*

A further representation letter was also received from No. 12 which expressed concerns that *‘If the proposed extension goes ahead, then their new wall (behind their garage) will be just 1.7 metres from my kitchen wall and just over 4 metres from my side bedroom windows’.*

Furthermore *‘houses in the immediate locality of Park Road being substantially increased in size. The concerns I have regarding this are that Number 14 will look out of place between its’ neighbours. Also, that the proposed extension will take away any view that houses across the road has of the hills across the park. Lastly, that if permission is granted this will be the beginning of ‘big house creep’ all the way down this part of Park Road. For it is surely the case that when the current occupants of Numbers 16 & 12 eventually vacate, new owners will rely on the precedents set by existing developments. Park Road will then become overdeveloped with consequences on parking, traffic and quality of life’.*

Officers note that the concerns from No. 12 Park Road in regard to the stress on their retaining wall from the proposed extension is a building regulations matter and not a material planning consideration.

A representation letter from No. 23 Park Road expresses concerns as the proposed development would block their view which may also affect the value of their property. Officers consider that the concerns from No. 23 Park Road in regard to view and value are not material planning considerations and therefore cannot be taken into account when assessing the application.

## **Main Policies**

### **Core Strategy**

GSP1, GSP2 and 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. In principle, DS1 of the Core Strategy is supportive of extensions to existing buildings.

Local Plan policy LH4 provides specific criteria for assessing extensions to dwellings. 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 adopted three supplementary planning documents (SPD) that offer 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.

### **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.

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.

### **Assessment**

#### **Design**

The amended plan shows an extension which will project off the south east elevation of the property. The proposed form and design of the addition will mirror that of the dwelling due to the proposed asymmetrical roof which will maintain the simple character and appearance of the dwelling. The footprint of the extension matches that of the existing garage at the front of the property, maintaining the same width and south west building line as existing, but projects northwards resulting in a two storey extension at the rear of the dwelling, creating a simple addition and plan of a modest size.

As the extension is set back from the front elevation (south west) by 1.8 metres and the rear (north east) 350mm, with the ridge set below at 0.5 metres and eaves set below at 1 metres (maximum distance) from the existing, it will be clearly subservient to the form and massing of the dwelling it will serve. Overall it is considered that the proposed extension would sit comfortably on the side of the dwelling and would not look out of place. Therefore the proposals are in compliance with the general principles of LC4, LH4, GSP1 and GSP3.

Furthermore, officers consider that the scale, form and design of the extension are in keeping with the styles of the surrounding properties on Park Road. In particular a very similar extension in terms of design, form and scale was approved, and built, at No. 20 Park Road in 2007, (NP/DDD/1007/0931). Officers consider that the current proposal will not appear out of place within its immediate setting or detract from the surrounding street scene and views in and out of the area. Moreover, the addition of a pitched roof would provide enhancement to the dwelling.

The extension is also supported by Local Plan Policy LC4 (i) which pays particular attention to scale, form, mass and orientation of the proposal and, (iii) the degree to which design, materials and finishes will reflect the style of the building.

In terms of its design there are no sustainable objections to the size and scale of the extension, (as noted above) so the key issue in terms of compliancy with design conservation policies is whether the detailed treatment is appropriate.

Initially, submitted plans proposed a small projecting conservatory on the rear of the extension. Officers raised objection to this as it was considered to detract from the proposed extension and subsequently has been removed and replaced with simple glazed doors and side lights which are considered acceptable. The rear elevation also proposes a window at first floor and two roof lights which raise no objection as this mimics the size and style of other openings in the dwelling and the surrounding area. The front elevation almost mimics the existing; a single entrance door will be provided alongside a garage door, which raises no objection.

The proposed material for all fenestration and doors is UPVC which in this case is considered acceptable. The house is outside Bakewell Conservation Area, and as all the existing windows in the property and the surrounding are UPVC, it is considered this material would not detract from the character or appearance of the property or its setting. The roof lights also raise no objection. However, if approved, it is considered necessary to attach a condition to ensure they are flush with the roof slope to maintain a high level of design and to reduce any prominence they may have. The proposed materials for the walls and roof are to match the existing and the proposed location and dimensions of proposed openings raise no concern.

Furthermore, Officers consider the extension meets the requirements of Policy GSP2 of the Core Strategy as the extension would result the loss of the existing flat roofed garage, replacing it with a pitched roof structure and overall enhancing the property.

