

Public Document Pack

Peak District National Park Authority

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



Our Ref: A.1142/2404

Date: 30 January 2020



NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 7 February 2020**

Time: **10.00 am**

Venue: **Conference Room, Agricultural Business Centre, Bakewell**

SARAH FOWLER
CHIEF EXECUTIVE

AGENDA

Venue Location Plan Attached

1. **Apologies for Absence**
2. **Minutes of previous meeting of 10 January 2020** (*Pages 7 - 12*)
3. **Urgent Business**
4. **Members Declarations of Interest**
Members are asked to declare any disclosable pecuniary, personal or prejudicial interests they may have in relation to items on the agenda for this meeting.
5. **Public Participation**
To note any questions or to receive any statements, representations, deputations and petitions which relate to the published reports on Part A of the Agenda.
6. **Full Application: Erection of amenity building with turning head, new vehicular access, landscaping and associated facilities for camping and caravan site at Brosterfield Caravan Park, Foolow (NP/DDD/1219/1272, AM)** (*Pages 13 - 36*)
Appendix 1

Site Plan

7. **Full Application: Two storey detached residential units to existing care home at The Lodge, Manchester Road, Hollow Meadows (NP/S/1019/1109, 14/11/2019/ AM) (Pages 37 - 48)**
Site Plan
8. **S.73 Application: Removal or variation of condition 4 imposed upon NP/HPK/1118/1010 at Millers Dale Station, Millers Dale NP/HPK/1219/1260 (AM) (Pages 49 - 56)**
Site Plan
9. **Full Application: Change of use of existing dairy milking parlour to form bunk house accommodation with facilities and meeting room space at Blaze Farm, Buxton Road, Wildboardclough (NP/CEC/0319/0308, ALN) (Pages 57 - 70)**
Site Plan
10. **Full Application: Change of use of agricultural field to off-leash dog walking and training field at land near Bank Top Farm, Unnamed section of C39 from Exlowmere Lane to B5056, Winster (NP/DDD/1119/1218, MN) (Pages 71 - 82)**
Site Plan
11. **Full Application: Conversion of former barn to holiday accommodation and associated works to access and parking area, and formation of new access to Brookside Farm, Unnamed section of A623 from Mires Lane to Long Lane, Wardlow (NP/DDD/0319/0272, JK) (Pages 83 - 96)**
Site Plan
12. **Conservation of Habitats and Species Regulations 2017: Proposed conversion of former barn to holiday accommodation and associated works to access and parking area, and formation of new access to Brookside Farm, Unnamed section of A623 from Mires Lane to Long Lane, Wardlow (NP/DDD/0319/0272 (JK) (Pages 97 - 102)**
13. **Assessment under the Habitat Regulations: Delegated Authority (JEN) (Pages 103 - 104)**
14. **Head of Law Report - Planning Appeals (A.1536/AMC) (Pages 105 - 106)**

Duration of Meeting

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

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

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

Agendas and reports

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

Background Papers

The Local Government Act 1972 requires that the Authority shall list any unpublished Background Papers necessarily used in the preparation of the Reports. The Background Papers referred to in each report, PART A, excluding those papers that contain Exempt or Confidential Information, PART B, can be inspected by appointment at the National Park Office, Bakewell. Contact Democratic Services on 01629 816200, ext 362/352. E-mail address: democraticservices@peakdistrict.gov.uk.

Public Participation and Other Representations from third parties

Anyone wishing to participate at the meeting under the Authority's Public Participation Scheme is required to give notice to the Director of Corporate 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 or on request from Democratic Services 01629 816362, email address: democraticservices@peakdistrict.gov.uk.

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.

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Pay and display car parking is available at the venue or within Bakewell Town Centre. 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.

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 5 minutes walk away.

To: Members of Planning Committee:

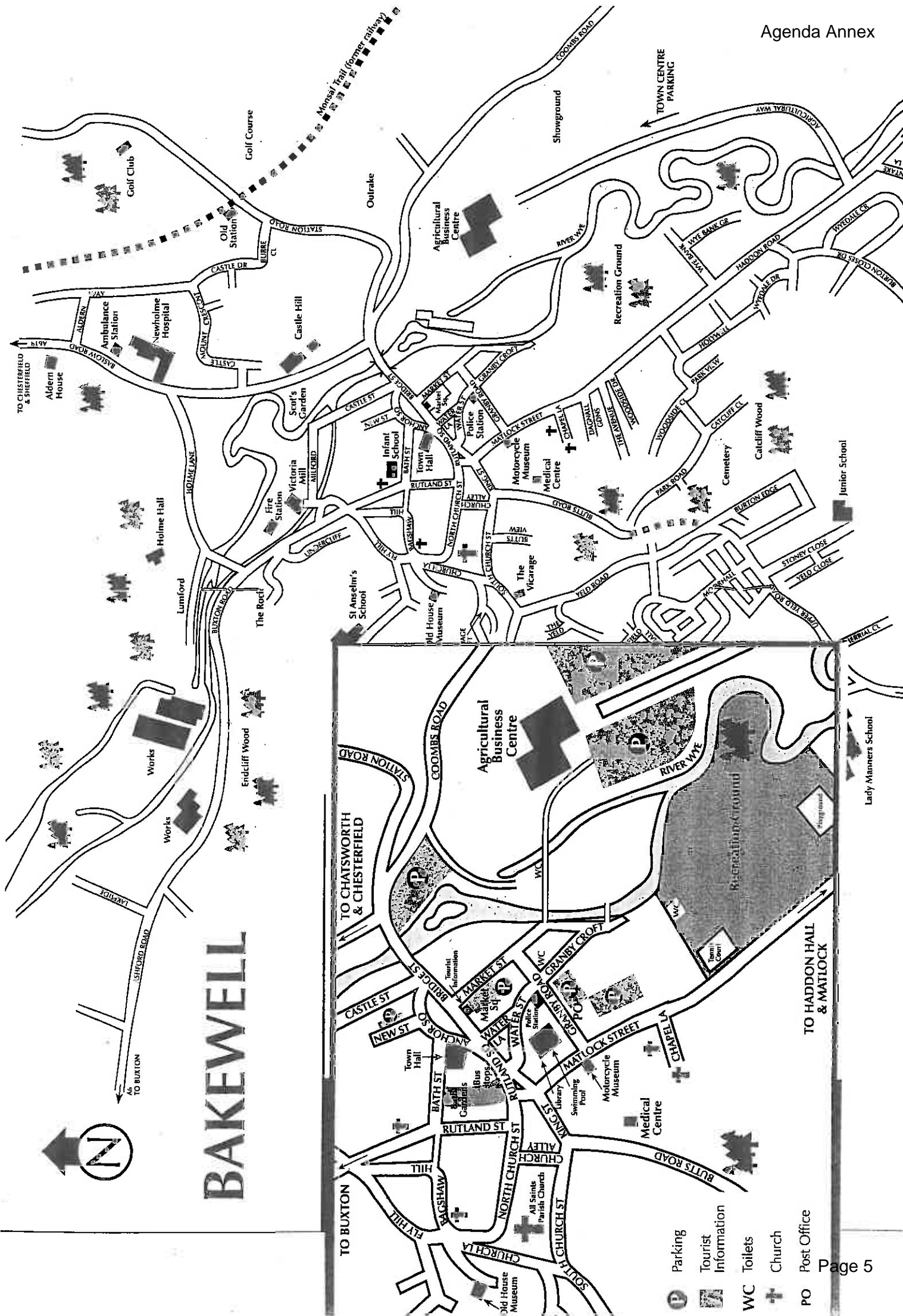
Chair: Mr R Helliwell
Vice Chair: Cllr D Birkinshaw

Mr P Ancell	Cllr W Armitage
Cllr P Brady	Cllr M Chaplin
Cllr D Chapman	Cllr A Gregory
Cllr A Hart	Cllr I Huddleston
Cllr A McCloy	Cllr Mrs K Potter
Miss L Slack	Mr K Smith
Cllr G D Wharmby	

Other invited Members: (May speak but not vote)

Mr Z Hamid	Mr J W Berresford
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Constituent Authorities
Secretary of State for the Environment
Natural England



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MINUTES

Meeting: **Planning Committee**

Date: Friday 10 January 2020 at 10.00 am

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

Chair: Mr R Helliwell

Present: Cllr W Armitage, Cllr P Brady, Cllr M Chaplin (from 10:10),
Cllr D Chapman, Cllr A Hart, Cllr I Huddleston, Cllr A McCloy,
Cllr Mrs K Potter, Miss L Slack, Mr K Smith and Cllr G D Wharmby

Apologies for absence: Cllr D Birkinshaw, Mr P Ancell and Cllr A Gregory.

1/20 MINUTES OF PREVIOUS MEETING HELD ON 13 DECEMBER 2019

The minutes of the last meeting of the Planning Committee held on 13 December 2019 were approved as a correct record.

2/20 URGENT BUSINESS

There were no items of urgent business.

3/20 MEMBERS DECLARATIONS OF INTEREST

Item 6

It was noted that all Members, except Cllr Wharmby, had received an email from Steve Drury, Agent.

4/20 PUBLIC PARTICIPATION

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

5/20 FULL APPLICATION - CONVERSION OF BARN TO ONE OPEN MARKET DWELLINGHOUSE AND ONE AFFORDABLE DWELLINGHOUSE - ROCHE GRANGE FARM, MEERBROOK (NP/SM/0519/0473, MN)

The Planning Officer introduced the report and it was noted that the application had been deferred from the October 2019 Planning Committee to allow for further consideration of climate change mitigation measures, parking arrangements, re-siting of modern agricultural building and property curtilages.

10.10 Cllr M Chaplin joined the meeting.

The Officer stated that the applicants had now submitted an updated statement addressing climate change mitigation with further firm proposals including provision of a ground source heat pump, log burners and rainwater harvesting. Firm details of how energy usage would be minimised and used effectively had still not been provided but subject to receiving those and details of the proposed measures, to ensure they would not affect the heritage interests of the building, Policy CC1 was no longer a reason for refusal. He also stated that concerns regarding the concrete hardstanding could be overcome by conditions if Members were minded to approve the application.

The following spoke under the public participation at meetings scheme:

- Ms V Hulme, daughter of the applicants, representing the applicants.

A motion for approval was moved and seconded.

Members welcomed the improvements in the application and were supportive of approval subject to conditions including for the hardstanding and appropriate archaeological recording.

The Head of Development Management stated that conditions would cover the following:

- Legal agreement regarding affordability of dwelling in perpetuity
- Development in accordance with approved plans
- Commencement condition
- Details of windows and doors to be submitted
- Reserve details of parking
- Details of design including not making up sill to above ground level in large opening
- Demolition of buildings, prior to occupation
- Additional plans and details for Climate Change measures
- Bat mitigation/Protected species
- Remove permitted development rights for alterations, extensions and outbuildings
- Internal pipework
- Drainage
- Services to be undergrounded
- Highways requirements
- Landscaping details
- External lighting
- Pre-condition to provide WSI Archaeology recording to be agreed in writing with the applicant
- Footnote regarding new barn requiring separate planning permission

In response to Members' queries Officers stated that the barn near the proposed garden was used for agricultural storage or for farm animals and a condition to block the windows of the barn would be unreasonable and was not part of the application.

The motion for approval subject to the entering into of a legal agreement and the conditions stated by Officers was put to the vote and carried.

RESOLVED:

That the application be APPROVED subject to a S.106 agreement to ensure the affordability of the dwelling in perpetuity and the following conditions:

- **Development in accordance with approved plans**
- **Commencement condition**
- **Details of windows and doors to be submitted**
- **Reserve details of parking**
- **Details of design including not making up sill to above ground level in large opening**
- **Demolition of buildings, prior to occupation**
- **Additional plans and details for Climate Change measures**
- **Bat mitigation/Protected species**
- **Remove permitted development rights for alterations, extensions and outbuildings**
- **Internal pipework**
- **Drainage**
- **Services to be undergrounded**
- **Highways requirements**
- **Landscaping details**
- **External lighting**
- **Pre-condition to provide WSI Archaeology recording to be agreed in writing with the applicant**
- **Footnote regarding new barn requiring separate planning permission**

6/20 FULL APPLICATION - SINGLE STOREY EXTENSION AND ALTERATIONS TO WINDOWS AT 1 SUNNYSIDE VILLAS, BUXTON ROAD, CASTLETON ((NP/HPK/1019/1108, CW)

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

The Planning officer introduced the report and stated that an additional condition was required to the recommendation for approval to state, notwithstanding the red line application site area on the submitted site plan, no permission is hereby granted for any extension of the residential curtilage to the rear of the dwelling.

The following spoke under the public participation at meetings scheme:

- **Mr M Jones, Agent**

The recommendation for approval, with the additional condition regarding curtilage, was moved and seconded.

The motion for approval was put to the vote and carried.

RESOLVED:

That the application be APPROVED subject to the following conditions:

- 1. Development to be carried out in accordance with specified approved plans.**
- 2. The design, external finish and recess of the new window frames and door shall match the existing.**

3. The rooflights shall be fitted flush with the roofslope.
4. Notwithstanding the red line application site area shown on the submitted site plan, no permission is hereby granted for any extension of the residential curtilage to the rear of the dwelling.

7/20 FULL APPLICATION - CONVERSION OF OFFICE TO ONE OPEN MARKET FLAT AND INSTALLATION OF SOLAR PANELS - CAMBRIDGE HOUSE, NORTH CHURCH STREET, BAKEWELL ((NP/DDD/1119/1175, MN)

In response to Members' queries it was noted that Bakewell Town Council's consultation had been received after the report was written but they had no objections to the proposal.

The recommendation for approval subject to conditions was moved, seconded, put to the vote and carried.

RESOLVED:

That the application be APPROVED subject to the following conditions:

1. 3 year time limit.
2. In accordance with the submitted plans.
3. Detailed design of the solar panels to be agreed.
4. Proposed climate change mitigation measures to be implemented.

The meeting adjourned at 10.55 for a short break and reconvened at 11.00.

8/20 MONITORING & ENFORCEMENT QUARTERLY REVIEW - JANUARY 2020 (A.1533/AJC)

Members considered the Monitoring and Enforcement quarterly review report which provided a summary of the work carried out by the Monitoring and Enforcement Team over the last quarter.

11.20 Cllr M Chaplin left the meeting.

The Monitoring & Enforcement Manager reported that for the four enforcement notices issued, as listed in paragraph 5 of the report, no appeals had been received. He displayed photographs of the unauthorised developments in each case.

The Monitoring & Enforcement Manager drew attention to the prosecution case referred to in section 6 of the report and answered Members' questions in relation to the case.

In section 7 of the report headed 'Breaches resolved' the Monitoring & Enforcement Manager stated that the description for the enforcement notice relating to land off Lane Head Road, Little Hayfield, on page 51, was incorrect. It should state 'Erection of building' not 'Replacement of windows'. He then displayed 'before and after' photographs of selected cases in section 7 of the report.

In answer to a Member question, the Monitoring & Enforcement Manager and Head of Development Management summarised the circumstances in which siting of a caravan on agricultural land would require planning permission.

RESOLVED:

To note the report.

9/20 HEAD OF LAW REPORT (AGM)

Members considered the report on appeals lodged, withdrawn and decided during the last month. An amended report had been circulated which included summaries of the 2 appeal decisions included in the report.

RESOLVED:

That the report be received.

The meeting ended at 11.28 am

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6. FULL APPLICATION – ERECTION OF AMENITY BUILDING WITH TURNING HEAD, NEW VEHICULAR ACCESS, LANDSCAPING AND ASSOCIATED FACILITIES FOR CAMPING AND CARAVAN SITE AT BROSTERFIELD CARAVAN PARK, FOLOW (NP/DDD/1219/1272, AM)

APPLICANT: PEAK DISTRICT NATIONAL PARK AUTHORITY

Summary

1. This site benefits from planning permission for a caravan and camping site. The National Park Authority purchased the site to control the use of the site for touring caravans and camping only.
2. The proposal is for the use of the site for touring caravans and camping only with the same restriction on the number of pitches as the existing planning permission. A new amenity building, access track, planting and ancillary development is proposed to facilitate this use.
3. The proposal can be accommodated on the site without harm to the special qualities of the National Park, the setting of the designated Foolow Conservation Area or the local community. The application is therefore recommended for approval, subject to conditions.

Site and surroundings

4. The application site is located in open countryside approximately 260m to the south of the edge of Foolow outside of Foolow Conservation Area, which extends out to Ivy Farm and Home Farm 64m to the north of the application site. The site is located within the White Peak Landscape Character Area and specifically within the Limestone Village Farmlands Landscape Character Type.
5. The land under the ownership and control of the National Park Authority, as applicant, includes two fields located to the west of the Housley – Foolow road. Further references in this report to the applicant refer to the Authority solely in its role as applicant, rather than as the local planning authority. 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.
6. The 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.
7. A public right of way follows the existing access track along the southern boundary of the site. 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

8. Erection amenity building, ground source heat pump and ancillary facilities; the creation of an access track and associated landscaping.
9. Use of the land as a caravan site. The plans show one touring caravan pitch for a site warden, 19 year round touring caravan / camping pitches, 10 touring caravan / camping

pitches to be occupied between Easter and October and a further 20 touring caravan / camping pitches for use on bank holiday weekends. The pitches would be grass with no access tracks within the site.

10. The amenity building would be sited on the northern boundary of the site adjacent to the proposed access track. The building would have to main elements constructed from natural limestone under pitched roofs clad with natural blue slate with a smaller linking element clad with zinc and vertically boarded timber. The building would house the site office, toilets, showers, laundry plant and storage.
11. Solar voltaic panels are proposed for the south facing roof and a ground source heat pump would provide heating and hot water.
12. Chemical waste would 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 emptied by tanker when full. Foul drainage from the amenity building would be to an underground package treatment plant sited to the south-east of the building. A recycling compound would be located adjacent to the cess tank.
13. The access track 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 and a timber gate erected. The first 19m of the track would be 5.5m wide with the remaining track 3m wide. The first 10m of the track would have a macadam surface with drainage channel. The remainder of the track would be surfaced with limestone, over sown with grass seed to match the field with a central grass strip.
14. Additional native planting would be carried out 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.

RECOMMENDATION:

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

- 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. Prior to the operation of the campsite, an Ecological Management Plan (including measures to provide on-site habitat enhancement for a range of species) shall be submitted to and approved in writing by the National Park Authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development.**
- 5. All new services shall be placed underground within the applicants ownership**
- 6. Submitted landscaping scheme to be implemented.**

7. Prior to the first occupation of the amenity building solar photovoltaic panels shall be installed to the south facing roof slope in accordance with a detailed scheme (including the specification, finish and location of solar panels) which shall have first been submitted to and approved in writing by the National Park Authority.
8. The solar panels shall be fitted flush to the roofslope.
9. Prior to the first occupation of the amenity building a ground source heat pump shall be installed within the site in accordance with a detailed scheme (including the specification and location of pipework and equipment) which shall have first been submitted to and approved in writing by the National Park Authority.
10. No lighting shall be installed other than in accordance with a scheme submitted to and approved in writing by the National Park Authority.
11. No flagpoles or illuminated poles either temporary or permanent shall be erected on the site.
12. The package treatment plant and cess tank hereby approved shall be installed prior to the first occupation of the amenity building.
13. Sample of metal sheeting for the link roof of amenity building to be submitted and approved prior to the erection of the amenity building.
14. Notwithstanding approved plans, the timber cladding to the amenity building shall be vertically boarded, tanalised and left to weather naturally without paint or stain finish.
15. The walls of the amenity building shall be natural limestone in accordance with a sample panel to be erected and approved in writing by the National Park Authority.
16. The main roof of the amenity building shall be natural blue slate.
17. External finish of windows and doors to amenity building to be submitted and approved in writing prior to installation.
18. Restrict use of site to touring caravans and / or tents only.
19. 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.
20. Holiday occupancy condition (no more than 28 day occupancy for any individual per calendar year) and no single caravan or tent (other than the one caravan for a site warden) shall be retained on site for a period exceeding 28 days in any calendar year.

21. The touring caravan for the site warden shall not be occupied other than by a site warden employed at Brosterfield Caravan Site and their dependants only.
22. No caravan or tent shall be sited on the eastern field edged in blue on submitted site plan at any time.
23. Remove permitted development rights for development required by the conditions of a site licence.

Key Issues

- 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. A copy of the decision notice is attached as appendix 1.

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 1st 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.

2017: NP/DDD/1016/0972: Application for operation facilities including amenity building, new access, manager's accommodation and associated ancillary facilities **refused** for the following reason:

"The proposed development, by virtue of its scale, would result in an adverse impact on the landscape and an adverse impact on the local community through traffic and disturbance. 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."

Consultations

15. Environment Agency: No response to date.
16. District Council: No response to date.
17. Highway Authority: No response to date.
18. Any response will be update verbally at the meeting.
19. Foolow Parish Meeting: Object to the application for the following reasons.
20. The proposed access track will spoil the landscape setting of Foolow and will spoil the entrance to the village from the A623. Positioning the track close to the existing wall will not eliminate it from being seen. Nor will vehicles using it be hidden.
21. The traffic generated by this proposed development will be considerable. The traffic will require access to the site (across the newly created track) and this traffic will clog up local roads and parking even more than presently.
22. Access through Foolow is not straightforward especially if caravans are being towed and access using either way to the A623 is not risk free.
23. It is estimated that on a summer day, there would be around 120 new vehicle movements down the track. On a summer bank holiday, each day could generate in excess of 200 vehicle movements. These figures are based on each camping pitch only having one vehicle, and that each vehicle makes 4 journeys down the track each day. These figures do not include service vehicles required for site maintenance nor delivery vehicles for supermarket shopping. These movements are known to be considerable at caravan sites elsewhere.
24. Foolow has few facilities: it has a pub, a village pond and green but no shops, playground, or medical facilities. The traffic generated by the site will therefore go elsewhere, perhaps through Foolow, with the car being the preferred option. Foolow already has parking problems and access for larger and longer vehicles is already problematic.
25. Public transport is limited to the bus route between Buxton and Sheffield / Chesterfield.
26. The site (and traffic) will be visible particularly in winter when the leaves will have gone.

Visible not just from the public footpath running to the south, but also to the main road in to Foolow.

