

# Public Document Pack

**Peak District National Park Authority**

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



Our Ref: A.1142/2405

Date: 27 February 2020



## NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 6 March 2020**

Time: **10.00 am**

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

SARAH FOWLER  
CHIEF EXECUTIVE

## AGENDA

1. **Apologies for Absence**
2. **Minutes of previous meeting of 7 February 2020** (*Pages 5 - 18*)
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. **S.73 Application - Removal or variation of conditions 2, 4 and 15 on NP/DDD/0713/0582 at Rockmill Business Park, The Dale, Stoney Middleton (NP/DDD/1219/1344 AM)** (*Pages 19 - 38*)  
Site Plan
7. **Full Application - Erection of storage container 2M X 4M and storage workshop 4M X 4M. Compost toilet 1.5M X 1.5M at Lamb Quarry Conservation Site, Hayfield Road, Chinley (NP/HPK/0719/0717 SPW)** (*Pages 39 - 48*)  
Site Plan

8. **Full Application - Change of use of restaurant/takeaway and storage building and reconfiguration of 4no.existing flats, including an extension to create 5no residential apartments at 93 Castleton Road, Hope (NP/HPK/1019/1159, JF) (Pages 49 - 60)**  
Site Plan
9. **Householder Application - Underground garage/workshop to replace existing temporary wooden structures at Slaley Hall Cottage, Leys Lane, Slaley (NP/DDD/1119/1248, SC) (Pages 61 - 68)**  
Site Plan
10. **Full Application - Single storey rear lean-to extension at Willow Croft, Dirty Lane, Great Hucklow, Derbyshire, SK17 8RG (NP/DDD/1219/1324) JF (Pages 69 - 76)**  
Site Plan
11. **Full Application - Proposed 2 storey rear extension and associated works at The Lee, Post Office Row, Litton (NP/DDD/1219/1318) JK (Pages 77 - 88)**  
Site Plan
12. **Full Application - Single storey rear extension at 2 New Edge View, Smalldale, Bradwell NP/1219/1286) JK (Pages 89 - 98)**  
Site Plan
13. **Full Application - Installation of an environmentally friendly, outdoor bench, area of land approx. 900M to the south of Ilam on the eastern side of Blore Road, Ilam (NP/SM/0120/0004 JEN) (Pages 99 - 104)**  
Site Plan
14. **Peak District National Park Authority Residential Annexes Supplementary Planning Document - Consultation Document (AB) (Pages 105 - 136)**  
Appendix A
15. **Approval of Leekfrith Neighbourhood Plan to submit for referendum (AM) (Pages 137 - 144)**
16. **Head of Law Report - Planning Appeals (A.1536/AMC) (Pages 145 - 146)**

## **Duration of Meeting**

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

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

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

### **Agendas and reports**

Copies of the Agenda and Part A reports are available for members of the public before and during the meeting. These are also available on the website [www.peakdistrict.gov.uk](http://www.peakdistrict.gov.uk).

## Background Papers

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

## Public Participation and Other Representations from third parties

Anyone wishing to participate at the meeting under the Authority's Public Participation Scheme is required to give notice to the Director of Corporate Strategy and Development to be received not later than 12.00 noon on the Wednesday preceding the Friday meeting. The Scheme is available on the website [www.peakdistrict.gov.uk](http://www.peakdistrict.gov.uk) or on request from Democratic Services 01629 816362, email address: [democraticservices@peakdistrict.gov.uk](mailto:democraticservices@peakdistrict.gov.uk).

## Written Representations

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

## Recording of Meetings

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

The Authority uses an audio sound system to make it easier to hear public speakers and discussions during the meeting and to make a digital sound recording available after the meeting. From 3 February 2017 the recordings will be retained for three years after the date of the meeting.

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

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

## To: Members of Planning Committee:

Chair: Mr 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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Aldern House, Baslow Road, Bakewell, Derbyshire. DE45 1AE



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## MINUTES

Meeting: **Planning Committee**

Date: Friday 7 February 2020 at 10.00 am

Venue: Conference Room, Agricultural Business Centre, Bakewell

Chair: Mr R Helliwell

Present: Cllr D Birkinshaw, Cllr W Armitage, Cllr P Brady, Cllr M Chaplin, Cllr D Chapman, Cllr A Gregory, Cllr I Huddleston, Cllr A McCloy, Cllr Mrs K Potter, Miss L Slack and Mr K Smith

Apologies for absence: Mr P Ancell, Cllr A Hart and Cllr G D Wharmby.

### 11/20 MINUTES OF PREVIOUS MEETING

The minutes of the last meeting of the Planning Committee held on the 10 January 2020 were approved as a correct record.

### 12/20 URGENT BUSINESS

There were no items of urgent business.

### 13/20 MEMBERS DECLARATIONS OF INTEREST

#### Item 6

It was noted that the Authority was the owner of Brosterfield Caravan Park. The application was contentious and the authority had already made management decisions about the site. To assist Members, the Democratic Services Manager had circulated 3 options advising Members of the possible stances they might take in respect of declaring interests and participating in the meeting. The Members declared which option they would follow:-

Mr R Helliwell, Cllr W Armitage, Cllr M Chaplin, Cllr A Gregory, Cllr I Huddleston, Ms L Slack, Mr K Smith declared that they had not previously been involved in Member decisions on the acquisition and development of the site and therefore come to the meeting with an open mind.

Cllr D Chapman, Cllr D Birkinshaw, Cllr P Brady, Cllr A McCloy and Cllr K Potter declared that they had previously been involved on Member decisions on the acquisition and development of the site but intend to come to this meeting with an open mind taking into account all the relevant planning issues presented to the Committee.

No Members declared that they had previously been involved in Member decisions on the acquisition and development of the site and did not feel able to come to the matter with an open mind so would take no part in the discussion or voting on this item.

It was noted that all Members knew Cllr C Furness, who had given notice to speak as a Member of the Authority.

Most Members had received emails/letters from Dr Owens, Mr G Nancolas and Mr A Tickle

Cllr D Chapman declared a personal interest as he knew Ms A Robinson, as did Cllr K Potter who was also a member of CPRE.

Mr K Smith declared a personal interest as he knew Mr J Youatt

The Director of Conservation and Planning declared a non-prejudicial interest. He stated that he had been employed by the Authority in 1998. He had also been employed by Mr Molyneux, an adjoining landowner, and Mr Vickers, a local resident in his capacity as a planning consultant to act on the lawful development certificate appeal. . He said that he had not been employed by the Authority at the time of the appeal. The Director said that he would advise the Committee on procedure and not on the planning merits of the application.

Item 8

It was noted that the Authority is the owner of Millers Dale Station.

Item 9

It was noted that all Members knew Mrs C Waller, wife of the applicant as a Member of the Authority

Most Members had received emails/letters from Mrs C Gascoigne and Ms C Wilde

Miss L Slack had received an email from Ms L Connell

Cllr A Gregory, is Ward Councillor for the application site and had received a telephone call from Mrs C Waller, but did not discuss any details of the proposal.

Item 10

Cllr P Brady declared a personal interest as his son-in-law is a member of Winster Parish Council, but had not discussed the application.

## **14/20 PUBLIC PARTICIPATION**

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

## **15/20 CHAIRS ANNOUNCEMENT**

The Chair welcomed Cllr A Gregory as a Member to his first Planning Committee.

**16/20 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**

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

The North Area Team Manager introduced the report and updated Members that since the report had been published a further 8 representations had been received, but that they raised no additional planning matters to those already in the report. He also updated Members on some minor amendments to the following conditions.

Conditions 4, 7, 9, 10 & 15 to replace the wording National Park Authority with Local Planning Authority.

Condition 18, remove the word “or” so the condition reads “Restrict use of site to touring caravans and tents only.

Condition 19, to remove the word “or” so the condition reads “The number of pitches for touring caravans and tents on the site on any day shall not exceed the following:”

Condition 19a, to remove the word “or” and add the word “touring” so the condition reads “Between 31 March (or Good Friday if earlier than 31 March) and 31 October inclusive – 30 touring caravans and tents.

Condition 19b, to remove the word “or” and add the word “touring” so the condition reads “Between 31 March (or Good Friday if earlier than 31 March) and 31 October inclusive – 50 touring caravans and tents.

Condition 21, to be amended to read “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. In the event that the site is not open and available to the public for more than 30 days then the caravan will be removed.

The North Area Team Manager described the site and the application. He said the Highway Authority had not responded, but it had no objections to the previous application.

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

- Cllr C Furness, Member – Objector
- Ms K Edwards, Objector
- Mrs E Nancolas, Objector
- Mr J Youatt, Objector
- Mr G Nancolas, Objector
- Mr S Wills, Objector
- Ms J Vickers, Objector
- Mr A Marsden, Objector
- Mr D Martin, Objector
- Mr H Folkard, Objector
- Mrs J Wills, Objector
- Dr P Owens, Objector
- Ms A Robinson, Friends of the Peak District & CPRE South Yorkshire, Objector
- Mr S Wills, Chair, Foolow Parish Meeting, Objector
- Mr C Manby, on behalf of Applicant

Some Members were concerned about the landscape impact of the new access and about traffic impacts on amenity in the Foolow area that could arise. The scheme was considered to be an improvement on the previous permission granted in 1998 and Members noted that the site was well screened.

A Member stated that this was a site with an existing planning permission for static caravans. That permission was faulty in that it was not originally intended to be for static caravans. This application has a lot of pluses and enhanced the existing permission position. This application, if granted represented a significant planning gain.

Members also requested that extra conditions be added to include the repair and maintenance of the drystone walls, schemes for installation of cattle grids, installation of means to prevent vehicles egressing into the field and an agreed planting scheme under the electric wires. It was also suggested that the Warden's caravan would be better placed nearer to the amenity building and a scheme should be required to be submitted for that.

The Officer recommendation to approve the application, subject to the changes to the conditions was moved, seconded, put to the vote and carried.

**RESOLVED:**

**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 Local Planning 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 Local Planning 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 Local Planning Authority.
10. No lighting shall be installed other than in accordance with a scheme submitted to and approved in writing by the Local Planning 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 Local Planning 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 tents only.
19. The number of pitches for touring caravans and 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 touring caravans and 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 touring caravans and tents.
  - c) At any other time – 20 touring caravans and 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. In the event that the site is not open then the caravan will be removed.

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.
24. That the drystone walls to be repaired prior to any caravans being brought onto the site and thereafter maintained.
25. Scheme to be submitted for the relocation of the wardens caravan to a location nearer to the amenity block.
26. Scheme to be submitted and approved prior to use of the site for caravans and tents for installation of cattle grids on the access road.
27. Scheme to be submitted and approved prior to use of the site for caravans and tents for the means to prevent vehicles egressing into the field.
28. Scheme to be submitted and approved prior to use of the site for caravans and tents for planting schemes under the electric wires.

Cllr Kath Potter asked that her vote against this decision be recorded.

**17/20 FULL APPLICATION: TWO STOREY DETACHED RESIDENTIAL UNITS TO EXISTING CARE HOME AT THE LODGE, MANCHESTER ROAD, HOLLOW MEADOWS**

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

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

- Mr C Canello, Applicant

Members considered that the development fell outside a named settlement in the open countryside within the National Park and was therefore contrary to policy.

Members requested that the wording of the refusal in Condition 1 should be amended to read that "The erection of residential accommodation as part of a community facility is contrary to Core Strategy policies, DS1, HC1 and HC4"

The recommendation for refusal was moved, seconded, put to the vote and carried.

**RESOLVED:**

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

1. The erection of residential accommodation as part of a community facility is contrary to Core Strategy policies DS1, HC1 and HC4, 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.

*A motion to continue the meeting beyond three hours was put to the vote and carried.*

Cllr A McCloy left the meeting at 13:10.

The meeting was adjourned at 13:10 for a lunch break and reconvened at 13:40

Chair: Mr R Helliwell

Present: Cllr D Birkinshaw, Cllr W Armitage, Cllr P Brady, Cllr M Chaplin,  
Cllr D Chapman, Cllr A Gregory, Cllr I Huddleston, Cllr K Potter,  
Miss L Slack, Mr K Smith

**18/20 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**

As there were no speakers registered for Item 8, the Chair brought forward Items 9 & 10 for consideration as the speakers had arrived for those items.

The Head of Development Management introduced the report and informed Members that since the report had been published, 2 further letters of objection had been received. Members were also reminded that this item had been considered at the Committee in June 2019, and Committee were minded at that time to approve the application, but the item was deferred under Standing Orders as the application was a departure from Policy. Members also tasked the applicant to supply further information with regard to the business arrangements, as well as how the business contributed to the National Park purposes.

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

- Mrs C Waller (not present) – Statement read out by the Chair
- Dr Owens, Objector
- Mr M Waller, Applicant

Members considered that the application reason for deferment had not been answered and that the end result would not be line with our policies or Design Guide.

The Officer recommendation to refuse the application was moved, seconded, put to the vote and carried.

**RESOLVED:**

**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**

Cllr K Potter left the meeting at 14:40.

**19/20 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**

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



The Senior Planner introduced the report and informed Members that since the report had been published, a further 15 letters of representation had been received, 1 in support and 14 objecting. No new planning issues had been raised.

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

- Mrs M Roper, Objector
- Mr P Brown on behalf of the applicant

The Officer recommendation to refuse the application was moved, seconded, put to the vote and carried.

**RESOLVED:**

**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.**

**20/20 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**

The North Area Team Manager introduced the report in conjunction with Item 11 and explained that where it was felt that a proposed project was considered to have a significant effect on a protected habitats site, then an appropriate assessment of the implications must be undertaken.

The Officer reported that it was concluded that an assessment under the Habitat Regulations was not needed as the distance of the drainage field from the designated site would ensure that the phosphate levels would be considerably reduced before they entered the river, and would not have a significant impact on the Cressbrook Dale Special Area of Conservation.

The Officer recommendation to approve the recommendation was moved, seconded, put to the vote and carried.

**RESOLVED:**

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.

**21/20 FULL APPLICATION: CONVERSION OF FORMER BARN TO HOLIDAY ACCOMMODATION AND ASSOCIATION 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**

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

The Planning Officer had introduced the report in conjunction with Item 12, and updated Members that since the report had been published an Environmental Management Scheme had now been received.

Members requested that additional conditions be added regarding the re-use of the existing stone lintels, and that the air source heat pump and solar panels be brought into use before the holiday accommodation is occupied.

The Officer recommendation to approve the application, subject to additional conditions, was moved, seconded, put to the vote and carried.

**RESOLVED:**

**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.**
20. **A scheme to be submitted prior to removals of the lintels for re-use where possible, and details of any replacements**

necessary

21. That the air source heat pump and solar panels be brought into use before the accommodation is occupied.

**22/20 S.73 APPLICATION: REMOVAL OR VARIATION OF CONDITION 4 IMPOSED UPON NP/HPK/1118/1010 AT MILLERS DALE STATION, MILLERS DALE**

The Planning Officer introduced the report which was to agree an amendment to the approved plans to change the approved solar photovoltaic slates to photovoltaic panels, due to problems securing a supplier for the slates.

The Officer recommendation to approve the application was moved, seconded, 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, 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.

**23/20 ASSESSMENT UNDER THE HABITAT REGULATIONS: DELEGATED AUTHORITY**

The Head of Development Management informed Members that the proposal was that the of the delegated powers to make a Stage 1 and Stage 2 of the Habitat Regulations assessment be delegated to the Chief Executive,, although it is proposed that these stages would be delegated to Officers.

If there was a project that had serious public objections or that had significant impacts that could not be mitigated in Stages 3 & 4, these matters would be not delegated but brought to Planning Committee for wider consideration.

The Officer recommendation was moved, seconded, put to the vote and carried.

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**RESOLVED:**

**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.**

**24/20 HEAD OF LAW REPORT - PLANNING APPEALS**

Members considered the report on appeals lodged, withdrawn and decided during the last month

**RESOLVED:**

**That the report be received.**

The meeting ended at 3.35 pm

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**6. S.73 APPLICATION – REMOVAL OR VARIATION OF CONDITIONS 2, 4 AND 15 ON NP/DDD/0713/0582 AT ROCKMILL BUSINESS PARK, THE DALE, STONEY MIDDLETON, (NP/DDD/1219/1344 AM)**

**APPLICANT: MR COLIN HALL**

**Summary**

- This application seeks to vary planning conditions to change the type of tourist accommodation within the Rockmill Building and proposes various design amendments.
- The type of accommodation proposed within the Rockmill building is serviced holiday apartments which fall within Use Class C3 (dwelling house) and not a hotel or aparthotel falling within Use Class C1 (hotels).
- Policy requires that self-catering holiday apartments must be subject to a holiday occupancy condition. Therefore if permission is granted it would be necessary to vary the occupancy condition imposed upon the Rockmill building accordingly. However, the applicant has stated that he will not accept a holiday occupancy condition.
- The applicant has stated that he will not enter into a planning obligation requiring the Rockmill building and Cupola building to be developed concurrently. We consider that it is necessary for a planning obligation to secure the delivery of both elements of the scheme. Without this, the development would not secure the public benefits offered by the scheme as a whole.
- The proposals are contrary to the development plan and are recommended for refusal.

**Site and Surroundings**

1. The Rockmill Business Park complex forms part of the group of industrial premises along the southern side of The Dale, some 390m beyond the confines of Stoney Middleton village. The site is adjacent to the south side of the A623, the main Chesterfield/Baslow/Chapel-en-le Frith Road. The buildings are at the foot of the steep sided valley, 'The Dale' which runs westwards from Stoney Middleton village with the A623 running along the valley floor. The existing buildings at Rockmill are mainly single-storey, with a small two-storey section at the eastern end.
2. A narrow brook runs eastwards between the site and the road. This land immediately adjacent to the brook is within Flood Risk Zone 3. Vehicular access into the site is via a bridge over the brook. To the south of the building complex the land rises steeply. Within this area of steeply sloping valley, side there is a small cave entrance, which is situated 51m south-west of the building complex and outside of the application site boundary.
3. The 'Cupola' site is situated 45m to the east of the main site and separated from it by an intervening business, which is in separate ownership. The second site is occupied by a flat-roofed two-storey office building with its own bridge access over the brook to the A623.
4. For the purposes of this report, the accommodation building site will be described as the 'Rockmill site' (and Rockmill building) and the heritage building site will be described as the 'Cupola site' (and Cupola building).

## **Proposal**

5. This application has been submitted under section 73 of the Town and Country Planning Act 1990. It seeks the variation or removal of planning conditions imposed on planning permission NP/DDD/0616/0564 which granted planning permission for an amended scheme to re-develop the business park to create a “*heritage centre with craft shop / café with associated retailing, two tied worker accommodation units, tourist accommodation space, training room / community facility, café and office space*” (originally approved under application NP/DDD/0713/0582).
6. The application proposes to vary planning conditions 2, 4 and 15.
7. Planning condition 2 specifies the approved plans for the development.
8. Planning condition 4 restricts the approved uses in both buildings to the areas shown on the floor plans.
9. Planning condition 15 states that the uPVC windows shall be vertical sliding sash window frames and requires the frames to be installed in accordance with the details that have been approved.
10. A revised set of application drawings have been submitted. These include revised plans and elevation drawings for the accommodation building on the Rockmill site and the heritage centre on the Cupola site and a revised site plan for the whole development.

## **Proposed changes to Rockmill building**

11. The application proposes to change the accommodation and facilities within the building. The plans show the previously approved café, restaurant, kitchens, food stores, office and staff rooms on the ground floor of the building have now all been removed. Apartments are now proposed on all floors rather than conventional hotel rooms. The application describes the accommodation as an aparthotel.
12. 49 apartments are proposed within the building, over all four floors. These comprise 43 single bedroom apartments and 6 double bedroom apartments. Each apartment would include bedroom(s), living space, kitchen and bathroom. The size of the apartments would range from 21 to 65 square metres with the majority between 30 to 45 square metres. The bedroom / living space within the smaller apartments would be within a single room, whereas separate bedrooms would be provided in the larger apartments. The ground floor apartments would have private external patio areas separated by privacy screens.
13. A central entrance lobby and lounge would be provided at ground floor. The eastern side of the room would have a folding door system to create a 28 square metre area for use by the local community. The applicant states that a ‘coffee shop’ would be located in the west side of the room with facilities to provide drinks and snacks.
14. Access to the apartments would be via internal corridors off the entrance lobby or accessible by a staircase and lift. A laundry / staff kitchen and a set of individual toilets would be provided on the ground floor along with a locker / bicycle store.
15. The plans also propose a change to the external appearance of the building which is not a “non-material amendment”. Externally glazed balconies are proposed to the rear elevation with sets of doors replacing windows where a balcony or patio area is proposed. Alterations are also proposed to window and door openings at ground floor. Roof lights



are proposed to the side elevations of the central gable element to provide light into accommodation in the roof space.

#### Proposed changes to Cupola building

16. The internal layout of the heritage centre is amended. At ground floor, the position of the kitchen is changed but the overall type size and type of uses is unchanged.
17. Outer folding doors are proposed to the approved terrace area to the rear of the managers' residential accommodation units. This would mean that the approved terrace would become additional living space, increasing the size of each unit by 21 square metres. The proposed doors would also provide access to the land to the rear of the accommodation.
18. Other minor changes to the elevations are proposed including solar panels to the front roof light strip and for the side elevations of the rear dormer window to be cladding rather than glazed.

#### Proposed changes to site plan

19. The existing access to the Rockmill building would be retained and the position of the footbridge and crossing would be amended. Four parking spaces are proposed to the front of the building. The total number of parking spaces in the Rockmill car park would be reduced from 100 to 97 (with an additional four spaces for disabled visitors).
20. A covered bicycle store is shown to the side of the Rockmill building and an area of drystone walling to the rear.
21. The access to the Cupola building is amended with a public footpath and dropped kerb / tactile paving shown. Solar slates are shown to the roof of the terrace to the rear of the building.

#### **RECOMMENDATION:**

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

1. **The application proposes to change the type of accommodation within the Rockmill building to serviced holiday apartments, which fall within Use Class C3. Development Management policy DMR3 requires self-catering accommodation to be subject to 28 day holiday occupancy condition where the property is unsuitable as a full-time residence.**

**The creation of unrestricted residential apartments would be wholly contrary to the Authority's adopted housing policies, which only allow new housing in exceptional circumstances, as set out by Core Strategy policy HC1. Furthermore, unrestricted holiday apartments would be likely to be occupied on a permanent or semi-permanent basis as second homes, which would provide substantially less public benefit to the local area than tourists staying for shorter periods.**

**The applicant has stated that a holiday occupation condition will not be accepted. Therefore, the development is contrary to Core Strategy policy GSP1, DS1, HC1 and RT2, Development Management policy DMR3 and the National Planning Policy Framework.**

**The development was considered acceptable on the basis that the development of the tourist accommodation within the Rockmill building and heritage centre within the Cupola building would together bring significant public benefits to justify the grant of planning permission as an exception to our development plan policies.**

- 2. The applicant has stated that they will not enter into a planning obligation to ensure that the Rockmill building and Cupola building are developed concurrently.**

**The Authority considers that it is necessary for a planning obligation to secure the delivery of both elements of the scheme. In the absence of a mechanism to achieve this the development would not secure the public benefits that justified approval of the development contrary to Core Strategy policy GSP1, GSP2 and GSP4 and the National Planning Policy Framework.**

- 3. Changes to the rear fenestration do not reflect the local building tradition and would create and incongruous domestic appearance contrary to policy GSP3 and DMC3.**

### **Key Issues**

- What is the nature of the proposed tourist accommodation.
- Whether it is necessary for the proposed tourist accommodation to be subject to a holiday occupation condition.
- Whether it is necessary for a planning obligation to require that the erection of the two approved buildings is developed concurrently.
- Whether the proposed design amendments are acceptable.

### **Relevant planning history**

2013: NP/DDD/0811/0774: Outline planning permission granted conditionally for Re-development of business park to create heritage centre with cafe/community facility, craft/work units, craft shop with associated retailing, tourist accommodation with underground carparking. Planning permission was granted subject to a 28 day holiday occupancy condition.

2016: NP/DDD/0713/0582: Full planning permission granted conditionally for re-development of business park to create - heritage centre with craft shop / café, with associated retailing, two tied worker accommodation units, tourist accommodation space, training room/community facility, café and office space.

Planning permission was granted subject to planning conditions and a planning obligation (S.106 legal agreement) requiring the accommodation centre and heritage centre to be developed concurrently, provision of community space, highway works and control of occupancy of the worker accommodation units.

2016: NP/DDD/0616/0564: Application to vary or remove conditions imposed upon NP/DDD/0713/0582 granted conditionally.

The scheme included variations to the external appearance of the buildings, and an increase in floor space for both buildings for ancillary uses. The layout of the accommodation building was also changed to provide 71 bedrooms.

2016: NP/DDD/0616/0565: Full planning permission granted conditionally for bridge widening to accommodate coach drop off.

2017: NP/DIS/0517/0556: Application to discharge conditions imposed upon NP/DDD/0517/0556.

2017: NP/DDD/0317/0227: Application for landscaping work including formation of paths to link the heritage and accommodation centres to the quarry path. Application has not determined and is still live.

### **Consultations**

Highway Authority – The conditions were not imposed at the Highway Authority's request and therefore make no comment. Previous comments, conditions and notes relating to the original application continue to apply.

District Council – No response to date.

Parish Council – No objection.

Environment Agency – The conditions were not requested by the Environment Agency and therefore make no comment.

PDNPA Ecology – No response to date.

### **Representations**

No representations have been received to date.

### **Main Policies**

Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, DS1, L1, L2, RT1, RT2, CC1 and HC1

Relevant Development Management policies: DMC1, DMC3, DMC4, DMC11, DMC12, DMC13, DMC14, DMC15, DMR3, DMT3, DMT6, DMT8, DMU1 and DMU2

### **National Planning Policy Framework**

22. The development plan comprises the Core Strategy 2011 and the Development Management Policies 2019. These provide are consistent with the National Park's statutory purposes and are up-to-date and in accordance with the National Planning Policy Framework (NPPF). We should therefore give our policies full weight in the determination of this application.
23. Paragraph 172 of the NPPF says 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. 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.
24. Paragraph 172 of the NPPF continues that the scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
  - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
  - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
25. Paragraph 77 of the NPPF says that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities 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.
26. Paragraph 78 of the NPPF says that 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.
27. Paragraph 83 of the NPPF says that planning decisions should enable:
- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
  - b) the development and diversification of agricultural and other land-based rural businesses;
  - c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
  - d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.
28. Paragraph 54 of the NPPF says that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
29. Paragraph 55 of the NPPF says that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.
30. Paragraph 56 of the NPPF says that planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and

- c) fairly and reasonably related in scale and kind to the development.