Taking all these factors into account, it is considered that the proposed two storey extension would be constructed from materials that are deemed to be acceptable in this case and would have a simple design of appropriate form and massing, which would provide a subsidiary extension which would not harm the character and appearance of the dwelling, its setting or the surrounding area, in accordance with the principles set out in LH4 and LC4 of the Local Plan, and GSP1 and GSP3 of the Core Strategy.

### **Neighbourliness**

Local Plan LC4 states where proposals are acceptable, particular attention must be paid to the amenity, privacy and security of the development and of nearby properties. In this case considerable concerns have been raised from the neighbouring property No. 12 Park Road, in regard to the possibility that the proposed extension will have a great impact upon their amenity due to potential overbearing, and loss of daylight to the ground floor kitchen and secondary bedroom, both located in the north west part of the dwelling.

Officers have visited No. 12 to assess how the proposed extension may affect the internal living spaces and external amenity areas of the dwelling. Due to the elevated position of No. 14 Park Road above the ground level of No. 12 Park Road, (due to the steep nature of Park Road itself) officers do acknowledge that the proposed extension may result in some overbearing presence to the external space at the front of the dwelling, (orientated south west), particularly within the small yard area which provides access to the kitchen and storage for bins as in this space the ground level is set much lower than the driveway of No. 12 Park Road, or the ground level of the neighbouring property No. 14 Park Road. Officers also acknowledge there may also be some overbearing along the access down the side of the dwelling against the western elevation of No. 12 Park Road due to the narrow width between the properties and neighbouring boundary. However, it will be limited as the extension will be located approximately 3 metres away and does not extend the full length of the north west elevation due to the staggered position of the dwellings and the height south of the extension is 1 metres below the existing dwelling.

Officers further conclude that these spaces are mainly used for access purposes and are not considered to be the main external amenity space to the dwelling which is the large garden located to the north east of the dwelling. With regards to this garden space, officers conclude that that the proposal will not have any effect upon this area as the garden is set forward of the location of the extension due to the staggered nature of the properties.

In regards to the single storey extension which provides a kitchen space to No. 12 Park Road, officers do not consider that the extension would result in the loss of a significant amount of natural light as the room is served by two large light tunnels, a partially opaque glazed door and a window which overlooks the garden space at the rear of the dwelling, which is not in close relation to the extension. As the south west roof slope of the extension is also stepped down 1 metre from the dwelling it is considered that it will not block significant amounts of daylight entering the kitchen.

Furthermore, officers also conclude that due to the staggered position of the dwellings, the location and scale of the extension would not result in significant overbearing or loss of light to the secondary bedroom located north west of the dwelling of the neighbouring property No. 12 Park Road. The bedroom is served by three windows, two located on the western elevation, of which both are obscurely glazed and one on the rear (north) elevation of the dwelling which is clear glazed. It is clear from the plans that the location of the extension would not result in the obstruction of two windows in the north west corner of the room serving the bedroom. Furthermore, the third obscurely glazed window would approximately overlook the northern elevation of the extension and would be approximately 4 metres away which is not considered to be result in significant overbearing or loss of light harming the amenity of the room.

Whilst visiting No. 12 Park Road the residents also raised concern that a 1<sup>st</sup> floor bathroom, which was served by an obscurely glazed window on the western elevation would result in loss of light from the proposed extension. The window will be located approximately 4 metres away from the extension which officers consider to be a significant distance not and as the bathroom is not considered to be a key amenity space within the dwelling officers consider the proposal would not result in significant harm to the room. Officers also conclude that there will be no loss in privacy from the extension onto No. 12 as no windows are proposed on the eastern elevation.

Overall officers conclude that proposed extension may result in some overbearing to the external space serving the kitchen at the front of the dwelling and the access down the side of the property, but the officers do not consider that this is sufficient to warrant refusal. Officers consider that the main amenity spaces to the dwelling, such as the living room and garden, will not be affected by the proposal. Therefore officers conclude that the proposed extension meets the requirements stated and is in accordance LC4 and GSP3.

### **Conclusion**

The proposed development is of a sufficiently high standard of design, would not detract from the character, appearance or amenity of the original building, its setting, nearby Conservation Area or that of neighbouring buildings, in particular No. 12 Park Road, Bakewell or No. 16 Park Road, Bakewell. The proposed development would not create any highway safety issues. There are no further material conditions which indicate that planning should be refused. Therefore the proposal is considered to be in accordance with the development plan, (Core Strategy Policies GSP1, GSP2 GSP3, & DS1, and Local Plan Policies LH4, LC4, LC5).