27. The development will generate light pollution. This will apparently be mitigated, but considerable pollution will be created in a dark area by lights from vehicles, infrastructure and visitors' facilities.
28. Desecration of the views and landscape by an intensive commercial development. It will create new development (amenity block, warden's accommodation, facilities etc) where none currently exists. Could it be called ribbon development?
29. Signage. Two new signs advertising the Caravan Park will be erected where none exists now. Both will be sited and will be clearly seen by all entering or leaving Foolow.
30. Local residents will be affected by this new development, in particular the properties of Ivy House Farm, Home Farm and Brosterfield Farm would be adversely affected by noise and pollution generated by the development.
31. Natural England: No objection.
32. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation site.
33. Natural England refers us to generic advice about Sites of Special Scientific Interest (SSSIs), Biodiversity, Protected species and local sites, protected landscapes, agricultural land, access and recreation, rights of way and environmental enhancement.
34. PDNPA Archaeology: No objection but makes the following comment:
35. It appears from the plans that the access track will sit adjacent to the existing field wall and this will be retained. This field wall forms part of an important area of historic landscape, where the location and position of the extant field walls fossilise the form and layout of the medieval open field system associated with Foolow. So, we would seek for this field wall retained on its existing alignment. The proposed site layout plan suggest that the wall be will be retained, but I wondered if it would be possible to more explicitly ensure its retention and maintenance by means of a condition?
36. PDNPA Ecology: No objection but makes the following comment:
37. 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.
38. The presence of Great Crested Newt (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 survey is required (our survey criteria would usually require ponds to be assessed within 250m of the development).
39. 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 as well as providing a winter foraging area for seed eating birds. The area could be maintained by cutting on a bi-annual basis.

40. Our Ecologist recommends that a number of precautionary measures for amphibians are put in place during the works. These are:
- During building works, the foundation and wall footings should be checked for the presence of amphibians on a daily basis.
 - Materials used for the works must not be stored in close proximity to the walls.
 - Any drystone walls, which require works, must be dismantled carefully by hand and should check for the presence of newts or other amphibians.
 - Any great crested newts found during works must be carefully placed in a sheltered location within vegetation adjacent to the pond and wall boundary in terrestrial habitat. If any great crested newts are found during works, Natural England should be contacted immediately.
 - Tree removal works would also need to avoid the bird-breeding period (March to September inclusive).
41. Under the National Planning Policy Framework, there is also opportunity to consider biodiversity net gain at this site. The creation of a pond suitable for GCN and other amphibians should be considered.
42. Our Ecologist recommends that a planning condition is imposed which would tie together the habitat creation and maintenance suggested above.
43. Following concerns raised in representations our Ecologist visited the site to look for signs of badgers on the site. A number of rabbit holes were noted but no evidence of any badger setts was found. A small badger latrine was identified within the planted area and it is likely that the wider area is used by foraging badgers. There is a well-used route on site that goes under the fence in one location. No badger hairs were attached to the wire in this location. Our Ecologist advises therefore that there are no setts present on site and that no further survey is required.
44. PDNPA Landscape: No objection and makes the following comment:
45. The site comprises the camping and caravan site which extends to approximately 4.25 acres (1.72ha).
46. There is an adjoining belt of trees between the site and agricultural field which is adjacent to the public highway currently used for grazing sheep and hay making extending to approximately 6.29 acres (2.55 ha). The site is bounded by dry stone walls.
47. The site is located within the Limestone Village Farmlands Landscape Character Type (LCT) (on the edge of the Limestone Plateau Pastures LCT) within the White Peak Landscape Character Area (LCA).
48. A Public Right of Way 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 application site is visually well-contained (by landform and surrounding tree cover) so potential landscape impacts are confined to the site itself.
49. Following a site visit, our Landscape Officer does not consider that the scheme would have any significant adverse visual effects on views from the local footpath network.

50. A landscape assessment has been included with the application and this concludes that the proposals for Brosterfield camping and caravan site will have a neutral / slightly beneficial impact on the character of the area.
51. The amenity building seems to be well designed and sited appropriately to minimise any visual effects (located adjacent to existing vegetation). The access track appear to be well sited and congruous with existing access tracks in the wider landscape. The proposed access road will potentially have a localised impact on character, but this is minimal.
52. In terms of landscape treatment, two shelterbelts will be planted in addition to a number of individual trees. It is agreed that this landscape structure will enhance the site and help to integrate it into the wider landscape.
53. The application does not conflict with any of the identified protection and management priorities and therefore our Landscape Officer has no objections to the scheme.

Representations

54. 76 representation letters have been received at the time the report was written. 75 of the letters object to the development and 1 representation makes general comments.
55. The representations include letters from: Friends of the Peak District; Great Hucklow, Grindlow, Windmill, Little Hucklow and Coplowdale Parish Council; and Abney, Abney Grange, Highlow and Offerton Parish Meeting.
56. The material planning reasons for objection and comments given are summarised below.

57. Reasons for objections

- The proposed access is adjacent to residential properties, which will cause amenity issues for those residents.
- The access will cut across an existing narrow footpath and through open meadow, which will be visible from Longstone, Bretton and Litton edges.
- The proposed signage will spoil the approach to Foolow and detract from the Conservation area.
- The access will need to be wide enough to accommodate touring caravans and service vehicles onto the site, and this will require significant widening of the gap in the stone walling.
- The proposed fence along the access is out of keeping with the landscape.
- The development would result in a significant rise in traffic movements.
- Parking issues within the village, along green lanes and narrow lanes will be exacerbated by additional vehicle movements and towed vehicles.
- There are no turning facilities within the village for caravans.
- Access onto the A623 does not have good visibility.
- The speed survey carried out by Derbyshire County Council is out of date and does not

allow for the diversions due to long term road closures in the area.

- The laybys near the site are used for parking by walkers, so are not available for users of the site.
- Caravans will be visible from Longstone, Bretton and Litton edges, distracting from the view and causing light pollution.
- The development would result in year round intrusion of buildings and tracks, which would stand out on the limestone plateau and are contrary to policies protecting and preserving the landscape.
- Current screening of the leylandi hedge is not in the control of the National Park as it is planted on adjoining land. The existing hedge is not a natural feature.
- New planting will be uncharacteristic to the open grazing land and will spoil the natural landscape. Evergreen planting will not be a native species and deciduous varieties would not provide screening in winter.
- Electricity supply to the village is not good and additional demand for the site, including electric hookups etc. will put added pressure on the system.
- Other than one public house in the village there are no local amenities in Foolow for occupants of the caravan site to use.
- The site description is not restricted to touring caravans and therefore statics could be put on the site under the original permission.
- The 1998 permission has been lost due to abandonment and therefore the site should be subject to a full planning application.
- The 1998 planning permission is not valid as the passing places along the access track were never completed and therefore the permission is not extant.
- There is a badger sett on site and the application makes no provision for this on the site.
- Flora and wildlife habitat could be incorporated into the site, this is a missed opportunity at present.
- No mitigation for off-setting carbon emissions for the site has been proposed (for example from internal combustion engine cars visiting the site).
- An ecological survey must be submitted with the application.
- The proposal would result in the creation of a ribbon development between Foolow and Housley.
- The development would result in intensification of the site allowing 50 caravans.
- Query if existing sewage arrangements are sufficient to deal with the waste from 50 caravans.
- The development would adversely affect crime in the area and the health of the local community.

- The development would not support existing rural businesses and is therefore contrary to policy.
- Issues with litter, noise from visitors to the site walking to the village, petty crime due to the increase in population when the site is full.
- The application requires an Environmental Impact Assessment because there is a significant risk to wildlife that occupy the site due to it returning to a natural state.
- None of the reasons for the previous refusal of planning consent on the site have been addressed.
- The development would result in an adverse impact on the community.

Main policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, CC1, CC2, L1, L2, L3 and RT3

Relevant Development Management Plan policies: DM1, DMC1, DMC3, DMC5, DMC8, DMC11, DMC12, DMC13, DMR1, DMR2, DMT3, DMT6, DMU1 and DMU2.

National planning policy framework

58. Paragraph 115 says that great weight should be given to conserving landscape and scenic beauty in National Parks along with the conservation of wildlife and cultural heritage.
59. Paragraph 82 says that planning policies should support sustainable economic growth in rural areas and should enable sustainable rural tourism and leisure developments, which respect the character of the countryside.
60. Paragraph 190 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.
61. Paragraph 193 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

62. 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.

63. Core Strategy policy CC1 says that all development must make the most efficient and sustainable use of land, buildings and natural resources, taking into account the energy hierarchy, be directed away from flood risk areas and achieve the highest possible standards of carbon reductions and water efficiency. CC2 says that proposals for low carbon and renewable energy development will be encouraged provided they can be accommodated without harming the National Park.
64. Core Strategy policy RT3 is directly relevant and 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.
65. The supporting text which precedes RT3 is also relevant. Paragraph 10.26 says:
66. *“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”.*
67. Development Management policy DMR1 and DMR2 are also directly relevant.
68. DMR1 A. says that the development of a new touring camping or touring caravan site will not be permitted unless its scale, location, access, landscape setting and impact upon neighbouring uses are acceptable and it does not dominate its surroundings. DMR B. says that shopping, catering or sport and leisure facilities will be permitted provided that they accord with part A and do not adversely affect the vitality and viability of existing facilities in surrounding communities.
69. DMR2 A. says that where the development of a touring camping or touring caravan site is acceptable, its use will be restricted to no more than 28 days per calendar year by any one person. DMR2 B. says for an existing camping or caravan site, the removal of any existing condition that stipulates months of occupation, and its replacement by a holiday occupancy condition, will be permitted, provided that the site is adequately screened in winter months and that there would be no adverse impact on the valued characteristics of the area or residential amenity.

70. 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 Development Management policy DMC3 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.
71. Core Strategy policy L2 and Development Management policies DMC11 and DMC12 together require all development to conserve and enhance the biodiversity of the National Park including designated sites, and protected species and habitats.
72. Core Strategy policy L3 and Development Management policies DMC5 and DMC8 together require all development to conserve and enhance the significance of any affected archaeological, architectural, artistic or historic assets and their setting. DMC8 provides detailed criteria to assess proposals, which either are within or affect the setting of Conservation Areas.
73. Development Management policy DMC14 says 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. Development Management policy DMT3 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. Development Management policy DMT6 requires development to be served by limited parking taking into account its location and visual impact.
74. Our adopted Landscape Strategy and Action Plan and the Foolow Conservation Area analysis document dated 1994 are material planning considerations along with our 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

Background

75. Planning permission was granted at the site for the change of use of the land to a caravan site in 1998 (the 1998 permission).
76. The Authority refused an application for a Certificate of Lawful use for the unrestricted all year round occupation of 20 caravans on the site (i.e. to include mobile "Park" homes) in 2008.
77. The lawful use of the site was investigated as part of the application and the subsequent appeal in 2011. The Planning Inspector allowed the 2011 appeal and issued the Certificate of Lawful use. Section 191(6) of the Town and Country Planning Act 1990 states 'The lawfulness of any use, operations or other matter for which a certificate is in force under this section shall be conclusively presumed').
78. The question has been raised about whether the 1998 permission has been implemented (if not, it would have lapsed after 5 years). This is a matter which we considered at the time of the lawful development certificate application and appeal and it was concluded that the development had been lawfully commenced and that, as a consequence, the permission was implemented.
79. The question has also been raised about whether the caravan and camping use has

been abandoned. The site benefits from planning permission and the permitted use cannot be abandoned as a matter of law.

80. The point is also made in representations that the existing access to the site 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. Notwithstanding this, the matter for consideration is whether the access proposed in this application is acceptable in its own right.
81. The site does benefit from a lawful use as a caravan site subject to the planning conditions imposed upon the 1998 permission.
82. Finally, the point is made 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 also question the intentions of the applicant in purchasing the application site and making the current planning application.
83. In considering a planning application, the identity of any landowner or applicant is not a material planning consideration. It is a principle in law that planning permission runs with the land and that an application should be determined on its own merits. We are required to determine the application 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 landowner.
84. The starting point in assessing the proposal is the lawful use of the site. However, the applicant's stated intentions can also be a material consideration. The applicant has stated that its intention in purchasing the site was to control the use of the site to touring caravans and camping only, so this is a material consideration in considering this application.

Principle

85. The application site is located in open countryside but is not designated as Natural Zone or within any designated nature conservation site. Therefore, recreation and tourism development is acceptable in principle in accordance with policy DS1.
86. Policies RT3 and DMR1 are relevant for caravan and camping sites. We support small touring camping and caravan sites, 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 in policy, but the supporting text says 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).
87. We also support the provision of improved facilities on existing caravan and camping sites, including shops and recreation opportunities provided that they are an appropriate scale. We encourage development that improves the quality of existing sites, including improvements to upgrade facilities, access, landscaping or the appearance of static caravans. We do not permit sites for static caravans, chalets or lodges.
88. Our policies therefore say that small touring caravan and camping sites are acceptable

in principle provided that they conserve the valued characteristics of the National Park and do not harm the amenity of neighbours, the local community or highway safety. Our policies also encourage development that would improve the quality of existing sites.

89. If permission is granted, we would recommend planning conditions as set out above are imposed to restrict the use of the site for a restricted number of touring caravans and tents only with occupancy restricted to holiday occupancy only in accordance with our policies. The principle of the development is in accordance with policies DS1 and RT3.
90. Therefore the key issue is the impact of the proposed development upon landscape character and scenic beauty, the local area and the community.

Landscape and visual impact

91. The application site is located in the Limestone Village Farmlands character area within the White Peak. 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.
92. 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.
93. The boundary trees around the site include a belt of native trees and hedges along the eastern boundary of the field which were planted after permission was granted in 1998 and more mature trees to the south and west of the site which form part of Brosterfield Farm. A row of Leylandii trees 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.
94. In the wider landscape the site, 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 seen in the context of the surrounding pastoral fields and drystone walls and amongst the established groups of trees.
95. This application proposes various building operations, including the creation of a new access track; new amenity block and ancillary works. The application proposes to restrict the use of the site for touring caravans and tents only. No formal pitches or internal access tracks are proposed. A site manager would occupy one touring caravan. This is comparable to the intention of the 1998 planning permission (prior to the certificate of lawful use determination which established the principle of year round pitches which could be used for 'Park' homes or lodges).
96. Additional planting is also proposed including planting 36 individual trees within the site and along the east and north boundaries. New shelterbelts are proposed along the southern boundary and part of the east boundary. The individual trees would be a mixture of Mountain Ash, Silver Birch, Oak, Hornbeam and Holly. The shelter belts would be a mixture of Field Maple, Hazel, Hawthorn, Small Leaved Lime, Mountain Ash, Silver Birch, Holly and Hornbeam.
97. To assess the impact of the proposals we have visited the site and viewed it from

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. We have also consulted our Landscape Officer who has assessed the proposals independently and provided written comments (see consultation section of this report).

98. 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.
99. Several concerns are raised in representations about the potential visual and landscape impact of the proposals both from nearby vantage points and in the wider landscape.
100. The planting carried out along the eastern boundary of the site has established and provides an effective screen of the camping and caravan site from nearby views from the highway to the east and north east. The effect of this planting is that from these views and from the approach to Foolow that the visual impact of the development would be limited to the new access.
101. From the highway, the access track would be visible before the land dips towards the eastern boundary of the camping field. When viewed from the north the access would be visible but the track would be effectively hidden behind the existing northern field boundary wall. When viewed from the south the access track would be visible but would run adjacent to the northern field boundary which would mitigate the visual impact of the track as it crosses the field in accordance with our policy guidance.
102. The works to the access would widen the existing field gate and cut across a section of the public footpath and grass verge. This would be a visual change which would interrupt the grass verge but the overall design and surfacing of the access would reflect existing agricultural access tracks in the local area. Therefore, the creation of the access track would not result in a harmful visual impact or harm landscape character.
103. There would be close views into the site from the public footpath along the southern boundary of the site. Views from the majority of the footpath as it passes the site boundary are effectively screened by existing Leylandii trees planted on neighbouring land. There are, however, glimpses of the site between planting and through the existing field gate on the southern boundary.
104. 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. We therefore consider that the proposed buildings and use of the site for touring caravans and tents as proposed would not have an adverse visual impact from these views.
105. We reach the same conclusion when viewing the site from the public footpath, which runs east to west 370m to the north of the site. From this vantage point, views of the site are filtered by the existing planting on the eastern and western boundary of the site.
106. Planning officers therefore agree with our Landscape Officer that the site is generally well contained within the existing planting. We note that some of this planting 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 significant additional planting along these boundaries, which will reinforce the existing planting with native species and provide effective mitigation in the event that the planting on the neighbouring land

is removed.

107. If permission is granted we would recommend that a planning condition is imposed requiring the proposed additional landscape planting to be implemented. This is necessary to ensure that appropriate new planting is carried out to reinforce 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 we are satisfied that the development can be accommodated without a harmful visual impact from nearby vantage points.
108. The site is outside of the Foolow conservation area but 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 is well screened and therefore the proposals would not harm the setting of the conservation area. Similarly, views of the development on the approaches to the village would be limited and would not harm the setting of the conservation area.
109. 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.
110. Due to the distance from these viewpoints, the application site is seen 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. We have considered these vantage points carefully and have concluded that from these vantage points that there would be glimpsed views to the proposed amenity building and the upper part of the 'year round' pitches.
111. However, any views of the proposed building, touring caravans and tents on the site would be limited and seen through the existing mature planting which would be reinforced over time by the proposed planting. The proposed building would be read in the wider landscape as a modest extension to the existing group of buildings at Brosterfield Farm and would not result in an adverse visual impact or harm landscape character.
112. Concern is raised in representations that light generated by the site would result in light pollution which would harm dark skies, a valued characteristic of the National Park. The submitted application states that proposed lighting would be limited to low level light on proximity sensors for the amenity block. We 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. We also propose a condition to prohibit the use of flagpoles and other illuminated poles, which have become increasingly popular with customers of campsites and can create visual intrusion and light pollution.
113. Therefore, taking the proposals as a whole we consider that the development would not have a harmful visual or landscape impact and would conserve the setting of Foolow Conservation Area and valued landscape character. The application is therefore in accordance with Core Strategy policy RT3, L1 and L3; Development Management policies DMC1, DMC3, DMC5, DMC8, DMC13, DMR1 and DMR2.
114. If permission is granted we would recommend planning conditions to minimise the visual and landscape impact of the development including restricting the number of caravans and seasonal use of the site to minimise impact, especially during the winter months when planting around the site is less effective. We would recommend a

condition to prevent the use of the roadside field for camping as use of this site under permitted development would be harmful as this field is much more prominent.

115. We would recommend conditions to secure the implementation of the proposed landscaping scheme, require full details of external lighting to mitigate light pollution and to require any new services to be placed underground.
116. Finally, we would recommend a planning condition to remove permitted development rights for development required by the caravan site licence. This could include development required to create formal pitches, trackways or other ancillary buildings which if erected under permitted development could have an unacceptable impact. This condition would allow us to retain control over future development on the site.

Design, amenity and highway safety

117. The proposed development includes the erection of a building within the site to provide an amenity block, site office, storage and plant room. The submitted application says that the buildings have been designed to reflect a small group of single storey agricultural buildings.
118. The building would be constructed from two main elements each constructed with limestone walls and natural blue slate roof. The two elements would be linked by a subservient central element clad with vertically boarded timber and a zinc roof. Openings would be limited to glazing for the proposed site office and small vertical slot windows to the toilets. Simple boarded doors would be provided to the plant and storeroom.
119. Buildings around the application site and the wider limestone plateau are generally built from natural limestone with gritstone detailing. Therefore the form, massing and materials of the proposed buildings are considered to be modest, appropriate and of a high standard of design that respond positively to the established landscape character. The buildings would have a similar appearance to small traditional agricultural buildings especially when viewed in the wider landscape. The proposed detailing is simple with utilitarian openings with vertical proportions.
120. Subject to the imposition of planning conditions to ensure approval of proposed material samples and architectural specifications, the design of the proposed buildings is of a high standard and in accordance with our adopted design guidance.
121. The layout of the site is acceptable. No permanent pitches are to be erected or internal tracks and there is sufficient space within each allocated area for the number of proposed touring caravans and tents.
122. Given the distance from the proposed amenity building and campsite areas to the nearest neighbouring property at Brosterfield Farm, 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. A number of the objection letters refer to the impact of the proposed development on neighbouring properties and refer to other application and appeal decisions relating to a caravan sites in the National Park where impact on neighbours was a consideration. However, every application must be dealt with on its merits and the circumstances in the case of Brosterfield are materially different from the cases referred to.
123. Activity at the site is likely to be audible from Brosterfield Farm but given the distance

and intervening planting and buildings would not be at a level that would harm the residential amenity of occupants of that property. The proposed access would segregate vehicles going to the site from those going to Brosterfield Farm and Brosterfield Hall. This would potentially benefit the amenity of both neighbouring properties, as occupants would not meet visitors to the caravan site along the shared access.

124. Given intervening distances there are no concerns that the development would harm the amenity, privacy or security of any other neighbouring property.
125. Concern has been raised that the development would be likely to result in additional vehicular traffic on the local highway network and within Foolow which could harm the amenity of the area due to traffic and additional on street parking. It is considered that vehicle movements would not be so significant that they would harm local amenity. There is ample space within the site for parking and therefore we do not consider that the proposal would increase on-street parking adjacent to the site or in the wider area.
126. The Highway Authority has been consulted. No response has been received to date but during the course of the previous application the Highway Authority said that the principle of the proposed new access is acceptable and the submitted plans reflect the recommended access dimensions.
127. A speed survey has been undertaken and we consider that that vehicles using the access would have sufficient visibility even taking into account the raised bank to the right hand side of the access. Concerns raised about the speed survey are noted, however this survey is of vehicle speeds approaching the site rather than the amount of traffic and therefore there are no concerns about when the survey was carried out.
128. The application demonstrates 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 the submitted speed survey. Therefore, the development would be served by safe access and satisfactory parking in accordance with Development Management Policies DMT3 and DMT6.
129. Signage is shown on the submitted plans adjacent to the proposed access. These advertisements fall under the advertisement regulations and therefore would be dealt with under a separate application if express consent under the advertisement regulations is required. The proposed signage should not be taken into account in the determination of the current application. In general terms we consider that a sign could be accommodated adjacent to the access without harm to the local area subject to an appropriate design and size.

Sustainable building and climate change

130. The application states that the amenity building has been designed in accordance with policy CC1 and our adopted Climate Change and Sustainable Building Supplementary Planning Document SPD).
131. The building has been sited to maximise shelter from northerly and easterly weather by using the existing shelterbelts. The building has been provided with a covered entrance with double doors to reduce heat loss. Roof lights are proposed on the northern roof slope to increase solar gain, prevent overheating and reduce the need for artificial light. Local materials are proposed for the construction of the building and track.
132. The building would be insulated to exceed the requirements of building regulations and double glazed windows would be installed. Internal and external lighting in the building would be low energy and fitted with zoned motion sensors. A mechanical ventilation

and heat recovery system would be installed to reduce heat loss whilst removing water vapour. Zoned underfloor heating system would be installed to allow sections of the building to be closed down in winter as required.