#### Core strategy

31. GSP1 says that all development must be in accordance with the National Park's legal purposes and duty. Where there is irreconcilable conflict between the statutory purposes the Sandford Principle will be applied and the conservation and enhancement of the National Park will be given priority. GSP1. E. says that major development should not take place within the National Park other than in exceptional circumstances. Major development will only be permitted following rigorous consideration of criteria in national policy.
32. GSP3 says that development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to: impact on the character and setting of buildings; scale of development; siting, landscaping and building materials; design in accordance with our Design Guide; form and intensity of use; impact on access and traffic levels; use of sustainable modes of transport; use of sustainable building techniques and adapting to and mitigating the impact of climate change.
33. GSP4 says to aid achievement of its spatial outcomes, we will consider the contribution that a development can make including where consistent with government guidance, using planning conditions and planning obligations.
34. DS1 says that the majority of new development will be directed into Bakewell and the named settlements where there is additional scope to maintain and improve the sustainability and vitality of communities. Recreation and tourism development is acceptable in principle along with new build development for affordable housing, community facilities and small-scale retail and business premises.
35. L1 and L2 say that development must conserve and enhance valued landscape character and biodiversity. We will not approve development in the Natural Zone or development that harms any sites, features or species of biodiversity importance or their setting unless there are exceptional circumstances.
36. RT1 says that we 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. Where appropriate development should be focused on or on the edge of settlements. Wherever possible, development must reuse existing traditional buildings of historic or vernacular merit and should enhance any appropriate facilities. Where this is not possible, the construction of new buildings may be acceptable.
37. 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.
  - C. New build holiday accommodation will not be permitted, except for a new hotel in Bakewell.

38. CC1 says that 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.
39. HC1 says that provision will not be made for housing solely to meet open market demand. Housing land will not be allocated in the development plan. Exceptionally, new housing can be accepted where:
  - A. It addresses eligible local needs: for homes that remain affordable with occupation restricted to local people in perpetuity or for aged persons' assisted accommodation.
  - B. It provides for key workers in agriculture, forestry or other rural enterprise in accordance with HC2.
  - C. In accordance with policies GSP1 and GSP2 it is required to achieve conservation or enhancement of a valued vernacular or listed building or in settlements listed in policy DS1.

#### Development management policies

40. DMC3 says that where development is acceptable in principle, it will be permitted provided that its detailed treatment is 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. DMC3B sets out specific criteria that particular attention will be paid to when assessing development proposals.
41. DMC11 says that proposals should aim to achieve net gains to biodiversity or geodiversity. All reasonable measures should be taken to avoid net loss. Details of safeguards and enhancement measures for a site, feature or species of nature conservation importance must be provided in line with the Biodiversity Action Plan and any action plan for geodiversity sites. DMC12 sets out the policy for sites, features or species of wildlife, geological or geomorphological importance.
42. DMC13 says that applications should provide sufficient information to enable their impact on trees, woodlands, and other landscape features to be properly considered. Trees and hedgerows which positively contribute either as individual specimens or as part of a wider group to visual amenity or biodiversity will be protected. Development involving a loss of these features will not be permitted. Development should incorporate existing trees, hedgerows and other landscape features within the site layout.
43. 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. DMC15 says that that development on land that is known or suspected to be contaminated or unstable will be permitted that an accredited assessment shows that this can be mitigated.
44. DMR3A says that outside settlements listed in policy DS1 where self-catering accommodation is acceptable, its use will be restricted to no more than 28 days per calendar year by any one person. DMR3. B. says that a holiday occupancy condition will be applied to self-catering accommodation if the property being converted has inadequate indoor or outdoor living space or is so closely related to adjoining properties that the introduction of residential use would cause unacceptable harm to their amenity.

45. DMT3 requires safe access to be provided. DMT6, DMT7 and DMT8 are relevant for parking standards.
46. DMU1 and DMU2 require, amongst other things, for new services for development to be placed below ground.

## **Assessment**

### **Variation of conditions**

47. Section 73 of the Town and Country Planning Act 1990 provides that an application may be made for planning permission without complying with conditions applied to a previous permission. The Authority can decide whether to grant permission subject to differing conditions (this can include imposing new conditions), remove the conditions altogether or refuse to alter conditions. However, we may only consider the question of the conditions and not revisit the principle of the development.
48. In terms of decision making, a section 73 application must be treated like any other application, and due regard paid to the development plan and any other material considerations.

### **Proposed accommodation in Rockmill building**

49. Revised plans have been submitted for the Rockmill building. These show changes to the floorplan, elevations, access and car park.
50. The approved plans are for a hotel (Use class C1) with 71 bedrooms. At ground floor the approved plans show: lobby and reception; community / meeting room; café, restaurant (with external seating); kitchen; freezer and food store; office; staff facilities; guest toilets and ancillary storage. Four cleaning cupboards are provided on each floor accessed from the corridor. The bedrooms are en-suite with no kitchen facility.
51. Planning permission was granted subject to two planning conditions that control the use of the tourist accommodation within the Rockmill building. Condition 3 restricts the use of the building to Use class C1 (hotels) and community use (Use Class D1). Condition 4 states that all uses shall be confined to the areas shown on the approved floor plans.
52. The proposed plans show 49 apartments. At ground floor, an entrance lobby and lounge would be provided. Part of the entrance lobby would have a folding door system to create a community / meeting room. Facilities to provide drinks and snacks would be available. The rest of the ground floor would be turned over to apartments.
53. The accommodation would comprise 43 one bedroom apartments and 6 two bedroom apartments. Each apartment would include bedroom(s), living space, kitchen and bathroom. The size of the apartments would range from 21 to 65 square metres with the majority between 30 to 45 square metres. The bedroom / living space within the smallest 'studio' apartments would be contained within one room, whereas separate bedrooms would be provided in the majority of apartments. The ground floor apartments would have private external patio areas separated by privacy screens.
54. The application says that the accommodation will be operated as an aparthotel. The planning statement describes each room as having an element of self-sufficiency with kitchenette, fridge, microwave, sofa and dining table combined with more conventional hotel facilities. The statement goes on to say that the aparthotel will provide a lounge and coffee shop with dining facilities available in the Cupola building or the local area. A housekeeping service would be provided on a weekly basis.

55. The application concludes that the proposed accommodation is an aparthotel which falls within Use class C1 and that the proposal is in accordance with the existing planning permission.
56. However, the layout of the proposed accommodation would more closely reflect that of a conventional apartment block rather than a hotel. Each apartment would be accessed through its own lockable door and comprise a fitted kitchen (of various sizes), a bedroom, bathroom and living room. The smaller apartments' bedroom and living room would be within a single room but the majority of apartments would have a separate bedroom and living / kitchen space.
57. All the apartments are self-contained, are described for residential purposes and contain the facilities required for day-to-day private existence, including the normal facilities for cooking, eating and sleeping associated with use as a dwelling house (Use class C3). The only communal area is the entrance lobby / lounge. This would include facilities providing drinks and snacks and a reception / concierge, but these elements would not be unusual in a residential apartment block. Outdoor space would be limited to the ground floor, but this is not an essential element of a dwelling house and would be absent in most flats.
58. We have discussed the nature of the proposed use with the applicant. The applicant has stated that the apartments would be managed collectively and that all apartments would be available to the public to book on a nightly basis through a central booking system. Occupants would collect keys to the apartment on arrival and a cleaning service would be provided on a weekly basis (including fresh towels and toiletries). Occupants would not be responsible for maintenance or able to re-decorate or furnish the apartments.
59. If managed in this way the apartments would have some elements more commonly associated with a hotel than residential apartments. However, the length of occupation and availability to book the apartments on a nightly basis does not automatically mean that they are in hotel use. It is also not unusual to let furnished apartments or for occupants of domestic apartments to hire a regular cleaning service.
60. Nine of the apartments are currently being marketed for sale by a residential estate agent. Each apartment is advertised independently to be purchased 'off plan'. The apartments are being marketed on a number of popular websites as luxury serviced apartments that *"offer an unprecedented opportunity to own a luxury apartment in an iconic tourist location, the first and only new-build holiday apartments, built in the National Park since its inception, 70 years ago!"*
61. The marketing brochure goes on to say that, *"the glass lift and quality fitted corridors lead to individual home-from-home spaces within which to relax, as they would at home"*. And that *"each apartment (or multiples of) will be owned entirely by the individual investor who, along with other investors, will have complete control of their apartment/s and the management"*.
62. The marketing brochure continues that unlike other commercial investments where the investor has no control over the operation an investment in a Rock Mill apartment is entirely different. The investor will own their apartment outright, registered at land registry. *"The investors will control the maintenance of the apartments (as with any other apartment block) and will be free to appoint the management company operating the lettings"*.
63. The marketing information is clear in describing the development as serviced apartments. Investors would be purchasing an apartment rather investing in a hotel. The



identity of the owner or owners of the development is not a material consideration in determining the proposed use nor is any particular investment model. However, the marketing information indicates that each apartment would be a separate planning unit and the nature of the use and how it would be occupied is the key consideration.

64. Use class C1 is defined as 'Use as a hotel or as a boarding or guest house where, in each case, no significant element of care is provided. Use class C3 is defined as 'Use as a dwelling house (whether or not as a sole or main residence)'.
65. Circular 03/2005 'Changes of use of Buildings and land' gives guidance on interpretation. At paragraph 59 it says that "*short-term (i.e. purchased at a nightly rate with no deposit against damage being required) self-contained accommodation, sometimes called Apart-hotels*" will fall into Use class C1. At paragraph 69 on the meaning of dwelling house the circular says "*common feature of all premises which can generally be described as dwelling houses is that they are buildings that ordinarily afford the facilities required for day to day private existence*".
66. The circular points out in paragraph 2 that it is only guidance and not an authoritative interpretation.
67. The proposed apartments would be self-contained and afford all the facilities required for day-to-day private existence. The apartments therefore would be capable of being occupied as independent dwellings. The majority of the apartments would be close to or above our maximum space standards for affordable dwellings (for one or two persons) and therefore we do not agree with the applicant that the apartments would be too small to be occupied as dwellings.
68. We note that the apartments would be located within a single building and that the applicant proposes that the apartments would be available through a single booking system on a nightly basis. There would be basic services, typically expected at a hotel including a reception, provision of drinks and snacks and a cleaning service (including laundry, toiletries and food hampers if required).
69. However, the marketing information states clearly that the development would provide luxury apartments and the first and only new-build holiday apartments in the National Park. The apartments would be individually owned and crucially each owner would have complete control of their apartment and the management of the building.
70. Therefore the nature of services provided to each apartment would be within the control of the owners and it is not unreasonable to conclude that the occupants of the apartments would stay within the accommodation for longer periods in a manner similar to a 'time share', as a second home or be individually let on a short term basis. The self-contained layout of the apartments leads to the conclusion that the nature of occupation would be residential rather than a hotel.
71. The provision of a reception / concierge, lounge area, drinks and snacks and cleaning services are not uncommon in residential apartments which often have a concierge and communal spaces. On the other hand, the accommodation would lack a restaurant, bar or other common guest facilities often found in hotels. Occupants of residential apartments frequently hire cleaning services, due to the lack of storage space within the building it is likely that cleaning and laundry services would be brought in off site.
72. We therefore find as a matter of fact that the proposed tourist accommodation is serviced apartments falling within Use class C3 rather than a hotel or aparthotel falling within Use Class C1.

### Principle of tourist accommodation

73. The Authority approved planning permission on the basis that the development as a whole would deliver public benefits by enhancing the site and facilitating the provision of the heritage centre and provide community facilities within the Rock Mill building. Therefore planning permission was granted as an exception to our development plan policies, including RT2 which expressly states that new build holiday accommodation will not be permitted (except for a new hotel in Bakewell).
74. The approved scheme is for a conventional hotel with restaurant, café, en-suite bedrooms and ancillary facilities. The approved scheme is therefore not for self-catered accommodation and there is no policy requirement to apply a holiday accommodation condition. Permission was therefore granted subject to a condition restricting the Rock Mill accommodation to Use class C1 only.
75. We accept that the development description for the approved application states 'tourist accommodation' and therefore that there is flexibility in the type of tourist accommodation in principle provided that it achieved the enhancement of the site and the facilitation of the heritage centre and community facilities.
76. This application proposes a different type of holiday accommodation, which we have concluded fall within Use class C3, or in other words, apartments. We have no objection in principle to the proposed change in type of accommodation. However, the proposal is now for self-catering accommodation and therefore policy DMR3 is relevant.
77. We define holiday use (paragraph 5.23 Development Management Policies) as occupation for no more than 28 days per calendar year by any one person. Anything over 28 days occupation by any one person is classed as full time residential use and we seek to prevent this where necessary by the enforcement of planning conditions or legal agreements.
78. It is necessary therefore to impose a holiday occupation condition for the development to comply with development management policy DMR3.
79. Any approval without a holiday occupation condition would allow the apartments to be occupied on a permanent basis. This would be wholly contrary to our adopted housing policies, which only allow new housing in exceptional circumstances set out by policy HC1. Furthermore, unrestricted apartments would be much more likely to be occupied on a permanent or semi-permanent basis as second homes or for longer periods. This would provide substantially less economic benefit to the local area than short stay holiday accommodation.
80. We discussed the issue of a holiday occupancy condition with the applicant before the submission of this application and during the application process. The applicant has expressly stated that he does not agree to any occupancy restriction.
81. The applicant considers the proposed use to be an aparthotel falling within Use class C1 and therefore that a holiday occupancy condition is not required. However, we have found that the development would create serviced apartments falling within Use class C3. In any case, the proposal is now for self-catering accommodation and therefore it is a policy requirement to restrict the use to holiday occupation in accordance with policies GSP4 and DMR3.
82. The applicant states that a C1 hotel approval does not ordinarily attract a holiday occupancy restriction and gives the developments at the Rising Sun, Marquis of Granby and at Riverside Business Park as examples.

83. The developments at Riverside and the Rising Sun are most relevant as these were determined recently and under current development plan policies. However, both schemes were for conventional hotels with restaurant facilities and en-suite rooms for guests rather than self-catering apartments and therefore both schemes are materially different to proposal.
84. The scheme at the Marquis of Granby does include apartments within the development, but the accommodation forms part of a hotel which if constructed would include substantial guest facilities including a restaurant, gym and spa facilities. Furthermore, the scheme at Marquis of Granby was originally approved in 2007 before the adoption of current development plan policies.
85. These other developments do not set a precedent for approval of the current scheme without a holiday occupancy restriction. This application must be determined on its own merits taking into account current development plan policies.
86. We therefore conclude that the proposed change to the type of tourist accommodation necessitates the imposition a holiday occupation condition for the development to comply with our development plan. We regularly impose this condition on holiday accommodation and the condition would meet the tests for conditions set out in the NPPF.
87. However, the applicant has stated explicitly that he will not accept a holiday occupancy condition or any restriction to the length of time the accommodation could be occupied by an individual. In these circumstances, we consider that it would not be reasonable to vary or add planning conditions that the applicant has stated will not be accepted. We cannot recommend approval of the application without a holiday occupancy condition and therefore, unfortunately the alternative is to recommend refusal.

#### Proposed community space within Rockmill Building.

88. The approved scheme included a central space on the ground floor for use by the local community. The space could be sub-divided from the rest of the approved hotel by a folding door system and the space would have direct access to a café/snack servery and wash up area. The space, which would be given over to use by the local community in the approved scheme, was approximately 70 square metres.
89. The proposed scheme retains an area within the proposed lobby for use by the local community. Part of the space would be subdivided by folding doors and the space would be located adjacent to the proposed drink and snack facilities. The space available to be given over to use by the local community is however significantly reduced to approximately 28 square metres.
90. The scheme therefore retains provision of a space for use by the local community, however the size and utility of the space would be significantly reduced which could reduce the likelihood of it being used by the local community. We note that the Parish Council raise no objection to the scheme and we have not received any other representations from the local community to date.
91. On balance and taking into account the view of the Parish Council, we consider that the area proposed to be made available by the local community is acceptable.

#### Other proposed amendments

92. The application includes revised elevation drawings for the Rock Mill building and these show various amendments. The position and size of the main building would not be changed. To the rear the proposed sub-terrain element would be omitted. The most significant change would be to the windows and doors.
93. To the rear of the building the majority of windows would be altered to doors with glazed balconies for the apartments. This would introduce a domestic character to the building, which was designed to reflect a traditional mill building, contrary to policies GSP3 and DMC3.
94. Various other alterations are proposed at ground floor to facilitate the change to apartments. These are minor in nature and generally do not raise issues with the exception of the proposed new window in the arch on the east elevation. This would have a very awkward visual relationship and would be better with just a window and the arch omitted.
95. New roof lights are proposed to the side elevations of the central gable element. There are no objections to these subject to conservation roof lights of an appropriate design and size.
96. A new outbuilding to the west side of the Rock Mill building is proposed to provide further bicycle storage space. There is no objection to this in principle, however no elevation drawings have been submitted and this would need to be secured to ensure a satisfactory detailed design.
97. Minor changes to the external appearance of the Cupola building are proposed which are acceptable.
98. We do however have concerns about the proposed introduction of a set of opening doors to the enclosed terrace area to the worker residential accommodation units. This alteration would effectively incorporate the terraces into these apartments and provide additional habitable space. This would increase the floor space of each apartment by approximately 21 square metres. The addition would increase the overall floor space of each dwelling taking them significantly over our maximum size thresholds for affordable housing and undermine the affordability of the units if they were no longer required by workers. The existing scheme requires these units to form part of the affordable housing stock if no longer used by workers on the site.
99. If permission was granted, planning conditions could be imposed to secure the amended drawings, require the omission of the outer set of folding doors to the worker accommodation units, and minor design details.
100. Minor changes to the access arrangements are proposed and the number of parking spaces within the car park to the Rockmill building is marginally reduced. There are no objections to the proposed changes subject to the repetition of highway conditions where required.

#### Planning obligation

101. The applicant has stated that if the Authority resolved to approve this application that he would be willing to enter into a planning obligation (legal agreement under Section 106).
102. The purpose of the planning obligation would be: to ensure the provision of the community space within the Rockmill Building; traffic management and safety measures; implementation of travel plan; implementation of a management plan and to control the occupancy of the worker accommodation units.

103. However, the applicant has stated that he is not prepared to enter into a planning obligation requiring the Rockmill and Cupola buildings to be developed concurrently, which is a requirement of the current s106 agreement.
104. The proposed planning obligation would therefore (with the exception of the requirement for the buildings to be developed concurrently) be the same as the planning obligation entered into with planning permission NP/DDD/0713/0564.
105. Paragraph 56 of the NPPF says that planning obligations must only be sought where they meet all of the following tests:
  - a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.

In determining the application the Authority resolved that it was necessary that any permission be subject to prior entry into the planning obligation and that the planning obligation met the tests now set out in paragraph 56 of the NPPF.

106. The Authority determined that it was necessary to require the Rockmill building and Cupola building to be developed concurrently to ensure that the community benefits offered by the scheme when taken as a whole are secured. The two sites and buildings are physically separate and therefore without a mechanism to ensure that both buildings are completed it is possible that either building could be completed in isolation. In that circumstance, we would not be able to compel the developer or site owner to complete the rest of the development.
107. The applicant considers that our requirement for the buildings to be built concurrently fails all three tests set out by paragraph 56 of the NPPF. Firstly, the applicant considers that the tourist accommodation in itself would be a major benefit to Stoney Middleton and the National Park more generally because in his view there is an under supply of accommodation and additional facilities are a significant priority. The applicant therefore considers that the accommodation building is acceptable in its own right and that there is no need to require it to be built concurrently with the Cupola building.
108. Secondly, the applicant considers that the Rockmill building is not directly related to the Cupola building and that while they may be complimentary they are not dependant.
109. Finally, the applicant states that the obligation is unfair and the scale is disproportionate to the funds available to the accommodation building.
110. We consider that the benefits of the development do not solely relate to the provision of tourist accommodation within the Rock Mill building. The provision of the café and heritage centre within the Cupola building was in itself considered to offer significant benefits by enhancing the site, providing benefits to the local community and opportunities for visitors to learn about the local area.
111. In principle, and notwithstanding our concerns about the nature of the accommodation proposed in this application, we recognise that the provision of tourist accommodation would offer benefits to the local economy during construction and operation and a meeting space for the local community. However, these benefits were considered alongside those arising from the heritage centre and the scheme as a whole was

considered to offer sufficient benefit to justify approval of planning permission for a development contrary to our development plan.

112. Furthermore the applicant re-states in this application that it was always made clear that the funding of the Cupola building was to come from the Rockmill building and that the Cupola building could only be developed after completion or onset of the tourist accommodation building.
113. We therefore remain of the view that it is necessary to secure the delivery of both elements of the scheme, and in particular, the Cupola building for the development to be acceptable in planning terms. The two buildings form part of a single development scheme and are clearly related in terms of how the development as a whole can be delivered. In principle therefore a legal agreement that secured the delivery of the scheme as a whole would be fair and reasonably related in scale because it merely seeks to ensure that the development as a whole is delivered.
114. The current application does not offer a way forward for us to ensure that both elements of the development are completed. Therefore there could be no guarantee that the public benefits of the whole development would be delivered.
115. We would have no objection in principle to a different mechanism if this secured the completion of the development as a whole. However, the applicant considers that the tourist accommodation within the Rock Mill building offers sufficient enhancement and public benefits on its own merits and therefore it is not necessary for the Authority to require the development to be built concurrently.
116. We therefore conclude that the submitted proposal would not secure the public benefits offered by the scheme as a whole.

## **Conclusion**

117. The application proposes various amendments to the approved development. We conclude that the type of accommodation proposed within the Rockmill building is serviced holiday apartments which fall within Use Class C3 and not a hotel or aparthotel falling within Use Class C1. Our policy is that self-catering accommodation must be subject to a holiday occupancy condition (development management policy DMR3). Therefore if permission is granted it would be necessary to vary the occupancy condition imposed upon the Rockmill building accordingly.
118. The applicant considers that the development is for an aparthotel falling within Use Class C1 and therefore that it is not necessary to impose a holiday occupancy condition. The applicant has expressly stated that he does not accept any planning condition to restrict the occupancy of the tourist accommodation. Therefore, we consider that in that context it would be unreasonable to apply a holiday occupancy condition.
119. Approval of the development without a holiday occupancy condition would be contrary to development management policy DMR3 and undermine our adopted approach to controlling self-catering holiday accommodation. Any approval without a holiday occupancy condition would allow the apartments to be occupied on a permanent basis. This would be wholly contrary to our adopted housing policies, which only allow new housing in exceptional circumstances set out by policy HC1. Furthermore, unrestricted apartments would be much more likely to be occupied on a semi-permanent basis as second homes, which would provide substantially less economic benefit to the local area than tourists staying for shorter periods.

120. The applicant has stated that he is not prepared to enter into a planning obligation requiring the Rockmill building and Cupola building to be developed concurrently. We consider that it is necessary for a planning obligation to secure the delivery of both elements of the scheme. In the absence of a mechanism to achieve this, we conclude that the development would not secure the public benefits offered by the scheme as a whole.
121. Officers do have some concerns about the design of the scheme and the proposal to extend the habitable floor area of the worker accommodation units. However, these issues collectively are minor and could be resolved by the imposition of planning conditions requiring the submission of amended details for approval.
122. We therefore conclude that the proposal is contrary to our adopted housing and recreation policies and would not secure the public benefits that would arise from the completion of the development as a whole. Our policies are up-to-date and in accordance with the National Planning Policy Framework and therefore should be afforded full weight in the determination of the application. Having had due regard to all other issues raised we consider that the proposal is contrary to the development plan and accordingly recommend refusal.

### **Human Rights**

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

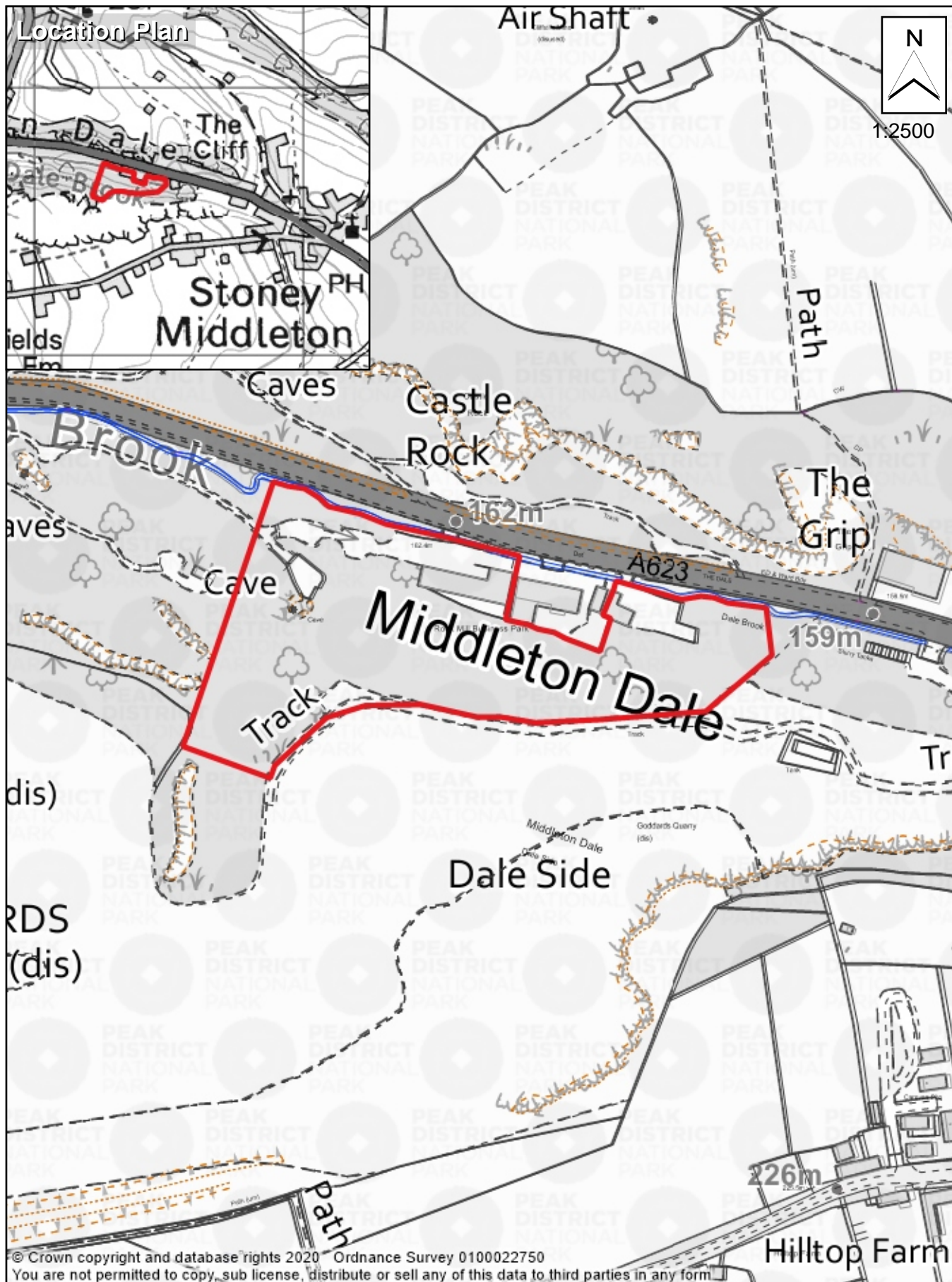
### **List of Background Papers** (not previously published)


Nil

Report author – Adam Maxwell Senior Planner

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Committee Date:	6th March 2020	<b>Title:</b> Rock Mill Business Park The Dale Stoney Middleton	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 6		
Application No:	NP/DDD/1219/1344		
Grid Reference:	422427, 375647		

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**7. FULL APPLICATION - ERECTION OF STORAGE CONTAINER 2M X 4M AND STORAGE WORKSHOP 4M X 4M. COMPOST TOILET 1.5M X 1.5M AT LAMB QUARRY CONSERVATION SITE, HAYFIELD ROAD, CHINLEY. (NP/HPK/0719/0717 SPW).**

**APPLICANT: MR STUART WEBSTER**

**Summary**

1. This application seeks retrospective planning permission for 3 buildings in the woodland, these are to facilitate the conservation of the woodland through forestry providing tool storage and resources, and facilities for volunteers. The proposal is not considered to be acceptable as the buildings are not considered to be necessary to be functionally required for the scale of forestry being undertaken at the site. It is therefore contrary to policy DME1 of the Development Management Policies.
2. **Site and Surroundings**
3. Lamb Quarry is an area woodland located approximately 2km to the north of Chinley. The whole of the woodland is open access. There is an existing gated access off the main A624 Hayfield Road, and an unmade track from the road to the buildings. The track is overgrown and rutted, not suitable for a car but accessible potentially with a 4x4.
4. The proposed buildings are on the edge of the woodland, approximately 1 row of trees back from the very edge. In summer the leaves hide the site from distant views, in the winter when the leaves have dropped from the trees the buildings can be seen from the road when passing the Lamb Inn.