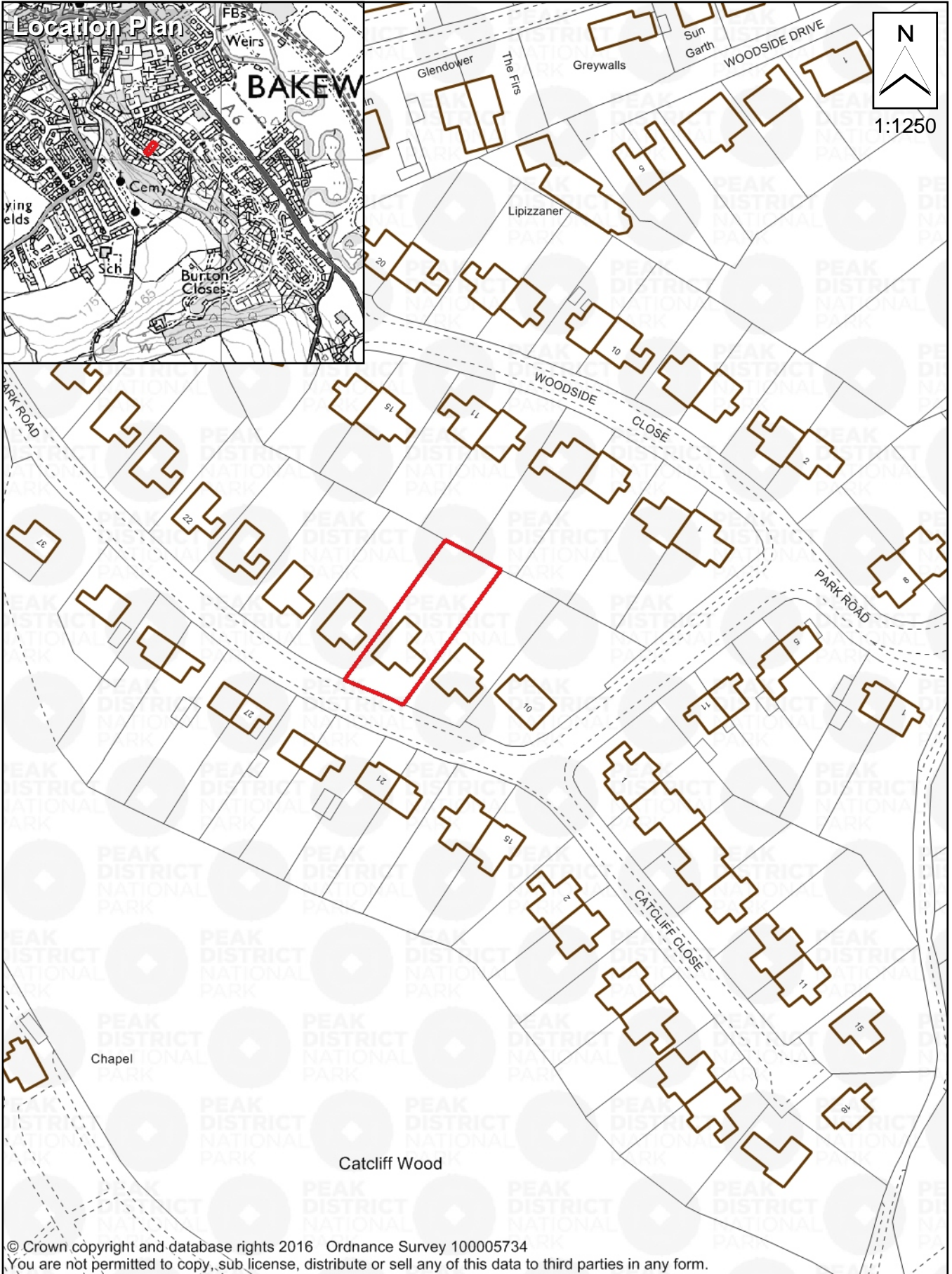
### **Human Rights**

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

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

Nil





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Committee Date: 09/11/2016  
 Item Number: 9  
 Application No: NP/DDD/1016/0974  
 Grid Reference: 421779 368025

**Title:** 14 Park Road, Bakewell



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**10. HOUSEHOLDER APPLICATION – ERECTION OF FENCING TO PROPERTY BOUNDARY AT TURNPIKE HOUSE, KETTLESHULME (NP/CEC/1016/1008, P.8007, 11/10/2016, 398802 / 379622, MN)**

**APPLICANT: MR KEVIN HEATHCOTE**

**Site and Surroundings**

Turnpike House is a detached dwellinghouse located on the corner of Macclesfield Road and Side End Lane in Kettleshulme village. It was constructed around 2005 and has a simple traditional form and detailing with gritstone walls and a slate roof.