133. Water and energy efficient appliances and units would be installed to maximise water and energy savings.
134. Finally, energy for heating and hot water would be provided by a ground source heat pump and photovoltaic panels would be sited on the south roof slope to contribute to the electricity requirements of the building.
135. The development has been designed to take into account the energy hierarchy and all opportunities to maximise energy and water savings have been considered and incorporated into the development in accordance with policy CC1 and our adopted SPD. If permission is granted, we would recommend conditions to secure details of the proposed ground source heat pump and photovoltaic panels and to require these to be implemented before the development is occupied.

Other issues

136. 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 our Ecologist. The site was surveyed in 2015 and GCN were not recorded at that time. Given that, the pond is more than 250m away from the site; our Ecologist advises that further survey is not required.
137. The pond was found to support common amphibians, which will be present in the wider landscape. Our Ecologist recommends a range of precautionary measures for amphibians if permission is granted along with the need to avoid any tree works during the bird-breeding season. These requirements could be secured by planning condition if permission is granted.
138. The Authority's Ecologist also recommends that opportunities are taken to enhance biodiversity at the site in accordance with DMC11 A. The proposed additional planting would provide an opportunity but there may be further scope for enhancement such as creating a pond suitable for GCN on the site. If permission is granted a condition, requiring an Ecological Management Plan would be recommended in accordance with our Ecologist's advice.
139. Having had regard to advice from our Ecologist, the location of the site and nature of development we conclude that the proposal would not be likely to have any adverse impact upon protected species on site or their habitats and would, subject to condition achieve a net gain to biodiversity. 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.
140. Concern has been raised that the application should be subject to an Environmental Assessment Impact (EIA). We have screened the application under the Environmental Assessment Impact Regulations and concluded that an EIA is not required, as the development does not have a significant impact on the environment (in the context of the EIA regulations) due to its characteristics, location and potential impact.
141. Two foul drainage systems are proposed. A package treatment plant for foul waste from the amenity building and a cess tank 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 off-site disposal facility.

142. The applicant has submitted correspondence with Seven Trent Water which confirms that there is insufficient capacity within the local sewage works at Foolow to receive and treat the waste from the proposed development. Therefore we 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.
143. The proposed method of foul drainage for both foul and chemical waste has followed previous advice from the Environment Agency and is considered 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.
144. Concern has been raised that the proposed development would put additional strain upon 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.
145. A number of representation letters refer to other applications at other locations we have determined and appeal decisions for caravan and camping sites. We have noted these decisions which while are for caravan and camping sites, were all determined on their own merits taking into account impacts of those particular sites and surroundings. This application must be determined on its own merits.

Conclusion

146. 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 building represents a high standard of design in accordance with the design guide. The proposed development would be served by safe access and would not harm the amenity of neighbouring properties.
147. 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 conditions outlined in this report.

Human Rights

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

149. Appendices

Appendix 1 – Decision Notice for NP/DDD/0497/156

List of Background Papers (not previously published)

150. Nil

Report Author: Adam Maxwell, Senior Planner (North)

PLANNING DECISION NOTICE

Peak District National Park Authority



Caring for a Living Landscape

Aldern House, Baslow Road, Bakewell, Derbyshire DE45 1AE Tel: 01629 816200 Fax: 01629 816310 E-mail: Aldern@peakdistrict.org

To: **Mr & Mrs A Purseglove**
c/o John Blackhurst
5 St Michael's Court
St Michael's Lane
Derby
DE1 3JH

P.4484

THIS NOTICE RELATES TO PLANNING CONTROL ONLY, ANY OTHER STATUTORY CONSENT MUST BE OBTAINED FROM THE APPROPRIATE AUTHORITY

TOWN & COUNTRY PLANNING ACTS & GENERAL DEVELOPMENT ORDER

In pursuance of the powers vested in the Peak District National Park Authority under the above Acts and Order, and with reference to your application for change of use planning permission, details of which are as follows:

Office Code No.	NP/DDD/0497/156
Date received:	15 April 1997
Proposal:	Change of use of part of agricultural land to caravan site
Location:	Brosterfield Farm
Parish:	Foolow

THE DECISION

NOTICE IS HEREBY GIVEN THAT PERMISSION FOR THE PROPOSED DEVELOPMENT in the manner described on the application and shown on the accompanying plans and drawings is

GRANTED subject to the following conditions:

1. The development hereby permitted shall be begun within 5 years from the date of this permission.
2. 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 (ie 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.
3. Before commencing the development hereby approved a detailed scheme for landscaping (including tree and shrub planting seeding or turfing, earthmounding, walling, fencing or ground surfacing as necessary) shall be submitted to and approved in writing by the National Park Authority. Once approved, the planting or seeding shall be carried out to the reasonable satisfaction of the Authority within the first planting seasons following implementation of the planning permission. Any walling or surfacing shown on the approved plan shall be completed before implementation of the planning permission. Any trees dying, being severely damaged or becoming seriously diseased shall be replaced within the next planting season with trees of an equivalent size and species or in accordance with an alternative scheme agreed in writing by the Authority before any trees are removed.

Continued overleaf/

Signed

 A handwritten signature in black ink, appearing to read "John Antfield", written over a horizontal line.

 Authorised Officer of the Authority

Date

30 NOV 1998

Attention is called to notes at the end of this Decision Notice

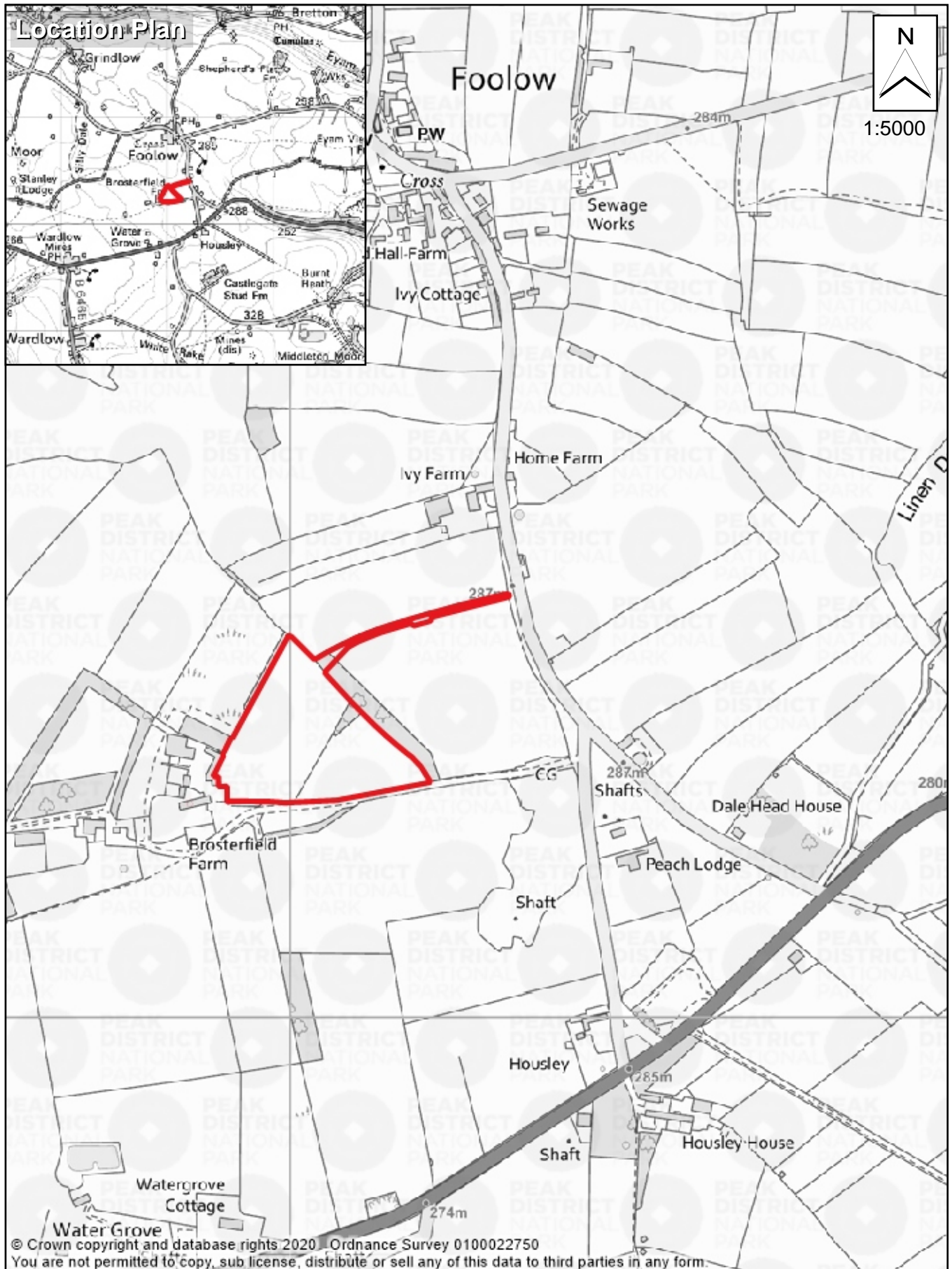
Form TCP3


Page 33

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) no buildings shall be erected, or other development carried out on the site without the prior written consent of the National Park Authority.
5. Before the planning permission hereby approved is implemented a vehicle passing place shall be provided on the private road leading to the site. Details of this shall be submitted to and agreed in writing by the National Park Authority. Once provided the passing place shall remain unobstructed and available for its intended use at all times.
6. The foul drainage from the proposed development shall be discharged to a septic tank and soakaway system which meets the requirements of British Standard BS 6297: 1983 and which complies with the following:
 - (a) there is no connection to any watercourse or land drainage system and no part of the soakaway system is situated within 10 metres of any ditch or watercourse.
 - (b) porosity tests are carried out to the satisfaction of the Local Planning National Park Authority to demonstrate that suitable subsoil and adequate land area is available for the soakaway (BS 6297: 1983 refers).

Reasons for Conditions:

1. To comply with Sections 91, 92, and 93 of the Town and Country Planning Act 1990 (which requires the National Park Authority to reconsider the proposal afresh after a period of years).
2. For the avoidance of doubt, in the interests of visual amenity and to minimise disturbance and inconvenience caused to nearby residents.
3. To ensure that the site is landscaped following the completion of the development to protect the character of the locality.
4. The National Park Authority wishes to retain control over such development in order to ensure that the visual amenities of the site and the valued characteristics of the area are protected.
5. In the interests of highway safety and convenience.
6. To prevent pollution of the water environment.



Committee Date:	7th February 2020	Title: Brosterfield Caravan Park Foolow	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 6		
Application No:	NP/DDD/1219/1272		
Grid Reference:	418904, 376202		

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7. FULL APPLICATION – TWO STOREY DETACHED RESIDENTIAL UNITS TO EXISTING CARE HOME AT THE LODGE, MANCHESTER ROAD, HOLLOW MEADOWS (NP/S/1019/1109 AM)

APPLICANT: MOORVILLE RESIDENTIAL

Summary

1. The site includes a former dwelling which has been converted and extended to create a care home. The site is located in open countryside at Hollow Meadows.
2. The application proposes the erection of 3 residential units to provide additional accommodation for the care home. Each unit would be a self-contained dwelling with 3 bedrooms providing accommodation for two residents and a carer if required.
3. We recommend refusal because the application is contrary to our adopted housing policies, the development would have a harmful visual and landscape impact and because insufficient information has been provided in respect of climate change mitigation, trees and biodiversity.

Site and Surroundings

4. The Lodge is located to the north of the A57 at Hollow Meadows. The property is a former dwelling now converted and extended to a residential care home following the grant of planning permission (see planning history section of the report). The property was originally associated with the old Hollow Meadows hospital located immediately to the east (now converted to housing).
5. The building is two storey and constructed in natural gritstone under a blue slate roof. The recently approved extension is also two storey, located to the west of the original building and linked to it by a conservatory. The property is set well back from the A57 and is accessed by a private driveway. The nearest neighbouring properties are the dwellings located in the former hospital to the east.

Proposal

6. The erection of two storey residential units to the rear of the existing care home.
7. The plans show 2 buildings sited to the rear of the care home. The remaining unit would be sited on the west boundary. The buildings would comprise three, two-storey units with stone walls, pitched concrete tile roofs and uPVC doors and windows. Each two-storey unit would measure 12.6m long by 6.8m wide. Two of the units would be linked by a single storey conservatory and sited parallel to the north boundary. Each of the two-storey units would have a similar design to match the existing building to the rear of the Lodge which is a former garage now converted to residential use.
8. Each two-storey unit would provide residential accommodation with two bedrooms, lounge and two bathrooms at ground floor and an additional bedroom, lounge and bathroom at first floor. Each unit would therefore have 3 bedrooms and a floor space of approximately 120 square meters (excluding linking conservatory).
9. The application states that each unit would accommodate 2 residents (with additional accommodation available for carers as required).

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. The erection of residential accommodation on the site is contrary to Core Strategy policies DS1 and HC1, which restrict new housing in the National Park to affordable housing to meet eligible local need within named settlements. The proposed therefore would represent unsustainable development contrary to the National Planning Policy Framework.**
- 2. It is considered that by virtue of its form, design and siting, the proposed development would harm the landscape and the character and appearance of the existing building contrary to Core Strategy policies GSP1, GSP2, GS3, DS1 and L1, Development Management policies DMC1 and DMC3, our adopted design guidance and the National Planning Policy Framework.**
- 3. Insufficient information has been submitted to allow us to conclude that the development would be designed to mitigate the impacts of climate change by making the most efficient and sustainable use of land, buildings and natural resources, take account of the energy hierarchy and achieve the highest possible standards of carbon reductions and water efficiency contrary to Core Strategy policy CC1, our adopted Sustainable Building and Climate change SPD and the National Planning Policy Framework.**
- 4. Insufficient information has been submitted to allow us to conclude that the development would safeguard trees on site, conserve local wildlife or that the development would achieve net gains to biodiversity contrary to Core Strategy policy L2, Development Management policies DMC11, DMC12 or DMC13 and the National Planning Policy Framework.**

Key Issues

- Whether the proposed development is acceptable in principle.
- The design and scale of the proposed residential units and the impact upon the character, appearance and amenity of the existing building, its setting and that of neighbouring properties.

History

1987: Planning permission granted for extension.

2007: Planning permission refused for two storey rear extension.

2011: Planning permission granted for conversion of garage to gym and granny flat.

2015: Planning permission granted for first floor extension over existing kitchen.

2017: Planning permission granted conditionally for change of use to care home for adults with autism and learning difficulties and retention of access.

2018: Planning permission granted conditionally for extension to care home.

2018: Planning permission granted conditionally for single storey and two-storey extension to care home.

The applicant has not sought pre-application advice before submitting the current application.

Consultations

Highway Authority – No response to date.

District Council – No response to date.

Parish Council – No response to date.

Representations

10. 13 representation letters have been received at the time this report was written. 9 letters object to the application and 4 support. The material planning reasons for objection and support are summarised below.

Objection

The development will harm the rural character of the area.

The development would harm the landscape of the Peak District National Park.

The existing lodge has already being doubled in size through extensions and the development would further develop the site harming the area.

The development will result in additional vehicles accessing the site.

The development is in an un-sustainable location with no regular bus service. Further development will increase the carbon footprint of the development.

The design of the development is not in keeping with the character of other properties in the area.

The development will result in intrusive security lighting.

The development would overlook the neighbouring property and result in a loss of privacy.

The development would harm highway safety due to intensification of a poor access.

Object to applications being made in stages where the development as a whole would not be acceptable.

There is no need for the proposed development.

Support

The development would not harm neighbouring properties as there is plenty of space and they do not encroach.

The development would provide opportunities to give highly vulnerable people a more settled stable life.

There is a significant need for residential care units such as these. It is important that care facilities for people with complex needs and who cannot live in the community are provided.

Main Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, CC1, HC1 and T2

Relevant Development Management policies: DMC1, DMC3, DMC11, DMC12, DMC13, DMC14, DMH1, DMH2, DMH3, DMH11, DMT3, DMT8 DMU1 and DMU2.

National Planning Policy Framework

11. The National Planning Policy Framework (NPPF) is a material consideration and carries particular weight when a development plan is absent, silent or relevant policies are out of date. Our policies are up-to-date and provide a clear starting point consistent with our statutory purposes and should therefore be given full weight in determining the application.
12. Paragraph 172 of the NPPF says that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.
13. Paragraph 77 of the NPPF says in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. We should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.
14. Paragraph 78 of the NPPF says to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
15. Paragraph 79 of the NPPF says that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
 - a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
 - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting;
 - d) the development would involve the subdivision of an existing residential dwelling; or
 - e) the design is of exceptional quality.
16. Paragraph 130 of the NPPF says that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Core Strategy

17. Policy GSP1 sets out the broad strategy for achieving our objectives having regard to the Sandford Principle. We must achieve sustainable development and only allow major development where it is essential.
18. Policy GSP3 sets out our development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development, design in accordance with our design guide and impact on living conditions of communities.
19. Policy L1 says that development must conserve and enhance valued landscape character and valued characteristics.
20. Policy DS1 sets out our development strategy to promote a sustainable distribution and level of growth that will support the effective conservation and enhancement of the National Park. The site is in the countryside where new housing or community facilities are only acceptable in principle through conversion or change of use.
21. Policy CC1 says that in order to build in resilience to and mitigate the cause of climate change all development must make the most efficient and sustainable use of land, buildings and natural resources, take account of the energy hierarchy, be directed away from flood risk areas and achieve the highest possible standards of carbon reductions and water efficiency.
22. Policy HC1 says that provision will not be made for new housing solely to meet open market demand. New housing can be accepted where it addresses eligible local needs for homes that remain affordable with occupation restricted to local people in perpetuity or for aged persons' assisted living accommodation including residential institutions offering care where adequate care or assistance cannot be provided within the existing housing stock.

Development Management policies

23. Policy DMC3 says that where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that protects and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place. DMC3 B. says particular attention will be paid to: siting, scale, form, mass levels, height and orientation; design and materials, landscaping, access, sustainable drainage, amenity, accessibility and our design guide.
24. Policy DMC11 says that development should aim to achieve net gains to biodiversity as a result of development. All reasonable measures must be taken to avoid net loss. DMC11 B. says that details of appropriate safeguards and enhancement measures for nature conservation interests that could be affected by the development must be provided.
25. Policy DMC13 says that planning applications should provide sufficient information to enable impact on trees and woodland to be properly considered. Trees and hedgerows that positively contribute to the visual amenity or biodiversity of the area will be protected and loss of these features will not be permitted.
26. Policy DMC14 says that development that presents a risk of pollution or disturbance will not be permitted unless adequate control measures are put in place to bring the

pollution within acceptable limits.

27. Policy DMH1 is relevant for new affordable housing and says that new affordable housing will be permitted in or on the edge of settlements designated by policy DS1 provided that there is a proven need for the dwellings and any new housing is within our adopted size thresholds. Policies DMH2 and DMH3 set out occupancy restrictions for first, second and subsequent occupants of affordable housing. Policy DMH11 says that in all cases involving the provision of affordable housing occupancy will be restricted by a planning obligation (Section 106 agreement).
28. Policies DMT3 and DMT8 require safe access and adequate off-street parking as a pre-requisite for all development within the National Park.
29. Policies DMU1 and DMU2 are relevant for new infrastructure and require any new services to be placed underground.

Assessment

Principle

30. The Lodge is a former dwelling and annex (Use Class C3) which has been converted to a care home (Use Class C2) and later substantially extended to allow for a maximum occupancy of 10 persons in care within the main building and annex.
31. This application proposes the erection of 3 residential units to the rear of the existing building. Each unit would provide 3 bedrooms over two floors along with kitchen, living space and bathrooms. Each unit would provide accommodation for two occupants along with a carer as required.
32. Each unit would therefore be self-contained and of a substantial size (approximately 120 square meter floor space). We therefore consider as a matter of fact and degree that each unit would be a dwelling occupied as part of the wider site rather than an extension to the existing care home.
33. The site is located in open countryside outside a named settlement where we only allow new housing where it would re-use existing buildings. Our policies only allow new housing to meet eligible local needs for affordable housing or residential institutions in sustainable locations within settlements named in policy DS1.
34. Therefore, in principle our policies do not support the erection of new dwellings on the site even if occupancy was to be restricted to local need in relation to the existing care home. The application is therefore contrary to Core Strategy policies DS1 and HC1 and the National Planning Policy Framework.

Design and landscape impact

35. We do have concerns about the design, scale and impact of the proposed development.
36. The proposed residential units would be three substantial buildings sited to the rear of the existing building. Two of the units would be connected by a single storey conservatory but in wider views the units would appear as three detached dwellings.
37. The scale of the units would be substantial and much larger in scale and number than would be expected for ancillary outbuildings to the rear of the property. The scale of the development would be apparent from the road and in the wider landscape where the buildings would appear as three detached dwellings positioned to the rear of the Lodge.

38. The units have a standardised design based upon the existing annex, which is a converted former garage. Each unit therefore would appear as a single storey building with accommodation provided in the roof space. Each unit therefore would have a relatively wide gable and a high roof relative to the walls giving the appearance of domestic bungalows. The proposed uPVC windows and doors would add to the overly suburban appearance of the development.
39. Therefore, despite the proposed use of matching wall and roof materials, we consider that the design and scale of the impact is unacceptable and that the development would harm the character and appearance of the site and the wider landscape contrary to Core Strategy policies GSP3 and L1 and Development Management policies DMC1 and DMC3.
40. We acknowledge that the proposed design replicates the existing annex. However, this building is a former garage initially converted as an annex for the former dwelling use and now used as part of the care home. The proposed new units would replicate this design over a much larger and a more prominent part of the site.
41. The application does not include a scheme of landscaping and is not supported by a tree survey. It is therefore not clear how the levels of the development would be provided or how pathways would be created. The proposed units are sited close to trees and hedgerows on the northern boundary of the site and it is likely given the proximity that the development would affect these trees.
42. These trees and hedges form the northern boundary and make a positive contribution to the site and the wider landscape. Without a tree survey there is insufficient information for us to assess the impact of the development upon these trees contrary to Development Management policy DMC13.
43. The application form states that vehicle parking is not relevant to the application; however, we consider that the provision of the proposed residential units does potentially have implications for parking on the site. The plans do not show any additional parking to serve the proposed units but do show a parking area that has been created adjacent to the existing extension without the benefit of planning permission.
44. The plans do not show the number of existing or proposed parking spaces and therefore it is difficult to assess whether the existing parking areas would be sufficient to provide off-street parking spaces for the development or whether additional parking is required to meet the requirements of policy DMT8. The existing car park was full at the time of our site visit and therefore we consider it likely that the development would need to be served by additional off-street parking, which would have a further visual impact.