**Proposal**

5. The proposal seeks retrospective planning permission for the siting/erection of–
  - A storage container 2m x 4m. This is flat roofed and made of metal which is painted green.
  - A storage workshop 4m x 4m. This is made of timber which is stained brown and it has a stainless steel flue and its roof is finished in a black rubber membrane.
  - A compost toilet 1.5m x 1.5m.

**RECOMMENDATION:**

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

1. **The proposal is contrary to Development Management policy DME1. The proposal is not functionally required for the conservation led forestry being undertaken in the woodland and the isolated location of the structures harms the valued characteristics of the area which is also contrary to DME1.**
2. **The proposal is incongruous within its surroundings and open to public view from immediate and more distant vantage points and as such is harmful to the character and appearance of the area and the National Parks Landscape. The proposal is therefore contrary to the policies of the development plan including Core Strategy policy GSP1, GSP3, L1, Development Management policies DM1, DMC1, DMC3 DME1 and the NPPF.**

### **Key Issues**

- Is there an adequate justification for the proposed forestry buildings?
- Is the landscape impact of the proposal acceptable?

### **History**

2019 Enforcement complaint (enquiry 35246) made in relation to building and wood burner erected on land at Lamb Quarry

2019 - Enforcement record 19/0018 – An enforcement case is opened. The Monitoring and Enforcement team found -

- 1) Steel container coloured green, measuring 2.06m wide, 2.08m tall, and 3.98m long.
- 2) A wooden shed type building measuring 3.8m wide, 2.18m tall, 3.90m long.
- 3) A compost toilet

And advised these structures to be require planning permission. The land owner was advised that the applicant seek pre-application advice or submit a planning application.

6. 2019 - Pre application enquiry made Ref 35836, but closed as the forms were not returned.

### **Consultations**

7. Highway Authority - No highway objections.
8. High Peak Borough Council – No response to date.
9. Chinley, Buxworth & Brownside Parish Council - The Parish Council has no objection to the development, and indeed supports this very worthwhile conservation project, but would suggest either a temporary permission or a condition to ensure that the structures are removed if and when they are no longer required
10. PDNPA Ecology - Given the relatively disturbed nature of the ground/habitat, and temporary nature of the facilities the ecological impact of these proposals is considered to be low.  
Advise that if temporary permission is granted then the site should be restored with woodland mix.

### **Representations**

11. None have been received.

### **Main Policies**

12. Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, DS1, L1, L2.
13. Relevant Development Management policies: DM1, DMC1, DMC3, DMC4, DMC11, DMC12, DMC13, DME1, DMT3.

#### 14. National Planning Policy Framework

15. The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect, the revised version was published in 2019. 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 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 Government guidance in the NPPF.
16. Para 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.'

#### Core Strategy

17. Policy GSP1 sets out the broad strategy for achieving the National Park's 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.
18. Policy GSP3 sets out 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 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.
19. Policy L1 identifies that development must conserve and enhance valued landscape character as identified in the Landscape Strategy and Action Plan and other valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted. Amongst other things the valued characteristics identified for the purposes of the Core Strategy include: Natural beauty, natural heritage, landscape character and diversity of landscapes; sense of wildness and remoteness; thousands of years of human influence which can be traced through the landscape; distinctive character of hamlets, villages and towns; trees, woodlands, hedgerows, stone walls, field barns and other landscape features.

Development Management policies

20. DMC3 Siting, design, layout and landscaping states that:

Where development is acceptable in principle, it will be permitted provided that its detailed treatment is 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.

Particular attention will be paid to:

- (i) siting, scale, form, mass, levels, height and orientation in relation to existing buildings, settlement form and character, including impact on open spaces, landscape features and the wider landscape setting which contribute to the valued character and appearance of the area; and
- (ii) the degree to which buildings and their design, details, materials and finishes reflect or complement the style and traditions of the locality as well as other valued characteristics of the area such as the character of the historic landscape and varied biodiversity assets; and
- (iii) the use and maintenance of landscaping to enhance new development, and the degree to which this makes use of local features, colours, and boundary treatments and an appropriate mix of species suited to both the landscape and biodiversity interests of the locality; and
- (iv) access, utility services, vehicle parking, siting of services, refuse bins and cycle storage; and
- (v) flood risk, water conservation and sustainable drainage; and
- (vi) the detailed design of existing buildings, where ancillary buildings, extensions or alterations are proposed; and
- (vii) amenity, privacy and security of the development and other properties that the development affects; and
- (viii) the accessibility or the impact on accessibility of the development; and
- (ix) visual context provided by the Landscape Strategy and Action Plan, strategic, local and other specific views including skylines; and the principles embedded in the design related Supplementary Planning Documents and related technical guides.

21. Para 4.13 of the Development Management policy document explains that in all cases, new buildings should only be designed with features and openings necessary for the operational use. Features that are not ordinarily required for such business use and are more commonly associated with other uses should be avoided.

22. DME1 Agricultural or forestry operational development states that

A. New agricultural and forestry buildings, structures and associated working spaces or other development will be permitted provided that it is demonstrated to the Authority's satisfaction, that the building at the scale proposed is functionally required for that purpose from information provided by the applicant on all the relevant criteria:

- (i) location and size of farm or forestry holding;
- (ii) type of agriculture or forestry practiced on the farm or forestry holding;
- (iii) intended use and size of proposed building;
- (iv) intended location and appearance of proposed building;
- (v) stocking type, numbers and density per hectare;
- (vi) area covered by crops, including any timber crop;
- (vii) existing buildings, uses and why these are unable to cope with existing or perceived demand;
- (viii) dimensions and layout;
- (ix) predicted building requirements by type of stock/crop/other usage; and

- (x) contribution to the Authority's objectives, e.g. conservation of valued landscape character as established in the Landscape Strategy and Action Plan, including winter housing to protect landscape.
- B. New agricultural and forestry buildings, structures and associated working spaces or other development shall:
- (i) be located close to the farmstead or main group of farm buildings, and in all cases relate well to, and make best use of, existing buildings, trees, walls and other landscape features; and
  - (ii) not be in isolated locations requiring obtrusive access tracks, roads or services; and
  - (iii) respect the design, scale, mass and colouring of existing buildings and building traditions characteristic of the area, reflecting this as far as possible in their own design; and
  - (iv) avoid adverse effects on the area's valued characteristics including important local views, making use of the least obtrusive or otherwise damaging possible location; and
  - (v) avoid harm to the setting, fabric and integrity of the Natural Zone.
23. The Authority's Landscape Strategy and Action Plan explains the site is within the Dark Peak Western Fringe within the 'Valley Pastures with industry' landscape character type.
24. It is described as *'a small scale, settled pastoral landscape on undulating lower valley slopes. There are filtered views through scattered hedgerows and dense streamside trees. Stone built terraced housing on lower slopes is associated with historic mills. There are dispersed gritstone farmsteads as well as small clusters of farms with associated dwellings. Pastoral farmland is bounded by hedgerows and drystone walls.'*
25. *Woodland exists as shelterbelts and often densely along streams and tributaries giving the impression of a well wooded landscape even though much farmland exists. There are scattered ancient woodlands throughout the character type such as around the western side of Shire Hill; these further contribute to the wooded nature of the landscape. Most woodlands are broadleaved and contain species such as oak, ash and sycamore. There is some coniferous plantation woodland such as around Dovestones Reservoir in the North of the area.*
26. *A priority in some parts of the landscape character type is to manage and enhance woodland and create new native broadleaved woodland.'*
27. The Authority's SPG Agricultural developments is also relevant as it also includes advice in relation to forestry.

## **Assessment**

### **Principle**

28. The Development Plan and other material considerations are generally supportive of forestry development, where it is necessary, provided it would not harm the amenities or valued characteristics of the area or the National Parks Landscape. Appropriate design, siting and landscaping is also required.
29. The woodland comprises 4.37 hectares. It is predominately covered with trees but there are some area of acid heathland with a cover of bilberry and heather.

30. The proposal explains that the previous owners, the Peak District National Park Authority planted thousands of trees but the woodland needs managing as many are close together and competing. The planning statement explains the Larch and Scots Pine are dominating the Oak and Ash.
31. A 5 year period is required for volunteers and the applicant to actively work on the woodland to bring the woodland ecology into a healthy state. The applicant says that this requires secure storage and a workshop for tools and on site resources. The ethos is forestry tree cropping with conservation overseen by ecologists.
32. The 5 year programme involves planting over 2000 trees and removing approximately 15 crop trees a year, which would be sold to resource the tools and new tree replacements.
33. By 2024 the intensive forestry work process is planned to be completed and at that point the work will be refocused on observation and recording of the ecological impact of the changes which will not require the workshop shed and container.
34. Whilst the conservation aims are admirable and encouraged, given the small size of the woodland and small number of trees being cropped we do not accept that the proposal is functionally required for the forestry purposes described. The proposal is therefore considered to be contrary to development management policy DME1.
35. We are also concerned that with the building having a log burner, it is intended as an amenity building. This is clearly contrary to para 4.13 of the Development Management Policies document which explains that development should be designed only with features and openings necessary for the operational use. Features that are not ordinarily required for such business use and are more commonly associated with other uses should be avoided. We have heard and understood that the log burner and flue are said to assist the volunteers warming up and drying out during the winter months. This provision however is considered to be beyond what is necessary for such a forestry project of this nature.
36. Had these structures been found to be acceptable then policy DM1 would require that they were removed when they are no longer required for the purposes of forestry.

Design / Sitting and impact on the character and appearance of the area.

37. The structures are sited close to the edge of the woodland, on a spur off the track. As it's open access land, they are open to public view from immediate vantage points. Their design is utilitarian in part, comprising a dark green painted container, a timber hut and composting toilet. The timber hut also has a log burner inside with stainless steel flue projecting from its roof. From near and medium views the buildings are apparent and have a detrimental impact on the undeveloped and tranquil nature of the National Park landscape.
38. In the summer the tree cover hides the structures from distant views but in the winter when the trees are not in leaf the buildings and flue are open to public view from more distant vantage points including from the A624 and from the Lamb Inn. In the winter months the eye is particularly drawn to the stainless steel flue as this is relatively obtrusive seen through the trees, and secondly the structures themselves are apparent and also obtrusive and have an unacceptable landscape impact.



39. The flue and structures appear incongruous and are discordant with the character of the woodland. They detract from the character of the woodland, and harm the character and appearance of the wider area by way of the introduction of the array of structures in the undeveloped open area of the national park.
40. The proposal is therefore contrary to core strategy policy GSP1, GSP3, L1, and Development Management Policy DM1, DMC1, DMC3 DME1.

#### Highways

41. The submitted planning statement explains that they do not intend to encourage car parking on the site or vehicular access. They intend to leave the gate closed as there is space for a car to pull off the road and park without entering the land. The statement explains that volunteers can cycle to the site or are picked up by car. They also explain there is a layby off Hayfield Road within close proximity where volunteers can leave their car if necessary and walk to the site. There are however no footways and the lay-by is some 300m north of the site entrance, although this would of course be preferable to visitors parking in the gateway/verge and having to make awkward and potentially dangerous manoeuvring/reversing movements back onto the busy A road.
42. We were concerned that the proposal would facilitate intensification on this access. However the highways Authority have not objected to the proposal and they are the lead authority on such matters so this position is accepted.

#### Amenity

43. There are no immediate neighbours. The visual amenity of the area is harmed by the proposal and so would be the feeling of wilderness and tranquillity that could otherwise be enjoyed on the open access land. These issues are captured by the second reason for refusal and the section above.

#### Conclusion

44. The proposed structures are not functionally required for the conservation forestry being undertaken in the woodland and the impact of the building is harmful to the character and the appearance of the area including the National Parks Landscape. The proposal is therefore contrary to the policies of the development plan and the NPPF.

#### 45. Human Rights

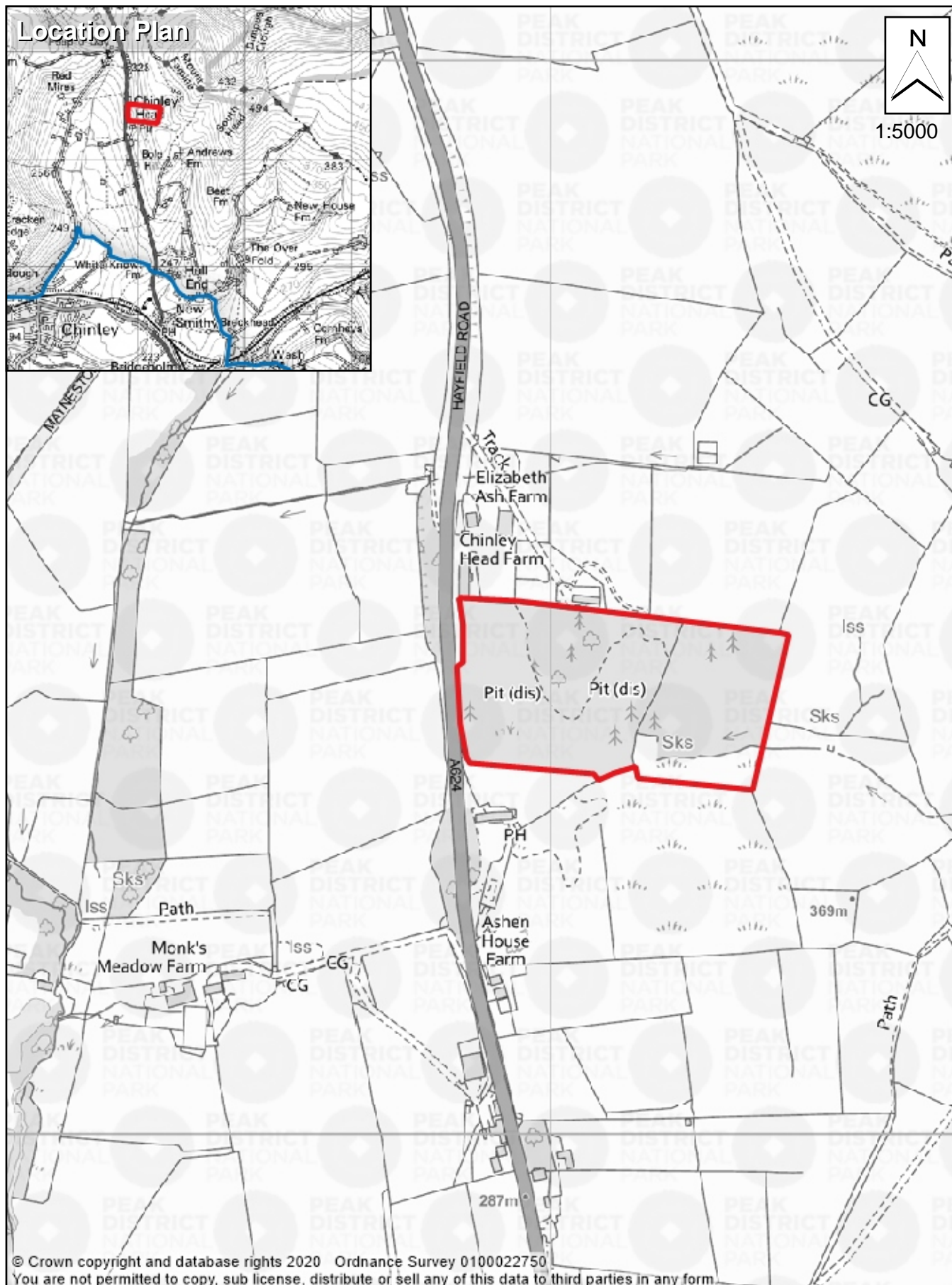
46. Any human rights issues have been considered and addressed in the preparation of this report.

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

48. Nil

49. Planning Officer – Steven Wigglesworth

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Committee Date: 6th March 2020  
 Item Number: Item 7  
 Application No: NP/HPK/0719/0717  
 Grid Reference: 405061, 384404

**Title:** Lamb Quarry Conservation  
 Site  
 Hayfield Road  
 Chinley



**PEAK  
 DISTRICT  
 NATIONAL  
 PARK**

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**8. FULL APPLICATION – CHANGE OF USE OF RESTAURANT/TAKEAWAY AND STORAGE BUILDING AND RECONFIGURATION OF 4NO. EXISTING FLATS, INCLUDING AN EXTENSION TO CREATE 5NO. RESIDENTIAL APARTMENTS – 93 CASTLETON ROAD, HOPE (NP/HPK/1019/1159, JF)**

**APPLICANT: THE MOORHOUSE FAMILY**

**Summary**

1. The proposed development seeks to redevelop the site, changing it from a disused restaurant/takeaway and 4 flats to 5 new flats.
2. Subject to conditions, the development would dramatically enhance the character of the site and amenity issues in accordance with the Authority's adopted planning policies, and would not result in adverse planning impacts.
3. Accordingly, the application is recommended for approval.

**Site and surroundings**

4. The application location is 93 Castleton Road in Hope, the dilapidated site of a semi-detached house that has been substantially altered and extended. The site is situated to the western end of the village, adjacent to Hope Valley College secondary school.
5. The original building on the site was a semi-detached, two storey house reportedly constructed in the 1940s. The original dwelling has a hipped roof, with a gable to the front elevation. The property is rendered, with timber windows and doors and dual-pitched roofs covered by red plain clay tiles.
6. The original front garden has now been given over to a sizeable area, and this provides the entrance and parking. A lean-to extension is attached to the front elevation, and this formed part of the former restaurant/takeaway. An incomplete two storey extension is attached to the side of the property, and a variety of single storey and two storey extensions have been added to the rear. A large detached, concrete blockwork outbuilding with a pitched roof is situated in the rear of the site.
7. The existing layout comprises a ground floor restaurant and takeaway (disused) within the original part of the building. To the rear of this are two flats which are accommodated within a mixture of one and two storey structures, with the rearmost single storey section having a flat roof with an accessible roof terrace upon it. Two further flats are split over the first and second floors. To the rear of the main building is the detached outbuilding, which was intended for storage but reportedly provided accommodation for restaurant staff.
8. Castleton Road is situated to the north of the site, neighbouring residential properties are situated to the south and east of the site, and Hope Valley College is situated to the west of the site.

**Proposal**

9. Change of use of restaurant/takeaway and storage building and reconfiguration of 4no. existing flats, including an extension to create 5no residential apartments.

### **RECOMMENDATION:**

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

1. 3 year implementation period.
2. Development to be carried out in accordance with specified amended plans.
3. Works to be carried out in full, including demolition and landscaping, prior to occupation.
4. All windows and doors to be timber or powder coated aluminium.
5. All windows and doors recessed 100mm.
6. Windows to West elevation of main building and North and West elevations of detached building to be obscure glazed and non-opening.
7. Rooflights flush with roof.
8. Roof to be clad with tiles to match existing.
9. Storage of plant and materials, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles to take place within site area only.
10. Parking spaces to be provided prior to occupation.
11. No dwelling to be occupied prior to parking spaces being provided in accordance with revised parking plan.
12. There shall be no gates or other barriers on the access/driveway.

### **Key Issues**

- Whether the loss of the restaurant/takeaway is acceptable in principle.
- Whether the outbuilding is suitable for conversion.
- The impact of the development on the character and appearance of the site.
- The amenity impacts of the development.
- The highways impact of the development.

### **History**

HPK0382261 – Extension to existing shop – Approved

HPK0484277 – C/U of shop extension to form a separate shop unit – Approved temporarily

HPK0287027 – Change of use from cash & carry stores to shop and tearoom – Approved

HPK0888131 – Erection of double garage – Approved

HPK0289033 – Extension to dwelling – Refused

HPK0489070 – Change of use of shop extension to form a separate shop unit – approved

HPK1293149 – Alterations and extension to dwelling – Approved

HPK0494054 – Restaurant - Extension of A3 Use and Variation of existing opening hour condition – Refused

HPK1098147 – Conversion of garage to holiday accommodation – Refused

HPK1098149 – Variation of condition to allow sale of hot food for consumption off the premises – Approved

HPK0399036 – Conversion of garage to ancillary staff facilities for restaurant – Approved

HPK0801101 – Alterations and extension to outbuilding to provide additional storage and ancillary amenities for staff – Approved

HPK0803103 – Extension to dwelling – Approved

### **Consultations**

Highway Authority – No objections subject to construction management plan, provision of parking spaces and no gates.

Parish Council – Supports the application.

Archaeology – No objections.

Environment Agency – No objections.

Planning Policy – Objection.

Flood Team – No response.

Borough Council – No response.

Environmental Health – No response.

Ecology – No response.

### **Representations**

10. 16 representations have been received in relation to this application. 12 of these are in support of the application, 1 objects to the application, 1 provides general comments and 2 are from the applicant/agent.

### **Main policies**

11. Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, DS1, L1, CC1, HC1, HC4

12. Relevant Development Management Plan policies: DMC3, DMH6, DMH8, DMT3, DMT8

### **National planning policy framework**

13. 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.

14. 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.
15. 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 government guidance in the NPPF with regard to the issues that are raised.

#### Development plan

16. Policy GSP1 sets out the broad strategy for achieving the National Park's 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). GSP1 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.
17. Policy GSP2 states that development in settlements necessary for the treatment, removal or relocation of non-conforming uses to an acceptable site, or which would enhance the valued characteristics of the National Park will be permitted.
18. Policy GSP3 sets out 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 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.
19. Policy GSP4 states that to aid the achievement of its spatial outcomes, the National Park Authority will consider the contribution that a development can make directly and/or to its setting, including, where consistent with government guidance, using planning conditions and planning obligations.
20. Policy DS1 states that conversion or change of use for housing will be acceptable in principle in all settlements.
21. 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.
22. Policy CC1 states that in order to build in resilience to and mitigate the causes of climate change all development must make the most efficient and sustainable use of land, buildings and natural resources.



23. Policy HC1 states that exceptionally, new housing can be accepted where it is required in order to achieve conservation or enhancement in settlements listed in core policy DS1.
24. Policy HC4 states that proposals to change the use of buildings or sites which provide community services and facilities including shops and financial and professional services to non-community uses must demonstrate that the service or facility is no longer needed, available elsewhere in the settlement, or can no longer be viable.

#### **Development Management Policies**

25. 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.
26. Development Management Policy DMH6 states that re-development of previously developed land for housing will be permitted provided that the development conserves and enhances the valued character of the built environment or landscape on, around or adjacent to the site.
27. Development Management Policy DMH8 states that alterations to existing outbuildings will be permitted provided changes to the mass, form, and appearance of the existing building conserves or enhances the immediate dwelling and curtilage, any valued characteristics of the adjacent built environment and/or the landscape.
28. Development Management Policy DMT3 emphasises the importance of safe access to developments.
29. 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.

#### **Assessment**

30. The proposal is for the conversion and change of use of the main building into four 2-bedroomed apartments, and the detached concrete blockwork building to the rear of the property into a further 2-bedroomed apartment. The scheme includes the demolition of structures including the lean-to front extension, the flat-roofed single-storey extensions and timber entrance porches to the rear, and a reduction in height to the detached building.
31. The front of the main property is proposed to be re-rendered in white, and the side and rear elevations are proposed to be finished with a limedash render. Existing window and door openings to the side and rear elevation are proposed to be replaced by glazed panels and doors, along with areas of aluminium cladding. New conservation rooflights are proposed, and glazing bars are proposed to the existing rooflights.
32. Internally, the main property is proposed to be converted to apartments with the restaurant/takeaway use removed. A 2-bedroom apartment is proposed at ground floor level, with two 2-bedroom apartments split between ground and first floor level and a further apartment split between first and second floor level.

33. The detached concrete blockwork building to the rear of the site is proposed to be reduced in height and finished in limedash render. The gable end to the South elevation is proposed to be completely infilled by recessed glazing with a timber frame. Obscure glazed, aluminium framed windows are proposed to the rear and Western side elevations at ground floor level, and a conservation rooflight is proposed in each side of the roofline. Internally it is proposed to create a lounge, kitchen and dining area at ground floor level, with two bedrooms and a bathroom at first floor level.
34. Externally it is proposed to create five parking spaces to the front of the site, with outdoor amenity space and bin storage to the rear of the main building. A wall is proposed immediately to the south of this, separating this area from detached building that is proposed for conversion. An outdoor amenity and bin storage area is proposed behind this wall, to the north of the detached building.