The property boundary abuts the grounds of Kettleshulme Primary School to the north and the rear wall of Side End Cottage to the south. Side End Cottage fronts directly onto Side End Lane and has no curtilage to the rear, eastern side or off the northern gable as the rear and northern side walls of the property form the boundary between it and Turnpike House – although the exact position of the boundary line is in dispute as discussed in more detail below.

To the front, Turnpike House has a large tarmac driveway with a small area of lawn and planting. The site is bounded to the roadside by a natural stone wall with two timber gateways – one vehicular access and one pedestrian access. On the northern boundary with the school a timber fence has been erected above the low stone boundary wall.

The property is located within the Kettleshulme conservation area.

**Proposal**

To erect a 115cm high timber fence along part of the boundary of the property. The fencing would be positioned adjacent to the rear and gable walls of the adjacent property, Side End Cottage. A coloured stain for the fence has been proposed using 'Cuprinol Garden Shades' 'Woodland Mink' or 'Warm Almond'.

**RECOMMENDATION:**

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

- 1. In accordance with the revised plans**
- 2. Development implemented within 3 years**
- 3. Fence to be stained with Cuprinol 'Woodland Mink' wood stain, or an equivalent colour**

**Key Issues**

1. Whether the development has an appearance that conserves the character and appearance of the dwelling and its setting within the conservation area.
2. Whether the development has an acceptable impact on the amenity of neighbouring properties.

**History**

2000 – Planning permission granted for erection of dwelling.

## **Consultations**

Cheshire East Council (Rights of Way) – Not affected.

Cheshire County Council – No response at time of writing.

Kettleshulme Parish Council – No response at time of writing.

## **Representations**

6 letters of representation have been received, each objecting to the proposal. The material grounds of objection are:

- Some of the land within the application site area is in the ownership of Side End Cottage
- The appearance of the fencing would be out of keeping with the appearance of the adjacent buildings and that of the wider area and landscape
- The fencing would partially obscure a window of Side End Cottage
- The fencing would prevent access for maintenance to Side End Cottage
- The position of the fencing will increase damp ingress in to the walls of Side End Cottage by virtue of it adjoining the foundations of the house and debris being able to accumulate behind it
- The fence would be overbearing on Side End Cottage
- The fence will restrict the drying out of the currently damp walls of Side End Cottage
- The position of the fence posts already erected do not correspond with the application plans

## **Main Policies**

### **Relevant Core Strategy policies**

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.

### **Relevant Local Plan policies**

LC4, LC5, LH4

Policy LC4 is 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

Local Plan policy LC5 states that development in conservation areas should assess and clearly demonstrate how the existing appearance of the Conservation Area will be preserved and, where possible, enhanced.

Saved Local Plan policy LH4 provides specific criteria for assessing extensions and alterations to dwellings stating these 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 adopted three supplementary planning documents (SPD) that offer 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.

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

A revised plan has been received during the course of the application. This makes no material changes to the proposal, showing only minor alterations to the position of the fence posts. Due to the non-material nature of this change re-consultation was not undertaken.

#### *Appearance*

The proposed fence would have an appearance typical of garden fences, being vertically boarded panels set between timber fence posts.

As a result of its siting the fence would be read in close relation to both Turnpike House and Side End Cottage – a traditional dwellinghouse that is mainly faced with natural stone. The exception is the rear of Side End Cottage, which is mostly rendered and includes modern and somewhat unsympathetic remedial damp proofing works at the bottom of the wall.

Whilst stone walling would be a more traditional boundary treatment, timber fencing is not uncommon within garden settings in the Park. The proposal would reflect the material used for the fencing already present along the northern boundary of the site and for the two garden gates, helping it relate more acceptably to its setting. The proposed low height would also serve to further reduce the visual impact of the fence within its setting.

On this basis it is considered that subject to an appropriate recessive finish – such as the 'Woodland Mink' warm grey coloured stain proposed – the fence would have only a minor visual impact and would not detract from the character or appearance of the immediate built environment. The finish would need to be secured with the imposition of a planning condition if permission was to be granted, as it is not specified on the plans. Subject to such a condition the fence would accord with policies LC4 and LH4.