Sustainable building and climate change

45. The application is supported by a short statement, which says that there are various ways to reduce the carbon footprint of the building, and lists solar thermal and photovoltaic panels, fuel cells, biomass boiler, and combined heat and power. The application says that these technologies will be considered later and requests a planning condition is imposed to require this.
46. Policy CC1 and our Sustainable Building and Climate Change Supplementary Planning Document (SPD) state all development must make the most efficient and sustainable use of land, buildings and natural resources, take account of the energy hierarchy and achieve the highest possible standards of carbon reductions and water efficiency.

47. As outlined above we have significant concerns about the principle of the development and that the proposal would not, in principle, be sustainable, contrary to our development strategy.
48. We also have concerns about the level of information provided in respects of policy CC1 and our SPD. The information provided gives a short list of technologies but does not explore the feasibility of any of the options. Crucially the submitted plans do not show any of the options incorporated into the design and the application makes no commitment to install any particular technology.
49. Furthermore, there is no information with the application to demonstrate how the development has been designed in accordance with the energy hierarchy by reducing the need for energy, using energy more efficiently, supplying energy more efficiently and finally by using low carbon and renewable energy technologies. There is no information on how building materials would be sourced to reduce carbon impact or how spoil would be disposed of. No water efficiency measures are proposed.
50. The application therefore does not demonstrate that the development would build in resilience or mitigate the causes of climate change contrary to Core Strategy policy CC1 and our SPD. It is not appropriate to impose a planning condition requiring details to be agreed because full compliance with our policies may require re-consideration of design or layout and these issues need to be fully explored and included in proposals.

Biodiversity

51. Due to the proximity of the proposed units to existing trees on site, it is likely that trees would need to be removed to facilitate the development. The removal of trees has the potential to affect local biodiversity, in particular bats, and birds. We require a protected species survey in this circumstance to identify potential impacts, mitigation and opportunities for the development to enhance biodiversity.
52. A protected species survey has not been submitted and therefore we are unable to understand the potential impact of the development upon local biodiversity and protected species and whether that impact could be mitigated. The application is therefore contrary to Core Strategy Policy L2 and Development Management Policies DMC11 and DMC12 because insufficient information has been submitted.

Amenity and highway safety

53. The application states that because of the physical limitations of the main building coupled with the special needs of residents that only a total of 6 people can be provided with care in the existing building (4 in the main building and 2 in the annex).
54. However, during the previous application for the two-storey extension (now completed) the same argument was made and that the extension would allow for 10 occupants. Combined the original building, annex and extensions provide a total of 12 bedrooms for occupants and carers. The proposed development would provide a further 9 bedrooms and space for 6 occupants. We therefore consider it likely that the development would result in an increase in the number of occupants and carers on site at any given time.
55. As stated above the proposal does not include any additional parking or an assessment of how the proposed number of parking spaces would meet the minimum requirements of the site. This is critical because parking along this section of Manchester Road would be unacceptable on highway safety grounds.

56. The development would be likely to generate additional vehicle movements by occupants, visitors and staff however, these would be retained within the site and utilising the existing access which is separate from the access that serves the neighbouring properties. We therefore consider that any noise and disturbance from additional activity would not harm the amenity of neighbouring properties.
57. The proposed units would be sited to the rear of the site and taking into account the orientation of the buildings and the distance from the neighbouring properties this would not result in any overlooking or loss of privacy to neighbouring properties. Any additional bins could be stored with the existing without harm to amenity.

Other issues

58. Concern has been raised about the potential light pollution from the development. As with many developments within the countryside, there is the potential for light pollution from the development causing a harmful impact upon tranquillity and dark skies, which is a valued characteristic of the National Park.
59. The proposed development could create additional light pollution on the site. Internal lighting would be seen within the context of the existing care home. Any impact from external lighting could be effectively mitigated by a scheme of low powered down lighting on sensors to reduce the amount of lighting required.
60. Concern has also been raised about the nature of the application and that applications have been made in stages for incremental development on the site rather than a single application. Ultimately, it is up to applicants to determine when to apply for development and we must determine the application on its own merits.
61. Finally, the manager of the existing care home has drawn our attention to a report by the Joint Committee on Human Rights on the detention of young people with learning disabilities and/or autism. We note the report, and recognise the importance of providing adequate community provision. We also recognise that the existing care home has achieved an outstanding rating for the fundamental standard of caring and that the operator of the care home has been highlighted as providing best practice.
62. We recognise the provision of this accommodation as a public benefit. However this benefit must be weighed against the impact of the development upon the National Park, the conservation of which must also be given great weight in the decision making process. The purposes for National Parks gives us a purpose to conserve and enhance the National Park which outweighs benefits to the social and economic wellbeing of communities. The potential impact of the development is substantial and we do not consider that the potential benefits of allowing the development would outweigh the harm that has been identified.

Conclusion

63. The proposed residential units are in principle contrary to our adopted development strategy and housing policies, which do not support the erection of new building housing in the countryside.
64. By virtue of their scale, form and design the proposed residential units would have an overtly suburban appearance and would harm the character and appearance of the existing building and the scenic beauty of the landscape.
65. Insufficient information has been provided to allow us to assess whether the development would be designed and built to mitigate the impacts of climate change, to conserve trees on site or local biodiversity.

66. We recognise the benefits of the accommodation and care provided on site to occupants and the wider community. However, these benefits are not considered to outweigh or override the conflict identified with our policies and in the absence of further material considerations it is therefore concluded that the proposed development is contrary to the development plan. The application is therefore recommended for refusal.

Human Rights

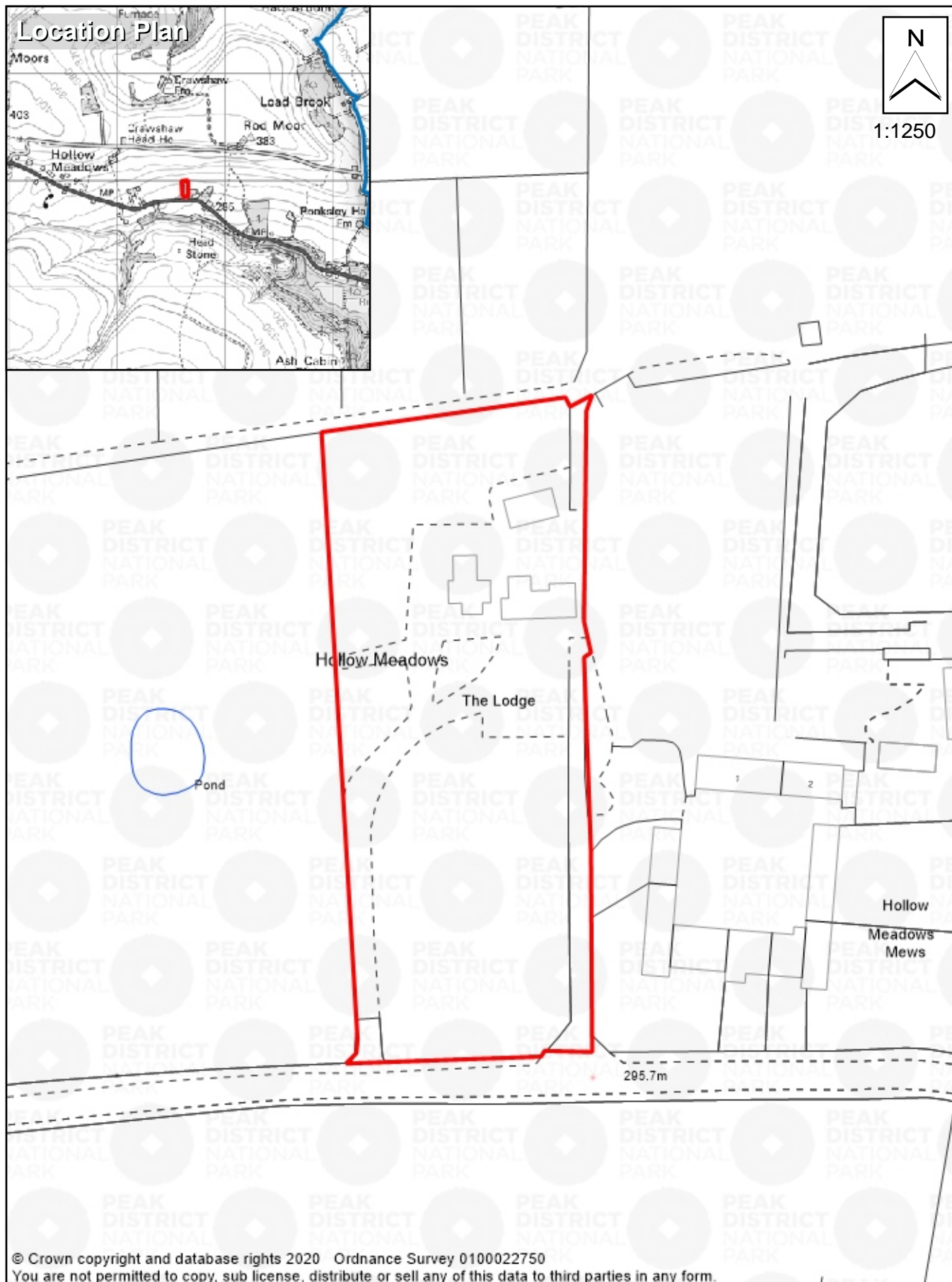
67. Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

68. Nil

Report Author

Adam Maxwell, Senior Planner (North)



Committee Date: 7th February 2020
 Item Number: Item 7
 Application No: NP/S/1019/1109
 Grid Reference: 425648, 387941

Title: The Lodge
 Hollow Meadows



**PEAK
 DISTRICT
 NATIONAL
 PARK**

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8. S.73 APPLICATION: REMOVAL OR VARIATION OF CONDITION 4 IMPOSED UPON NP/HPK/1118/1010 AT MILLERS DALE STATION, MILLERS DALE, NP/HPK/1219/1260 (AM)

APPLICANT: PEAK DISTRICT NATIONAL PARK AUTHORITY

Site and Surroundings

1. The former Millers Dale Station site is located in open countryside on the road to Wormhill which rises up from Millers Dale village in the valley bottom beneath the viaduct. The site sits on a level area of land and includes the car park and surviving station buildings and platforms. The Monsal Trail crosses the site along the route of the former railway.
2. The site is located within the designated Millers Dale Conservation Area. The viaducts are located to the east of the station, North Viaduct is Grade II listed and South Viaduct is Grade II* listed. The former station is not listed but does form part of the Historic Buildings, Sites and Monuments Records as a non-designated heritage asset.
3. The site is located outside of but adjacent to the Peak District Dales Special Area of Conservation (SAC) and the Wye Valley Site of Special Scientific Interest (SSSI). The site is located within the Limestone Dales Landscape Character Area for the purposes of the Authority's Landscape Character Assessment.
4. Much of the former station infrastructure has been demolished and only the booking office and post sorting room remains fully intact and is currently utilised by the National Park Authority as workshop with public toilets. Planning permission has been granted to allow the conversion of the booking office to a café. The goods shed walls are also still standing but are in a state of dereliction and the structure has no roof.
5. The nearest neighbouring property is Station House which is located to the north of the site in an elevated position and shares access with the car park. Station house is a private dwelling which also operates a tea garden which is open to the public. A separate public footpath runs up and around Station House and runs westwards above the application site.

Proposal

6. An amendment to the approved plans to change the approved solar photovoltaic slates to photovoltaic panels.
7. The amended plans show that the panels would be located above eaves level on the south elevation of the building.
8. A total of 32 panels are proposed, each measuring 1.68m high by 1m wide. The panels have black photovoltaic cells and matt black frames and would be fitted flush to the roof slope.

RECOMMENDATION

That the application be APPROVED subject to the following conditions:

1. **Development to be carried out in accordance with specified approved plans, subject to the following conditions and amendments.**
2. **Natural blue slates to be used for the re-roofing, to match as closely as possible the existing slates to the Booking Office and attached Post Room. Ridge tiles to match the existing ridge tiles to the Booking Office and attached Post Room.**

3. The solar panels shall be fitted flush with the roof slope.

4. Details of roof trusses and ridge to be agreed.

Key Issues

- Whether the proposed amendment would conserve the significance of the building, the former station and the designated Millers Dale Conservation Area.

Relevant Planning History

9. 2004: Planning permission granted on a temporary basis for siting of mobile refreshment vehicle.
10. 1992: Planning permission granted unconditionally for car park extension.
11. 1982: Planning permission granted conditionally for public toilets, ranger base, car park and septic tank.
12. 2018: Planning permission granted conditionally for change of use of former station building from office and workshop to visitor information point and café, extension to car park (NP/HPK/0518/0407).
13. 2018: Planning permission granted conditionally to replace roof to derelict railway goods shed and change the use of the building to incorporate interpretation.

Consultations

14. Highway Authority: No objection.
15. Parish Council: No objection.
16. Borough Council: No response to date
17. Natural England: No response to date.
18. PDNPA Ecology: No objection.

Representations

19. No representations have been received to date.

Policies

20. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales:
 - Conserve and enhance the natural beauty, wildlife and cultural heritage.
 - Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public.
21. When National Park Authorities carry out these purposes they also have the duty to seek to foster the economic and social well-being of local communities within the national parks.

National Planning Policy Framework

22. The National Planning Policy Framework (NPPF) was revised on 24 July 2018. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises our Core Strategy 2011 and Development Management policies 2019. Our policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. There is no significant conflict between our in the Development Plan and the NPPF.
23. Paragraph 172 of the NPPF says that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads.

Development Plan policies

Relevant Core Strategy policies: GSP1, GSP2, DS1, CC1, CC2, L1, L2, L3 and RT1.

Relevant Development Management policies: DMC1, DMC3, DMC5, DMC7, DMC8, DMC11 and DMC12

24. Policy GSP1 sets out the broad strategy for achieving our objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GPS1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
25. Policy GSP3 and policy DMC3 set out development management principles and state that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
26. Policy L1 identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.
27. Policy L2 states that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting. Other than in exceptional circumstances development will not be permitted where it is likely to have an adverse impact on any sites, features or species of biodiversity importance or their setting that have statutory designation or are of international or national importance for their biodiversity.
28. Policy L3 states that development must conserve and where appropriate enhance or reveal the significance of archaeological, architectural, artistic or historic assets and their settings, including statutory designations and other heritage assets of international, national, regional or local importance or special interest. Other than in exceptional circumstances

development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset of archaeological, architectural, artistic or historic significance or its setting, including statutory designations or other heritage assets of international, national, regional or local importance or special interest.

29. Policies DMC5, DMC7 and DMC8 provide more detailed criteria to assess development proposed within conservation areas, development that affects listed buildings and development proposing to convert existing buildings to new uses respectively.
30. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources, taking into account the energy hierarchy and achieving the highest possible standards of carbon reductions and water efficiency. The Authority's SPD on Renewable Energy and Climate Change (2013) is also relevant as this provides detailed guidance about how development can demonstrate compliance with CC1. CC2 says that proposals for low carbon and renewable energy development will be encouraged provided they can be accommodated without harming the National Park.
31. Our adopted conservation area appraisal for Millers Dale is a relevant material consideration as is our adopted design guidance.

Assessment

Variation of conditions

32. The application proposes to vary planning conditions to allow the installation of solar panels to the roof of the Goods Shed rather than solar tiles. When determining this application we can decide whether to grant permission subject to different conditions (this can include new conditions, if necessary), remove the conditions altogether or to refuse the proposal. However, we can only consider the question of the planning conditions and cannot re-visit the principle of the development.
33. Therefore, we can only consider the acceptability of the proposal in the context of the reasons for the imposition of the conditions. The application should be treated just like any other application, and due regard paid to the development plan and other material considerations.

Impact of proposal

34. The previous application proposed solar voltaic panels on the south facing roof of the goods shed. Two different design options were proposed; solar slates or conventional solar panels. We granted planning permission for the development subject to a planning condition requiring the solar slate option to be installed to ensure a satisfactory detailed design that reflected the proposed blue slate roof material as closely as possible.
35. The application form states that the applicant has had problems securing a supplier for the solar photovoltaic slates and therefore seeks the proposed amendments so that solar panels can be installed as an alternative.
36. The reason why the applicant seeks an alternative design solution is understood, however this is not a planning issue and therefore does not weigh either in favour or against the proposal. The key issue is whether the design and impact of the proposed solar panels is acceptable taking into account our policies and SPD.

37. The former goods shed and the remains of the former station are heritage assets and possess historical and architectural interest because of the age and type of surviving structures, association with Midland Railway and connection with the local community, industries and with the wider landscape, which the railway shaped.
38. This value is recognised by the inclusion of the site in the Millers Dale conservation area and the listing of the nearby north and south viaducts. The site is therefore a non-designated heritage asset in its own right and also forms part of the wider interest with those nearby designated heritage assets.
39. The roof of the Goods Shed is of a significant scale and will form a prominent feature within the site. Therefore care is required for the materials and detailing of the roof and this is why we required the roof to be natural blue slate and imposed the planning condition requiring solar photovoltaic slates.
40. The solar panels would be of a conventional design with each panel measuring 1.68m by 1m and therefore much larger than the roof slates or the approved solar slates. The panels therefore would be different in appearance to the slate roof and therefore noticeable from within the site and where seen in the wider landscape.
41. However, the solar panels would be sited low down above the eaves and the panels themselves would have black cells with slim matt black frames set into the slope of the roof (rather than be fixed to the roof or project above the roof slope). The design and siting of the panels therefore would mitigate the visual impact as far as possible.
42. The Goods Shed is a utilitarian building and is being provided with a new roof structure. The proposed solar panels would be viewed in this context and it is considered that the proposed amendment would not result in harm to the building, the conservation area or the setting of the nearby listed viaducts in accordance with policies L3, DMC3, DMC5, DMC7 and DMC8.
43. The development would also provide on-site generation of electricity which would mitigate the impacts of climate change in accordance with policies CC1 and CC2 and our climate change and sustainable building SPD.
44. If permission is granted we would recommend that conditions are varied to include the submitted plan and that an additional condition is imposed to require that the panels are fitted flush with the roof slope. It is also necessary to repeat conditions imposed upon the original permission.
45. The proposed amendment would not raise any further issues in regard to biodiversity, amenity or highway safety.

Conclusion

46. The proposed change from solar photovoltaic slates to panels can be accommodated in a manner which conserves the historic interest of the site, the area's valued landscape character, and biodiversity on site and the adjacent designated sites.
47. Having had regard to all other issues raised it is therefore concluded that the proposed development is in accordance with the development plan and in the absence of any further material considerations the application is recommended for approval subject to conditions outlined in this report.

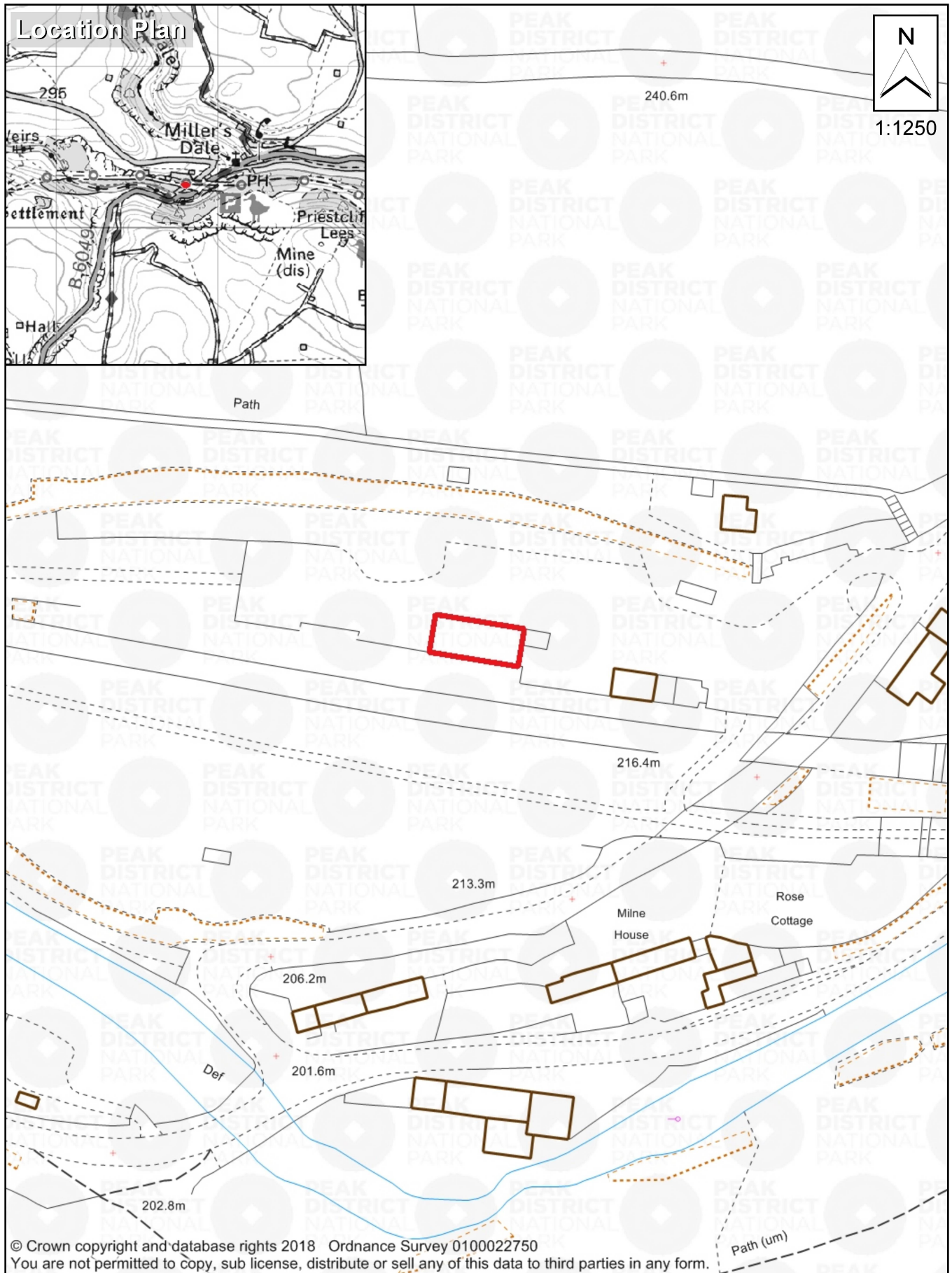
Human Rights

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

List of Background Papers (not previously published)

49. Nil

Report Author and Job Title: Adam Maxwell, Senior Planner (North)



Committee Date: 7th February 2020

Item Number: **Item 8**

Application No: NP/HPK/1219/1260

Grid Reference: 413756, 373251

Title: Millers Dale Station, Millers Dale



**PEAK
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9. FULL APPLICATION – CHANGE OF USE OF EXISTING DAIRY MILKING PARLOUR TO FORM BUNK HOUSE ACCOMMODATION WITH FACILITIES AND MEETING ROOM SPACE AT BLAZE FARM, BUXTON ROAD, WILDBOARCLOUGH (NP/CEC/0319/0308, ALN)

APPLICANT: MR M W WALLER

Note: The applicant is the husband of Caroline Waller, one of the Members of the National Park Authority

Summary

1. The application is for the conversion of a modern portal framed agricultural shed which is of no historic or vernacular merit to holiday accommodation. This is contrary to Core Strategy policy RT2 which seeks to restrict proposals for self-catering accommodation to traditional building or historic or vernacular merit, E2 which prioritises the use of traditional buildings or appropriate replacement buildings for business uses and DME2 in relation to farm diversification. The application is recommended for refusal.