### Principle

35. Core Strategy Policy DS1 states that the proposed change of use is acceptable in principle. Whilst it is preferred that re-use is made of traditional buildings, the policy allows for re-use of other buildings. Other policies in the plan focus development into heritage assets as far as possible to ensure that conservation benefits are realised. The text supporting DMC10 'Conversion of a heritage asset' states that 'there are other, lower quality or rudimentary buildings, (ie those that do not possess the same qualities as heritage assets in terms of their materials and traditional design) that may also be the subject of planning applications for conversion. It is anticipated that such buildings will rarely be worthy of conversion to higher intensity uses and as such will not normally be permitted. Any approval of such buildings will only be permitted by way of exception where they display sufficient quality and substance to justify and deliver a sustainable outcome'. The conversion of the modern ancillary building is not a non designated heritage asset, but its integrated relationship to the enhancement across the site is a material consideration.
36. Core Strategy Policy HC1 and Development Management Policy DMH6 require conversions to address eligible local needs, and the viability to provide affordable dwelling units must be assessed as per the NPPF. The applicant has indicated that he is not prepared to provide any local needs affordable housing, and a viability assessment has been provided to support this application. However, this assessment does not clearly demonstrate that the provision of local needs affordable housing is not viable.
37. Core Strategy Policy HC1 also states that new housing can be accepted where it is required in order to achieve conservation or enhancement in settlements listed in core policy DS1. This is a relevant consideration in this instance, as Hope is a named settlement and the proposed plans would result in significant enhancement.
38. Ideally the ancillary separate building would be removed or reduced in height and retained for storage purposes or used for affordable local needs. However, the applicant has said that he needs to retain this building in order to make viable the enhancements on the wider site and that restricting its use to affordable local needs would make it unviable to carry out the overall enhancements. We have some reservations about the thoroughness of the applicant's viability assessment (which he has carried out himself).
39. The scheme only provides one additional residential unit and HC1 says that any scheme proposed [to achieve conservation or enhancement in settlements listed in core policy DS1] that is able to accommodate more than one dwelling unit must also address identified eligible local need and be affordable with occupation restricted to local people in perpetuity, unless:

- It is not financially viable, although the intention will still be to maximise the proportion of affordable homes within the viability constraints
40. It is arguable that the scheme only proposes one additional residential unit over and above what currently exists and therefore the policy requirement for the affordable provision is not as compelling in this case. In addition, although the viability case made in the application can only be given limited weight, it does have some weight. It cannot be said that the scheme is entirely in accordance with policy HC1CIII. However, there is no doubt that the scheme would achieve enhancement and insofar as this would comply with policy HC1CII.
41. Development Management Policy DMH6 also states that re-development of previously developed land for housing will be permitted provided that the development conserves and enhances the valued character of the built environment. The proposed plans would conform with this part of the policy.
42. Policy HC4 requires that where there is a loss of community facilities, affordable housing should be sought. For the avoidance of doubt, a restaurant/take away use is not considered essential to maintaining a community's access to a range of services. Hope has an adequate range of shops to meet a community's essential needs. The loss of a building in this use class is not in this case a reason to refuse permission because the village has adequate alternatives.
43. The proposed plans are contrary to some parts of Policies HC1 and DMH6, as no local needs affordable housing is proposed and the submitted viability assessment does not clearly demonstrate that the provision of local needs affordable housing is not viable. However, the proposed plans are required to achieve enhancement and are therefore in accordance with other parts of Policies HC1 and DMH6 and all of Policy GSP2. The proposed plans would greatly enhance the character of the site and the surrounding area by appropriately redeveloping a building that is in an extremely poor state of repair. In addition, the plans would significantly improve amenity issues for neighbours, as a result of the demolition of an extension with roof terrace above, which is causing issues with overlooking and an overbearing impact for the adjoining neighbour. The significant level of enhancement, although localised in terms of benefit, is sufficient to make the scheme acceptable in principle. The proposed plans would also provide an adequate standard of accommodation and amenity space.

#### Design/Character/Landscape

44. As previously stated, the proposed plans would dramatically enhance the character of the site and the surrounding area by appropriately redeveloping a site that is in an extremely poor state of repair.
45. The re-rendering, introduction of new windows and doors and aluminium cladding and the demolition of dilapidated existing structures would improve the main building. The reduction in height and other alterations to the outbuilding would also enhance this structure. The amendments to the existing building would be an enhancement, and would result in no increase in the number of residential units, although the size of them would increase.
46. The alterations to the detached building at the rear of the site would significantly improve its appearance. The large glazed gable would be an untraditional feature and would generally be avoided, however, here it would be used in a non traditional building and would avoid the need for other openings which would be problematic for amenity. The glazed gable would not be apparent from any public vantage points.

### Amenity

47. Policies GSP3, DMC3, and DMH6 indicate that development should not result in any adverse impact on amenity and the living conditions of communities.
48. The plans would improve amenity issues for neighbours, as a result of the demolition of the existing extension with roof terrace above, which is causing issues of overlooking and has an overbearing impact for the adjoining neighbour. Amenity matters would also be improved by reducing the height of the detached outbuilding proposed for conversion.
49. The scheme has been appropriately designed to ensure that any issues with regards to overlooking between windows in the five new units are kept to a minimum. Windows to the western side elevation of the main building are proposed to be obscure glazed and non-opening. All windows (other than the glazed gable) in the detached unit are proposed to be obscure glazed, and we consider that those to the rear and western side elevation should be non-opening also. We do not consider that the windows to the eastern side elevation need to be obscure glazed and non-opening, as these would overlook a public building where privacy is not expected. A condition would be imposed with regards to the glazing, to prevent any issues with overlooking onto neighbouring residential properties.
50. The plans would result in no significant issues in terms of overlooking, overshadowing or an overbearing impact for neighbours. This is a large site with sufficient outdoor amenity and parking space, so the proposed plans would not result in overdevelopment.

### Highways

51. Policies DMT3 and DMT8 emphasise the importance of safe access and appropriate parking provision.
52. The proposed plans indicate that five parking spaces would be allocated to the front of the site, with no other alterations in terms of access or parking.
53. DCC Highways was consulted on the application and raised no objections. The following conditions were suggested:
  - Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.
  - No dwelling shall be occupied until space has been laid out within the site in accordance with the revised application drawing for cars to be parked. Once provided, the spaces shall be maintained free from any impediment to their designated use for the life of the development.
  - There shall be no gates or other barriers on the access/driveway.
54. The comments from DCC Highways are accepted. It is considered that the suggested conditions in relation to parking provision and gates are required, but we do not consider that a construction management plan is needed for a scheme of this scale.

### Other Matters

55. There are no concerns that the proposed developments would result in any significant impact in terms of environmental or heritage matters and there have been no objections to these plans.

### Representations

56. As a result of consultation, 16 representations have been received in relation to this application. 12 of these are in support of the application, one objects to the application, one provides general comments and two are from the applicant/agent.
57. The objection raises concerns regarding overdevelopment. However, this response incorrectly states that nine properties are proposed to be created rather than a total of five. We do not consider that five residential properties on the site represents overdevelopment, given that this amounts to one additional unit more than at present. The general comment raises concerns with regards to a lack of parking. It is accepted that five parking spaces is somewhat limited, but it is not possible to provide any further parking on the site. In conclusion, we do not consider the level of provision to be sufficiently limited to warrant a refusal being issued.

### Conclusion

58. The proposed amended plans are appropriate in terms of principle, scale, form and materials, subject to the imposition of conditions. Although there is no provision of affordable housing, on balance the enhancement of the character of the site and the surrounding area by appropriately redeveloping a site that is in an extremely poor state of repair and improvement of amenity for neighbours is considered sufficient to recommend approval.
59. The application is acceptable in terms of amenity, parking and highway safety, subject to the imposition of conditions. The plans would improve amenity issues for neighbours, as a result of the demolition of an extension with roof terrace above and the reduction in height of a detached outbuilding.
60. It is necessary to impose a condition requiring obscure glazing and non-opening windows in some areas, to prevent issues with overlooking. It is also necessary to remove Permitted Development Rights, to prevent any inappropriate alterations.
61. Therefore in the absence of any other material considerations the proposals are considered to be acceptable and in accordance with the development plan and accordingly are recommended for approval.

### Human Rights

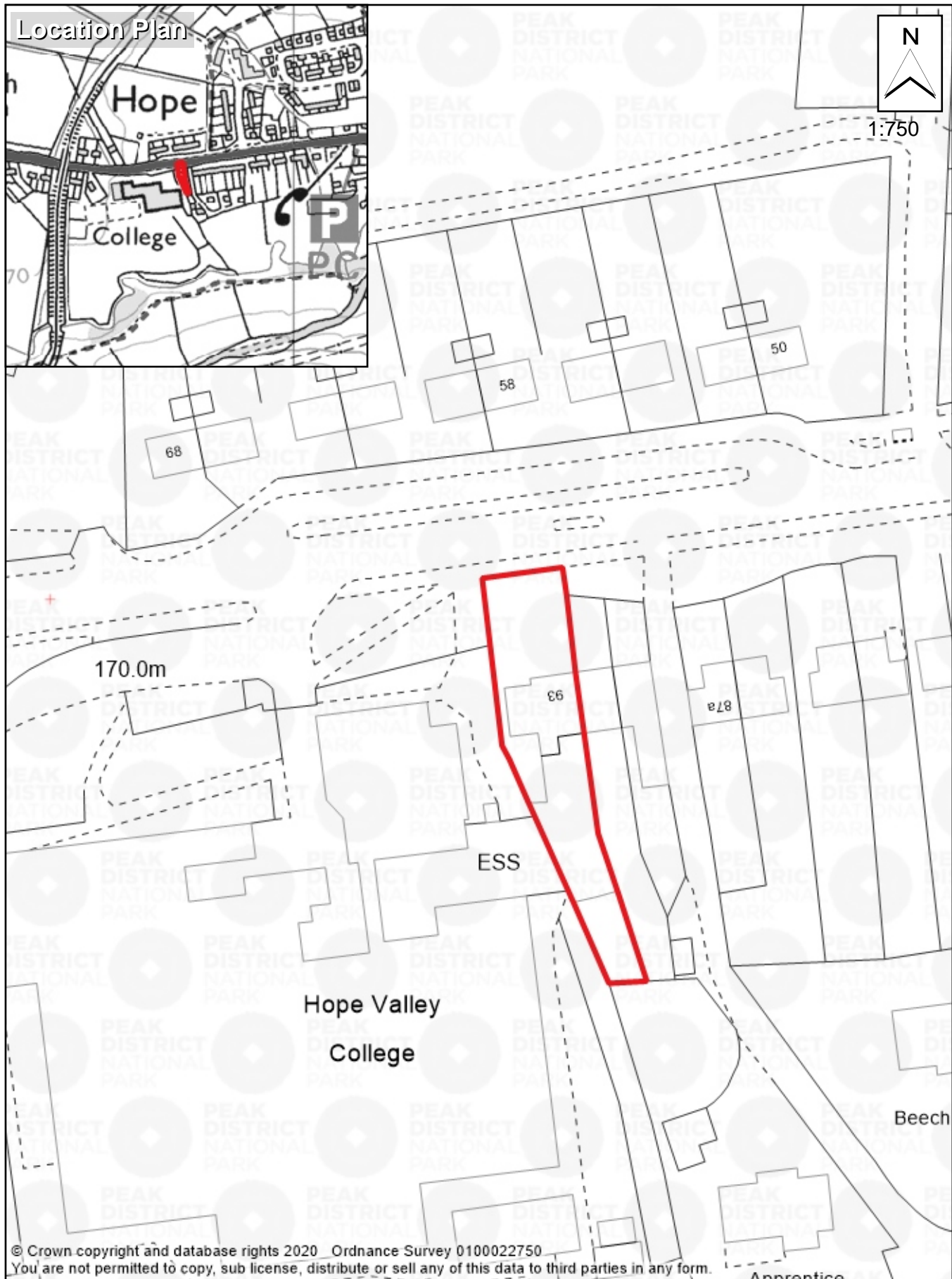
Any human rights issues have been considered and addressed in the preparation of this report.


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

Nil

Report Author: Joe Freegard, Planner (North)

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Committee Date:	6th March 2020	<b>Title:</b> 93 Castleton Road Hope	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 8		
Application No:	NP/HPK/1019/1159		
Grid Reference:	416791, 383452		

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**9. HOUSEHOLDER APPLICATION – UNDERGROUND GARAGE/WORKSHOP TO REPLACE EXISTING TEMPORARY WOODEN STRUCTURES AT SLALEY HALL COTTAGE, LEYS LANE, SLALEY - (NP/DDD/1119/1248, SC)**

**APPLICANT: PETER O HALLORAN**

**Summary**

1. The application seeks permission for a detached undergrounded garage and workshop for domestic residential use. The key considerations are, the potential impact on the character and appearance of the host property and the streetscene, the privacy and amenity of neighbouring dwellings and highway safety. In this case, the impacts are acceptable and the application is recommended for approval.

**Site and Surroundings**

2. Slaley Hall Cottage is a traditional two storey dwelling situated on the north side of Leys Lane, approximately 100m north east of Slaley Hall and forms part of a group of buildings towards the north eastern edge of the hamlet. The development subject of this application would be sited approximately 25m west of the main property. The land at this point is at a higher level than the host building with a rising bank behind and open fields beyond. A range of timber outbuildings currently occupies the land. Access would be directly off Leys Lane with the nearest neighbouring property 'Homestead' located at an elevated level to the west of the development site.

**Proposal**

3. Planning consent is being sought, to erect a partially undergrounded garage and workshop building with a terrace area above. Amended plans have been submitted showing the building set back two metres from the nearside carriageway edge, which alleviates previous concerns raised by the Highway Authority regarding visibility and safe access. These changes are considered acceptable and subsequently the amended plans form the basis of the current application.

**RECOMMENDATION:**

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

1. **Standard 3-year time limit.**
2. **Compliance with amended plans and details.**
3. **Submission of details prior to the garage being brought into use for the roofing of the garage and omission of the steps to the garage roof.**
3. **Design and materials.**
4. **Workshop to remain ancillary to main dwelling.**
5. **Garage to remain for garaging of private domestic vehicles only.**
6. **The roof of the garage shall not be used for any recreational or domestic purpose.**
7. **Source of local stone and timber to be submitted for approval.**

### **Key Issues**

4. The potential impact on the character and appearance of the host property and the streetscene, the the privacy and amenity of neighbouring dwellings and highway safety.

### **Relevant History**

5. 2019: NP/DDD/0119/0061 - Underground garage/workshop/storage plus ancillary accommodation to rear of scheme, to replace existing temporary wooden structures. Refused on scale and design grounds.
6. 2010: NP/DDD/1109/0995 - Ground and first floor extension to property - Granted conditionally.
7. 2014: NP/NMA/1014/1077 - Non-material amendment to design of side-extension accepted.

### **Consultations**

8. Highway Authority - No objections, subject to the building being set back a minimum of 2m from the carriageway edge.
9. District Council - No response to date.
10. Parish Council - ...'*object to the proposed development on the grounds that the design and appearance, and layout and density of the proposed buildings, were not in keeping with the character of the surrounding area*'.

### **Representations**

11. None.

### **National Planning Policy Framework**

12. 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.
13. 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.
14. 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.
15. In the National Park, the development plan comprises the Authority's Core Strategy 2011 and the new 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**

16. 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.
17. 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.
18. DS1 - *Development Strategy*. Supports extensions in principle, subject to a satisfactory scale, design and external appearance.

### **Development Management Policies**

19. DMC3 - *Siting, Design, layout and landscaping*. Reiterates, that where developments are acceptable in principle, Policy requires that design is to high standards and where possible enhances the natural beauty, quality and visual amenity of the landscape. The siting, mass, scale, height, design, building materials should all be appropriate to the context. Accessibility of the development should also be a key consideration.
20. DMC5 - *Assessing the impact of development on designated and non-designated heritage assets and their setting*. The policy 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.
21. DMH8 - *New Outbuilding and alterations and extensions to existing outbuildings in the curtilages of dwelling houses*. States, that new outbuildings will be permitted provided the scale, mass, form, and design of the new building conserves and enhances the immediate dwelling and curtilage. In addition, the use of the buildings will be restricted through conditions, where necessary.
22. DMH7 - *Extensions and alterations*. States 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.
23. DMT3 *Access and design criteria*. States amongst other things, that a safe access should be provided in a way that does not detract from the character and appearance of the locality and where possible enhances it. Whilst DMT8 - *Residential off street parking*. Says, that off-street parking for residential development should be provided and the design and numbers of parking spaces associated with the residential development respects the valued characteristics of the area.
24. The Authority has also adopted three separate supplementary planning documents (SPD) that offers design guidance on householder development namely the Design Guide, the Building Design Guide and the Detailed Design Guide on Alterations and Extensions. This guidance offers specific criteria for assessing the impacts of householder development on neighbouring properties.

## **Assessment**

### **Principle of development**

25. The provision of ancillary domestic garaging is in effect an extension. There are no objections in principle to extending a dwelling, subject to satisfactory scale, design and external appearance and where development pays particular attention to the amenity, privacy and security of nearby properties, in accordance with policies DS1 & DMC3 in particular.

### **Design and materials**

#### **Proposed garage/workshop building**

26. The Authority's design guidance advises, that an underground garage solution can be considered, should it minimise the garages obtrusiveness where the form of the garage is deliberately played down and effectively 'lost' behind walls and planting. Further stating, that if a garage results in a building of a size that cannot be considered to be of a design that is sympathetic to the property it serves, e.g. they do not appear subservient or are out of proportion with the house itself, these considerations will outweigh any issues of car storage.
27. The proposed garage and workshop would replace an array of timber structures to the south west of the main dwelling. Part of the roadside drystone walling to the site would also require re-aligning, in order to curve round and join up with the garage development. The existing garden steps would also be re-modelled, allowing access to the workshop and the upper garden area, whilst also providing a sheltered bin area.
28. The building itself would be set back 2m from the roadside, with a footprint measuring around 7.5m in depth x 9m in length, with the visible roof of the building being proposed as a terraced area. The front roadside elevation of the building, would measure around 3.4m at its highest point, with the walls of the building being constructed of natural stone to match the existing dwelling and the surrounding vernacular. All doors would have gritstone headers and be vertically boarded timber.
29. In this case, the garage/workshop building would appear subordinate in scale and massing in relation to the main dwelling and in the wider streetscene. Moreover, it would reflect a design and use of materials that would complement the host building, helping to preserve its traditional character and appearance. Consequently, the development by virtue of its siting, scale, design and use of materials, would accord with policies GSP3, DMC3, DMC8 & DMH7 respectively.

### **Amenity impact on neighbouring properties**

30. Outlook, amenity, privacy and daylight are fundamental considerations when altering or extending a property. This is to ensure that habitable rooms achieve a satisfactory level of outlook and natural daylight, there is adequate privacy and outdoor private amenity space and that no overbearing or harmful overshadowing of neighbouring property results.
31. The nearest neighbouring property that would be most affected is 'Homestead' which is sited around 25 metres west of the proposed development and at a higher level. It is considered the development, whilst close to the boundary of this neighbouring property, would be sited far enough away from the dwelling itself, not to harm the quiet enjoyment of the occupants of this dwelling. However, the application site is separated from the garden of the Homestead by another piece of land in the ownership of the residents of Hillside Cottage. The use of this land is ambiguous, but appears to be in low level

domestic use. Although the land is not currently in a condition to be used as a garden, the use of the proposed terrace on the garage would be over bearing and over looking of the land and would have a significant impact on neighbour amenity. This would be contrary to policies GSP3 & DMC3 in these respects. However, it's considered that the use of the roof of the roof of the garage as a terrace can be limited by condition and the scheme can be made acceptable in this respect.

### **Highway Impact**

32. The Local Highway Authority has raised no objections, subject to the garage/workshop building being set back 2 metres from the roadside edge. In this case, amended plans have secured this, therefore the proposal is considered acceptable in highway safety terms, according with policy DMT8 in these respects.

### **Environmental Management**

1. Labour: A good contact base of local tradesmen has been built up by the owner, who intends to use a team of builders that only need to travel short distances.
2. Materials: Locally sourced stone and timber materials will be used, which in turn reduces the carbon emitted in terms of journey time from source.

### **Conclusion**

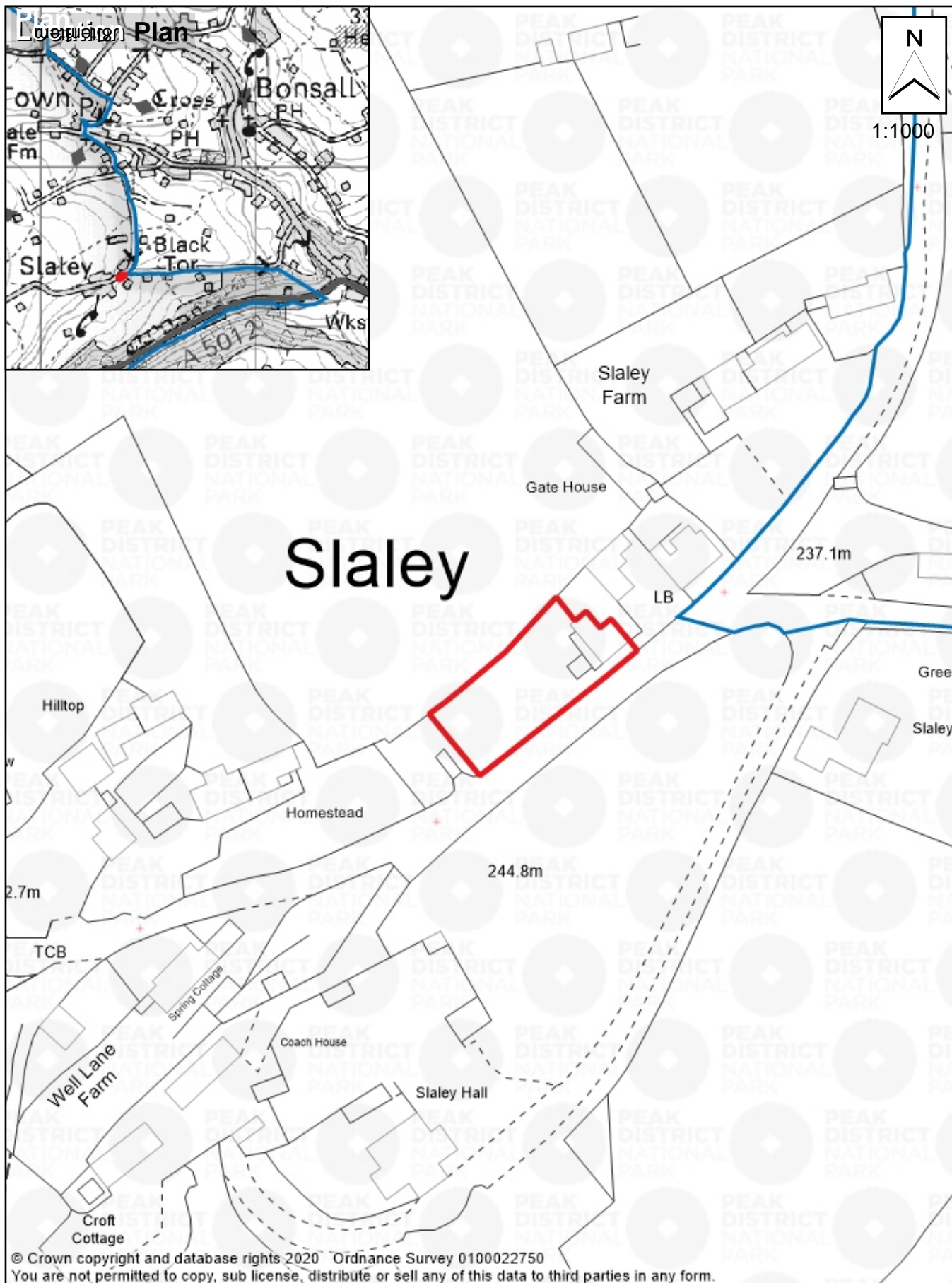
3. In conclusion, the proposed garage and workshop building is considered of an appropriate scale, design and appearance in relation to the existing property, uses natural materials in keeping with the local surroundings and would have no adverse impact on nearby residential amenity or highway safety. Consequently, the scheme is considered in accordance with National Development Plan Policies, adopted Design Guidance, and recommended for approval to members, subject to appropriate and reasonable conditions.


### **Human Rights**

4. Any human rights issues have been considered and addressed in the preparation of this report.
5. List of Background Papers (not previously published)
6. Nil

Report Author: Steve Coombes, Planner.

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Committee Date:	6th March 2020	<b>Title:</b> Slaley Hall Cottage Leys Lane Slaley	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 9		
Application No:	NP/DDD/1119/1248		
Grid Reference:	427384, 357503		

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**10. FULL APPLICATION – SINGLE STOREY REAR LEAN-TO EXTENSION AT WILLOW CROFT, DIRTY LANE, GREAT HUCKLOW, DERBYSHIRE, SK17 8RG - NP/DDD/1219/1324 - JF**

**APPLICANT: MRS GRAFTON**

**Site and Surroundings**

1. The property concerned is Willow Croft, located on Dirty Lane in Great Hucklow. This is a detached former barn that has been converted to residential use and is located in Great Hucklow Conservation Area. The property is of a natural stone construction with a pitched slate roof and timber windows and doors. The front elevation is set back slightly from Dirty Lane with a small garden situated between the property and the road. A single storey lean-to garage extension is attached to the gable end of the property. A further single storey lean to extension is attached to the rear of the property. Both of these additions are constructed using materials to match. A further small pitched roof conservatory/porch is attached to the Northern side of the rear extension, with a valley gutter running between this addition and the host property. This conservatory/porch has been added without Planning Permission, however due to the passage of time the structure has become lawful.
2. The property is situated within a triangular shaped plot of land, set over a relatively flat gradient. Extensive areas of garden surround the dwelling, with the majority of the outdoor amenity space situated to the north and west of the site. The areas of garden are largely covered by grass and areas of planting, and a glazed summer house is situated within the rear garden. Vehicle access to the property is via a driveway from Dirty Lane. The entrance to the driveway is set back from the road, where timber gates are located.
3. A field is situated to the north and west of the site, the roadway of Dirty Lane is situated to the east of the site, and a neighbouring residential property is situated to the south of the site.

**Proposal**

4. A full application has been made for a single storey rear lean-to extension which would replace the conservatory/porch and extend across the original rear wall of the dwelling and butt up against the existing rear lean to extension which would also be extended out to match the longer new lean-to. Alterations are also proposed to the fenestration of existing rear lean to extension.

**RECOMMENDATION:**

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

- **The excessive scale and glazing, poor design and dominant massing of the proposed extension would result in an adverse impact on the character and appearance of the property, its setting and the wider Conservation Area. The proposed plans would not be sympathetic or subservient to the original building or limited in size, would not respect, conserve and enhance the valued characteristics of the site or the surrounding landscape, and would harm the character and appearance of a heritage asset and its setting. The proposed extension and alterations appear overly domestic in character, and would result in the character of the original property and its setting being neither respected nor retained. As such, this application is contrary to the Extensions and Alterations**

**SPD, the Design Guide, Policies GSP3, L1 and L3 of the Peak District National Park Core Strategy, and Policies DMC3, DMC5, DMC8 and DMH7 of the Peak District National Park Authority Development Management Policies.**

**Key Issues**

5. The key issues are whether the development would conserve the character, appearance and amenity of the existing property, its setting, that of neighbouring properties, and the surrounding Conservation Area.