The impact on the conservation area is considered to be similarly low. The extent of fence that would be visible from outside of the site is limited to the section running east to west adjacent to the gable end of Side End Cottage.

At the height proposed and with the recessive finish as recommended above, it would not be prominent and would be partially screened in most views by the existing front wall and planting.

From views within the site, as detailed above, it would also conserve the character of the built environment. Overall, therefore, the development would conserve the character and appearance of the conservation area as required by policy LC5.

#### *Amenity*

Objection has been raised to the proposal on the grounds that it will slow the drying of the damp walls of Side End Cottage, adversely affecting the health of the neighbour. Whilst health can be a material planning consideration, it is not considered that the erection of a low timber fence – even one as closely related to the house as that proposed – would have such a significant impact on the moisture levels retained within the stonework of the building to affect the occupier's health.

The panels in the fence would be removable by sliding them upwards, thus allowing access to the neighbouring property for maintenance or clearing of debris as necessary, further reducing the impact in relation to the damp walls of the house.

The line of the proposed fence also ensures it remains a minimum of 600mm from Side End Cottage's AGA flue to allow it to vent safely. Due to the height of the fence it would not obscure any window of the neighbouring property and for the same reason it could not be considered to be overbearing or oppressive upon them. Overall, the development is considered to conserve neighbouring amenity in accordance with policy LC4.

#### *Land ownership*

Land ownership disputes are not material planning considerations, but if land within the application site area is in the ownership of a third party and they have not been given the requisite notification then it can render planning applications invalid. In this case there is a disagreement regarding the position of the boundary line between the applicant and the owner of Side End Cottage, who considers part of the application site area adjacent to the building to be in their ownership.

The applicant maintains that the entirety of the site is within their ownership and the small scale of the title deed plans means that the exact boundary line cannot be determined. Additionally, the neighbour has not been prejudiced by the lack of prior notification – they have commented on the application in detail.

For these reasons the issue is not considered to be material to the determination of this application and is a civil matter between the neighbours to resolve themselves.

#### **Conclusion**

It is considered that the proposed 1.15m high grey coloured fencing would conserve the character and appearance of the built environment and of the Conservation Area as required by the policies of the Development Plan.

Having also found the development to be acceptable in terms of its impact on neighbouring amenity, and having taken account of all other material matters, the application is recommended for approval subject to conditions.