Background

2. A report on this application first went to the meeting of the Authority's Planning Committee in June this year. Officers recommended refusal for the change of use of the milking parlour to visitor accommodation because the proposal was contrary to the Authority's adopted planning policies. The Committee was informed that granting permission contrary to adopted policies would represent a significant departure from the Authority's Development Plan.
3. The Committee was minded to grant planning permission but was informed that under the Authority's Standing Orders this application needed to be heard a second time before a decision can be reached. The second hearing is required so that the Committee can consider the impact of an approval on adopted policies and therefore the statutory purposes of the National Park. The applicant was also asked to provide further information with regard to the current business arrangements and how the various elements of the business interrelate; a financial appraisal to demonstrate the scale of the existing farm business and to ensure that the tourist uses remain ancillary; information with regard to how the business contributes to National Park purposes; and details about how the proposals would comply with Core Strategy policy CC1 (climate change, mitigation and adaptation). A planning statement has now been supplied which addresses these points (full details of this can be viewed on the Authority's website).
4. This report includes the information provided in the committee report in June but expands and where necessary amends it to answer the questions that were raised in deferring the application.

Site and surroundings

5. Blaze Farm is located in open countryside between Winkle and Wildboarclough, on the northern side of the A54. It is a working mixed beef and sheep farm and it also provides a range of ancillary visitor development including tea rooms, pottery studio, holiday accommodation and animal petting.
6. To the north-east of the farmhouse and traditional former barn there is a range of three portal framed agricultural sheds. The current proposals relate to part of the southernmost of the three sheds. The part of the shed in question was until recently used as a milking parlour and for calf housing.

Proposal

7. Planning permission is sought for the alteration and conversion of the former milking parlour/calf shed to form 'bunkhouse' holiday accommodation. The accommodation would be spread over two floors with a total floor area of 432 sqm. On the ground floor would be two bunk rooms (each sleeping twelve people) plus three further bedrooms (sleeping seven) together with showers, toilets and a laundry/boot room. On the first floor would be two meeting rooms, a quiet room, a lounge and a kitchen/dining room.
8. Parking spaces would be created in an existing yard area to the north west of the building.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

1. **The proposals are for the conversion of a wholly untraditional modern portal framed farm building which has no historic or vernacular merit to holiday/bunkhouse accommodation contrary to Core Strategy policies GSP1, GSP2, GSP3, RT2 and E2 and Development Management Policies DME2.**
2. **By virtue of the scale of the proposed use when taken with the existing and extant tourist uses, the tourist business would be unlikely to remain ancillary and subsidiary to the agricultural business contrary to Development Management Policy DME2.**
3. **The proposals would perpetuate the presence of a building that by virtue of its massing, detailing and materials does not contribute to the character of the area and which is prominent from public vantage points contrary to Core Strategy policies GSP2 and GSP3 , Development Management Policy DMC3 and advice in the Authority's Adopted Design Guide**

Key Issues

9. Whether the principle of the conversion of the building is acceptable under policies RT2 and E2 and the impact on the character of the area.
10. Farm diversification.

History

February 2018 – pre-application sought including with regard to the current proposals. We advised that the conversion of the modern farm building to bunk house accommodation would be contrary to policy and could not be supported.

March 2019 – planning permission granted for construction of detached art and craft studio and change of use of part of traditional barn to holiday accommodation.

November 2003 – planning permission granted for use of farm building for ice-cream production.

April 2002 – planning permission granted for use of shipping as tea room, replacement calf building, creation of new parking area and new sewage treatment plant

December 2001 – planning permission granted for use of buildings as tearoom and toilets, creation of walkway to picnic area and creation of pond.

April 2000 – planning permission granted for creation of new access and closure of existing access.

September 1996 – planning permission granted for change of use from shippon/barn to display area, craft units and cafeteria.

March 1996 – planning permission granted for erection of sheep building.

April 1993 – planning permission granted for erection of cubicle shed.

April 1993 – planning permission granted for erection of silage building.

Consultations

Highway Authority – no response to date.

Parish Meeting – support the application. The proposals will provide local employment and attract and boost tourism bringing visitors and trade to other businesses in the area. There is shortage of bunkhouse accommodation in the locality. The changes to the building will improve the ecological and environmental standard of the current structure.

Authority's Tree Conservation Officer – no objections subject to conditions. The proposed development will require the removal of a mature ash tree. The ash tree is situated in a highly visible position as part of a row of trees along a field boundary. However, the tree is not in a good condition and would require significant remedial works or removal in the near future.

Right of Way Officer – the development does not appear to affect a public right of way.

Representations

11. A total of 21 letter of support have been received from local people, business owners and leaders of groups many of whom visit the farm at present. In summary they raise the following points:

- Hill farms are facing challenging conditions and rural diversification schemes are key to their survival.
- The development would provide welcome additional accommodation and would boost tourism in the wider area.
- The accommodation would be well used by local groups including D of E, Motorbike Groups, agriculture students/children with Special Education Needs and more.
- The farm already has an established footfall of visitors to the café/farm/lambing and craft facilities.
- It would provide overnight access to a wider demographic population.
- The building is within an established setting of traditional farm buildings.
- The proposals would benefit other business in the area.

12. Two letters of objection have been received which raise the following points:
- There is already bunkhouse accommodation locally that would be adversely affected by the proposals.
 - Impact on the heritage of the farm by domination by holiday lets.

Main policies

13. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, E2 and RT2
14. Relevant Development Management policies: DMC3, DME2 and DMT6

National planning policy framework

15. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales which are to conserve and enhance the natural beauty, wildlife and cultural heritage and promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public. When National Parks carry out these purposes they also have the duty to seek to foster the economic and social well-being of local communities within the National Parks.
16. The National Planning Policy Framework (NPPF) has been revised (2019). This replaces the previous document (2012) with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In particular Paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
17. In the National Park the development plan comprises the Authority's Core Strategy 2011 and the Adopted Development Management Policies. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF with regard to the issues that are raised.

Development plan

18. Core Strategy policies GSP1, GSP2 and GSP3 together say that all development in the National Park must be consistent with the National Park's legal purposes and duty and that the Sandford Principle will be applied where there is conflict. Opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon and development which would enhance the valued characteristics of the National Park will be permitted. Particular attention will be paid to impact on the character and setting of buildings, siting, landscaping and building materials, design in accordance with the Design Guide and the impact upon living conditions of local communities. Core Strategy policy GSP4 highlights that the National Park Authority will consider using planning conditions or obligations to secure the achievement of its spatial outcomes.
19. Core Strategy policy RT2 allows for the provision of self-catering accommodation provided that the change of use involves a traditional building of historic or vernacular merit and provided the proposals would not create unacceptable landscape impact in open countryside.

20. Core Strategy policy L1 states that development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan and other valued characteristics.
21. Core Strategy policy E2 states the proposal for business development in the countryside outside the Natural Zone and named settlements should be located in existing traditional buildings of historic or vernacular merit on farmsteads and in groups of buildings in sustainable locations. However where no suitable traditional building exists, the reuse of modern buildings may be acceptable provided that there is no scope for further enhancement through a more appropriate replacement building. On farmsteads small scale business development will be permitted provided that it supports an existing agricultural or other primary business responsible for estate or land management.
22. Development Management Policy DMC3 provides detailed criteria to assess design and landscaping.
23. Policy DME2 (Farm Diversification) states that development will be permitted if there is clear evidence that the new business use will remain ancillary to the agricultural operation of the farm business, meaning that the new business use is a subsidiary or secondary use or operation associated with the agricultural unit. It further states that new buildings may be permitted if the proposed development cannot be appropriately located in existing buildings of cultural heritage significance or in other buildings which remain appropriate within the farm building group.

Assessment

24. Whether the principle of the conversion of the building is acceptable

25. A statement submitted by the applicant explains that he ceased dairy farming in March 2018 for a number of reasons including low milk prices and rising costs. As a result, the large milking parlour is now redundant. The farm started to diversify 17 years ago and now operates an ice cream parlour, tea room and pottery studio. Planning permission was also granted in 2018 for the conversion of part of the traditional barn to a 3-bed holiday unit and for the erection of a new build arts and craft studio. This consent has been implemented and the craft studio is under construction. A submitted agricultural appraisal explains that although milk production has ceased, Blaze Farm is still a working farm with 200 acres of land owned and rented, and a stock of 330 breeding ewes and 19 store beef cattle (to be increased to 40-50 head).
26. The applicant now wishes to expand the tourist based enterprise further by providing accommodation for groups including school groups, Duke of Edinburgh (D of E), veterinary and agricultural student groups, and for groups using the recently approved craft studio.
27. The Authority recognises that accommodation for staying visitors can contribute to the local economy and enable visitors to enjoy the National Park. Consequently, Adopted Core Strategy policy RT2 allows for the provision of new self-catering accommodation through the conversion of traditional buildings of vernacular merit, as this has the benefit of enhancement through the preservation of those buildings of merit. It was on this basis that planning permission was granted for the conversion of part of the traditional shippon to a holiday cottage in 2018. A number of additional appropriate farm diversification projects have already been supported by the Authority.
28. However, in this case the subject building is a modern portal framed agricultural shed, which appears to have been constructed in the 1980s. It is constructed in a mixture of concrete blocks and grey corrugated sheeting. It is a very large building measuring

6.1m wide by 36.8m long with an eaves height of approximately 4.1m to the eaves and 5.6m to the ridge. It is fairly well screened from the A54 by an adjacent cattle housing building but its tall gable end is visible from the south and its north west elevation is visible from the minor road to the north west in the winter months

29. Large portal framed farm buildings are permitted in the National Park as an exception to normal design standards because it is accepted that they are necessary in order to facilitate the agricultural management of the landscape paragraph 4.15 in the Development Management Policy Document states: *The Authority recognises that modern agricultural buildings are usually portal framed buildings, constructed off-site and assembled on the farm. These buildings are functional by design and their presence in a National Park landscape is justified for the land management benefits that agriculture provides, as such structures would not otherwise be acceptable..* However, because of their wholly untraditional massing, materials and detailing their re-use for holiday accommodation is inappropriate and wholly contrary to policy RT2. Policy RT2 only supports the conversion of traditional buildings that are of historic or vernacular merit to holiday accommodation. There are many modern buildings like this one scattered throughout the landscape of the Park and if the Authority adopted a practice of allowing them to be converted to living accommodation then the quality of the built environment of the National Park would be severely degraded. In fact, Core Strategy policy GSP2 makes it clear that opportunities should be taken to enhance the National Park by the treatment or removal of undesirable features or buildings. The supporting text of policy RT2 also sets out that conversions and changes of use of existing traditional buildings of historic or vernacular merit will provide ample opportunities for small scale holiday developments. If modern buildings were allowed to be converted to holiday use it is likely that there would be less incentive to convert historic buildings and the heritage benefits of giving historic buildings new uses would be lost.
30. In the light of the type of building proposed to be re-used and discussions at the last committee meeting in June, it is useful to consider the impact of such buildings across the National Park. Between 2001/2 and 2017/18 some 854 large new modern buildings (only justified for an agricultural purpose) have been approved through full planning and GPDO decisions. A further 350 further permissions were granted for replacement agricultural buildings and extensions to existing buildings across the Peak District National Park. The proliferation of large, modern, industrial scale buildings has a significant impact on the National Park. The conversion of this building into business and commercial use could set a harmful precedent for potential conversion of the many thousands of buildings that exist in the National Park.
31. In developing planning policies, it was important that a strategic approach was taken to managing change in ways that drive the conservation and enhancement of the landscape in the long term and in national interest. Policy drivers for tourism and rural business seek the re-use of traditional buildings and the replacement of modern buildings in order to achieve these aims and allow farms to evolve and diversify.
32. Simply permitting re-use of large modern buildings on a case by case approach does not allow this long term strategy to succeed. To the contrary it permits the retention of potentially hundreds of large non-traditional buildings in non-agricultural use, often in the open countryside. This outcome is fundamentally at odds with the intent of the development plan and its aims to further national park purposes.
33. The landscape first approach to making decisions is explained at Development Management Policies Document Page 18 paragraphs 3.10 – 3.15. It concludes by saying that development that can no longer serve an essential purpose such as supporting sustainable farming and conserving and enhancing, should be removed.

34. Permitted Development Rights

35. As with householders and other landowners, farm businesses often enjoy some flexibility and freedom from normal planning controls. This is known as permitted development. Recent changes to permitted development rights allow the conversion of modern agricultural buildings such as this to other uses including residential and business uses. However, in adopting these changes the government specifically excluded National Parks from some of this permitted development in recognition to the harm that would be caused to the special qualities of the nations' best and most important landscapes if buildings such as these were converted for other uses. This decision by Government is an explicit acknowledgement that National Park landscapes should be given greater protection than other areas.

36. Policies RT2 and E2 – understanding the different policy drivers

37. When the application came before planning committee in June the officer report argued that the primary Core Strategy policy for consideration of this scheme is RT2 (hotels, bed and breakfast and self-catering accommodation) because the proposals are for the creation of new visitor accommodation. The intent of RT2 is to steer investment in accommodation to the traditional building stock rather than modern industrial scale buildings. The objective of RT2 is to ensure that development conserves and enhances valued landscape features, promotes the enjoyment and understanding of special qualities and supports farm diversification.

38. However the supporting text to RT2 acknowledges that visitor accommodation can have business benefits and contribute to the local economy and it is acknowledged that the applicant is not proposing to use the accommodation for standard 'holiday' purposes (but intends that it would be more directed towards groups of educational and environmental users). This is classed as 'sui generis' use. As such, it could be argued that the proposals represent 'business development' and thus merit consideration under Core Strategy policy E2.

39. For clarity, firstly, the Authority considers that the main value of visitor accommodation on farms is that it furthers the Parks' second purpose by providing opportunities to understand and enjoy the National Park. Business benefits are understood but are secondary to achieving statutory purposes. Small scale holiday accommodation within traditional buildings can help the viability of the farm business. RT2 is intended for this type of scale and activity. Policy E2 is primarily for business development in its own right. In the case of Blaze Farm, this building has not conserved and enhanced valued landscape or cultural heritage and was permitted only to enable modern farming. No other use would justify this building in the National Park. Simply converting the building to accommodation does not make the building more acceptable and in the event that a building of this scale massing and design was proposed anew for this use, it would be entirely contrary to the design guide.

40. The Authority's long standing policy position is to encourage the re-use of traditional farm buildings rather than intensify built development, or perpetuate the existence of purpose built modern portal frame farm buildings. It is certainly not the objective of the spatial strategy to use policy E2 to justify more intensive business development on farms such as Blaze Farm.

41. Notwithstanding this point, policy E2 A focuses on small-scale business use on farms by way of a change of use of traditional buildings. It states '*Businesses should be located in existing traditional building of historic or vernacular merit in smaller settlements, on farmsteads, and in groups of buildings in sustainable locations. However where no suitable traditional building exists, the re-use of modern buildings may be acceptable provided that there is no scope for further enhancement through a*

more appropriate replacement building’.

42. The sequential approach of the policy clearly seeks enhancement through more appropriate replacement buildings before conversion of existing buildings can be considered. This approach enables farms to diversify whilst at the same time enhancing the Park, a sustainable approach to development that reflects National Park purposes and duty. The submitted Planning Statement assesses compliance with this part of the policy and confirms that Blaze Farm is a working farm and that there are no suitable traditional buildings available. We concur with this. The statement also confirms that the existing building is now redundant for agricultural purposes and again officers would agree. However the Planning Statement fails to address whether the is scope for further enhancement through a more appropriate replacement building. We consider that given that the shed is redundant, there is scope to demolish it and provide a smaller replacement building that has a reduced and more traditional massing and with better materials and detailing (in keeping with the Authority's Design Guide). Whilst this would result in new build holiday accommodation (contrary to RT2) there could be significant enhancement that might offset and outweigh the policy conflict. The agent has recently confirmed that the applicant does not wish to consider this option and would like the application to be determined as submitted (and with the amended information). Consequently there is no more compelling justification for the proposed re-use of the building under E2 than there is under RT2.

43. Impact on the character of the area

44. Further guidance is given in policy DME2 (Farm Diversification) in the recently adopted Development Management Plan. This clarifies that even if there were no scope for a replacement building, any converted modern building must *‘remain appropriate within the farm building group’*. In this case because of its scale and massing the retention of the building is not appropriate.

45. The submitted plans show that alterations would be made to the building to try to improve its overall appearance. These include replacing the existing grey sheeting with dark-stained vertical boarded timber on the sides and with dark coloured sheeting on the roof; and by cladding the concrete blockwork in natural stone. It is also proposed to add two sets of ridge style rooflights, and to screen some of the wider openings with sliding panels of timber fins. These features would not create an building which would in it's own right comply with the Authority's design guide, and would create a confused identity, lacking architectural integrity and with not relevance to the built environment of the Peak District, in addition, they overcome the fundamental policy objections. We consider in particular that the proposed high level of glazing together with the proposed new window openings in the stonework would outwardly demonstrate that the building is in residential use, which would create an uneasy domestic appearance alongside the agricultural scale and massing. The untraditional and large massing of the building its domination of the setting of the adjacent traditional shippon would remain unaltered and indeed would be perpetuated by allowing a permanent residential use.

46. For clarity the Authority's Adopted Design Guide confirms at page 19 that large buildings such as agricultural sheds are inappropriate and alien in the landscape. It identifies that the 3 main factors in identifying and respecting the Peak District building style are form, detailing and materials. Buildings traditionally have low eaves, narrow gables, simple detailing and a predominance of local natural stone as the building material. Clearly the building in question is completely at odds with this style and hence its retention beyond its useful life for agriculture would be wholly inappropriate. If the application is granted then the opportunity to enhance the National Park through the construction of a better building in line with the Design Guide will be lost forever.

47. As stated above the building is visible from the minor road that runs approximately 800m to the south of the site. From here the new high level windows in the south elevation of the barn would in particular signal the residential use of the building, especially at night when internally lit.

Farm Diversification

48. The Authority's policies seek to support appropriate farm diversification schemes as has been demonstrated by the previous planning approvals at Blaze Farm. However, policies E2 and DME2 make it clear that there should be clear evidence that new business uses should remain ancillary to the agricultural operation of the farm business, meaning that the new business use is a subsidiary or secondary use or operation associated with the agricultural unit. It is for the applicant to demonstrate that the tourist uses would remain subsidiary to agriculture and at the time of the previous committee meeting no information had been provided in these respects (hence it was included as a reason for refusal). In deferring the application in June, Members requested that the applicant be asked to provide more detail with regard this issue. The submitted Planning Statement addresses this by pointing to an agricultural appraisal that was submitted with the application. It emphasises that Blaze Farm comprises 170 acres of grassland, 10 acres of woodland, with 330 breeding ewes, 600 lambs per annum and is working towards accommodating 60 beef cattle following the sale of the dairy herd. It also confirms a labour demand of 1.42 full time workers. The Statement argues that there is no requirement in policy for a financial appraisal and states simply that while the proposed accommodation would represent a significant increase in floorspace it would nonetheless remain subsidiary to the farm business. It is acknowledged that that policies do not require a financial appraisal but nonetheless they require 'clear evidence' that the new use would remain ancillary and if the relative size and status of the two sides of the business is not measured in monetary terms, the only other means of assessment is by comparing the physical extent of the two uses. It is accepted that Blaze is a substantially stocked working farm, but the tourist based uses when taken cumulatively are also substantial. They occupy a significant area of floorspace including the majority of the two storey traditional barn and modern lean-to (as holiday unit, café and shop), the new arts and crafts studio (floorspace 174 sq m) and the proposed holiday accommodation (432 sqm). Given the scale of the building to be converted, we consider that insufficient evidence has been provided to demonstrate that the new use would remain ancillary to the agricultural operation.
49. For clarity, the agent has confirmed that the applicant and his wife, his parents and his daughter each have an equal share in the farming business and the ice cream business. Mr and Mrs Waller own the farmhouse and land, pottery studio, cubicle shed, former milking parlour (the application building), silage pit and two further livestock buildings. A sheep shed and the ice cream building (with holiday unit) are owned by Mr and Mrs Waller Senior. An amended site plan has been received which excludes these buildings from the red edged application site. As such, if planning permission were to be granted a section 106 agreement could be drawn up to prevent the proposed bunkhouse accommodation from being sold or otherwise separated from the farm business.

Environmental Management

50. Core Strategy policy CC1 requires that development should seek to build up resilience to and mitigate the causes of climate change. Little information was provided with the application with regard to sustainability other than a brief statement to say that the proposals would incorporate an air source heat pump and pv cells on the roof and that rainwater collection and grey water systems would be incorporated. No details were

submitted. Following the committee meeting in June we asked for further details. The recent planning statement explains that a ground source heat pump (gshp) and log burning stoves would be incorporated. No mention is made of an air source heat pump or pv cells. Officers have requested details of the ground source heat pump but the agent has stated that the applicant is reluctant to incur additional costs in the preparation of plans until they know whether planning permission will be forthcoming. They have asked for the matter to be dealt with by condition.

51. The application also fails to address the energy hierarchy and the reduction in energy use that could be made. This is particularly relevant with a scheme such as this which proposes the domestication of a building never designed to be heated or lived in by humans, and with little insulation.
52. We need to understand the contribution the scheme might make to climate change mitigation so that this can be weighed in the planning balance. Without details we cannot assess this or, for example, what the impact of solar panels might be on the area or whether it is feasible to install a gshp on land in ownership. Consequently the proposals do not accord with CC1 in this respect.

Contribution of the farm business to National Park purposes.