**History**

6. 2004 – Approval of Application WED1287534 for ‘conversion of barn to dwelling’.
7. 2004 – Approval of Application NP/DDD/1203/0859 for ‘single storey extension to form breakfast area, hall, cloakroom, fuel storage tank’.
8. 2016 – A pre-application enquiry was made under reference PE\2016\ENQ\26040. It was advised that there may be scope for the provision of a single storey rear extension.
9. 2019 – Refusal of application NP/DDD/1018/0978 for ‘single storey rear lean-to extension’.

**Consultations**

10. Highway Authority – No objections.
11. District Council – No comments
12. Parish Council – Support the application.
13. Archaeology – No objections – This building is already long converted and altered and already has a number of domestic and house-like domestic features – the chimney stack, the existing extensions – that we wouldn’t support these days with respect to retaining the agricultural character and historic interest and significance of converted traditional farm buildings.

**Representations**

14. No representations have been received in relation to this application.

**Main Policies**

15. Relevant Core Strategy policies: GSP1, GSP3, DS1, L1, L3, CC1
16. Relevant Development Management Plan policies: DMC3, DMC5, DMC8, DMH7
17. 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

18. 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
19. 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.

#### National Planning Policy Framework

20. The revised National Planning Policy Framework (NPPF) was published in July 2018 and replaced the 2012 NPPF 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 the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.
21. Paragraph 172 of the NPPF states 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.

22. Policy GSP1 sets out the broad strategy for achieving the National Park's 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.
23. Policy GSP3 sets out 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 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. GSP3 also requires a high standard of design in accordance with adopted design guidance.
24. Policy DS1 indicates that extensions to existing buildings in all settlements will be acceptable in principle.
25. 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.

26. Policy L3 states that development must conserve and enhance any asset of archaeological, architectural, artistic or historic significance or its setting that has statutory designation or registration or is of other international, national, regional or local significance.
27. Policy CC1 states that In order to build in resilience to and mitigate the causes of climate change all development must make the most efficient and sustainable use of land, buildings and natural resources.

#### Development Management Policies.

28. Policy DMC3 states that where development is acceptable in principle, it will be permitted provided that its detailed treatment is 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. Particular attention will be paid to siting, scale, form, mass, levels, height and orientation in relation to existing buildings, settlement form and character, including impact on open spaces, landscape features and the wider landscape setting which contribute to the valued character and appearance of the area.
29. Policy DMC5 states that the development of a designated or non-designated heritage asset will not be permitted if it would result in any harm to, or loss of, the significance, character and appearance of a heritage asset (from its alteration or destruction, or from development within its setting), unless there are substantial public benefits.
30. Policy DMC8 states that applications for development in a Conservation Area, or for development that affects its setting or important views into, out of, across or through the area, should assess and clearly demonstrate how the character or appearance and significance of the Conservation Area will be preserved or enhanced.
31. Policy DMH7 states 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 particularly where it is a designated or non-designated cultural heritage asset.

#### Assessment

32. An application has been made for a single storey rear lean-to extension. The existing rear conservatory/porch is proposed to be demolished and replaced by this structure. The extension is proposed to be attached to the northern side of the existing single storey lean-to rear extension. The extension is proposed to be constructed using materials to match, with a shallow lean-to roof. A row of four bi-fold doors are proposed to the rear elevation, with two rooflights proposed within the roof. A timber door is proposed to the side elevation, and the southern side of the structure is proposed to abut the existing rear extension. The existing extension is proposed to be modified slightly, with a slight increase in depth, the pitch of the roof being decreased, the removal of a side wall, and a glazed door replacing the existing window. This would allow the existing extension to be attached to the new extension and appear as one continuous lean-to structure. The resulting structure would measure approximately 3.8m in height to the apex, 2.6m in height to the eaves, 10.5m in width and 3.3m in depth. The extensions cumulatively would result in most of the rear of the property being covered over at ground floor level. Internally it is proposed to create a garden room, with a dining area within the existing extension.

### Character/Landscape

33. The proposed scale and design do not reflect adopted design guidance. The Extensions and Alterations SPD states that extensions should be sympathetic, subservient to the original building, and limited in size. The Design Guide also states that 'the guiding principle behind the design of any conversion should be that the character of the original and its setting should be respected and retained'. Policy DMC3 states that the detailed treatment of a development should be of a high standard, and Policy DMC8 states that development in a Conservation Area should preserve or enhance this. The proposed plans would result in most of the rear of the property being covered over at ground floor level. This proposal is excessive in scale and not subservient to the host property. The extension would also appear as a continuation of the form of the existing extension, exacerbating the dominance of the proposed addition as they would be read together. The proposed extension is over-glazed and poorly detailed, with a shallow roof pitch that does not reflect the host property and would have an adverse impact on the surrounding Conservation Area.
34. Policy DMC5 states that the development of a heritage asset will not be permitted if it would result in any harm to, or loss of, the significance, character and appearance of this asset. Policy DMH7 states 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 particularly where it is a designated or non-designated cultural heritage asset. The building in question is a historic barn in a Conservation Area that has been converted, and is therefore a non-designated heritage asset. The proposed extension appears overly domestic in character, and would result in the conversion of this barn being severely compromised.
35. The NPPF is clear that national parks have a very limited role to play in the delivery of housing. Our policies support the conversion of non-designated heritage assets (in this case a barn) for the conservation benefits that can be achieved by a sustainable reuse of these buildings, not to meet the wider housing needs. It is essential that once the sustainable domestic use is secured that this does not facilitate further changes to the building that erodes the character of the origins of the building as a barn.
36. The proposed extension would result in the character of the original property and its setting neither being respected nor retained. The replacement of a rear window in the existing rear extension with a glazed door is also an overly domestic feature that would introduce an excessive level of glazing. The proposed additions and alterations are of an unacceptable scale and design quality, would harm the character of a heritage asset, the proposed fenestration relates poorly to the existing dwelling, and there are no significant public benefits associated with this scheme.

### 37. Amenity

38. The proposed location, scale or form of the extension would not result in any adverse impact on neighbouring properties. Neighbouring properties are situated a significant distance away, and as such there would be no issues in terms of overlooking, overshadowing or an overbearing impact.

### 39. Other Matters

40. Given the location of the proposed extension and its relationship to the existing property and neighbouring properties there are no concerns that the proposed development would result in any significant impact in terms of highway or environmental matters.

## **Conclusion**

41. The scale, design and massing of the proposed extension would result in an adverse impact on the character and appearance of the property, its setting and the wider Conservation Area. This application is contrary to the Extensions and Alterations SPD, which states that extensions should be sympathetic, subservient to the original building, and limited in size. It is contrary to the Design Guide, which states that ‘the guiding principle behind the design of any conversion should be that the character of the original and its setting should be respected and retained’. It is contrary to Policy GSP3, which states that 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, and design in accordance with the National Park Authority Design Guide. It is contrary to Policy L1 which states that development must conserve and enhance valued landscape character and valued characteristics, and Policy L3 which states that development must conserve and enhance any asset of architectural or historic significance. It is contrary to Policy DMC3 which states that the detailed treatment of a development should be of a high standard, and Policy DMC5 which states that harm to a heritage asset will not be permitted. It is contrary to Policy DMC8 which states that development should preserve or enhance a Conservation Area, and Policy DMH7 which states that extensions and alterations should not detract from the character and appearance of the original building.

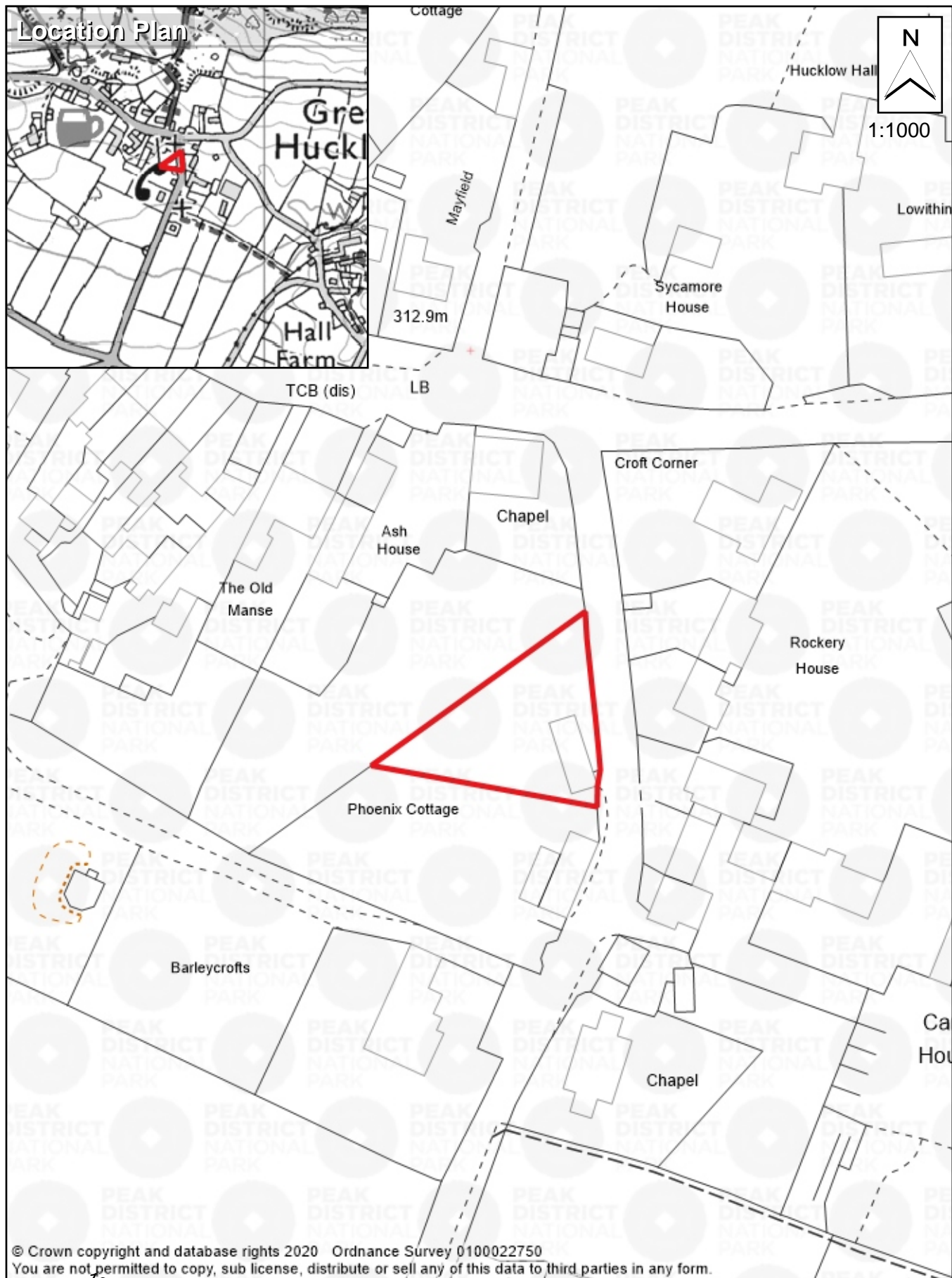
## **Human Rights**

42. 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 – Joe Freegard, Planner



Committee Date: 6th March 2020  
 Item Number: Item 10  
 Application No: NP/DDD/1219/132 4  
 Grid Reference: 417840, 377776

**Title:** Willow Croft  
 Dirty Lane  
 Great Hucklow



**PEAK  
DISTRICT  
NATIONAL  
PARK**

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**11. FULL APPLICATION; PROPOSED 2 STOREY REAR EXTENSION AND ASSOCIATED WORKS AT THE LEE, POST OFFICE ROW, LITTON, (NP/DDD/1219/1318, JK)**

**APPLICANT: MR & MRS JAMES SMITH**

**Summary**

1. The proposal is a two storey rear extension to a traditional cottage in the centre of Litton and within the Conservation Area.
2. We consider that the scale, massing and design of the proposed extension, together with the existing extension, would cover up the whole of the rear elevation of the property which would significantly harm its character and appearance together with that of the Conservation Area.
3. We also conclude that being sited on the boundary, the extension would have an overbearing and harmful impact upon the neighbouring property's amenity. The footprint would also result in a loss of further private amenity space for the host dwelling such that the remaining private space would not be commensurate with the resultant scale of the dwelling.
4. We therefore recommended for refusal and the application is brought to committee as a result of the Parish Council's support for the proposal contrary to the officer recommendation.

**Site and Surroundings**

5. The Lee is a three-bedroomed cottage that forms one half of a pair of cottages (the other being Rowan Cottage) within the centre of the village of Litton. The cottage is sited on a strong building line between a terrace of properties that include the village shop to the west and the large detached Hall Farm House to the east. To the rear are a series of small paddocks which include a number of mature trees and boundary hedgerows. The property and its surroundings form part of the Litton Conservation Area.
6. The Lee is a two storey traditional limestone cottage with blue slate roof and cream coloured mock sash windows. The principal elevation and small walled front garden front onto the open green space that forms the heart of the village. The main elevation has a pleasing symmetrical design, with decorative gritstone lintels and a small pitched roof porch. To the rear, the property is characterised by a recent two-storey extension (2005) and a single storey lean-to conservatory, both of which open onto a small courtyard. As a result the dwelling now is roughly L-shaped. There is a further detached small outbuilding/store on the rear (southern) boundary of the plot. To the side of the dwelling is a large gravel driveway which has parking for in excess of three vehicles and

**Proposal**

7. To replace the single storey lean-to conservatory at the rear with a new, two storey extension in matching materials. It would essentially 'fill-in' the corner between the two storey extension and the original dwellings rear wall creating another gable end, albeit somewhat narrower than the 2005 extension. When coupled with the 2005 extension this will create two gabled ends to the rear separated by a flat roof and large central drainage gully. The proposal will provide additional living accommodation in the form of a new ground floor dining room and a first floor bedroom, increasing the number of bedrooms from three to four.

8. The proposed extension would have an eaves height similar to that of the adjacent 2005 extension, being slightly below that of the original dwelling. The extension would extend back from the rear wall of the original dwelling by 4 metres. This would preserve the existing windows in the side elevation of the 2005 extension. The extension would project 2.4m further than the current rear wall of the adjacent property (Rowan Cottage) and would be sited just inside the 1.5m boundary wall between the two properties. The elevation to the neighbouring property will be entirely blank and the rear gable elevation will comprise of a large opening containing triple bi-fold doors at the ground floor and small twin paned window at first floor.
9. The materials are to match the existing property. The roof will be natural blue slate with mortared verges and the walls limestone rubble laid in courses. The flat roofed section, is stated in the Design and Access Statement to be leaded along with the gullies. The windows are specified as timber and the rear bi-fold doors are aluminium, however colours and finishes are yet to be specified. There is some limited information provided on the colour and shape (square form) rainwater goods, however the final materials are not specified.

### **RECOMMENDATION:**

10. **That the application be REFUSED for the following reasons:**
  1. **The scale, massing and siting of the proposed extension, when taken together with the existing extension, would cumulatively result in extensions covering the whole of the rear wall of the cottage and which would have a dominating and harmful impact upon the valued character and appearance of the host building and the Litton Conservation Area. This impact is exacerbated by the awkward design details of the flat roofed link element and overlapping roof detail along with the poorly proportioned first floor window and the overlarge ground floor door opening which are out of keeping with the established character of the cottage and the local building tradition.**
  2. **The scale and siting of the extension would be harmful to the amenity of the neighbouring property as a result of a significant overbearing impact and also to a lesser extent the amenity of the host dwelling through the loss of private amenity space leaving the property with a garden which would not be commensurate with the scale of the house. The proposal is therefore contrary to Policies GSP1, GSP2, GSP3, DMC3, DMC5, DMH7 and the Building Design Guide and the Alterations and Extensions SPD.**
  3. **The proposal fails to demonstrate that the highest possible standards of carbon reductions are achieved in the submitted design and therefore the proposal is contrary to Policy CC1.**

### **Key Issues**

11. Principle of development
12. Impact on the character and appearance of the host dwelling
13. Impact on heritage assets – specifically the Litton conservation area
14. The impact upon the amenity on existing and future residents - privacy, daylight, overlooking and overbearing

## **History**

15. There are two relevant applications specifically relating to this site. The first was in 1991 and concerned the erection of the front porch to the property, the second, more significantly was for the rear extension (ref: NP/DDD/0505/0464). The latter was the subject of detailed design discussions between officers and the applicant, given the large scale and mass of the proposed extension in comparison with the original cottage.
16. The 2005 extension replaced a series of single storey lean-to utility rooms and an outdoor store with a new two storey extension. The design of the extension was amended during the application stage to provide a lower roofed 'link component' between the main bulk of the extension and the original dwelling to provide a clear separation between new and old, thus giving an appearance of an outbuilding now joined to the cottage with a 'later' link. Whilst using some existing extensions and lean-to components, the 2005 extension doubled the amount of floor space provided by the original dwelling.

## **Consultations**

17. Highways Authority: Have no objections in principle to the application as it is for ancillary living accommodation.
18. Parish Council: Have supported the application as they consider it is in accordance with the Parish Council's planning policy.

The Parish Council's planning policy (2016) states that: The Parish Council recognises that the majority of planning applications are from residents wishing to make improvements to their existing residential or business properties. This benefits the community by improving the overall building stock and the PDNPA pays close attention to ensuring a sympathetic design. The Parish Council will be predisposed to support such applications.

19. PDNPA Archaeology: Have confirmed that there are no archaeological concerns or comments on this application.

## **Representations**

20. At the time of drafting this report, the Authority has not received any representations regarding the proposals.

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

21. 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.
22. 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.

23. 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**

24. 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.
25. 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.
26. DS1 - *Development Strategy*. Sets out that most new development will be directed into named settlements. Litton is a named settlement.
27. 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.
28. L3 – Cultural heritage assets of archaeological, architectural, artistic or historic significance
29. This policy is relevant given the building is within the Litton conservation area. It states that developments must conserve and enhance the significance of heritage assets, and there must be exceptional circumstances to justify harm to a heritage asset and its setting.
30. HC1 – *New Housing*. Sets out that provision will not be made for housing solely to meet open market demand. Housing land will not be allocated in the development plan. Exceptionally, new housing can be accepted including where it addresses eligible local needs for homes that remain affordable with occupation restricted to local people in perpetuity.
31. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.

#### **Development Management Policies**

32. DMC3 – *Siting, design and landscaping*; This policy requires development that is acceptable in principle ensure, should have high quality detailed treatment that where possible will enhance the areas natural beauty, quality and visual amenity of the landscape, including wildlife and cultural heritage and contribute to the distinctive sense of place. It also clearly stated that the principles set out in supplementary planning documents and technical guides should be considered.
33. The policy sets out a series of 10 design criteria to ensure that new developments achieve this overall goal, many reflecting broader guidance in the Core Strategy.

Importantly for this application, given the key criteria as they are set out in section 2 of the policy are:

- i. siting, scale, form, mass, levels, height and orientation in relation to the existing buildings, settlement form and character, including impact on open spaces, landscape features and the wider landscape setting, which contribute to the value character and appearance of the area.
  - vi. Amenity privacy and security of the development and other properties that the development affects
34. DMC5 – Assessing the impact of development on designated and non-designated heritage assets and their settings; Requires planning applications that affect a heritage asset to provide details of their significance (either in a separate statement or a design and access statement) and key features of value and how they will be conserved and where possible enhanced and why they are desirable or necessary. Loss or harm to a non-designated heritage asset will not be permitted unless it is considered acceptable following a balanced judgement that takes into the significance of the asset.

Note: The applicant's Design and Access Statement has included such information, with additional information provided during the course of the application.

35. DMH7 – Extensions and alterations

Extensions and alterations will be permitted subject to meeting a series of criteria. The criteria that are relevant to this planning application state that proposals should not:

- detract from the character, appearance or amenity of the existing building, its setting or neighbouring buildings
- dominate the original dwelling particularly where it is a designated or non-designated cultural heritage asset
- amount to the creation of a separate independent dwelling
- create an adverse effect on, or lead to undesirable changes to, the landscape or any other valued characteristic

#### Supplementary Planning Documents

36. The Alterations and Extensions Detailed Design Guide (2011) chapter 3 provides detailed guidance on extensions in the National Park, and is an important consideration given the criteria to policy DMC3. In summary it sets out a number of broad principles extensions:

- Extensions ought to be smaller in volume and height than the existing property, so that the main house remains the dominant element
- The height to width of the extension should ideally reflect the proportions of the existing property
- Rear extensions are often the easiest to accommodate however, the smaller the building, the smaller the rear extension ought to be
- A two storey gabled extensions is better suited to a larger property
- The ridge and eaves height should be less than the existing property where possible.
- That extensions limit, in most cases, the materials to just that for the walls and that for the roofs and that they match the existing building.
- That new extensions should take account of satisfactory levels of privacy, outlook, natural daylight and outdoor private amenity space.
- That new development does not have a harmful effects from overshadowing or overbearing on neighbouring properties

- Gardens should ideally not be less than 50% of the original dwelling and that car parking and bin storage should be retained.
37. The 2007 Design Guide provides some further guidance on the scale of extensions that can be considered appropriate. It clearly states that the smaller the building the less options there are for extension, clearly stating that in a small cottage a two storey rear extension is unlikely to be acceptable. However, it also states that irrespective of size, buildings can reach a threshold point where no further extension is possible without destroying the parent buildings character. 7.12 sets out that 'extensions limited to less than 25% of the original building are more likely to be approved'.

## **Assessment**

### **Principle of Development**

38. Policy DS1 of the Core Strategy sets out clearly that extensions to existing buildings will be acceptable in principle. This application is for an extension to an existing property. Other policies within the development plan (specifically GSP3 and DMH7) introduce additional caveats regarding a wider range of issues pertaining to design and character which are considered separately in the following paragraphs.
39. It is therefore considered that the proposal complies with the requirements of development plan policy DS1 of the Core Strategy.

### **Impact on the character and appearance of the host dwelling**

40. Policies GSP3 (Core Strategy), DMC3 and DMH7 (Development Management Policies) set out that new extensions should reflect and respect the scale, mass and character of the existing building or dwelling – in this case, the original Lee Cottage. As previously noted, determination of the application for the extension in 2005 was particularly concerned with this impact, and the roof height and eaves were altered during the application process to allow the new extension to sit more comfortably against the existing dwelling. It appears that this was a fine balance given the scale of the development proposed at that time, especially given the impact when viewed obliquely from public vantage points.
41. Whilst the extension proposed in this application is indeed small in overall dimensions compared to the extant 2005 application, the cumulative impact of this development with the existing extension is significant. It would result in the overall scale and mass of extensions to the rear (both this and the 2005 extension combined) being significantly in excess of the volume and footprint of the original dwelling. Based on the guidance set out in the Design Guide, this is far in excess of the 25% that is identified as being a useful measure in cases such as this. In no way will the resultant extension result in a development that is subservient to the original cottage or have an appearance which reflects the proportions of the original dwelling.
42. Whilst it is accepted that from the main vantage points the primary elevation of the property would be unaltered, the fact remains that would be a further significant change to the character and appearance of the dwelling from the rear which although not highly visible, should be avoided in the interest of the preserving the character of the building. The proposed extension would appear to have been squeezed into the location, and which results in a cramped appearance with the extension partially overlapping onto the existing rear extension together with an awkward flat roofed section and stepped valley gutter along with the loss of the entire original rear elevation of the original cottage.

43. It is considered that the cumulative scale of the two extensions would in this case exceed the threshold whereby the character of the building is lost and the rear would be dominated by two large extensions. The resultant volume (or mass) of the extensions combined would be well in excess of the original dwelling.
44. The applicant has advanced that as a result of the careful siting of the extension, this mass is not visible from public vantage points and as such the impacts are acceptable. Whilst a balance must be applied here, with some flexibility, it is clear that determination of the large two storey extension approved in 2005 did indeed consider this finely balanced and determined that 'on-balance' the amended (and smaller scheme) was appropriate. This current application would certainly 'over-tip' the balance achieved by the 2005 scheme.
45. It is therefore considered that the proposal fails to comply with the requirements of development plan policies GSP3 and DMH7 in this regard, as well as the provisions of the relevant sections of the SPD that are material to this determination as per DMC3 and the principle expressed in the design guide.

#### Impact on heritage assets

46. The application site is located within the Litton Conservation Area. This is a designated heritage asset, policy L3, DMC5 and DMH7 each require a consideration of impact on the heritage asset to be undertaken. The applicant has undertaken an assessment of the impact of the proposed development on the Conservation Area, specifically its character and appearance, and the importance of the principal elevation within the street scene, which remains unaltered. This is the case and changes when viewed from the highway will be negligible if seen at all. Reviewing the Litton conservation area appraisal shows there are no key views, frontages or other vantages that would be affected by this proposal.
47. However, as noted there are significant changes proposed to the rear of the property, which will fundamentally alter the character and appearance of the property to the rear. The applicant has provided a detailed visual study looking at how the property will be visible through the mature trees and vegetation to the south and has concluded that from the main public vantages the property will not be visible. Having undertaken a similar assessment on site, this is confirmed. Nevertheless, there will be a notable change to the character and appearance from the rear of the property, which, coupled with previous alterations and extensions to other properties in Post Office Row, would have a detrimental effect upon the property and the Conservation Area.
48. As a result, we consider that whilst there would be minimal harm on the overall important characteristics of the Litton Conservation Area (as identified within the Conservation Area appraisal) the proposal would result in localised and unacceptable harm which is not outweighed by any public benefits. It is therefore considered that the proposal is contrary to the requirements of development plan policies DMC5 and DMH7 and national planning policy.

#### Amenity Impacts

49. As noted above, policies GSP3 of the Core Strategy and DMC3 of the Development Management Policies both require that amenity be considered for all new development – both the amenity of neighbours, but also of existing residents. There are three elements outlined in the policies that are relevant for consideration in this case, each of which is addressed below.

### *Overshadowing*

50. The proposed development would place a two storey wall directly on the boundary with Rowan Cottage. The impact from overshadowing is reduced since the extension sits to the east of the property and does not impinge on the southern or westerly aspects of the property or garden. The applicant has provided a series of 'sun-path analysis' drawings based on a 3D model of the property which clearly demonstrate that by 12 noon there is unlikely to be any overshadowing at any time of year. As a result it is considered that there is no impact on the neighbours from overshadowing.