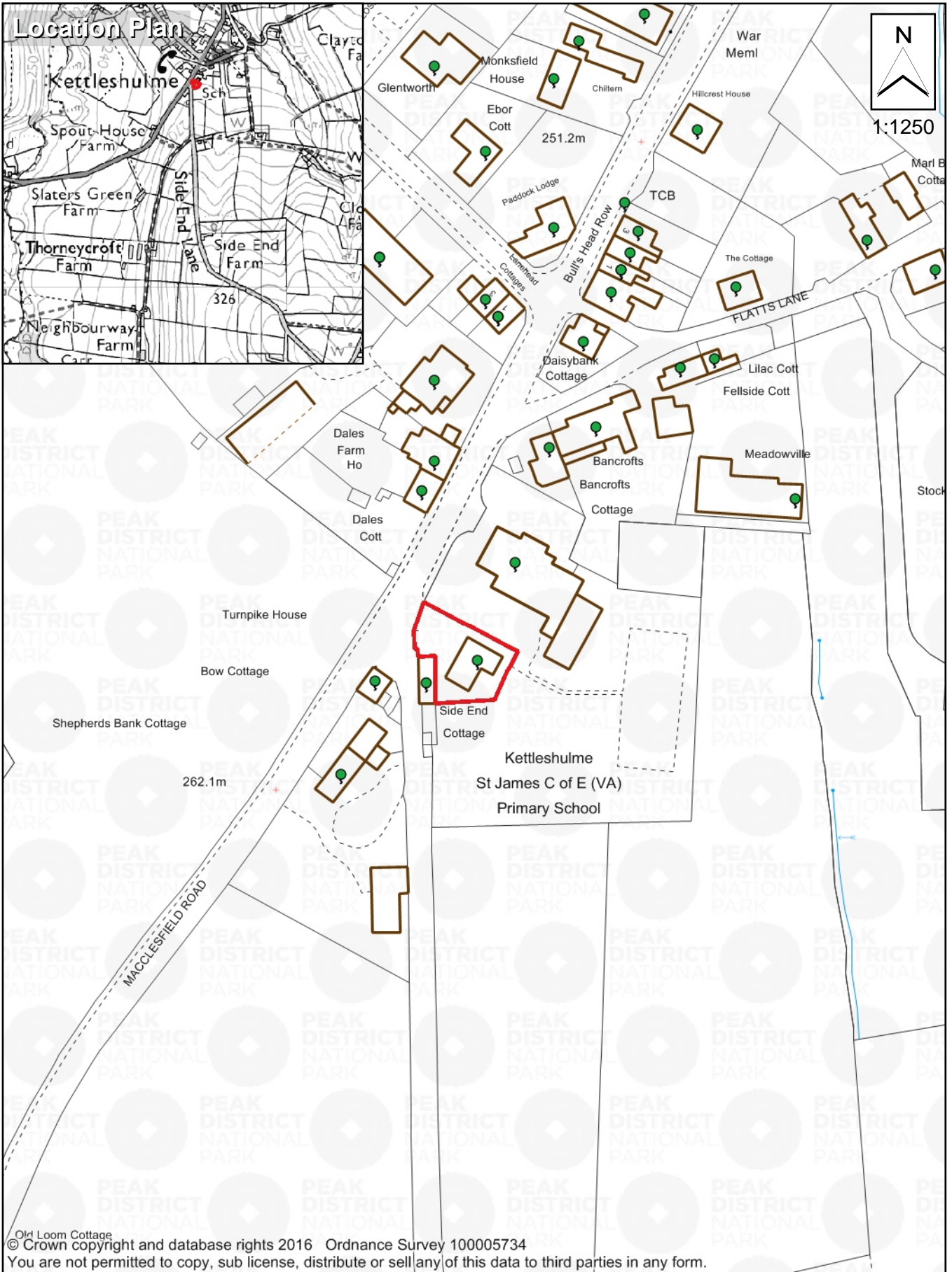
## **Human Rights**


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

List of Background Papers (not previously published)

Nil

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Committee Date:	09/12/2016	<b>Title:</b> Turnpike House, Macclesfield Road, Kettlethulme	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	10		
Application No:	NP/CEC/1016/1008		
Grid Reference:	398802 379622		

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**11. HEAD OF LAW REPORT - PLANNING APPEALS (A.1536/AMC)**

**1. APPEALS LODGED**

The following appeals have been lodged during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
NP/NED/0516/0377 3156637	Conversion of barns to dwelling, Dalebrook Farm, Baslow Road, Eastmoor, Brampton	Written Representations	Delegated
NP/DDD/0116/0033 3159734	Conversion of stone built outbuilding to holiday accommodation, 1 The Cross, Great Longstone	Written Representations	Committee
NP/DDD/0216/0112 3160070	Removal of condition to allow the use as a dwelling at Lyndale House, Church Street, Bradwell	Written Representations	Delegated
NP/DDD/0716/0605 NP/DDD/0716/0606 3160421 & 3160426	Rear extension to provide hall, studio, stair to basement and en-suite at a half level. Refurbishment of basement and conversion to habitable space including restoration of original window openings. Re-grading of lawn and access to basement door at Hall Cottage, Baulk Lane, Hathersage	Written Representations	Committee
NP/CEC/0516/0463 3156496	Replacement casement windows to all aspects of the property as included in the architects plans at The Bulls Head, Macclesfield Road, Kettlethulme	Written Representations	Delegated

**2. APPEALS WITHDRAWN**

There have been no appeals withdrawn during this month.

**3. APPEALS DECIDED**

The following appeals have been decided during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
NP/DDD/1115/1105 3156534	Replacement of agricultural building at Crossland Side, Hartington	Written Representations	Dismissed	Committee

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The Inspector considered that the development would have been highly visible due to the open nature of the landscape, and because of the incongruity of the design, the development would have caused harm within the wider agricultural landscape setting of the National Park. The proposal would also be in clear conflict with the statutory purposes of the National Park as reflected within Policies GSP1, GSP2, GSP3 and L1 of the Core Strategy as well as LC4 and LC13 of the Local Plan. The appeal was therefore dismissed.

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NP/DDD/0216/0080 3155382	Construction of a steel framed agricultural building on land at Foolow, S32 5QA	Written Representations	Dismissed	Delegated
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The Inspector felt that the development would have caused harm to the character and appearance of the landscape within the National Park and would have been in clear conflict with the statutory purposes. The Inspector also considered that the development would have been obtrusive and incongruous and would have resulted in the erosion of the field pattern within the location and partial loss of drystone walls. The appeal was dismissed.

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4. **RECOMMENDATION:**

**That the report be received.**