53. In considering issues of farm diversification it is important to understand if approval were to be granted for the current scheme, whether the scheme would be helping to support a farm business that itself contributes to National Park purposes through its agricultural practices. The submitted Planning Statement explains, amongst other things, that Blaze Farm is one of the founding business members of the PDNPA Environmental Quality Mark. Farming practices include, in summary weed control by spot spray; agronomist services to tailor optimum/minimum fertiliser to match soil test results, monitoring of grass growth to enable optimum grass height, drainage systems maintained and repaired. Biodiversity projects have include management and rebuilding of drystone walls, field 3873 designated as local BAP priority habitat; archaeological features maintained and protected; fields fenced from watercourse to prevent water contamination; 10 fields have 4m buffer strips around perimeter for wildlife; new 1400m permissive footpath created to allow visitors to access highest part of the farm, 3 new ponds created. Consequently we are satisfied that high environmental standards are being maintained at the farm

Other Issues

54. A protected species survey was submitted with the application but it does not cover the subject building. A protected species survey is not in fact required in the case because of the age and materials of construction of the building.
55. Because of the relatively remote nature of the application site there would no impact upon residential amenity because of the proposed development.
56. Visibility from the access onto the A54 is adequate and there would be sufficient parking space within the existing yard to meet the needs of the development in accordance with DMT6.

Conclusion

57. In conclusion, the additional policy analysis and assessment of the points raised by members at the Planning Committee meeting in June do not change the officer recommendation. The proposals are for the conversion of a wholly untraditional modern portal framed agricultural shed, which is of no historic or vernacular merit, to holiday accommodation contrary to Core Strategy policies GSP2,RT2 and E2 and Development Management Policy DME2. The proposal would perpetuate the continued presence of a building that does not accord with the local building tradition because of its massing, detailing and materials. It has not been demonstrated that a more appropriate replacement building could not be accommodated within viability constraints. The proposed changes to the external appearance of the building would not outweigh the fundamental policy objections, and would in themselves not address the problems of scale or massing. The proposals are of a scale that, when taken cumulatively with the existing uses, mean that the tourist based business would be unlikely to remain ancillary and secondary to the use of the site for agriculture contrary to DME2.

58. The proposal is contrary to the strategic policies of the National Park. To permit the development would be a departure from the development plan and would be contrary to the fundamental principles of the National Park policies.

59. **Human Rights**

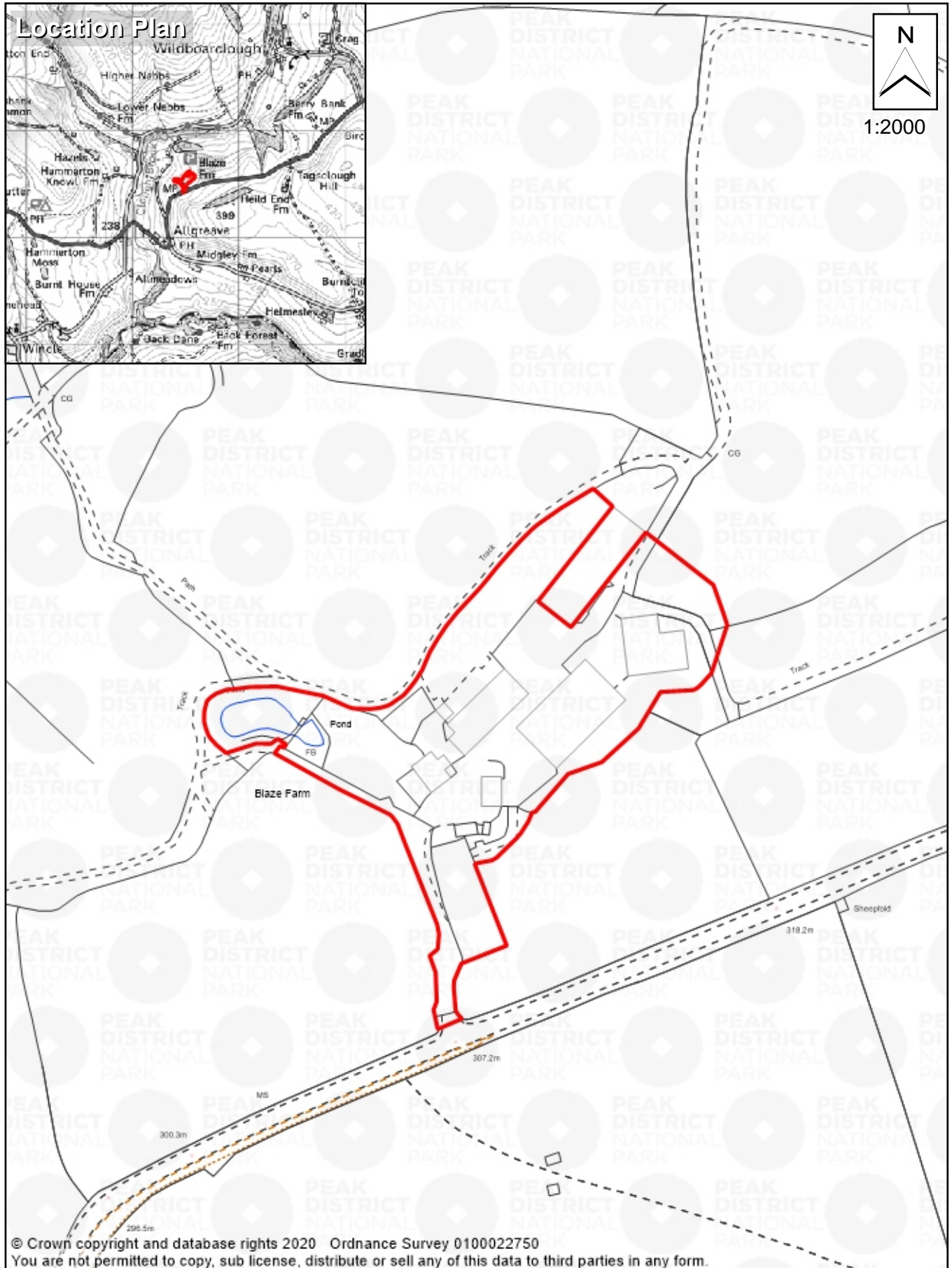
60. Any human rights issues have been considered and addressed in the preparation of this report.


61. List of Background Papers (not previously published)

62. Nil

63. Report Author: Andrea Needham, Senior Planner (South)

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Committee Date:	7th February 2020	Title: Blaze Farm Buxton Road Wildboarclough	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 9		
Application No:	NP/CEC/0319/0308		
Grid Reference:	397471, 367516		

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10. FULL APPLICATION – CHANGE OF USE OF AGRICULTURAL FIELD TO OFF-LEASH DOG WALKING AND TRAINING FIELD – LAND NEAR BANK TOP FARM, UNNAMED SECTION OF C39 FROM EXLOWMERE LANE TO B5056, WINSTER (NP/DDD/1119/1218, MN)

APPLICANT: MR IAN ROPER

Summary

1. The proposal is to change the use of an agricultural field to an off-leash dog walking and training field. In addition to the change of use of the land the development would include the provision of a car parking area within the field and the erection of a 1.68m tall galvanised stock wire and post fence around the edge of the field.
2. The proposal amounts to establishing a new business in the countryside, and is contrary to planning policy in principle.
3. The erection of fencing around the edge of the site would also harm the character of the landscape in this location, as would the parking area when occupied.
4. For these reasons the application is recommended for refusal.

Site and surroundings

5. The application site is roadside agricultural field located approximately a quarter of a mile south west of Winster village.
6. The site is given over to grass with a gated access into it from the road, located next to a small pent-roofed stone building that is positioned in the north eastern corner of the field, next to the roadside.
7. There are several agricultural buildings visible from the site in the surrounding landscape, as well as a dwellinghouse approximately 150m to the east, but the landscape is otherwise open countryside in agricultural use and free from built development. It is characterised by low drystone field boundaries and – in places – these are reinforced by small post and wire stock fences.
8. Aside from the aforementioned dwelling, there are no other residential properties in close proximity to the site.
9. The site is outside of any designated conservation area.

Proposal

10. To change the use of an agricultural field to an off-leash dog walking and training field. In addition to the change of use of the land the development would include the provision of a car parking area within the field and the erection of a five and a half foot tall galvanised stock wire and post fence around the field boundary. The pent roofed building in the field is within the application site area and so approval of the application would also permit the use of this building in association with the use of the field for dog walking and training.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

1. **The proposed development is contrary to planning policy E2 as it does not represent a type of business development permitted in the countryside by this policy.**
2. **Because the development fails to make a contribution to the understanding and enjoyment of the National Park, is not appropriate to the National Park's valued characteristics, and does not make a clear demonstration of need for an open countryside location, it is contrary to policy RT1.**
3. **The proposed fencing and use of the site for car parking would have a harmful impact on the traditional agricultural character of the locality, contrary to policies L1, DMC3, RT1, and paragraph 172 of the NPPF.**
4. **The use of the site for dog walking and training would be prejudicial to the existing use of the surrounding land for farming.**
5. **The proposed use would harm the relative tranquillity of a valued area of recreational and amenity value, contrary to paragraph 180 of the NPPF.**

Key Issues

- Whether the change of use proposed is acceptable under the Authority's planning policies in principle
- The impacts of the development on the landscape character of the area
- The amenity impacts of the development

History

No relevant planning history.

Consultations

Highway Authority – Requested that the application be referred to them for further highway consideration, but no other response received.

Parish Council – Unable to support or object to the application due to insufficient information being available at the time of the parish council meeting

District Council – No response at time of writing.

Representations

21 letters of representation have been received relating to the application; 8 in support of the proposal and 13 objecting to it.

The material grounds for objection are summarised as:

- The detrimental appearance of the fence
- Highway safety matters related to use of the access and on-road parking based on traffic speeds and proximity to a junction
- Risk of harm to, and unsettling of, livestock
- Risk of disease being spread from dogs and their waste
- Noise pollution from the use – and that the use of the building on the site for kennelling of dogs would further increase noise impacts

- There is no need for the development, with footpaths around the local area already available to dog walkers
- The loss of a section of the field to car parking would increase carbon emissions
- The loss of use of the field from agriculture would be detrimental to a long established farming business
- The development would result in a public nuisance

The material grounds for support are summarised as:

- Such a facility is needed by the community
- It would decrease risks to local wildlife and livestock
- The field is currently neglected
- The proposal would have a low visual impact
- The road off which the site is accessed is little used, minimising any highway safety risks
- There would be no amenity impacts on any residential properties due to the distance of the site from these
- It would encourage tourist stays in the village, benefiting local businesses
- It would provide a social space for local people

Main policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, RT1, E2, CC1

Relevant Development Management Plan policies: DMC3, DMC4, DMT6

National planning policy framework

11. The National Planning Policy Framework (NPPF) was first published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The National Planning Policy Framework was revised in 2019. This replaces the previous document (2012) with immediate effect.
12. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and the Development Management Policies document 2019. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.
13. Paragraph 172 of the NPPF states that 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'
14. Amongst other things, paragraph 180 details that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects on the natural environment, including identifying and protecting tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

15. Development plan

16. Core Strategy policies GSP1, GSP2 and GSP3 together say that all development in the National Park must be consistent with the National Park's legal purposes and duty and that the Sandford Principle will be applied where there is conflict. Opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon and development which would enhance the valued characteristics of the National Park will be permitted. Particular attention will be paid to impact on the character and setting of buildings, siting, landscaping and building materials, design in accordance with the Design Guide and the impact upon living conditions of local communities. Core Strategy policy GSP4 highlights that the National Park Authority will consider using planning conditions or obligations to secure the achievement of its spatial outcomes.
17. Core Strategy policy DS1 outlines the Authority's Development Strategy, and states that the majority of new development will be directed into Bakewell and named settlements, with the remainder occurring in other settlements and the rest of the countryside.
18. Policy L1 of the Core Strategy identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.
19. Core Strategy policy E2 addresses businesses in the countryside. It states that proposals for business development in the countryside outside the Natural Zone and the named settlements in policy DS1, must take account of the following principles:
 - A. Businesses should be located in existing traditional buildings of historic or vernacular merit in smaller settlements, on farmsteads, and in groups of buildings in sustainable locations. However where no suitable traditional building exists, the reuse of modern buildings may be acceptable provided that there is no scope for further enhancement through a more appropriate replacement building.
 - B. On farmsteads, or groups of estate buildings, small scale business development will be permitted provided that it supports an existing agricultural or other primary business responsible for estate or land management. The primary business must retain ownership and control of the site and building, to ensure that income will be returned to appropriate management of the landscape.
 - C. Business use in an isolated existing or new building in the open countryside will not be permitted.
 - D. Proposals to accommodate growth and intensification of existing businesses will be considered carefully in terms of their impact on the appearance and character of landscapes.
 - E. Ancillary retail operations must be small scale and principally offering for sale goods which are produced at the premises.
20. It states that beyond this policy and policies RT1, RT2 and RT3, there is no scope for setting up new businesses in the countryside.
21. Policy RT1 of the Core Strategy addresses recreation, environmental education and interpretation, stating that such proposals must conform to the following principles:
 - A. The National Park Authority will support facilities which enable recreation, environmental education and interpretation, which encourage understanding and enjoyment of the National Park, and are appropriate to the National Park's valued

characteristics. Opportunities for access by sustainable means will be encouraged.

- B. New provision must justify its location in relation to environmental capacity, scale and intensity of use or activity, and be informed by the Landscape Strategy. Where appropriate, development should be focused in or on the edge of settlements. In the open countryside, clear demonstration of need for such a location will be necessary.
22. Core Strategy policy CC1 requires development to make the most efficient and sustainable use of land and resources, to take account of the energy hierarchy (reducing the need for energy; using energy more efficiently; supplying energy efficiently; and using low carbon and renewable energy) to achieve the highest standards of carbon reduction and water efficiency, and to be directed away from flood risk areas.
23. Development Management Policy DMC3 requires development to be of a high standard that respects, protects, and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place. It also provides further detailed criteria to assess design and landscaping, as well as requiring development to conserve the amenity of other properties.
24. Development Management policy DMC4 addresses settlement limits stating, amongst other things that development that is separated from the existing settlement to such a degree that it no longer forms part of the whole, or is likely to result in pressure to infill an intervening gap, will not be permitted.
25. Development Management policy DMT6 deals with business parking, stating that new or enlarged car parks will not be permitted unless a clear, demonstrable need can be shown.
26. **Assessment**
27. **Procedural matters**
28. A letter of representation from a co-owner of the land has stated that they were not notified of the application prior to its submission, as has been stated on the submitted application form.
29. We have followed this up with the applicant, who has advised of the date on which they wrote to this joint landowner to notify of them of the forthcoming application, and provided a photograph of the form that they state was posted to them.
30. Based on the applicants account it is considered reasonable to accept that notice was correctly served.
31. If it was to later materialise that the notice had not been served as we have been advised then any decision issued would be open to challenge by the other landowner.
32. **Principle of change of use of the land**
33. We are of the view that this site is clearly within the countryside outside of Winster. This position has been challenged by the applicant in correspondence with us during the course of the application. Policy DMC4 is clear that development that is separated from the existing settlement to such a degree that it no longer forms part of the whole, or is likely to result in pressure to infill an intervening gap, will not be permitted. In this case,

there are several buildings in relative proximity to the application site, all of which are well removed from the built edge of Winster and are themselves therefore outside of the settlement. Rather than being within or on the edge of the village, we maintain that it is in an area of open countryside with scattered development across it – something typical of much of the farmed countryside of the National Park.

34. Having established that the development is in the countryside, policy E2 is of relevance, addressing as it does new businesses in the countryside. This policy only supports businesses in the countryside where they would be located in existing buildings in smaller settlements, on farmsteads, or in groups of buildings in sustainable locations. On farmsteads or groups of estate buildings it supports small scale business development provided that it supports an existing agricultural or other primary estate or land management business.
35. The policy is clear that beyond these provisions – and those made by policies RT1, RT2, and RT3 – there is no scope for establishing new businesses in the countryside.
36. The proposal, being development of a field and un-related to the re-use of existing buildings or farm/estate diversification, would not represent development of any of the types detailed by policy E2, and so is contrary to this policy.
37. During discussions with us over the course of the application the applicant has advised that the business would be based at their home, where bookings and administration would be handled. We remain of the view that the development would result in a new business in the countryside however, because this is where the operational part of the business would be carried out.
38. Beyond the policy provisions of E2 the only scope for business development in the countryside is where it is in compliance with policies RT1, RT2, or RT3.
39. RT2 and RT3 are not relevant to the assessment of this proposal, addressing the provision of holiday accommodation and campsites respectively.
40. Policy RT1, though, addresses proposals for recreation, environmental education and interpretation.
41. Whilst a case could be made for the development being for recreational development, those with dogs to walk or train would most likely already be doing so in the locality and so any contribution to the understanding and enjoyment of the National Park arising from the development would be very slight, if any at all. This is a requirement of recreational development for it to comply with RT1.A, and so the development would conflict with this provision.
42. Further, and as discussed in the 'landscape impacts' section of this report (below), it would not be appropriate to the National Park's valued characteristics, also conflicting with RT1.A.
43. Finally, we are not satisfied that the application makes a clear demonstration of need for an open countryside location, as RT1.B requires.
44. For these reasons, the development is contrary to planning policy in principle.
45. The co-owner of the land has raised concerns that the loss of the field to the proposed use would have a detrimental impact on his business. However, he explains that he has sole use of this land until such time that he decides to cease farming, and so approval of the application would not result in this impact.

46. Impacts of the development on the character and appearance of the landscape

47. The field is currently bounded by low drystone walls. The application proposes introducing a new fence around the boundary of the field, on the inside of the walls. This would be a galvanised wire fence with round wooden fence posts supporting it, and would be 5.5 feet tall.
48. The substantial posts, heavy duty wire grid panels, and height would collectively be wholly out of keeping with the immediately surrounding boundary treatments. These are almost exclusively low drystone walls with some areas of low post and wire stock fencing.
49. This would result in harm to the traditional agricultural character of the landscape in this location, contrary to L1, DMC3, RT1.A, and paragraph 172 of the NPPF.
50. During discussions with us during the course of the application the applicant has made reference to similar fencing being in place near Birchover. No precise location has been provided and there is therefore insufficient information to allow us to compare the sites but, in any case, the presence of a fence in a different location and removed from the application site by some distance would not affect our view of the impacts of the current proposal.
51. The applicant has also offered to plant a hedgerow around the fence to reduce its impact. A tall hedgerow around the site would appear equally out of keeping with its setting however, as any hedgerow in the locality is generally limited to scrub around the existing drystone walls.
52. In terms of the proposed parking area, the application does not indicate that any new surfacing materials are proposed, although it is anticipated that some would be required in order for the area to remain accessible to vehicles in winter when the ground would be soft and wet. A simple ground reinforcement system (such as a built-in grass grid) would be likely to be able to achieve sufficient support for vehicles without having a significant impact on the appearance of the site.
53. However, the parking of vehicles in an area of approximately 12m x 18m would have more significant landscape impacts. Having multiple domestic vehicles parked in a countryside field that is open to wide public view would be incongruous, appearing out of keeping with the surrounding rural landscape. This fails to conserve the landscape character of the area, contrary to policies L1, DMC3, RT1.A, and paragraph 172 of the NPPF.
54. The proposed use to train dogs is also likely to involve the use of structures which will also have a landscape impact and an domestic appearance in open countryside negatively affecting the undeveloped appearance of the landscape in this location. This is contrary to policy L1 and DMC3.

55. Amenity impacts

56. Due to the remote location of the site relative to any residential dwellings there are no concerns regarding disturbance or loss of privacy.

57. Highway impacts

58. Given the location of the site is remote from the village and the lack of footpaths on surrounding roads it is accepted that – notwithstanding the identified landscape harm

that this would result in – a car park would be necessary for the operation of the business, meeting the requirements of policy DMT6.

59. The highway authority requested that details of the application be referred to them for comments, but none have been received at time of writing.

60. In terms of access, site users would need to stop their vehicles on the road in order to open the gate, which would open in to the site. Given the available visibility along the road at this location and the minor nature of the road this is not considered likely to lead to any issues of highway safety.

61. In terms of exiting the site in a vehicle, the existing stone building flanks the eastern side of the access. However, the verge in front of the access is relatively wide and would permit a view to the east to be achieved before entering the highway.

62. We also give weight to the fact that this is an existing access in agricultural use.

63. There are therefore no objections to the proposal on highway grounds.

64. Climate change mitigation measures

65. It is not considered that use of part of the site for car parking would have any discernible impacts on carbon emissions as suggested in some representations, particularly as the area could remain grassed.

66. No climate change mitigation measures have been proposed as part of this development. Given the scope of the physical works proposed it is not considered that such measures could be reasonably required however, and on this basis there is no objection to the development in terms of the requirements of policy CC1.

67. Other matters

68. Impact on use of surrounding land

69. A number of the letters of objection received raise concerns that the development could unsettle livestock, or – if they were to escape the field – harm them.

70. The site is bounded by agricultural fields to three sides, but subject to it entirely enclosing the site the proposed fencing would make their escape in to other fields unlikely. Several representations have stated that the proposed fencing would not be of adequate height to prevent large dogs escaping over the top of it.

71. There is certainly the potential for dogs to bark and unsettle livestock in the adjacent fields whilst at the site. Whilst this is true of dog walking in any location, the frequency and concentration of such disturbance proposed here would be considerably higher than would be the case in other locations.

72. On that basis – and irrespective of whether dogs could leap the fence to attack livestock – we conclude that the use of the site for dog walking has the potential to prejudice the use of the surrounding land for farming.

73. Noise impacts

74. The business is proposed to operate from 7:30am until 6:30pm (8:00am until 5:00pm on Sundays and bank holidays).

75. Whilst it is anticipated that the site would not be occupied at all times during these hours, if the business was to be successful then it would still be in regular use throughout the day.

76. The noise generated by the regular training of dogs at the site would not be in keeping with that likely to be experienced at the site and surrounding area at present. Noise at the site is likely to comprise that associated with the farming of the land at present, and that of traffic. Whilst the site is adjacent to a road and close to another, noise from passing traffic would not be sustained in the same manner that it could be from the proposed use. The site is therefore relatively undisturbed by noise and is valued for its recreational and amenity value, as it the majority of the countryside of the National Park

77. We therefore conclude that the proposed use would harm the relative tranquillity of a valued area of recreational and amenity value, contrary to paragraph 180 of the NPPF.

78. Ground pollution and spread of disease

79. The applicant proposes providing bags for users of the site to clean up after their dogs.

80. Whilst it has not been specified how these would be removed from the site, given the likely intensity of use of the field we consider it unlikely that the use would result in a significant risk of diseases being spread to livestock – that would be exclude from the site by fencing – or of ground or groundwater contamination.

81. Benefits of wildlife and livestock protection

82. The applicant contends, in correspondence with us during the application, that the development would provided a safe place for the training and exercising of dogs without harming the countryside, reducing dog attacks on livestock and reducing the pressures on wildlife and local farmers. These are admirable aims.

83. However, we consider that the development would not result in these outcomes to any discernable extent, for the following reasons.

84. Firstly, many people would choose not to take up such an alternative to their current routines. People walk their dogs through the National Park to experience the Park as well as to exercise their pets; this same experience cannot be found in walking a dog around an enclosed field.