### *Overbearing (size and scale)*

51. Guidance within the Extensions and Alterations SPD (page 33) states that where a two storey extension extends beyond a line drawn 45 degrees from the nearest corner of the neighbour's property then it is considered to be overbearing. 2.5 metres of this extension impinges on the 45 degree angle and thus the development is overbearing. In addition, the extension is almost exactly on the boundary wall between the two properties, which further exacerbates the issues of being overbearing. Short of a complete redesign it is considered that there is no way of overcoming these issues.
52. It is noted that there has been no objection from the neighbour. However, applications should be considered with existing and future residents in mind and on their own merits and therefore the lack of objection can be afforded little weight in the overall consideration.

### *Private amenity space*

53. Amenity is not just a concern for neighbours, but also for existing residents of a property. It is accepted that the proposed extension will provide additional private indoor space, this will be at the expense of the outdoor amenity space. The property already has a very small private courtyard to the rear (measuring approximately 50 square metres) which will be reduced by almost 15% if the proposed development was implemented. The original extension did marginally erode the amount of garden space to the rear, and thus cumulatively there would be approximately a 20% reduction in garden space from the dwelling as originally proposed. The remaining garden space is significantly undersized for what would become a 4 bedroomed property. The rear garden would also be significantly smaller than any other garden in the immediate locality.
54. It is therefore considered that, as a result of the overbearing impact on the neighbouring property and, on balance, the loss of private amenity space, the proposal does not comply with the requirements of development plan policies GSP3 and DMC3 and the SPD on alterations and extensions

### *Environmental Impacts*

55. By virtue of the proposed scale, location and nature of the proposed development, it is considered that an environmental impact assessment is not required.
56. The application is accompanied by an energy statement which sets out that it is 'provisionally proposed' to reduce the energy requirement by enhancing the performance over and above the building regulations requirement in part L. It is stated that it would use energy more efficiently with low energy light fittings and water butts for garden watering. No water appliances are proposed and grey water re-use or rain water harvesting is considered unviable as the capital cost is prohibitive and there is no space for water tanks due to the small nature of the site. No renewables appear to have been considered. Given the availability of roofing space for solar pv or water it is concluded



that whilst the extension is small the submitted proposal does not meet the CC1 policy requirement to achieve ‘the highest possible standards of carbon reductions’.

### **Conclusions**

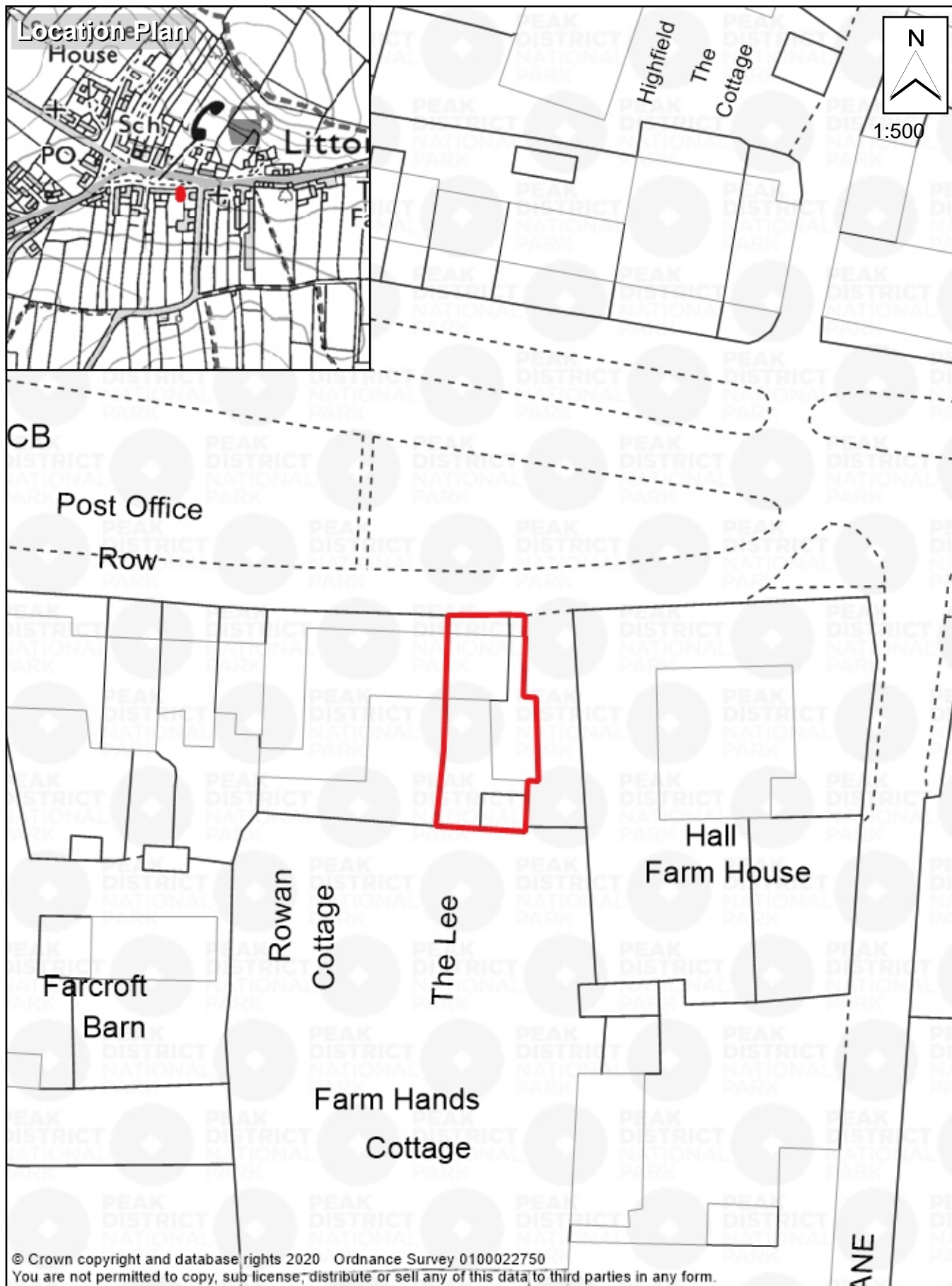
57. This is a finely balanced planning case, whereby the principle of development, that of a residential extension, is supported by both local policy and the Parish Council. However, in this case, this needs to be considered against the context of the large extension that has already been implemented on this site. From public vantages (and overall in the context of the conservation area) there would be very little impact, however the cumulative impacts on the original property are significant and will change beyond recognition the rear elevation and the relationship with the original dwelling.
58. Guidance within both of the supporting Design Guides identify this as something to be avoided and as being a reason to refuse an application. Certainly the threshold for concern of an increase in 25% outlined in the 2007 Design Guide has been significantly exceeded already by the 2005 permission – that application being itself a finely balanced case if considering design impact alone.
59. The overall design also introduces a number of elements that are highlighted as being something to avoid, including the flat roofed component. Furthermore, the assessment against the three amenity tests above demonstrates that the overbearing impact of the development on the neighbouring property and the further erosion of private amenity space both count against this proposal. Amenity issues should be afforded great weight.
60. The extension that was permitted in 2005 was considered ‘on balance’ to be acceptable. However, this application is a clear demonstration of ‘overdevelopment’ of a residential plot and that the negative impacts of this development outweigh any possible benefits or acceptability in principle. As a result it cannot meet all of the tests set out in policies GSP3, DMC3 and DMH7 and thus, the overall planning balance is that the application should be refused. There is considered to be no alternative design that could make this proposal acceptable in planning terms.


### **Human Rights**

61. Any human rights issues have been considered and addressed in the preparation of this report.
62. List of Background Papers (not previously published)
63. Nil

Report author: John Keeley – Planning Manager (North Team)

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Committee Date:	6th March 2020	<b>Title:</b> The Lee Post Office Row Littor	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 11		
Application No:	NP/DDD/1219/1318		
Grid Reference:	416451, 375125		

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**12. FULL APPLICATION: SINGLE STOREY REAR EXTENSION AT 2 NEW EDGE VIEW, SMALLDALE, BRADWELL. NP/DDD/1219/1286 – JK**

**APPLICANT: MR ANDREW SMITH**

**Summary**

1. Proposed is a small single storey extension in matching materials to the rear of an affordable house. There are no design or amenity concerns and the scale of the extension will not take the dwelling beyond affordable size guidelines.
2. The approved external landscape works on this small development have never been completed, but unusually required a parking space cut into the rear sloping garden and accessed only through the back of the existing garage. This rear space was never constructed and is to be replaced by a small private patio in the current scheme along with a new pedestrian door and window in place of the rear garage door.
3. Although the loss of the approved (and very impractical) parking space technically makes the proposal contrary to the Neighbourhood Plan, and thus generates the Parish Council objection, two replacement parking spaces are proposed on the frontage. The existing garage space would also be retained. We therefore consider the proposal addresses any parking concerns and meets the overall aim of the local plan to maintain off-street parking. The application is therefore recommended for approval subject to appropriate conditions.

**Site and Surroundings**

4. The application site, 2 New Edge View, is the middle house of a set of three affordable terraced properties located off Michlow Lane in Bradwell, immediately to the east of the Bowling Green Public House (on land previously associated with the neighbouring Bowling Green public house). The application property is a two bedroom dwelling constructed of limestone walling under a blue slate roof. Vehicular access to the houses is via a drive from the existing public house car park. The site is located within the Bradwell Conservation Area.
5. The application property, and its two neighbours, sits lower than the neighbouring public house and car park at the bottom of a grassed bank. The rear of the houses are therefore relatively hidden from view within the Conservation Area. The front of the properties are however highly visible from Michlow Lane and currently has some negative impact upon the conservation area for reasons outlined below.
6. The existing permission for the three units was originally supposed to provide a parking space to the rear of the existing garages. These spaces have not been created and the grass embankment, which was to be terraced behind a retaining wall to provide usable amenity space to the rear of the properties, remains. As a result it appears that the landscape plans relating to the development as a whole have not been implemented despite the dwellings having been occupied for some time. The site as a whole is unsightly, and has an unfinished appearance and the existing properties have no useable amenity space or external defined parking spaces.

**Proposal**

7. The proposed development is for a small (6.75m<sup>2</sup> internal) single storey rear extension to enlarge the existing kitchen. The plans also show replacement of the rear garage door with a standard pedestrian door and small window which would become the new rear

entrance as the extension would be over the current rear door. The applicant has stated that the existing garage will remain in use. The application also includes works to the rear to establish a retaining wall and create a small rear amenity yard space at the foot of the embankment. To the front of the dwelling across the current limestone gravelled yard the plans also show the marking out of two parking spaces for the house.

### **RECOMMENDATION:**

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

- 1. Commence development within 3 years.**
- 2. Development to be in complete accordance with specified plans, received by the Authority 3rd February 2020, with the following references; Proposed site plan (showing 2 parking spaces and 1 garage space) 03-02-2020, Proposed back and south elevations - drawing 2, Proposed front elevations – drawing 1 and Proposed layout/floorplan - drawing 4;**
- 3. Specify materials - Natural limestone walling laid to match along with natural blue slate roof and timber windows and doors.**
- 4. Provision of the external parking spaces, as shown on 'Proposed site plan 03-02-2020' prior to occupation of the extension;**
- 5. The retention of the garage for the parking of vehicles throughout the lifetime of the development.**
- 6. The submission of a detailed scheme /carry out agreed scheme, of measures to reduce the carbon footprint of the proposed development and its lifetime use to meet the requirements of Policy CC1.**

### **Key Issues**

- Impact on design and character.
- Neighbour amenity.
- Parking provision

### **History**

8. As the application site is part of a wider relatively new development of three units, the planning history of the site is complex. A summary is provided below:
9. 1996 - Refusal for Erection of 3 dwellings DDD0496184 - (outline) – 1997 - The above application was subsequently allowed at appeal (273733). This permission was then renewed in 2000 (NP/DDD/0700/257).
10. 2002 – Approval of reserved matters for the three dwellings (NP/DDD/0302/159). The subsequent file records shows some discussion was held about the practicality of the rear parking spaces cut out of the bank and whilst an amended plan omitting this was submitted post decision, there are no records of this obtaining any consent as a formal amendment to the approved plan.
11. Pre-application advice was sought in 2018 (PE/2018/ENQ/34227) for a proposal which, in addition to the single storey rear extension, included an extension over the existing

garage to provide an additional bedroom and en-suite at the first floor. The advice from the Authority stated that the extensions would be acceptable in principle however, with some amendments. These amendments sought to ensure the first floor extension remained subservient to the host dwelling and replace the two proposed rooflights in the single storey rear extension with a single centrally located rooflight.

### **Consultations**

12. Highways Authority: No objection subject to suitable parking provision being provided and maintained within the site curtilage.
13. Bradwell Parish Council: Concerns have been raised that the intention of the applicant is to convert the existing garage into additional living accommodation. The council have also objected to the loss of parking in line with policy T2 of the Bradwell Neighbourhood Plan.

*Officer Comment: We note the concern over a possible intention to convert the garage but this does not form part of the application proposal and therefore no weight can be attached to this concern. In any case the garaging is protected by condition on the original consent for the houses. In respect of the Neighbourhood Plan policy T2, this is a legitimate concern and the reason why the application is brought to committee. However, whilst an approved and impractical space is lost, two further defined spaces are to be provided.*

### **Representations**

14. There have been four representations received on this application. The following is a summary of the representations received:
  - Concern that the rear extension will block light to an existing kitchen window at 1 New Edge View.
  - No need for additional living accommodation.
  - General untidiness of the site as a whole.
  - Already inadequate parking provision.

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

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 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**

18. 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.
19. 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.
20. DS1 - *Development Strategy*. Sets out that most new development will be directed into named settlements. Bradwell is a named settlement.
21. 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.
22. L3 – *Cultural heritage assets*. Seeks to ensure all development conserves and where appropriate enhances the significance of any heritage assets. In this case the Bradwell Conservation area is the relevant heritage asset.
23. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.

#### **Development Management Policies**

24. DMC3 - *Siting, design, layout and landscaping* - outlines that development which is acceptable in principle will only be permitted if it is of a high standard of design which respects, protects and where possible enhances a distinctive sense of place.
25. DMH7 - *Extensions and alterations* - outlines that extensions and alterations to dwellings must not:
  - detract from the character, appearance or amenity of the original building, its setting or neighbouring buildings;
  - dominate the original dwelling;
  - amount to the creation of a separate independent dwelling;
  - create an adverse effect on, or lead to undesirable changes to, the landscape or any other valued characteristic.
  - In the case of houses permitted under policy DHH1, exceed 10% of the floorspace or take the floorspace above 97m<sup>2</sup>.

#### **Bradwell Neighbourhood Plan**

26. The Bradwell Neighbourhood Plan was 'made' in 2015. Of relevance to this application is policy T2 – Retention of car parking which opposes the loss of parking facilities and provision stating '*The removal of any current car parking facilities, both public and private, will be strongly opposed.*' This policy is cited in the response from the Parish Council.



### Supplementary Planning Documents

27. The Alterations and Extensions Guide (2015) states that extensions to existing dwellings are usually acceptable. The design guide also places great emphasis on ensuring that the extension is of an appropriate scale, with the size, shape and massing of the new development being required to be subservient to the existing dwelling.

### Assessment

#### Principle of Development

28. Extensions to existing residential properties are considered acceptable in principle as set out by policy DS1 of the core strategy subject to them having a satisfactory scale, mass and design. This reflects requirements for new development as outlined in policy GSP3. The proposal is for a single storey rear extension of modest proportions and so can be considered to be acceptable in principle. It is therefore considered that the proposal complies with the requirements of development plan policies DS1, GSP3 and national planning policy.

#### Impact upon affordability of the dwelling

29. The house in this case is an affordable dwelling restricted to occupation by persons with qualifying local residency and secured by the Authority's standard legal agreement under S106 of the Planning Act. The agreement contains a further restriction over any extensions without the Authority's prior consent and which also states that no alterations will be permitted which takes the floorspace of the dwelling beyond the affordable floorspace guidelines. This reflects the intent and wording of Policy DMH7 however DMH7 also has a maximum extension limit of 10% for these restricted dwellings.
30. The existing property is a modest two-bedroomed house with single ground floor reception room and a small kitchen. The extension will provide a larger kitchen / diner for the property. It would have a floorspace of only 6.75m<sup>2</sup> which is less than 10% of the original house and would still keep the dwelling below the maximum floorspace guidelines.
31. The extension would maintain the affordability of the property in accordance with DMH1 and DMH7.

#### Scale and Design considerations

32. The scale of the extension is very modest and its form would reflect that of the host dwelling. It would not detract from, or dominate the original dwelling. The proposed materials will match the existing property and are appropriate. Further specific details of these materials would need to be conditioned to ensure that they are acceptable within the Conservation Area.
33. The proposed extension is located to the rear of the property and sits much lower than the neighbouring public house and car park, with most views of it screened from public vantages. Therefore the visual impact within the conservation area is limited and where seen the matching materials will ensure the Conservation Area is conserved.
34. The proposed extension will not harm the character and appearance of the host dwelling nor the Bradwell Conservation Area.

35. The proposal complies with the requirements of development plan policies DMC3, DMH7 and national planning policy.

### **Amenity Impact**

36. Concerns have been raised regarding the impact of the proposed rear extension on the adjacent house, 1 New Edge View. The proposed extension would be located 2.8m away from rear projecting extension at No 1 which sits on the boundary with No 2 and which contains a secondary, side window to the kitchen of 1 New Edge View. This window directly overlooks the rear amenity space to No 2 and whilst the view from it would change, the proposed extension would not appear overbearing or otherwise harm the amenity of the neighbouring property given its small scale, single storey form and projection only 2.8m off from the rear wall. There are no side windows within the proposed extension facing the neighbour and there is no impact on privacy. The proposal is acceptable in this regard.
37. The proposal will have some impact on a rear window of the application property however, again this is secondary window to the living room and thus the proposal complies with policy.
38. There is no harm to amenity and the proposal complies with the requirements of development plan policies DMC3 and DMH7 and national planning policy.

### **Parking Considerations**

39. The creation of a small amenity yard should have been undertaken as part of the original development of the three units in addition to the creation of a parking space behind the existing garage (and one next door). This is why the existing garage has a door at the front and rear of the property to enable access to a space behind the property. Implementing this proposal would remove any possibility of providing a space to the rear as permitted in the original permission and therefore is technically a loss of a single parking space which is to be replaced to the front of the dwelling.
40. The provision of parking has been highlighted by both the Highway response and the Parish Council (against their neighbourhood plan policy T2). As the property has two bedrooms, 2 parking spaces should be provided. Currently there is a garage space and no other defined parking on the site due to unfinished external landscape works, although residents currently park on the large gravelled area to the frontage.
41. The applicant has provided a proposed site plan to demonstrate that two parking spaces (in addition to the garage) will be provided and laid out in line with adopted parking standards. Therefore the proposal is in compliance with the guidance. It is recommended that a condition be attached to any approval to secure the use of the garage in perpetuity to ensure that this remains the case as well as the laying out of the formal parking spaces to the front before the extension is brought into use. Given the approved layout was somewhat impractical, the ability to rationalise the car parking situation on this site is considered beneficial and welcomed.
42. The proposal complies with the requirements of development plan policies GSP3, Derbyshire County Council parking standards, Bradwell Neighbourhood Plan policy T2 and national planning policy.

### **Environmental Impacts / Management**

43. Although the proposal is small in scale, meaningful reductions in carbon use can nevertheless still be made. Confirmation is therefore being sought for the expected use

of low energy lighting internally, to complement the low energy, movement activated lighting already specified for the external areas alongside confirmation of the use of locally obtained limestone/possibly reclaimed coupled with the use of low carbon cement in the mortar and foundations. The applicant has been requested to submit his confirmed package of measures to meet policy CC1 in time for the meeting where officers will provide a verbal update and confirm the condition wording accordingly.

### **Conclusion**

44. This application is acceptable both in principle and also in terms of its design and layout. We note and have assessed the concerns that have been raised surrounding the loss of parking and impact on neighbouring amenity. However, the applicant has provided information to demonstrate how the proposal meets the relevant standards in terms of parking provision. It is recommended that a condition is attached to secure the long term use of the garage for the parking of vehicles and to ensure that the proposed parking provision is provided prior to occupation of the extension.

### **Human Rights**

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

List of Background Papers (not previously published)

46. Nil

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Committee Date: 6th March 2020  
Item Number: Item 12  
Application No: NP/DDD/1219/1286  
Grid Reference: 417085, 381558

**Title:** 2 New Edge View  
Bradwell



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**13. FULL APPLICATION – INSTALLATION OF AN ENVIRONMENTALLY FRIENDLY, OUTDOOR BENCH, AREA OF LAND APPROX. 900M TO THE SOUTH OF ILAM ON THE EASTERN SIDE OF BLORE ROAD ILAM (NP/SM/0120/0004 JEN)**

**APPLICANT: THE PEAK DISTRICT NATIONAL PARK AUTHORITY**

**Summary**

1. The proposed development seeks to erect a bench for public use on land close to a car park. The provision of these facilities can only be permitted development for 'local authorities' and for the purposes of the Town and Country Planning (Permitted Development) Regulations the Peak District National Park Authority is not a 'local authority'. Therefore permission is required. The development is considered acceptable in all respects and is recommended for approval.

**Site and surroundings**

2. Blore Pastures is a free of charge car park for 55 vehicles and amenity grassland with tree planting (used as a picnic area). It is 0.7ha and is situated to the eastern side of Ilam Moor Lane, approximately 900m south of Ilam.

**Proposal**

3. Erection of a recycled plastic bench on a concrete plinth.

**RECOMMENDATION:**

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

1. **3 year implementation period.**
2. **Bench to be a simple wooden structure to match existing, constructed from sustainably sourced timber**
3. **Bench to be provided in a natural timber finish to match existing benches**

**Key Issues**

- Principle
- Design

**History**

There is no site history to report. Other benches on the land are long established.

**Consultations**

Highway Authority – No objections The red edge includes the whole of the Blore Pastures site. This response is issued on the basis that the precise location of the bench is at the tip of the arrows on 'Block Plan' and 'Site Plan'; and that it will be in the location detailed on the submitted photograph approximately between the two existing benches and at a similar offset from the carriageway edge to the two existing benches. It would not be appropriate to site it any closer to the carriageway.

Blore Road is subject to a speed limit of 60mph (derestricted). However, the location, nature and geometry of the road mean speeds are generally considerably lower than this particularly at times when the bench is likely to be in use.

There are no recorded accidents within 50m of the Blores Pastures frontage within the last five years. The bench will be sited at an existing picnic/amenity site with existing parking area. Based on this and the proposed location of the bench as described above, there are no objections to this proposal on highway grounds

Parish Council – Supports the application.

### **Representations**

4. No representations have been made in relation to this application.

### **Main policies**

5. Relevant Core Strategy policies: GSP1, GSP2, GSP3, CC1
6. Relevant Development Management Plan policies: DMC3.

### **National planning policy framework**

7. 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.
8. 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.
9. 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 government guidance in the NPPF with regard to the issues that are raised.

### **Development plan**

10. Policy GSP1 sets out the broad strategy for achieving the National Park's 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.



11. Policy GSP2 states that development in settlements necessary for the treatment, removal or relocation of non-conforming uses to an acceptable site, or which would enhance the valued characteristics of the National Park will be permitted.
12. Policy GSP3 sets out 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 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.
13. Policy DS1 sets out that development for recreation and tourism is in principle acceptable in this location outside of a settlement and not in the Natural Zone.
14. Policy CC1 states that in order to build in resilience to and mitigate the causes of climate change all development must make the most efficient and sustainable use of land, buildings and natural resources.

#### **Development Management Policies**

15. 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.

#### **Assessment**

16. The proposal is for a bench on an existing amenity area looking towards the River Manifold. The principle of a bench in this location is in accordance with policy DS1 as it is proposed to be provided in the interests of recreation and tourism.
17. The bench is proposed to be provided in black and brown recycled plastic. It has been sponsored by a member of the public and will have a stainless steel plaque of 150mm x 50mm engraved with the words 'Happy Memories' affixed to the backrest.
18. The installation of a plastic bench of the design proposed at this location (while appreciating the sustainability credentials of its recycled material) would not be acceptable as it has a very urban appearance and would appear incongruous next to the more typically rural wooden benches either side of the proposed location. The bench as proposed would not be in accordance with policies GSP3 and DMC3.
19. The proposal would not enhance the National Park and the design would not respect the character of the area contrary to GSP2.
20. Although the bench has better sustainability credentials (being recycled) than a non recycled plastic bench the appearance is fussy and suburban. Wooden benches can also be sustainable and this could be specified by condition.
21. The issues of design can be resolved by condition and therefore the application is recommended for approval.

## **Conclusion**

22. The bench is acceptable in principle. Conditions can be imposed to require that the structure itself be required to match the simple bench structures either side of the proposed site, and this could also specify that the bench be constructed from sustainably sourced timber ensuring the scheme is in line with policy CC1.

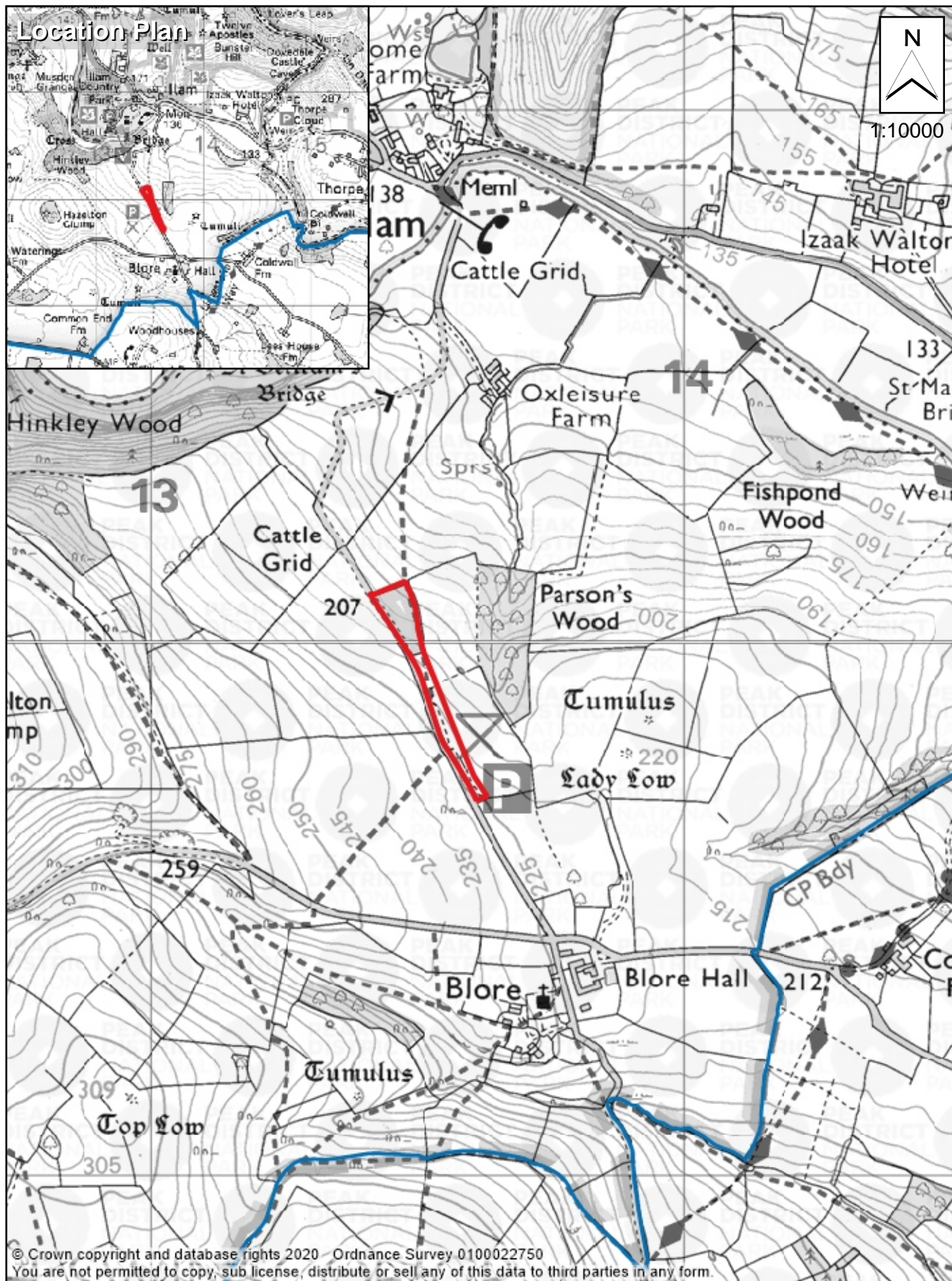
## **Human Rights**

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

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

Nil

**Report Author:** Jane Newman, Head of Development Management



Committee Date: 6th March 2020  
Item Number: Item 13  
Application No: NP/SM/0120/0004  
Grid Reference: 413630, 350457

**Title:** Land c900m S of Ilam on E side of Blore Road, Ilam



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**14. PEAK DISTRICT NATIONAL PARK AUTHORITY RESIDENTIAL ANNEXES  
SUPPLEMENTARY PLANNING DOCUMENT - CONSULTATION DOCUMENT (AB)**

**1. Purpose of the report**

To seek approval from the Committee for the Peak District National Park Authority Residential Annexes Supplementary Planning Document (SPD) – Consultation Draft and also for the commencement of an eight week public consultation, subject to any amendments arising from this meeting.

The Peak District National Park Authority's Residential Annexes SPD has been under development since the Development Management Policies (DMP) Development Plan Document was approved by Authority on 24th May 2019. It provides clarification to DMP policy DMH5: Ancillary dwellings in the curtilages of existing dwellings by conversion or new build.

The SPD has undergone a number of revisions following comments received from internal departments such as Development Management, Monitoring & Enforcement and Legal; from Members of the Local Plan Review Steering Group; as well as from the Director of Conservation & Planning, the Head of Policy & Communities and the Head of Development Management.

As a result of the work undertaken, it is now proposed to undertake a full public consultation on the Peak District National Park Authority Residential Annexes SPD. The Consultation Draft of the document forms Appendix A of this report.

**2. Recommendations(s)**

**That the committee:**

- 1. Approves the Peak District National Park Authority Residential Annexes Supplementary Document – Consultation Draft.**
- 2. Gives approval for an 8 week public consultation on the Peak District National Park Residential Annexes Supplementary Planning Document to commence in March 2020.**
- 3. That delegated authority is granted to the Director of Conservation & Planning in consultation with the Chair and Vice Chair of Planning Committee to agree any further modifications and finalise the document at Appendix 1 prior to public consultation.**

**3. Background and Proposals**

4. A research project was undertaken to investigate the Authority's use of Section 106 Agreements. A report titled, 'The Use of Section 106 Agreements by the Peak District National Park Authority' was presented to Members on Friday 12th January 2018, following the conclusion of the Planning Committee meeting.
5. The research indicated that there were inconsistencies in the application of policies dealing with ancillary residential accommodation and therefore it concluded that a guidance note and training of officers and possibly Members should be considered. It was also agreed that a standard condition should be agreed with the Authority's Legal Team for these types of development.
6. The majority of 2018 and the early part of 2019 was taken up with the consultation, modifications, Examination in Public and subsequent adoption of the DMP on 24th May

2019. Since then, work has been undertaken to fulfil the outcomes of the 'Section 106 Agreements' report in respect of residential annexes.

7. It was originally intended to produce a guidance note for Development Management Planning Officers and Members. However this was upgraded to an SPD after colleagues in both Development Management and Enforcement & Monitoring could see the value of such a document for both local residents and planning agents.
8. The Residential Annexes SPD – Consultation Draft has therefore been produced which provides additional guidance to DMP policy DMH5: Ancillary dwellings in the curtilages of existing dwellings by conversion or new build.
9. The SPD was forwarded to Members of the Local Plan Review Steering Group due to their role as a critical friend in the production of Supplementary Planning Documents. Comments were received from two Members which resulted in a number of changes being made to the SPD, such as:
  - Grammatical, formatting and typographical errors;
  - Clarification/re-phrasing of text when its intention was not clear;
  - Adding text to the Introduction to explain the complexities of residential annexes;
  - Adding text to Chapter 6 to explain the different tests that conditions and legal agreements must meet; and
  - Adding a preamble to the start of Chapter 5.
10. Responses were provided to the two Members detailing why each of their suggested changes was either taken on-board or rejected. Thanks to them for taking their time in reading and responding to the SPD.
11. Comments were also received from Legal that requested:
  - The definition of 'planning unit' be amended and located towards the front of the SPD; and
  - That an explanation of the concept of 'primary use' should be contained within the SPD.
12. These were duly amended/added into the SPD.
13. Members of the Local Plan Review Steering Group and Legal also expressed views that the document could be overly complex and that possible confusion could arise over the terminology used within the SPD (e.g. the use of 'incidental' and 'ancillary'). The SPD's Introduction has therefore been expanded to outline the intended audience of the document (i.e. planning agents and planning officers) and it is our intention to canvas views on the clarity of the SPD during the consultation process.
14. Following a number of iterations, the SPD is now considered ready to be consulted upon.
15. **Main Policies**
16. **Relevant Development Management Policies:**
  - DMH5: Ancillary dwellings in the curtilages of existing dwellings by conversion or new build
  - DMH7: Extensions and alterations

- DMH8: New outbuildings and alterations and extensions to existing outbuildings in the curtilage of a dwellinghouse
- DMH11: Section 106 Agreements

17. National Planning Policy Framework (NPPF)

18. Development Management policies were deemed to be consistent with the NPPF during examination. However the SPD provides a further opportunity to clarify the way that residential annexes can be achieved within the National Park through these policies and also describe the relationship to case law within this form of development.

19. Human Rights

20. It is not considered that the publication of the Residential Annexes SPD - Consultation Draft will raise any human rights issues, as it simply provides further guidance on how to apply the relevant planning policies contained in the DMP and describes established Case Law.

21. Are there any corporate implications members should be concerned about?

22. **Sustainability:**

23. The government's Planning Practice Guidance (2019) states:

24. 'Supplementary Planning Documents (SPDs) do not require a Sustainability Appraisal to be undertaken. They may, in exceptional circumstances, require a Strategic Environmental Assessment if they are likely to have significant environmental effects that have not already been assessed during the preparation of the relevant strategic policies. A Strategic Environmental Assessment is unlikely to be required where an SPD deals only with a small area at a local level.'

25. The Residential Annexes SPD deals with the conversion or construction of buildings within the planning unit of a dwellinghouse that are to be used as an annex to the existing dwellinghouse. These developments tend to be small in scale, some do not require planning permission, whilst others do not comprise development. The Residential Annexes SPD therefore deals only with a small area of planning policy at a local level.

26. The SPD provides further guidance to DMP policy DMH5: Ancillary dwellings in the curtilages of existing dwellings by conversion or new build which was subject to a Sustainability Appraisal as part of the Local Plan development process.

27. It is for these reasons that neither a Sustainability Appraisal nor a Strategic Environmental Assessment is required to be undertaken for the Residential Annexes SPD.

28. **Appendices**

Appendix A – Peak District National Park Authority Residential Annexes Supplementary Planning Document – Consultation Draft

**Ailsa Berry, Policy Planner, 24 February 2020**

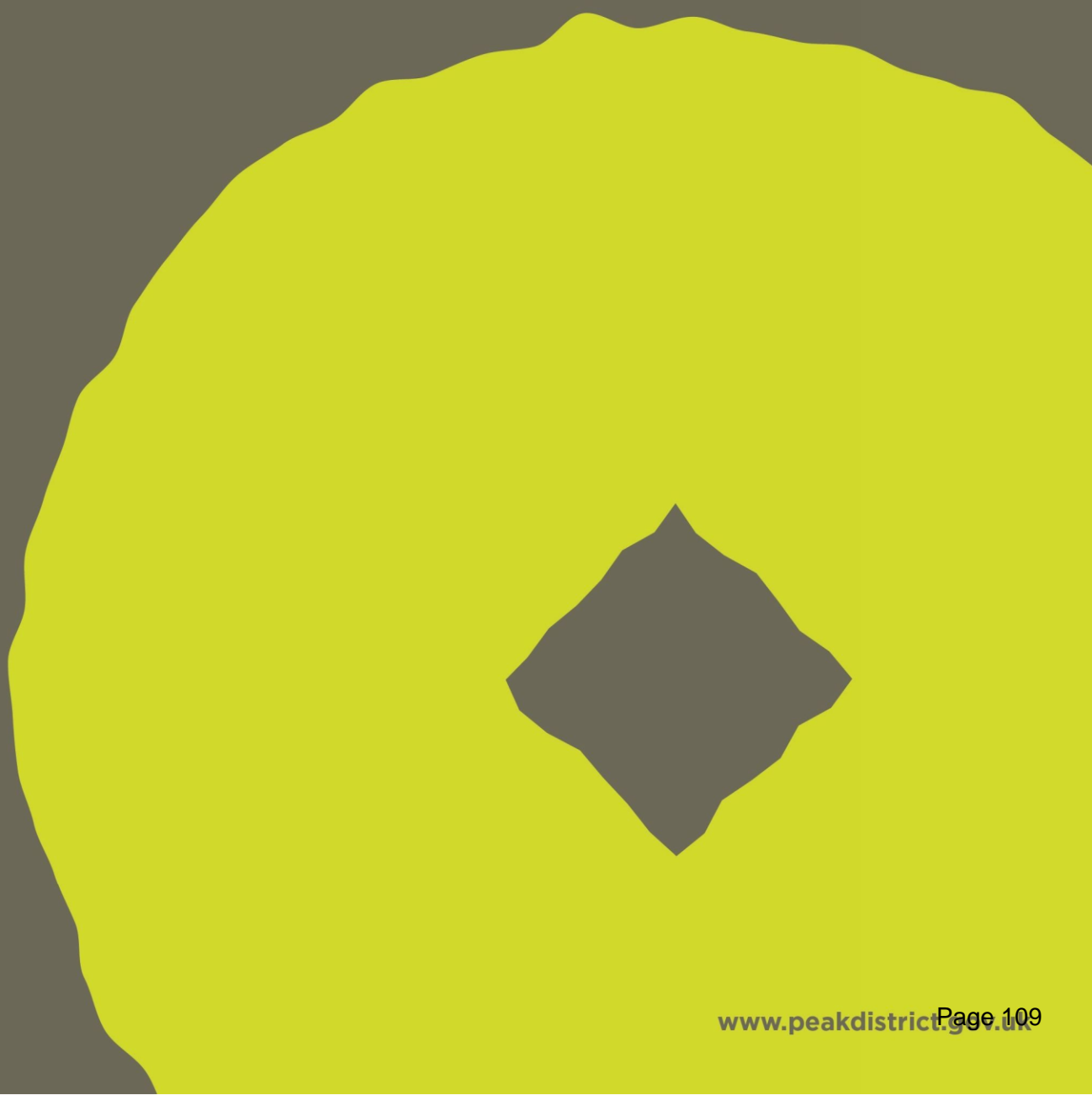
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# Residential Annexes

Supplementary Planning Document  
Consultation Draft - February 2020



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## **Contents Page**

<b>Chapter</b>		<b>Page Number</b>
1	Introduction	4
2	Terminology	5
3	Does a Residential Annex require Planning Permission?	8
4	Relevant Planning Policies	14
5	Criteria for the Consideration of Ancillary Residential Accommodation	16
6	Section 106 Agreements and Planning Conditions	18
7	Standard Condition	21

## **Appendices**

<b>APPENDIX</b>		<b>PAGE NUMBER</b>
A	Which Policies should be used to Assess an Application for an Incidental or an Ancillary use to a Dwellinghouse?	22
B	Section 106 Agreement or Condition?	25

## **1. Introduction**

- 1.1 Residential annexes, also known as ‘granny’ annexes and ancillary residential accommodation, are a common form of development that allows relatives to live with their family but with a degree of independence.
- 1.2 As an Authority we support residential annexes in principle. We recognise that some families want or need ancillary accommodation, for example, due to:
  - the need/desire to care for relatives unable to remain in their own home, but who do not want to move into a care home; or
  - to make space for younger generations to remain at home or return home (e.g. to assist or take on a family-run business) but who want their own space to live their own lives, near to, but out from under the feet of their parents; or
  - to provide accommodation for an employee where the pattern of work is part-time or seasonal and therefore would not justify a worker’s dwelling.
- 1.3 This Supplementary Planning Document (SPD) seeks to:
  - outline the legal complexities surrounding ancillary residential accommodation and how it differs from incidental accommodation;
  - provide further detail on the interpretation and intent of Development Management Policy (DMP) policies DMC5, DMC10, DMH5, DMH7 and DMH8; and
  - outline when a condition or a Section 106 Agreement should be used to prevent the severance of the ancillary accommodation from the existing dwellinghouse.
- 1.4 This SPD is intended for applicants and/or agents that have a good level of planning knowledge.
- 1.5 Residential annexes is a complex area of planning, largely due to the high level of Case Law involved. It is therefore advised that those seeking to erect a new build residential annex or convert an existing building into a residential annex should discuss their proposals with the Authority via the pre-application advice service<sup>1</sup> prior to submitting a planning application or starting work.

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<sup>1</sup> <https://www.peakdistrict.gov.uk/planning/advice/pre-application-advice>

## 2. Terminology

- 2.1 The DMP, alongside other aspects of Case Law and planning law (such as the General Permitted Development Order<sup>2</sup>) contain a range of terms that require careful definition. This chapter clarifies these terms.

### ‘Planning Unit’

- 2.2 A ‘*planning unit*’ is a fundamental principle of planning law. It is defined by historical occupation, boundaries and ownership.
- 2.3 Within a parcel of ownership there may be a number of different planning units. New planning units can be created where, for example, part of the original is occupied separately or a planning permission creates a new planning unit(s) by subdivision.
- 2.4 Defining the ‘*planning unit*’ is a well-known formula that was outlined in the case of *Burdle*<sup>3</sup> as:

*‘The unit of occupation, until or unless some other unit is identified which is physically and/or functionally separate from it’.*

### ‘Primary Use’

- 2.5 Each ‘*planning unit*’ will have a ‘*primary use*’. In the case of dwellinghouses, the primary use will be the main/existing/original dwellinghouse and any associated garden (Use Class C3a). It can also include one or more ‘*ancillary*’ or ‘*incidental*’ uses that do not alter the primary use of the land, providing they are closely linked and subservient to it.
- 2.6 There are certain circumstances therefore where additional living accommodation can be ‘*ancillary*’ or ‘*incidental*’ to the primary use of a dwellinghouse and remain within the same planning unit. For example a dwellinghouse (the primary use) with a detached garage (incidental use) and a detached granny annex occupied by a family member (ancillary use) can all remain within the same planning unit and Use Class C3(a).

### ‘Ancillary’ and ‘Incidental’ Uses

- 2.7 A building used for additional living accommodation purposes will be described as ‘*ancillary*’, ‘*incidental*’ or a mix of the two depending on its use.

#### Ancillary Use

- 2.8 A building used for ancillary purposes will generally contain such accommodation as a bedroom(s), a kitchen, a bathroom(s) and/or a living room (those uses that are usually found within a standard dwellinghouse). These uses are known as ‘*primary living accommodation*’.

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<sup>2</sup> Town and Country Planning (General Permitted Development) (England) Order 2015  
[http://www.legislation.gov.uk/ukxi/2015/596/pdfs/ukxi\\_20150596\\_en.pdf](http://www.legislation.gov.uk/ukxi/2015/596/pdfs/ukxi_20150596_en.pdf)

<sup>3</sup> *Burdle and Another v SSE and Another* [1972] 24 P.&C.R. 174

- 2.9 An ancillary residential annex can provide all the primary living accommodation that would allow it to be self-contained. However self-contained living accommodation would normally create a new planning unit (i.e. a new dwellinghouse).
- 2.10 In order for the primary living accommodation to be regarded as ‘ancillary’ to an existing dwellinghouse is dependent on who occupies the accommodation and the reliance of those occupants on the existing dwellinghouse for their day-to-day needs.
- 2.11 The ancillary primary living accommodation together with the existing dwellinghouse must still fall under the definition of a Class C3(a) dwellinghouse, as outlined in the Use Classes Order<sup>4</sup> and therefore it must be occupied as a whole by:
- ‘a single person or family (a couple, whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.’*
- 2.12 There are a number of other criteria that ancillary residential accommodation must comply with for it to be ‘ancillary’ to the main dwellinghouse (e.g. scale). This is discussed in detail in subsequent chapters, particularly Chapter 5.

### Incidental Use

- 2.13 A building used as incidental residential accommodation will generally contain uses that do not comprise bedrooms, kitchens, bathrooms or living rooms (e.g. a garage, swimming pool, bowling alley, gym, art studio or something that can be classed as a hobby).
- 2.14 An incidental use is parasitic on the main dwellinghouse - it cannot exist without it (e.g. a swimming pool has to be used by the occupants of the dwellinghouse).
- 2.15 An incidental use can contain an element of living accommodation usually found within an ancillary use (i.e. primary living accommodation) as long as it is subordinate to or associated with the incidental use (e.g. a shower room to serve a gym or swimming pool).

### **‘Residential Curtilage’ and ‘Garden’**

- 2.16 In respect of outbuildings erected under Class E of the General Permitted Development Order<sup>5</sup> and the change of use of buildings under Section 55 of the Town & Country Planning Act 1990, the building must be located within

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<sup>4</sup> Town & Country Planning (Use Classes) Order 1987 (as amended)

<sup>5</sup> Town and Country Planning (General Permitted Development) (England) Order 2015  
[http://www.legislation.gov.uk/ukxi/2015/596/pdfs/ukxi\\_20150596\\_en.pdf](http://www.legislation.gov.uk/ukxi/2015/596/pdfs/ukxi_20150596_en.pdf)

the '*residential curtilage*' of the dwellinghouse. This is not the same as '*garden*'.

2.17 '*Residential curtilage*' is the boundary of a private garden or the extent of the land surrounding premises normally defined on the ground by some physical features. This is usually quite easy to determine. However, particularly in rural areas and areas of sporadic or low density housing development, there may be difficulties in determining the residential curtilage if parts are detached, if there is no physical definition at all, or if there are adjoining paddocks or small fields.

2.18 To fall within the '*curtilage*' of a building the Courts have held that:

- the land should serve the purpose of the building in some reasonably necessary or useful manner<sup>6</sup>;
- there must be an intimate association with the building<sup>7</sup>;
- it is a small area forming part and parcel with the house or building which it contained or to which it was attached<sup>8</sup>; and
- it is a small area about a building, it must be intimately associated with the building, and the size of the area of ground is a matter of fact and degree.<sup>9</sup>

2.19 Farmhouses present a particular problem when it comes to defining '*residential curtilage*' as the farmyard and buildings can be used for both residential and farm related uses (e.g. the parking of vehicles, storage, drying of clothes etc.) and the garden area can sometimes not be formally defined. However the GPDO excludes any dwelling or garden from the definition of agricultural land and therefore the curtilage of a farmhouse should be considered as narrowly as for any other dwelling.

2.20 '*Garden*' on the other hand relates to the use of a piece of land. In most cases, particularly in built up areas, the garden associated with a dwellinghouse will usually be contained within the '*residential curtilage*'. However this is not always true. For example if a property has subsequently used the surrounding land as their garden the dwellinghouse would have a large '*garden*' but only a small part of it would comprise the '*residential curtilage*'.

2.21 To recap, '*residential curtilage*' is not the same as '*garden*' and therefore the terms are not interchangeable:

- '*Residential curtilage*' defines an area of land in relation to a dwelling.
- '*Garden*' relates to the use of the land.

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<sup>6</sup> Sinclair-Lockhart's Trustees v Central Land Board [1950] S.L.T. 283

<sup>7</sup> Methuen-Campbell v Walters [1979] 2 W.L.R. 113

<sup>8</sup> Alan Dyer v Dorset County Council [1988] WL 622738

<sup>9</sup> McAlpine (David) v SSE [1994] 11 WLUK 178

### 3. Does a Residential Annex require Planning Permission?

- 3.1 Some residential annexes can be built as permitted development, some require planning permission and some don't comprise development at all.

#### **Not Development**

##### Change of Use of an Existing Building within a Residential Curtilage

- 3.2 If there is an existing outbuilding within the residential curtilage of a dwellinghouse and the building is already lawfully '*residential*' in use (e.g. incidental), a change of use to an ancillary '*residential*' use is not deemed to be development under Section 55 of the Town & Country Planning Act 1990 (the Planning Act).<sup>10</sup>

- 3.3 Section 55<sup>11</sup>(2)(d) of the Act states:

*'The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land:*

*(d) the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such'.*

- 3.4 Contrary to the definition of '*incidental*' that the Courts have ruled in respect of Class E of the GPDO (i.e. no primary/ancillary living accommodation) the Courts have interpreted the use of '*incidental*' more generously in respect of Section 55 of the Act.

- 3.5 They have determined that the creation of an annex via the change of use of an existing outbuilding used for incidental purposes and located within the curtilage of a dwellinghouse would not comprise development (providing it doesn't result in the creation of a separate planning unit) as it would still fall within the primary use as a dwellinghouse.

- 3.6 In *Rambridge v SSE & E Herts DC (1997)*<sup>12</sup> the QC stated:

*'Miss Leven...rightly concedes that planning permission is not required for change of use from incidental residential use to primary residential use [annex]...if the owner really did build the building for a purpose which was incidental and if he or his successor later had a change of mind and wished to make a change of use to primary residential use [an annex] [this would be acceptable].'*

- 3.7 In *Uttlesford DC v SSE & White (1992)*<sup>13</sup> the QC concluded that if an existing building within the residential curtilage of the dwellinghouse was occupied by a family member it would not comprise a material change of use as it would not create a separate planning unit:

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<sup>10</sup> If the building is listed or curtilage listed, Listed Building Consent could still be required prior to the commencement of development.

<sup>11</sup> <http://www.legislation.gov.uk/ukpga/1990/8/section/55>

<sup>12</sup> *Rambridge v SSE & E Herts DC (1997)* 74 P&CR 126

<sup>13</sup> *Uttlesford DC v SSE & White (1992)* JPL 171



*‘So long as the planning unit remained in single family occupation, no material change of use was involved’.*

3.8 The conversion of an existing incidental outbuilding (e.g. a garage) to a granny annex would therefore not comprise development, providing:

- a separate planning unit<sup>14</sup> isn't created (i.e. the separateness and independence of the building and its occupants will need to be considered);
- the building is located within the residential curtilage of the dwellinghouse; and
- any existing planning conditions would not be breached (e.g. if the outbuilding has been restricted for the parking of motor vehicles, or if a condition restricts the insertion/alteration of existing windows or doors).

#### Siting of a Caravan within a Residential Curtilage

3.9 Case Law has established that the stationing of a caravan within the curtilage of a dwellinghouse does not comprise a material change of use for planning purposes; it would comply with Section 55(1) of the Planning Act.

3.10 Whether the caravan can then be used as ancillary accommodation without requiring planning permission turns primarily on how the caravan is to be used and by whom.

### **Permitted Development**

#### Extension to an Existing Dwellinghouse

3.11 If an annex is to be attached to the existing dwellinghouse, the extension could be permitted development if it is occupied by a family member<sup>15</sup> and it meets the criteria and conditions outlined within Schedule 2, Part 1, Class A of the GPDO<sup>16</sup>.

#### Class E of the GPDO (2015)

3.12 The erection of a detached outbuilding within the residential curtilage of a dwellinghouse under Schedule 2, Part 1, Class E of the GPDO can only contain uses that are *‘required for a purpose incidental to the enjoyment of the dwellinghouse’*.

3.13 In respect of the GPDO, the phrase *‘incidental to the enjoyment of the dwellinghouse’* has been given a restrictive interpretation by the Courts. This

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<sup>14</sup> Uttlesford DC v SSE & White (1992) JPL 171

<sup>15</sup> Class C3(a) outlines that a ‘dwellinghouse’ covers use ‘by a single person or family (a couple, whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.

<sup>16</sup> Town and Country Planning (General Permitted Development) (England) Order 2015

[http://www.legislation.gov.uk/uksi/2015/596/pdfs/uksi\\_20150596\\_en.pdf](http://www.legislation.gov.uk/uksi/2015/596/pdfs/uksi_20150596_en.pdf)

is supported by the Government's *'Permitted Development Rights for Householders: Technical Guidance (2017)'*<sup>17</sup> which states on page 42:

*'a purpose incidental to a house would not...cover normal residential uses, such as separate self-contained accommodation nor the use of an outbuilding for primary living accommodation such as a bedroom, bathroom or kitchen'.*

3.14 The Courts have held that the tests<sup>18</sup> to be applied to determine whether a building would be *'incidental to the enjoyment of the dwellinghouse'* are:

1. Whether the use(s) of the building would remain subordinate to the main use of the property as a dwelling; and
2. Whether the proposed building(s) are genuinely and reasonably required or necessary in order to accommodate the proposed use or activity and thus achieve that purpose.

3.15 In respect of the first test, the relative size of the proposed building can be a determining factor (*'its size should not be based on the unrestrained whim of an occupier'*<sup>19</sup>). However the *Emin* case determined that whether the building is of a reasonable size for its intended use is a matter of fact and degree based on the particular circumstances of each case (*'a hard objective test should not be imposed to frustrate the reasonable aspirations of a particular owner so long as they are sensibly related to the enjoyment of the dwelling'*<sup>20</sup>).