85. Secondly, the business would – presumably – be charging people to use it, deterring many people from using it.

86. Finally, it is in a single location that means it would be inconvenient for all but the most local of dog walkers.

87. On this basis we conclude that any reduction in undesirable roaming or attacks by dogs within the National Park would be extremely slight.

88. As a result, we don't find this benefit to outweigh the conflicts with planning policy and harm to landscape conservation that are identified above.

89. Provision of a community facility

90. It is also stated in some representations that the facility is need by the community.

91. As detailed above, it is expected that such a facility would serve only a very small proportion of the community though.

92. As a result, we don't find this benefit to outweigh the conflicts with planning policy and harm to landscape conservation that are identified above.

93. **Conclusion**

94. The proposed development is contrary to planning policy E2 as it does not represent a type of business development permitted in the countryside by this policy.

95. The only other policy supporting business provision in the countryside is for recreational development under the provisions of policy RT1. However, because the development fails to make a contribution to the understanding and enjoyment of the National Park, is not appropriate to the National Park's valued characteristics, and does not make a clear demonstration of need for an open countryside location, it is also contrary to this policy.

96. Further, the development would have a harmful impact on the rural character of the locality due to the introduction of inappropriate fencing and car parking, contrary to policies L1, DMC3, RT1, and paragraph 172 of the NPPF.

97. There is otherwise no support for the development in the policies in the Development Plan or in Government guidance in the National Planning Policy Framework, and there are no material considerations that would indicate planning permission should be granted.

98. Accordingly, the application is recommended for refusal.

Human Rights

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

100. List of Background Papers (not previously published)

101. Nil

102. Report Author: Mark Nuttall, Senior Planner (South)

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11. FULL APPLICATION - CONVERSION OF FORMER BARN TO HOLIDAY ACCOMMODATION AND ASSOCIATED WORKS TO ACCESS AND PARKING AREA, AND FORMATION OF NEW ACCESS TO BROOKSIDE FARM, UNNAMED SECTION OF A623 FROM MIRES LANE TO LONG LANE WARDLOW (NP/DDD/0319/0272, JK)

APPLICANT: MR & MRS A WAKERLEY

Summary

1. This conversion concerns a small traditional limestone stone barn within the extensive curtilage of a private dwelling along with a replacement vehicular access to the main house and improvements to a secondary access to the garden/barn. The proposed plans demonstrate a sensitive conversion scheme of a high standard of design which will provide a viable future for this non-designated heritage asset though its use as a one bed holiday unit. The scheme would conserve and enhance its valued characteristics along with its setting. The work to the accesses will improve highway safety and maintain and/or enhance the street scene. A separate Habitats Regulations Assessment report concludes that there is unlikely to be a significant effect upon the nearby designated conservation sites associated with the outfall from the private foul sewage treatment plant. Consequently approval is recommended subject to conditions.

Site and Surroundings

2. Brookside Farm is located at Wardlow Mires beside the junction of the A623 and the B6465 road up to Wardlow Village. The property is now a private dwelling sitting within an extensive curtilage. The main vehicular access into the property has sub-standard visibility and emerges onto the curve of the A623/B6465 junction.
3. There is a further old agricultural access off the B6465 into the rear of the extended site which gives access to the higher garden land at the rear of the house. On the south western edge of the curtilage is an old two storey limestone stone barn, whose gable end backs onto the adjacent field boundary. The barn is small, with one room up and down with external stone steps to access the first floor. Attached to the side is a much later single storey lean-to constructed from limestone under a low pitched corrugated steel roof. Although the barn itself is of vernacular interest the lean-to, although quite old, is of much lesser interest and is also in poor condition. The barn is currently in ancillary domestic use for keeping chickens.
4. The nearest neighbouring residential properties are the listed Old Three Stags Head public House across the A623. For the purposes of policy application the site is well outside of a village and is therefore regarded as lying in open countryside. It also lies within the Wardlow Conservation Area. The lower part of the site, the house and access lie within flood zones 2 and 3. The site is also close to Cressbrook Dale which lies around 60m to the west and which is a designated National Nature Reserve (NNR), Special Area of Conservation (SAC) and a Site of Special Scientific Interest (SSSI) which forms part of the wider Peak District Dales SAC.

Proposal

5. The conversion of the barn including the lean-to into a one bed holiday cottage. A separate parking and turning area for visitors close to the old agricultural access would be formed with the access modified to improve emerging visibility. A new package treatment plant for the barn would be sited within the garden along with its associated

outfall drainage field.

6. In addition, the existing main house access would be relocated a short distance away from the junction with the B6465 to exit entirely onto the A623. It would also be provided with modified curved radii access walls to gates set back from the roadside.
7. The application is supported by a design and access statement, a structural report, an arboricultural report, an ecological bat and bird survey report, a heritage statement, a flood risk assessment along with architectural plans and details of the package treatment plant and outfall.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

1. **Statutory 3 year time limit for commencement of development**
2. **Specification of approved amended and submitted plans which shall be subject to the following additional conditions and/or modifications;**
 - i) **Submit detailed scheme for the raising of the soil levels for the drainage field for agreement in writing and implementation before occupation.**
3. **Restriction to short let holiday residency only ancillary to Brookside Farm**
4. **Withdraw Permitted Development rights.**
5. **Conversion within shell, rebuilding limited to exactly what is in structural report.**
6. **Underground new service lines within applicant's ownership.**
7. **Agree location and style of any meter boxes on Roost Barn**
8. **The new windows and doors shall be timber – window in south elevation to be inward opening hopper, large opening lights frames to be top hinged.**
9. **The new window and door frames shall be recessed a minimum of 100mm.**
10. **Black timber or cast metal rwg's, gutters on metal brackets.**
11. **Mortar pointed verges with no projecting timber work.**
12. **Highway Authority access and visibility requirements.**
13. **Footnotes from local lead flood authority.**
14. **Submit and agree details of any external lighting – which shall be low energy and sensor controlled.**
15. **The recommendations in Section 5 of the Phase 2 Bat and bird activity survey report shall be followed unless otherwise agreed in writing.**
16. **Minor design details re new stonework, walling and repointing.**

17. **External landscape works implementation.**
18. **Submit and agree a Written Scheme of Investigation for a scheme of building recording and archaeological monitoring.**
19. **Submission and implementation of a detailed environmental management plan for the building to meet Policy- CC1.**

Key Issues

- The impact of development upon the character, appearance and amenity of the existing building, its setting and that of any neighbouring properties including the listed public house.
- The impacts upon highway safety
- The impact of the outfall from the packaged treatment plant upon the nearby protected conservation sites in Cressbrook Dale.
- Potential Flood risk.

History

8. Pre-application advice to the applicant stated that; “the building appeared to have good enough character to be worthy of conversion to a holiday let under the provisions of [policies] RT2 and LPP LR6 and that any conversion would need to retain this character by using the existing shell and use existing openings only. I consider that it’s likely that any such approval would need to be ancillary to Brookside Farm due to close relationship of shared parking etc.”

Consultations

9. Highway Authority – No objection subject to conditions covering visibility splays. Comment in detail as follows;
10. The existing field access is limited in terms of visibility; ideally an access onto a 60mph road would have visibility splays of 2.4m x 203m in each direction. This is not achievable at this access, however given the scale of the proposal, it is not thought that a 1 bedroom holiday let would generate a significant difference in vehicle activity over what could occur under the existing use class. Furthermore, the proposed access modifications offer improvements to the existing visibility as previously recommended by this Authority, and a hard surfaced area. With this in mind, the change of use and field access modification designs as shown are considered acceptable.
11. The existing access to the main dwelling is currently severely substandard in terms of visibility. By relocating the access as proposed, emerging and forward visibility would be significantly improved. Furthermore, it appears the access would then benefit from a visibility splay within the highway limits compliant with current guidelines.
12. With the above in mind, there are no highway objections and I recommend conditions be included with any consent covering visibility splay’s and reinstatement of old access. Holiday cottage to remain ancillary to farm, gates set back 5m, along with standard footnotes re works within highway.

13. District Council: No response to date.

14. Wardlow Parish Meeting – Fully in favour of the application.

Consider the holiday let should be tied to Brookside Farm to remain one property/unit. The new proposed changes to vehicle access can only improve the situation but would comment that after the boundary wall is altered and the bushes/trees are removed there should be no additional screening in this area as it would only restrict vision and become a safety hazard. Please remember this is a known accident blackspot due to vehicles travelling at speed from Tideswell direction and failing to negotiate the corner/junction.

15. PDNPA Archaeology – No objections subject to conditions, comments in detail as follows

Archaeological sensitivity and significance of the site

16. The site of the proposed development is of archaeological and historic interest. The barn that is the subject of this applicant forms part of Brookside Farm, which is a partially extant 19th century farmstead of a dispersed plan and formed of a cluster of buildings, a not uncommon farmstead type in the White Peak landscape. Across the farmstead there has been a partial loss (less than 50%) of the traditional farm buildings, indicating that this is a farmstead of high heritage potential. Brookside Farm is recorded within the Peak District Historic Buildings, Sites and Monuments Record (MPD12193). As such the farmstead, and its component traditional farm buildings, are considered to be a non-designated heritage asset.

17. The barn that is the subject of this application appears to be a small 19th century multifunction field barn, with a storage loft above and possibly livestock housing or other function below. It has been much altered over the course of the 19th and 20th century to respond to changing farming practices and needs, and has a 20th lean to extension. Such barns are typical and in occur in clusters in areas of intensive lead mining activity.

18. The core significance of this non-designated heritage assets lies in its:

- Traditional agricultural character – this demonstrates its agricultural origin and function of the building.
- Traditional materials – which are characteristic of the area and its landscape.
- It's surviving historic fabric – stonework, quoin stones, stone steps, the historic openings, blind west elevation, roof structure etc.
- The location, form and size of historic openings.
- The legibility of changes to the building over time from the surviving historic fabric.
- The relationship between the barn and the other buildings that form the historic farmstead, and the surrounding landscape.

19. Brookside Farm is also an area of archaeological interest. A number of earthworks, including a linear feature defined by banks c.7m wide and 0.25m high, which is cut by the 18th turnpike road, and therefore predates it, were recorded in the vicinity of Brookside Farm in a 2006 survey of Wardlow. The age, function and significance of these features is currently unknown, but they certainly have the potential to reveal archaeological evidence about earlier landscape use and human activity. Furthermore, one of the postulated routes of the 'The Portway' (MPD2303) a major medieval routeway that has Anglo-Scandinavian, or perhaps even prehistoric origins, traced in the modern landscape along green lanes, minor roads, footpaths and visible earthwork remains. These are poorly understood routes of archaeological features for which

much uncertainty remains in relation to their existence, form and precise locations.

Archaeological Impact of the development

20. The proposed conversion of the barn to a holiday let will result in changes to the historic fabric and character of the building, that will result in a minor harm to its significance. Any ground works associated with the development, including landscaping, for insertion of services, drainage, waste disposal and processing have the potential to encounter and damage archaeological remains relating to earlier use and development of the site, including the possible route of 'The Portway' and other features depicted in the 2006 archaeological survey. This would result in harm to the archaeological interest significance of the site.
21. Taking into account the significance of the heritage asset and the scale of the harm/loss, this harm can be appropriately mitigated by use of planning conditions. Therefore, should the proposals be considered acceptable from a Planning perspective, I advise that the archaeological impacts of the proposed development detailed above can be adequately addressed and mitigated through a conditioned scheme of building recording and archaeological monitoring. This would need to include:
22. A basic descriptive and visual record of the outbuilding prior to any alteration taking place to secure a permanent and publically accessible record of the building, its current character, architectural style, state of preservation and surviving historic fabric.
23. Archaeological monitoring of the external groundworks, including service and drainage works, waste disposal and processing, landscaping works etc. to ensure that any archaeological remains encountered are appropriately investigated, recorded and reported on.
24. This is in accordance with Para.199 of NPPF, which requires developers to record and advance the understanding of the significance of heritage assets to be lost (wholly or in part) in a manner proportionate to their significance and the impact of the development proposal, and for this to be made publically available.
25. PDNPA Ecology – No objections subject to condition.

Notes that a bat and bird survey has been completed for the above site which found no evidence of bats or birds, but a precautionary approach has been recommended. In addition, enhancement measures have been recommended. Suggests condition requiring that the recommendations in Section 5 of the Phase 2 Bat and bird activity survey report must be followed unless otherwise agreed in writing.
26. PDNPA Tree Officer – No objections or concerns.
27. Natural England – Initially raised no objections however after details of the packaged treatment plant emerged raised a holding response whilst impact upon the designated sites was considered. Further information on the plant has been provided to NE who now offer final comment in detail as follows (summarised);
28. Recommend that the drainage or infiltration system to deal with the effluent from the private sewage treatment is located such that the risk of phosphates within the effluent entering either surface or groundwater and hence reaching protected sites where phosphate is already a cause for concern, is minimised. Package treatment plants, do not as a rule treat the effluent for phosphates, and as a result it is generally accepted that phosphate will be discharged in the effluent at around 5-7mg/l. Research has

shown that phosphates can still be present in soils at depths of 1.5-2m beneath the point of discharge, and at a lateral distances of 25-30 m, even when the seepage is through soils or other substrates of appropriate type. The location and characteristics of the drainage field therefore need to take these distances into account if the risk to the local surface and groundwater systems, and any nearby freshwater dependant protected sites, is to be removed.

29. These minimum standards can be hard to meet in this limestone area, where soils are typically (but not universally) thin, and with porosity values at the lowest end of the acceptable range, suggesting rapid transfer of effluent, thereby making adequate soil depth even more important.
30. The nature of the geology in the White Peak, being fissured limestone, and the frequent outcrops of limestone at the land surface across the White Peak, taken together with its mining history and relict mine shafts and other features which connect the land surface to the underlying geology, make the siting of any sewage effluent discharge especially critical, as if any such features occur within the distances where the effluent phosphate is likely to reach, there is an increased risk of there being a hydraulic connection with the surface or groundwater systems.
31. We note the proposed drainage field is (to be) in a mounded area, in a part of the holding with deeper soils, at the furthest point from the protected sites boundary. The maximum depth of soil is still only 1.2m, and this is not achieved across the whole field. We therefore recommend additional mounding is incorporated into the design of the drainage field to increase the available soil depth for the absorption of phosphates.
32. The drainage system is located in a well vegetated garden area beyond the drainage field itself, which should provide reasonable opportunity for the phosphates in the discharge to bind with the soils as it moves laterally, especially given the 70m distance from the drainage field to the nearest point of the adjacent SSSI/SAC/National Nature Reserve.
33. We also acknowledge the distance which any phosphates not retained within the soils, and which are therefore at risk of entering the groundwater system, would have to travel through the limestone to reach the river Wye itself, which should give considerable scope for further attenuation before they reach the river, at a point which in any event would be at the very downstream end of the protected site boundary.
34. In view of the above, we consider the risks to the freshwater interests of the Peak District Dales SAC (which includes both Cressbrook Dale SSSI and the river Wye, a component of the Wye Valley SSSI) are significantly reduced, and we would therefore suggest that there is now sufficient information available for the Authority to complete their Habitats Regulations Assessment of the proposal.
35. DCC Flood Team – As this is a minor application the Lead Local Flood Authority (LLFA) have no formal comment to make and would refer the applicant to our informative notes

Representations

36. No representations have been received to date.

National Planning Policy Framework (NPPF)

37. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales: Which are; to conserve and enhance the natural beauty, wildlife and

cultural heritage and promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public. When national parks carry out these purposes they also have the duty to; seek to foster the economic and social well-being of local communities within the National Parks.

38. The National Planning Policy Framework (NPPF) has been revised (2019). This replaces the previous document (2012) with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In particular Paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
39. In the National Park, the development plan comprises the Authority's Core Strategy 2011 and the Development Management Policies (DMP), adopted May 2019. These Development Plan Policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. In this case, it is considered there are no significant conflicts between prevailing policies in the Development Plan and government guidance in the NPPF.

Main Development Plan Policies

Core Strategy

40. GSP1, GSP2 - *Securing National Park Purposes and sustainable development & Enhancing the National Park*. These policies 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.
41. GSP3 - *Development Management Principles*. 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.
42. DS1 - *Development Strategy*. Sets out that most new development will be directed into named settlements. Taddington is a named settlement.
43. L1 - *Landscape character and valued characteristics*. Seeks to ensure that all development conserves and enhances valued landscape character and sites, features and species of biodiversity importance.
44. Core Strategy policy L2 states that development must conserve and enhance any sites, features or species of biodiversity importance or geodiversity importance and where appropriate their setting and that other than in exceptional circumstances development will not be permitted where it is likely to have an adverse impact on such sites.
45. Core Strategy policy L3 requires that development must conserve and where appropriate enhance or reveal significance of archaeological, artistic or historic asset and their setting, including statutory designation and other heritage assets of international, national, regional or local importance or special interest.
46. Core Strategy policy RT2 says that proposals for hotels, bed and breakfast and self-catering accommodation must conform to the following principles:
 - A. The change of use of a traditional building of historic or vernacular merit to serviced or self-catering holiday accommodation will be permitted, except where it would create unacceptable landscape impact in open countryside. The change of use of entire

farmsteads to holiday accommodation will not be permitted.

B. Appropriate minor developments which extend or make quality improvements to existing holiday accommodation will be permitted.

47. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.

Development Management Policies

48. Policy DMC3 requires the detailed treatment of development to be of a high standard that respects, protects and where possible enhances the landscape, biodiversity and cultural heritage of the National Park. Particular attention will be paid to (amongst other things) scale, form and massing, design, details and materials, landscaping, amenity and the principles embedded in the design related Supplementary Planning Documents (SPD).
49. Development Management Policy DMC5 provides detailed advice relating to proposals affecting heritage assets and their settings, requiring new development to demonstrate how valued features will be conserved, as well as detailing the types and levels of information required to support such proposals. It also requires development to avoid harm to the significance, character, and appearance of heritage assets and details the exceptional circumstances in which development resulting in such harm may be supported.
50. Development Management Policy DMT8 states that off-street parking for residential development should be provided unless it can be demonstrated that on-street parking meets highways standards and does not negatively impact on the visual and other amenity of the local community. It notes that the design and number of parking spaces must respect the valued characteristics of the area, particularly in conservation areas.
51. Policy DMH7 says that extensions and alterations to dwellings will be permitted provided that the proposal does not detract from the character, appearance or amenity of the original building, its setting or neighbouring buildings or dominate the original dwelling, amount to the creation of an independent dwelling or harm the landscape or other valued characteristics of the National Park.
52. Development Management Policy DMC10 addresses conversion of heritage assets, permitting this where the new use would conserve its character and significance, and where the new use and associated infrastructure conserve the asset, its setting, and valued landscape character. It also notes that new uses or curtilages should not be visually intrusive in the landscape or have an adverse impact on tranquility, dark skies, or other valued characteristics.
53. Policies DMT3 and DMT8 require the provision of safe access and adequate off-street parking for residential development.
54. Policies DMC11 and DMC12 cover the safeguarding of designated conservation sites and link to the legislative provision to protect designated sites.
55. Policy DMC14 states that development that presents a risk of pollution or disturbance will not be permitted unless adequate control measures are put in place to bring the pollution within acceptable limits.

Supplementary Planning Documents

56. The Building Design Guide and its supplement The Peak National Park Building Design Guide set out the design principles to be employed in converting traditional buildings.

Assessment

The barn conversion

57. Policy RT2 supports the conversion of buildings to holiday accommodation only where they are traditional buildings of historic or vernacular merit.
58. This small two storey barn although not listed is nevertheless of historic interest. The supporting Heritage Statement explains that it is 'of historical value due to its age and the largely unchanged agricultural setting. It notes that it dates from at least 19th century and could date back even further. It further states that the regression of maps indicates that the building has been later modified with the lean-to extension. This lean-to is of some age dating from around the turn of the century but has a poor shallow form and is in a dilapidated condition, as well as incorporating openings and some materials in its fabric which are of little or no merit. The lean-to nevertheless is typical of such later extensions to farm buildings in the locality and is constructed of stone walls under a shallow corrugated iron roof in the local style.'
59. The main barn has retained its stone roofing slates to one slope with the other having been changed in the past to blue slate. The submitted heritage statement is clear that 'whilst the building has lost some significance through its deterioration, it does still possess a degree of significance in heritage terms and we therefore consider it to be a heritage asset that is worthy of conservation through a new use.' In this regard the principle of its reuse for holiday letting purposes is therefore considered to accord with adopted policy.
60. The original two storey barn is very small and the owner/applicant explains that its conversion alone would not be viable given the restoration costs as well as the fact that the space that would be provided without the lean-to would be inadequate for even a small one bed cottage. Without a viable use the barn will be lost and therefore on balance we accept the need to retain the lean-to for reasons of viability and space which also accords with the positive pre-application advice which supported retention. The principle of retaining the lean-to is therefore accepted.
61. The main issue in the proposal is therefore the impact of the conversion works upon the building and its setting. We have sought amended plans incorporating improvements to the lean-to and main barn to enhance the significance of both elements and to secure a high standard of design and detailing to accord with policy and design guidance.
62. Policy DMC10 makes it clear that conversions of heritage assets will only be permitted when the conversion would not adversely affect its character, such as when major rebuilding is required. The structural report summarises work that will be required and states that apart from localised rebuilding the main area of concern relates to the area of collapsing wall to the front of the lean-to above the doorway. The amended plans now propose to re-roof the whole of the main barn in stone slate, retain an authentic corrugated steel roof over the shallow lean-to roof and have simplified window and door joinery details. These plans now demonstrate a sensitive conversion scheme of the required high standard of design and reflect the Authority's published design guidance for conversions. Therefore, subject to conditions covering minor architectural design details, the conversion to a holiday let property would be compliant with policy RT2,

DMC10 and the Building Design Guide.

63. A condition limiting the use to short term holiday letting ancillary to Brookside Farm is required in this case because the barn sits within the domestic curtilage of the main dwelling, and the close relationship between the two would mean independent occupation would be highly likely to give rise to conditions prejudicial to each dwellings privacy and amenity.
64. Plans also show appropriate root protection fencing employed for the adjacent trees during any works.

The relocated main house access

65. The relocation of the main access is welcomed as an enhancement to both road and resident safety and is supported by the highway Authority. The two existing accesses will be closed off with natural stone walling and the verge reinstated upon completion of the new access. Subject to conditions to secure the closure, verge reinstatement and maintenance of visibility plays there are no objections to this aspect of the development.

The remodelled visitor access point

66. The existing agricultural access would be provided with an improved visibility splay toward the main road junction achieved by setting back the roadside wall for a short distance. The walls either side of the entrance are already curved into the site and the gate which is set back 5m from the highway edge. Behind this gateway a short section of driveway would contain a turning area and a single visitor parking space, all of which would be closed off from the main garden by a second gateway. Some garden trees/vegetation will be trimmed back to enable the visibility splays and one poor tree specimens is recommended for removal in the tree report. There are therefore no objections to the loss of this tree and given the many other trees and shrubs which line the garden boundary to the road, no additional or replacement planting is required.

Ecological considerations

67. A phase 2 bird and bat survey has been submitted which was carried out in optimal conditions but birds or bats were recorded in the buildings or using them despite bat foraging activity in the area. The barn has moderate to high number of features for crevice dwelling bats and low to moderate potential for nesting birds and negligible potential for barn owl.
- The report concluded no application for a bat license will be necessary, however work should be carried out during autumn winter to spring to avoid potential roosting bats. Mitigation in the form of 3 general purpose bat boxes and 5 bird nest boxes should be provided to enhance biodiversity prospects. These can be conditioned to be fixed within the site on buildings or trees. In addition the ecologist recommends lighting is kept to a minimum to avoid harming foraging activity. A condition to agree any external lighting is therefore required.

Impact of package treatment plant outfall upon SSSS SAC

68. Full details of the new package treatment plant and outfall to a drainage field within the site have been submitted alongside percolation test results. The site is on the limestone plateau and close to the designated conservation sites forming – The Peak District Dales SAC, Cressbrook Dale Nature Reserve and SSSI. Following consideration of this additional and expanded information Natural England have now withdrawn their holding response and consider that we have enough information along

with their advice to carry out a Habitats Regulations Assessment. This is included on the agenda as the proceeding item and concludes that the development is not likely to have a significant effect upon the designated sites.

Flood Risk

69. A flood risk assessment has been provided because the lower part of the site lies within flood zones 2 and 3, although the barn conversion itself is well outside and above the zones. The risk of flooding is therefore confined to the house and lower access improvement works. The relocated access would not increase risk and the existing means of escape for occupiers of the main dwelling would be to the higher ground around the barn. The mitigation for the house and visitors to the barn is that the owners are recommended to sign up to flood warning alerts.
70. In respect of the barn itself, this is 25m outside and 5m above the flood zone so no further analysis is required. Means of escape in flood events will remain the same as for the house owners and be egress onto the B6475 via the existing/remodelled access. DCC as local lead flood authority have raised no objections and refer to standard advice/informative to the developer/owner. There are therefore no objections on flood risk grounds.

Amenity Impact

71. The conversion is far enough away and on the other side of the farmhouse from the nearest neighbouring dwelling at the listed public house not to have any amenity impact upon neighbours. In terms of the setting of the listed pub, the overall impact would be neutral. As the new dwelling would be a restricted occupancy holiday dwelling under the control of the main house and sited away from it there are no concerns about the amenity of either occupiers. Sufficient space and separation exists between the two buildings will ensure a satisfactory relationship between the two and an appropriate small amenity space and parking area is to be provided for the barn conversion.

Environmental Management

72. An Environmental Management and Mitigation statement has not been provided to set out how the application would address policy CC1. Whilst the application would normally be refused for this reason, the scheme is acceptable in principle and we have had some discussion with the agent about the content for a suitable scheme. We strongly wish to see this building conserved and following further work the agent and applicant expect to finalise the content for submission in time for us to report verbally at the meeting. A condition is therefore suggested to secure final agreement in writing/adapt an appropriate scheme.

Conclusion

73. The amended scheme represents a sensitive conversion of this small barn to a holiday let which will secure a viable and beneficial use for the building securing its restoration and retention for the future. Subject to suitable conditions covering restriction to holiday use only in view of the amenity issues arising from its proximity to the main house and garden the proposal would comply with adopted conversion and design policies. Subject to conditions there are no concerns that the private treatment plant would cause any significant effect upon the nearby conservation sites and there are no concerns regarding flooding, neighbourliness, listed building or ecological grounds. Furthermore there are no objections on access or highway safety grounds to the amended scheme. Accordingly the application is recommend for approval.

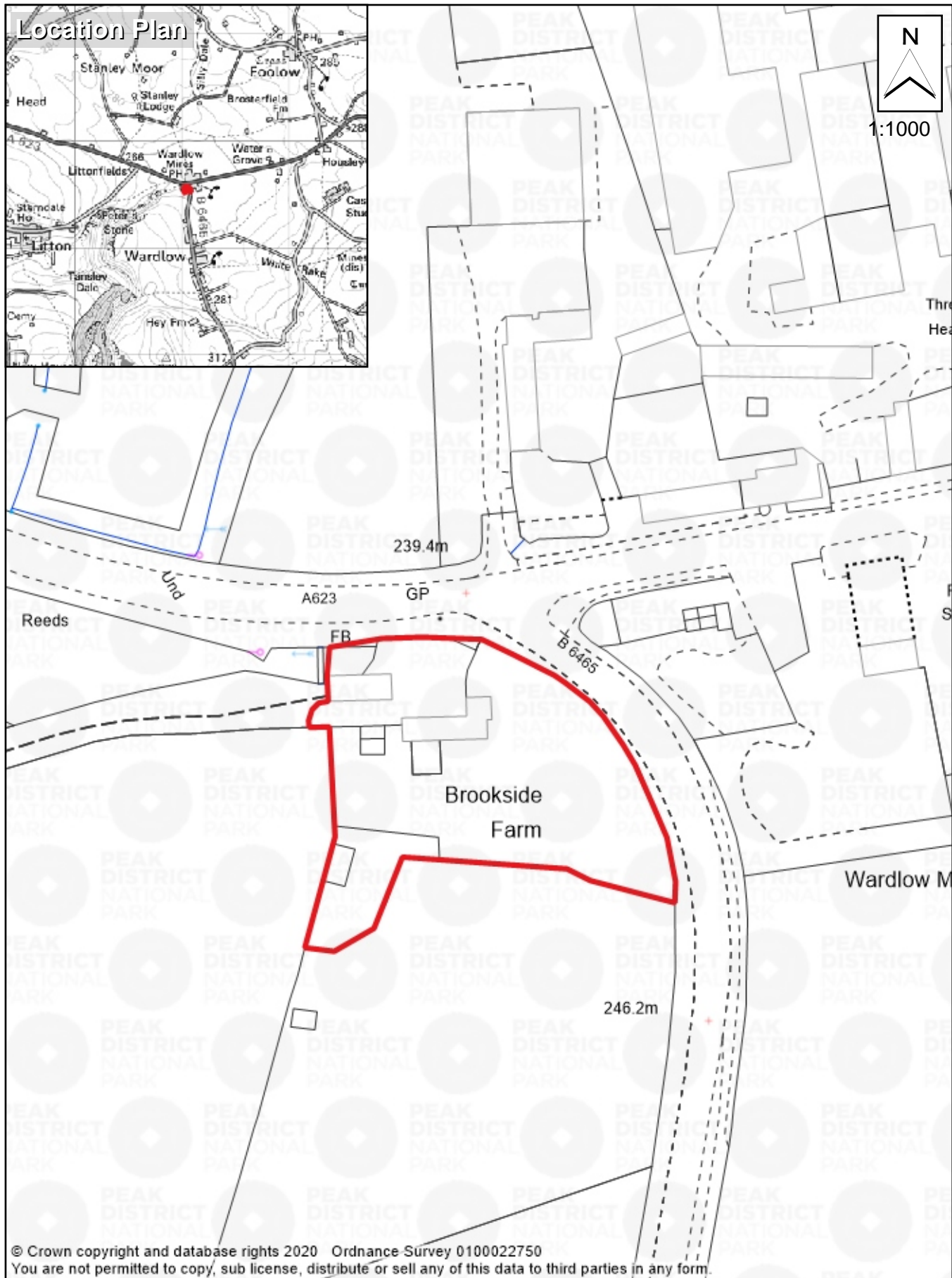
Human Rights


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

75. List of Background Papers (not previously published)

76. Nil

Report author: John Keeley, North Area Team Manager



Committee Date:	7th February	Title: Brookside Farm, Wardlow	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 11		
Application No:	NP/DDD/0319/0272		
Grid Reference:	418034, 375559		

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12. CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017: PROPOSED CONVERSION OF FORMER BARN TO HOLIDAY ACCOMMODATION AND ASSOCIATED WORKS TO ACCESS AND PARKING AREA, AND FORMATION OF NEW ACCESS TO BROOKSIDE FARM, UNNAMED SECTION OF A623 FROM MIRES LANE TO LONG LANE WARDLOW NP/DDD/0319/0272 (JK)

Summary

1. The planning application requires a new package treatment plant to deal with foul sewage from the proposed holiday unit. This outfall and drainage field would be sited within 100m of the Cressbrook Dale Special Area of Conservation (SAC). If a proposed plan or project is considered likely to have a significant effect on a protected habitats site (either individually or in combination with other plans or projects) then an appropriate assessment of the implications for the site, in view of the site's conservation objectives, must be undertaken. A potential risk has been identified of phosphate in the effluent leaching through the thin soils and down pathways in the underlying rock strata into groundwater and then into the river Wye. The assessment concludes that there is unlikely to be a significant effect upon the SAC. This is because of the distance of the drainage field from the designated site coupled with the intervening soil depths and underlying rock strata will likely ensure phosphate levels are considerably reduced from initial levels before they possibly enter the river; and then this would be at the lower end of the sensitive section of the river. For these reasons an appropriate assessment is not considered necessary.

Site and Surroundings

2. Brookside Farm is located at the junction of the A623 and the B6465 road up to Wardlow Village from Wardlow Mires. The property comprises a single two storey dwelling sitting within a large garden which is raised up at the rear of the house. On the south-western edge of this large garden is an old two storey limestone stone barn – Roost Barn. The building is currently in ancillary domestic use for keeping chickens and has a much later low pitched single storey limestone lean-to extension under a corrugated steel roof. The barn is small, with one room up and down with external stone steps to access the first floor.
3. The lower part of the site, the house and main access lie within flood zones 2 and 3. The barn is also close to Cressbrook Dale SSSI to the west which is part of the Peak District Dales SAC and the Derbyshire Dales National Nature Reserve (NNR (24m away), SAC and SSSI (approx. 60m).
4. A full planning application has been submitted to the Authority for the conversion of the barn to a one bed holiday cottage which requires a new package sewage treatment plant to be installed within the garden to deal with the foul sewage from the new dwelling unit. The outfall from the plant would discharge into a drainage field/soakaway within the garden soil bed.
5. Advice from Natural England and the additional information from the applicant's agent about the sewage plant and its outfall soakaway system provide the information we need to understand the potential impacts upon the designated sites.

RECOMMENDATION:

1. **That this report be adopted as the Authority's assessment of likely significant effects on protected habitat under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) in relation to the proposed conversion of Roost Barn to a single (restricted holiday occupancy) dwelling at Brookside Farm, Wardlow.**
2. **It is determined that the conversion is unlikely to have a significant effect on the Cressbrook Dale SAC. Thus redevelopment of the site is not considered to be contrary to the provisions of Regulation 61 and 62 of the Conservation of Habitats and Species Regulations 2017 (as amended) and the EU Habitats Directive and an Appropriate Assessment is not considered necessary.**

Key Issues

6. The UK is bound by the terms of the Habitats Directive (92/43/EEC). Under Article 6(3) of the Habitats Directive, an appropriate assessment is required where a plan or project is likely to have a significant effect upon a European Site, either individually or in combination with other projects in view of the European Site's conservation objectives. The Directive is implemented in the UK by the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). Cressbrook Dale SSSI falls within the Peak District Dales Special Area for Conservation (SAC) and therefore falls within the definition of a "European Site".
7. The conservation objective of this SAC are to ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the favourable conservation status of its qualifying features, by maintaining or restoring;
 - The extent and distribution of qualifying natural habitats and habitats of qualifying species The structure and function (including typical species) of qualifying natural habitats
 - The structure and function of the habitats of qualifying species
 - The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
 - The populations of qualifying species, and,
 - The distribution of qualifying species within the site.
8. The particular features reportable for Cressbrook Dale SSSI are:-
 - Dry grasslands and scrublands on chalk or limestone) (Festuco-Brometalia), (note that this includes the priority feature "important orchid rich sites")
 - Plants in crevices in base-rich rocks
 - Mixed woodland on base-rich soils associated with rocky slopes
 - White-clawed (or Atlantic stream) crayfish *Austropotamobius pallipes*
9. All planning applications which are not directly connected with, or necessary for, the

conservation management of a habitat site, require consideration of whether the proposed development is likely to have significant effects on that site. This consideration – typically referred to as the ‘Habitats Regulations Assessment screening’ – should take into account the potential effects both of the development itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, a competent authority, in this planning case the National Park Authority, must make an appropriate assessment of the implications of the development for that site, in view of the site’s conservation objectives. The competent authority may agree to the plan or project only after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site’s integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of overriding public interest and if the necessary compensatory measures can be secured.

10. Natural England has advised the Authority that, as a competent authority under the provisions of the Habitats Regulations, it should have regard for any potential impacts that a plan or project may have on a European site. In this case the designated site is the Cressbrook Dale Special Area of Conservation (CDSAC) which is also a National Nature Reserve and a Site of Special Scientific Interest. They have provided further information and advice incorporated into this report on the relevant concern which is whether the outfall from the required new domestic packaged sewage treatment plant arising from this small one bedroomed dwelling and in particular the risk of phosphates within the effluent reaching sensitive ground and surface waters so it is necessary to consider the significance of any potential effects from the proposed development.
11. In this particular case it is not thought appropriate to take the opinion of the general public in addition to the advice of Natural England.

Assessment

The Habitat Regulation Assessment Process

12. The Habitat Regulation Assessment (HRA) process involves several stages:
13. Stage 1 – Likely Significant Effect Test (Habitats Regulations Assessment screening)
Stage 2 – Appropriate Assessment
Stages 3 & 4 – Assessment of Alternative Solutions and Imperative Reasons of Overriding Public Interest Test.
14. Stage 1: This is essentially a risk assessment utilising existing data, records and specialist knowledge. This stage identifies the likely impacts of a project upon a European Site and considers whether the impacts are likely to be significant. The purpose of the test is to screen in or screen out whether a full appropriate assessment is required. Where likely significant effects cannot be excluded, assessing them in more detail through an appropriate assessment is required to reach a conclusion as to whether an adverse effect on the integrity of the site can be ruled out.
15. Stage 2: This is the “appropriate assessment” and this involves consideration of the impacts on the integrity of the European Site with regard to the conservation site’s structure and function and its conservation objectives. Where there are adverse effects an assessment of mitigation options is carried out. If the mitigation cannot avoid any adverse effect or cannot mitigate it to the extent that it is no longer significant, then development consent can only be given if an assessment of alternative solutions is successfully carried out or the Imperative Reasons of Overriding Public Interest (IROPI) test is satisfied.

16. Stage 3&4: If a project will have a significant adverse effect and this cannot be either avoided or mitigated, the project cannot go ahead unless it passes the IROPI test. In order to pass the test, it must be objectively concluded that no alternative solutions exist. The project must be referred to the Secretary of State on the grounds that there are Imperative Reasons of Overriding Public Interest as to why the project must proceed. Potential compensatory measures needed to maintain the overall coherence of the site or integrity of the European Site network must also be considered.

Impact Pathways

17. The development site is located less than 100m from the Cressbrook Dale SSSI, which is part of the extensive Peak District Dales SAC and the Derbyshire Dales National Nature Reserve. This location is also within the limestone catchment of the river Wye (itself also part of the SAC) where phosphate is already a cause for concern. This location requires any potential impacts upon the SAC to be considered under the Habitats Directive, and the UK Habitats Regulations.
18. In this instance, the potential risks are to the freshwater environment and come from the discharge of foul waste, and specifically its phosphate content, from the package treatment works effluent via its infiltration system and drainage field. The potential pathways of impact on the SAC being identified as being the risk of a hydrological connection to the Wye as the final discharge of foul waters percolate through the drainage field soils into the underlying limestone strata through the porous rock, any fissures and potentially any former mine workings that may exist in the area.
19. The applicant's agent has provided details of the Treatment Plant to be used along with the drainage field. The drainage field size takes into account the scale of use (a 1 bed holiday dwelling) and the percolation test rates and has been calculated to require to be 6.78m². It is shown to be sited as far away from the sensitive site as possible within the applicant's ownership and within an existing raised mound in the garden, formed from previous soil deposition. In this area the depth of soil for percolation is much greater (up to 1.2m thick) than the wider surrounding areas where soil cover is normally thinner over the underlying limestone bedrock.
20. Given the maximum depth of soil in the proposed drainage field is still only 1.2m, and this is not achieved across the whole drainage field, Natural England have recommended that additional mounding is incorporated into the design to increase the available soil depth for the absorption of phosphates from the effluent discharge. This can be achieved within the planning application via the recommended planning condition seeking submission, agreement and implementation of a detailed scheme before the dwelling is brought into use.
21. Raising the drainage field soils coupled with their location within a well vegetated garden area beyond the drainage field itself, should provide reasonable opportunity for the phosphate in the discharge to bind with the soils as it moves laterally, especially given the 70m distance from the drainage field to the nearest point of the adjacent SSSI/SAC/National Nature Reserve.
22. Any phosphates not retained within the soils and which are therefore at risk of entering the groundwater system, would have to travel through the limestone to reach the river Wye itself, which should give considerable scope for further attenuation before they reach the river, at a point which in any event would be at the very downstream end of the protected site boundary.
23. In view of the above, it is considered by Natural England and ourselves that the risks to the freshwater interests of the Peak District Dales SAC (which includes both Cressbrook

Dale SSSI and the river Wye, a component of the Wye Valley SSSI) are significantly reduced.

Conclusion

24. It is concluded at Stage 1 of the HRA, that the additional information supplied by the agent regarding the plant and drainage field, coupled with the suggested planning condition demonstrates that the proposed holiday dwelling, and more precisely, its foul sewage disposal system proposed in application No NP/DDD/0319/0272 is unlikely to have a significant effect on the integrity of the Peak District Dales SAC, the Cressbrook Dale NNR and SSSI. The application proposal is therefore not considered to be contrary to the provisions of Regulation 61 of the Conservation of Habitats and Species Regulations 2017 and the EU Habitats Directive and an Appropriate Assessment is not considered necessary.

Human Rights

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

List of Background Papers (not previously published)

Nil

Report Author: John Keeley, North Area Team Manager

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13. ASSESSMENT UNDER THE HABITAT REGULATIONS: DELEGATED AUTHORITY (JEN)

Proposal

1. The UK is bound by the terms of the Habitats Directive (92/43/EEC). Under Article 6(3) of the Habitats Directive, an appropriate assessment is required where a plan or project is likely to have a significant effect upon a European Site, either individually or in combination with other projects in view of the European Site's conservation objectives. The Directive is implemented in the UK by the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations).
2. All planning applications which are not directly connected with, or necessary for, the conservation management of a habitat site, require consideration of whether the proposed development is likely to have significant effects on that site. This consideration – typically referred to as the 'Habitats Regulations Assessment screening' – should take into account the potential effects both of the development itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, a competent authority, in this planning case the National Park Authority, must make an appropriate assessment of the implications of the development for that site, in view of the site's conservation objectives. The competent authority may agree to the plan or project only after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.

RECOMMENDATION:

That authority be delegated to the Chief Executive:-

- **To determine whether an appropriate assessment is required under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended)**
- **To carry out appropriate assessments under regulations 63 and 64 of the Conservation of Habitats and Species Regulations 2017 (as amended) including, without limitation, to require further information, to carry out consultations (and for that purpose to determine whether the opinion of the general public should be taken) and to have regard to any representations received.**

Assessment

The Habitat Regulation Assessment Process

3. The Habitat Regulation Assessment (HRA) process involves several stages:
4. Stage 1: Likely Significant Effect Test

Stage 2: Appropriate Assessment

Stages 3 & 4: Assessment of Alternative Solutions and Imperative Reasons of Overriding Public Interest Test.
5. Stage 1: This is essentially a risk assessment utilising existing data, records and specialist knowledge. This stage identifies the likely impacts of a project upon a European

Site and considers whether the impacts are likely to be significant. The purpose of the test is to screen in or screen out whether a full Appropriate Assessment is required. Where likely significant effects cannot be excluded, assessing them in more detail through an appropriate assessment is required to reach a conclusion as to whether an adverse effect on the integrity of the site can be ruled out.

6. Stage 2: This is the appropriate assessment and this involves consideration of the impacts on the integrity of the European Site with regard to the conservation site's structure and function and its conservation objectives. Where there are adverse effects an assessment of mitigation options is carried out. If the mitigation cannot avoid any adverse effect or cannot mitigate it to the extent that it is no longer significant, then development consent can only be given if an assessment of alternative solutions is successfully carried out or the Imperative Reasons of Overriding Public Interest (IROPI) test is satisfied.
7. Stage 3 & 4: If a project will have a significant adverse effect and this cannot be either avoided or mitigated, the project cannot go ahead unless it passes the IROPI test. In order to pass the test, it must be objectively concluded that no alternative solutions exist. The project must be referred to the Secretary of State on the grounds that there are Imperative Reasons of Overriding Public Interest as to why the project must proceed. Potential compensatory measures needed to maintain the overall coherence of the site or integrity of the European Site network must also be considered.

Conclusion

8. If, following advice from Natural England, it is possible to screen out the requirement for appropriate assessment at Stage 1 then the development could proceed. If this is not possible then the development must be subject to appropriate assessment as set out above. It is proposed that these stages are delegated to officers. Where the mitigation proposed cannot avoid or mitigate effects and Stage 3 and 4 are invoked then it is proposed that authority is not delegated and these matters would be brought to Planning Committee for wider consideration of the Imperative Reasons of Overriding Public Interest test.

Human Rights

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

List of Background Papers (not previously published)

Nil

Report Author: Jane Newman Head of Development Management

14. 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/DDD/0918/0867 3236664	Erection of Double Garage Coach House, Slaley, Bonsall	Written representation	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/SM/1118/1061 3237817	Agricultural building to house and feed livestock at Hardingsbooth Farm, Longnor	Written Representations	Dismissed	Delegated

The Inspector considered that the proposal would be a dominant feature in a prominent location, and would not relate well to the natural and irregular undulations of the surrounding area, so would result in harm to the landscape and scenic beauty of the national park. The appeal was therefore dismissed.

ENF 16/0022 3235604	Construction of unauthorised agricultural building to the north side of Main Road, Taddington	Written Representations	Dismissed	Delegated
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The Inspector considered that although the applicant was waiting to be granted planning permission for the unauthorised development, there was no certainty that this would be given, so the Inspector considered that the complete removal of the building, including the foundations and footings would remedy the breach of planning control. The Inspector did however agree that a period of three months more reasonable to comply with the notice, so varied the enforcement notice to take this in account. The appeal was dismissed and the enforcement notice was upheld.

4. RECOMMENDATION:

To note the report.

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