3.16 In respect of the second test, Class E(a) states that development is permitted development within the curtilage of a dwellinghouse for the provision of *'any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse...'* The word *'required'* in this provision is significant as it indicates that the building must be justified by more than simply a desire for additional space. The courts have held that the term *'required'* should be interpreted as meaning *'reasonably required'*.

3.17 In order to judge whether a Class E outbuilding would meet the two tests, an assessment of the proposal must be undertaken that includes such things as:

- the relative size of the building;
- the proposed use(s) within the building;
- the size of the building compared to the dwellinghouse and its curtilage;
- the size of individual rooms for their intended purpose;
- whether a room could be used for more than one use rather than each use being within a separate room;
- the number of people using the intended uses;

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<sup>17</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/606669/170405\\_Householder\\_Technical\\_Guidance\\_-\\_April\\_2017\\_FINAL.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/606669/170405_Householder_Technical_Guidance_-_April_2017_FINAL.pdf)

<sup>18</sup> *Emin v SSE & Mid Sussex DC* (1989) JPL 909

<sup>19</sup> *Emin v SSE & Mid Sussex DC* (1989) JPL 909

<sup>20</sup> *Emin v SSE & Mid Sussex DC* (1989) JPL 909

- whether the uses can be accommodated within existing buildings within the residential curtilage, or within the existing dwellinghouse; and
- whether the use(s) proposed are duplicating existing uses within the dwellinghouse.

3.18 A detached building that is to be used as a granny annex could not be erected as permitted development under Class E of the GPDO as it would contain primary living accommodation which is defined as ‘*ancillary*’ rather than ‘*incidental*’.

#### Buildings Erected Under Class E of the GPDO and Subsequently Changed to Ancillary Accommodation

3.19 Case law is well established and very clear that the distinction between ancillary and incidental purposes relates only to the justification for erecting an outbuilding in the first instance under Class E of the GPDO. It does not govern subsequent changes in the building’s use (i.e. from incidental to ancillary).

3.20 The leading court case in respect of this issue is *Rambridge*<sup>21</sup> which involved the erection of a substantial building at the end of a garden under Class E of the GPDO. It was used for an incidental use for one day and then used for ancillary living accommodation the day after. The QC in this case said:

*‘Class E is concerned with operational development, namely building, and such building is only authorised if it is required for a purpose incidental to the enjoyment of the dwellinghouse. That involves considering the use which is proposed in the building, but no change of use of the building is involved.’*

*‘I am entirely unpersuaded by the argument that an owner could build his building for a purpose incidental to the enjoyment of the dwellinghouse and then a day later use it for ordinary or primary residential use [an annex]...If a sham of the kind suggested were in fact perpetrated then manifestly there would have been no genuine compliance with Class E. The purpose was in reality for primary residential use [an annex], not a purpose which was incidental.’*

3.21 In this case the Court ruled that the building was not permitted development under Class E of the GPDO.

3.22 The key issue here is the timing involved in the change of use from incidental to ancillary and whether the accommodation was designed and ultimately intended for ancillary residential accommodation when it was first built. Both Planning Inspectors and the Courts have refused retrospective consent/Certificates of Lawful Existing Use or Development under these circumstances and have judged such developments a ‘*sham*’ (i.e. effectively an abuse of the planning system).

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<sup>21</sup> *Rambridge v SSE & E Herts DC* (1997) 74 P&CR 126

## Planning Permission

3.23 Planning permission would be required if:

- a new detached building erected within the residential curtilage of a dwellinghouse would contain primary living accommodation such as a living room, bedroom, bathroom or kitchen; or
- the building (either via new build or the conversion of an existing building) would be self-contained with all the necessary day-to-day living facilities and would not be occupied by a family member<sup>22</sup>; or
- the building (either via new build or the conversion of an existing building) would result in the creation of a separate planning unit; or
- it would involve the change of use of an existing building or the erection of a new building that is not located within the residential curtilage of an existing dwellinghouse; or
- permitted development rights were removed by condition on a previous planning approval that restricted the use of the outbuilding/extension (e.g. a garage restricted for the parking of motor vehicles); or
- permitted development rights were removed by condition on a previous planning approval that prevented the erection of any future extensions to a dwellinghouse or any future outbuildings within the curtilage of a dwellinghouse.

## Holiday Accommodation

3.24 It is not unusual within the National Park for property owners to provide holiday accommodation within their residential curtilage or planning unit; whether as self-catering accommodation or as a B&B.

3.25 A residential annex is similar to holiday accommodation in respect of the accommodation it would contain, however Use Class C3 does not allow for the occupation of part of a dwellinghouse as self-contained accommodation by someone who is not related to, or employed by, the occupiers of the main dwellinghouse.

3.26 Bed & Breakfast (B&B) accommodation can fall within Use Class C3(a) if only a small proportion of the dwellinghouse is rented out as guest accommodation, the primary use of the property remains as a single dwellinghouse and the guests share the dwelling's other facilities (e.g. living room, dining room, bathroom etc). The B&B use must be low key (usually no more than two bedrooms, depending on the overall size of the dwellinghouse) so that a material change of use does not occur. There is no legal or statutory definition of B&B accommodation and therefore it is a matter of '*fact and degree*' whether planning permission is required for such a use.

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<sup>22</sup> Class C3(a) outlines that a 'dwellinghouse' covers use 'by a single person or family (a couple, whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.

3.27 If the main dwelling is occupied by the family and an outbuilding or part of the main dwellinghouse is rented out as self-contained holiday accommodation, planning permission will be required. This is because the self-catering holiday accommodation would be considered a dwelling in its own right, independent of the main dwellinghouse as:

- the occupants of the accommodation would not be related to the occupants of the main dwellinghouse;
- the accommodation would have all the facilities for day-to-day living;
- the occupants of the self-catering accommodation would not have a degree of dependence/functional connection with the main dwellinghouse; and
- a new planning unit would have been created.

3.28 Planning applications involving an interchangeable mix of both ancillary accommodation and self-contained holiday accommodation need to be carefully controlled, as there can be difficulties in knowing whether the accommodation is being occupied as one or the other at any given point in time. A Section 106 Agreement, rather than a planning condition, may be preferable in these circumstances.

### **In All Cases**

3.29 The legalities surrounding residential annexes are quite complex. Therefore it is advised that you discuss your proposals with the Authority at your earliest opportunity. This can be done via the pre-application advice service<sup>23</sup> prior to submitting a planning application or starting work.

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<sup>23</sup> <https://www.peakdistrict.gov.uk/planning/advice/pre-application-advice>

## **4. Relevant Planning Policies**

4.1 For those residential ancillary and incidental developments that require planning permission, this section outlines the relevant planning policies.

### **DMP Policy DMH5 – Ancillary Dwellings in Residential Curtilages**

4.2 For ancillary residential annexes, the relevant planning policy is DMP policy DMH5.

#### Part A – Conversion of a Building Located within a Residential Curtilage

4.3 Part A of policy DMH5 relates to the conversion of an existing outbuilding to an ancillary residential use, providing the existing building is located within the residential curtilage of the dwellinghouse.

4.4 As discussed on page 8, if an existing incidental building is already in lawful residential use and located within the dwellinghouse's residential curtilage, planning permission is not usually required to change the use of the building to ancillary residential accommodation (as it would fall under Section 55 of the Act<sup>24</sup>). Part A of policy DMH5 is therefore likely to relate to the conversion of non-residential buildings located within a residential curtilage (e.g. an agricultural barn) to ancillary residential accommodation.

#### Part B – New Build Ancillary Residential Building within an Existing Building Group

4.5 Part B of policy DMH5 relates to the creation of a new build ancillary residential building.

4.6 Part B does not restrict the new building to be erected within the dwellinghouse's residential curtilage. Instead the building must be:

- (i) located within the existing building group; and
- (vii) contained within a single planning unit by condition.

#### Conversion of a Building Located Outside the Residential Curtilage

4.7 Policy DMH5 is not explicit in respect of the conversion of existing buildings (that aren't heritage assets<sup>25</sup>) that are located outside a residential curtilage but within the same planning unit or group of buildings as the dwellinghouse.

4.8 The opening sentence to Part B states: *'Where no buildings are suitable for conversion, a new build ancillary dwelling unit will be permitted...'* Therefore before a new building can be deemed acceptable under Part B, consideration must first be given to whether there are any existing buildings within the planning unit that could be converted into a residential annex.

4.9 This is reinforced by the supporting text to DMP policy DMH5 at paragraph 6.87, that states, *'it is generally preferable to re-use existing buildings rather*

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<sup>24</sup> <http://www.legislation.gov.uk/ukpga/1990/8/section/55>

<sup>25</sup> A Listed Building or a non-designated heritage asset.

*than build new, but new ancillary buildings for residential use may be the only option'.*

- 4.10 Where it is proposed to convert such a building, the application should be considered against paragraph 5.1 of this SPD, as well as DMP policy DMC3 Siting, Design, Layout and Landscaping, and any other relevant Development Plan policies.

#### Conversion of a Heritage Asset

- 4.11 If the building comprises a heritage asset, its conversion will be assessed against DMP policies DMC5 and DMC10, and if the building is Listed, DMP policy DMC7.

#### **DMP Policy DMH7 – Extensions and Alterations**

- 4.12 Annexes do not have to involve the conversion or construction of a detached building; they can also comprise an extension to an existing dwellinghouse. For these proposals, the application will be considered against DMP policy DMH7: Extensions and Alterations.

#### **DMP Policy DMH8 – New Outbuildings and Alterations and Extensions to Existing Outbuildings in the Curtilage of a Dwellinghouse**

- 4.13 This policy is to be applied solely to outbuildings located within the residential curtilage of an existing dwellinghouse that are to be used for an incidental purpose (e.g. a garage, a greenhouse, a shed, a swimming pool etc).
- 4.14 When an applicant proposes both ancillary and incidental accommodation within one building, DMP policy DMH8 should be used in combination with DMP policy DMH5.

#### **Appendix A of this SPD**

- 4.15 Appendix A outlines a number of different possible development scenarios for an ancillary or incidental residential use that could be submitted as a planning application to the Authority. It outlines which policies would be applicable to the development or if the proposal would, in principle, be contrary to the policies contained in the DMP.

## **5. Criteria for the Consideration of Ancillary Residential Accommodation**

5.1 DMP policy DMH5 outlines the criteria ancillary residential accommodation development must meet in order for it to be acceptable. The following paragraph outlines these requirements but also includes those criteria that have been established through Case Law.

5.2 In determining a planning application for ancillary residential accommodation (either by conversion or new build), the Authority will expect the proposed development to:

- be subordinate in scale to the main dwellinghouse;
- share a vehicular access with the main dwellinghouse;
- be in the same ownership as the main dwellinghouse;
- share utilities with the main dwellinghouse;
- be located within the residential curtilage or building group associated with the main dwellinghouse as well as within the same planning unit (see DMP policy DMH5);
- be sited so as not to have a detrimental impact on the wider landscape setting or neighbouring amenity;
- have a functional connection/degree of dependence with the main dwellinghouse (e.g. the occupant should be a dependent relative of the residents of the main dwellinghouse or be employed at the main dwelling as an au pair, servant, nanny etc.);
- contain a level and scale of accommodation that can be justified for its intended occupants;
- have no boundary demarcation or sub-division of the garden areas between the main dwellinghouse and the annex;
- conserve and enhance the heritage significance/setting of the existing building/building group/main dwellinghouse/Conservation Area/Listed Building, where applicable;
- comply with the Authority's design standards; and
- maintain adequate space within the planning unit to contain the required level of car parking (as determined by the Authority's Parking Standards<sup>26</sup>) and for amenity purposes.

5.3 Planning applications should always be accompanied by supporting information clearly setting out the justification for the proposed

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<sup>26</sup> Appendix 9 of the Development Management Policies DPD (May 2019)  
[https://www.peakdistrict.gov.uk/\\_data/assets/pdf\\_file/0008/1574621/Webpage-Final-Branded-DMP-Doc-Copy.pdf](https://www.peakdistrict.gov.uk/_data/assets/pdf_file/0008/1574621/Webpage-Final-Branded-DMP-Doc-Copy.pdf)



development, including who the intended occupant(s) of the ancillary residential annex will be.

- 5.4 If more than one bedroom is proposed within the ancillary residential accommodation, clear justification must be provided as to why each bedroom is required.

## 6. **Section 106 Agreements and Planning Conditions**

- 6.1 The National Park Vision and Circular<sup>27</sup> states that *'the Government recognises that the Parks are not suitable locations for unrestricted housing' and 'the expectation is that new housing will be focused on meeting affordable housing requirements'*. The National Park Authority therefore has a housing policy that strictly controls new housing (Core Strategy policy HC1: New Housing).
- 6.2 The National Park Authority is supportive of ancillary residential accommodation through DMP policy DMH5, but we are concerned that these buildings could become independent self-contained dwellinghouses (in conflict with Core Strategy policy HC1) if they are not appropriately controlled. Therefore in most cases, an anti-severance condition or legal agreement is imposed on ancillary residential accommodation.
- 6.3 DMP policy DMH11 (F) outlines when a legal agreement should be applied to ancillary accommodation, as well as the means by which such a legal agreement can be removed, if desired. (It should be clarified that whilst DMP policy DMH11 refers solely to legal agreements, the tests for removing an occupancy restriction also relate to those secured by planning condition, as indicated by paragraphs 6.78, 6.84, 6.87 of the DMP's supporting text).

### **Planning Condition and Legal Agreement Tests**

- 6.4 National planning policy on planning conditions and Section 106 Agreements is set out within Chapter 4 of the NPPF (2019)<sup>28</sup>. It outlines that Planning Officers need to consider different tests when deciding whether to attach a planning condition or a legal agreement to a grant of planning permission.
- 6.5 Paragraph 55 of the NPPF (2019) states that *'planning conditions should be kept to a minimum and only imposed where they are:*
- *necessary;*
  - *relevant to planning and to the development to be permitted;*
  - *enforceable;*
  - *precise; and*
  - *reasonable in all other respects.'*
- 6.6 Paragraph 56 of the NPPF (2019) states that *'planning obligations must only be sought where they meet all of the following tests:*
- *necessary to make the development acceptable in planning terms;*
  - *directly related to the development; and*

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<sup>27</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/221086/pb13387-vision-circular2010.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/221086/pb13387-vision-circular2010.pdf) paragraphs 78 and 79

<sup>28</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf)

- *fairly and reasonably related in scale and kind to the development.'*

### **When to apply a Condition or a Section 106 Agreement**

- 6.7 In the majority of cases, it is likely that the Authority will include a condition to tie the new ancillary accommodation to the existing dwellinghouse in order to prevent its subdivision and use as an independent dwelling. However there may be times when a condition is not necessary (e.g. when the additional accommodation is provided as an extension to the existing dwellinghouse).
- 6.8 There may also be circumstances when the use of a Section 106 Agreement, rather than a condition, will be necessary and appropriate.
- 6.9 Paragraph 54 of the NPPF (2019) states that legal agreements '*should only be used where it is not possible to address unacceptable impacts through a planning condition*' and therefore the Authority will justify why a Section 106 Agreement is required, with reference to the three tests (outlined above).
- 6.10 In some scenarios it will be easy for Planning Officers to determine whether to attach a planning condition or a legal agreement to a grant of planning permission, or whether it isn't necessary to attach either. However there will be times when a level of judgement will need to be applied. In these instances consideration will be given to such questions as:
- How close is the proposed accommodation to the existing dwellinghouse?
  - Is the building located within the residential curtilage of the existing dwellinghouse?
  - Is the building located within the planning unit of the existing dwellinghouse?
  - What accommodation will be provided? Does it provide all the day-to-day facilities usually found within an independent dwellinghouse and, if so, are they of a scale that is commensurate with the ancillary nature of the use?
  - How big is the building relative to the size of the existing dwellinghouse?
  - Who will occupy/use the accommodation?
  - What is the functional link to the existing dwellinghouse (i.e. will the occupants of the annex have a degree of dependence on the existing dwellinghouse for their day-to-day needs)?
  - Could the accommodation be easily split from the dwellinghouse at a future date and create a self-contained dwellinghouse, contrary to Core Strategy policy HC1 (i.e. could it have its own garden, access/shared access)?
  - What is the risk of independent occupation (i.e. could a condition be easily breached without the Local Planning Authority knowing)?

- 6.11 Appendix B of this SPD outlines a variety of development scenarios involving ancillary residential dwellings and incidental buildings and states whether the Authority is likely to impose a planning condition or a Section 106 Agreement, or if neither is required. (It should be noted that these are guidelines only. There may be times when the Authority deviates from these guidelines due to the particular circumstances of the planning application).

## 7. **Standard Condition**

7.1 Circular 11/95: *'The Use of conditions in planning permission'*<sup>29</sup> was revoked on 6<sup>th</sup> March 2014 and replaced by the Planning Practice Guidance. However Annex A to the Circular, *'Suggested Models of Acceptable Conditions for Use in Appropriate Circumstances'* was not revoked and is still relevant today.

7.2 Annex A of the Circular recommends the use of a model condition for *'granny annexes'* that is quite succinct:

*'The extension/building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as [...]*

7.3 Planning Inspectors tend to use this condition in their decisions for ancillary residential accommodation. However we consider that the following wording is more explicit and helpful to applicants as it describes those uses that are prohibited (i.e. they do not fall within the scope of ancillary residential accommodation) and therefore this is the Authority's standard condition for residential annexes:

*'The accommodation hereby permitted shall be ancillary to the dwellinghouse known as XXX and shall not be occupied as an independent dwellinghouse. It shall be maintained within the same planning unit as the dwellinghouse known as XXXX and shall not otherwise be occupied independently as holiday accommodation during the lifetime of the development.'*


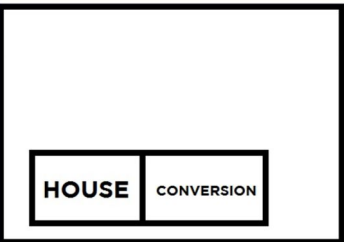
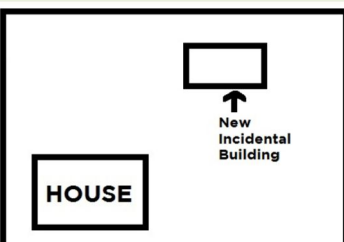
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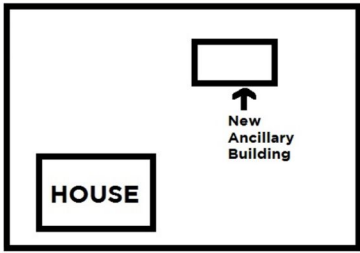
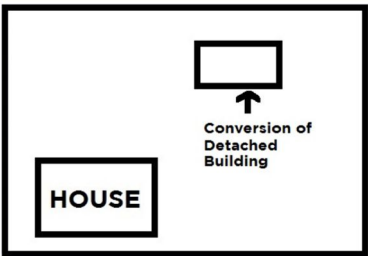
<sup>29</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7715/324923.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7715/324923.pdf)

## **Appendix A: Which Policies should be used to assess an Application for an Incidental or an Ancillary use to a Dwellinghouse?**

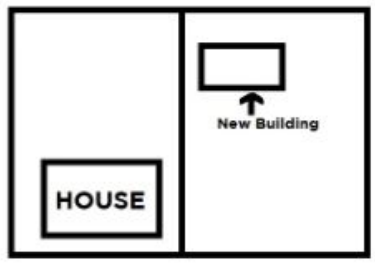
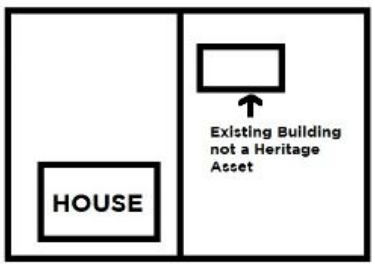
The following diagrams outline which DMP policies should be applied to a planning application for an ancillary or incidental use depending on the location of the building; its intended use; whether the building exists or is proposed; and whether the building comprises a heritage asset.

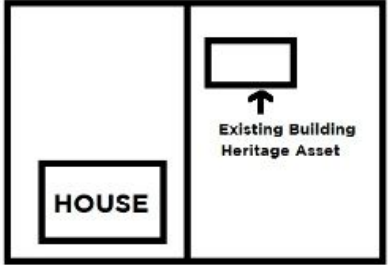
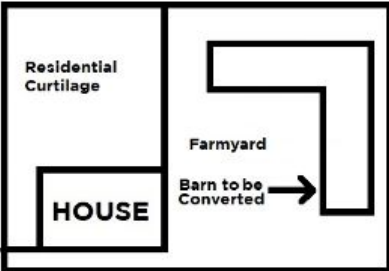
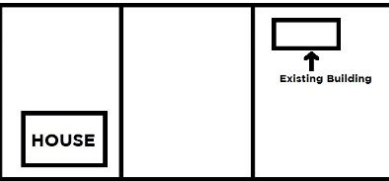
### **Within the Residential Curtilage**

SCENARIO	POLICIES
 <p>The diagram shows a large rectangle representing the residential curtilage. Inside, at the bottom left, is a smaller rectangle labeled 'HOUSE'. To its right is another rectangle labeled 'EXTENSION'.</p>	<ol style="list-style-type: none"> <li><b>Ancillary/Incidental use as an extension to a dwellinghouse located within the residential curtilage:</b> <ul style="list-style-type: none"> <li>DMP policy DMH7 Extensions and alterations.</li> </ul> </li> </ol>
 <p>The diagram shows a large rectangle representing the residential curtilage. Inside, at the bottom left, is a smaller rectangle labeled 'HOUSE'. To its right is another rectangle labeled 'CONVERSION'.</p>	<ol style="list-style-type: none"> <li><b>Ancillary use through the conversion of an attached building located within the residential curtilage:</b> <ul style="list-style-type: none"> <li>DMP policy DMH5(A): Ancillary dwellings in the curtilages of existing dwellings by conversion or new build; and</li> <li>DMP policy DMH7: Extensions and alterations.</li> </ul> </li> <li><b>Incidental use through the conversion of an attached building located within the residential curtilage:</b> <ul style="list-style-type: none"> <li>DMP policy DMH8(B): New outbuildings and alterations and extensions to existing outbuildings in the curtilage of dwellinghouses.</li> </ul> </li> </ol> <p><b>NB:</b> If the building is a heritage asset: DMP policies DMC5 and DMC10 apply and if it is a Listed Building, DMP policy DMC7 also applies.</p>
 <p>The diagram shows a large rectangle representing the residential curtilage. Inside, at the bottom left, is a rectangle labeled 'HOUSE'. To its right and slightly higher up is a smaller rectangle. An arrow points from below this rectangle to the text 'New Incidental Building'.</p>	<ol style="list-style-type: none"> <li><b>Incidental use in a new detached building located within the residential curtilage:</b> <ul style="list-style-type: none"> <li>DMP policy DMH8(A): New outbuildings and alterations and extensions to existing outbuildings in the curtilage of dwellinghouses.</li> </ul> </li> </ol>

SCENARIO	POLICIES
 <p>The diagram shows a rectangular area representing a residential curtilage. Inside, on the left, is a box labeled 'HOUSE'. To the right and slightly above the house is a smaller rectangle. An upward-pointing arrow is below this rectangle, with the text 'New Ancillary Building' next to it.</p>	<p>5. Ancillary use in a new detached building located within the residential curtilage:</p> <ul style="list-style-type: none"> <li>DMP policy DMH5(B): Ancillary dwellings in the curtilages of existing dwellings by conversion or new build, providing there are no other existing buildings that are suitable for conversion.</li> </ul>
 <p>The diagram shows a rectangular area representing a residential curtilage. Inside, on the left, is a box labeled 'HOUSE'. To the right and slightly above the house is a smaller rectangle. An upward-pointing arrow is below this rectangle, with the text 'Conversion of Detached Building' next to it.</p>	<p>6. Ancillary use through the conversion of an existing building located within the residential curtilage:</p> <ul style="list-style-type: none"> <li>DMP policy DMH5(A): Ancillary dwellings in the curtilages of existing dwellings by conversion or new build.</li> <li>If any alterations are proposed, then also DMP policy DMH7: Extensions and alterations.</li> <li>If the building is a heritage asset: DMP policies DMC5 and DMC10 apply and if it is a Listed Building, DMP policy DMC7 also applies.</li> </ul>

### Outside the Residential Curtilage

SCENARIO	POLICIES
 <p>The diagram shows a rectangular area divided into two sections. The left section contains a box labeled 'HOUSE'. The right section contains a smaller rectangle. An upward-pointing arrow is below this rectangle, with the text 'New Building' next to it.</p>	<p>1. New building for an ancillary/incidental use located outside the residential curtilage but not within a building group:</p> <ul style="list-style-type: none"> <li>The proposed building would be contrary to DMP policies DMH5(B) and DMH8(A) as the building would be outside the residential curtilage and not within a building group. The application would be refused.</li> </ul>
 <p>The diagram shows a rectangular area divided into two sections. The left section contains a box labeled 'HOUSE'. The right section contains a smaller rectangle. An upward-pointing arrow is below this rectangle, with the text 'Existing Building not a Heritage Asset' next to it.</p>	<p>2. Conversion of a building (not a heritage asset) located outside the residential curtilage, building group and planning unit, to an ancillary use:</p> <ul style="list-style-type: none"> <li>An ancillary use in these circumstances would be tantamount to a new dwellinghouse and therefore would be refused.</li> <li>Conversion to other uses could be sought in exceptional circumstances (see DMP paragraphs 3.107 &amp; 3.110).</li> </ul>

SCENARIO	POLICIES
	<p><b>3. Conversion of a heritage asset located outside the residential curtilage and building group but within the same planning unit, to an ancillary/incidental use:</b></p> <ul style="list-style-type: none"> <li>The acceptability of the proposal would be dependent on the siting of the building relative to the dwellinghouse and the functional connection between the two. The more remote the building is from the dwellinghouse, the less likely it would be acceptable as an ancillary/incidental use.</li> <li>As the building is a heritage asset, other uses could be explored (e.g. a holiday let, open-market dwelling etc). DMP policies DMC5 and DMC10 would apply and if it is a Listed Building, also DMP policy DMC7.</li> </ul>
	<p><b>4. Conversion of a building located within a group of buildings and within the same planning unit as the dwellinghouse, to an ancillary/incidental use:</b></p> <ul style="list-style-type: none"> <li>If the building is a heritage asset, then DMP policies DMC5 and DMC10 apply and if it is Listed, DMP policy DMC7 also applies.</li> <li>If the building is not a heritage asset but is located within the existing building group and planning unit, is the building suitable for conversion? If so, the criteria contained within paragraph 5.1 of this SPD and DMP policy DMC3: Siting, Design, Layout and Landscaping applies.</li> <li>If the building is not deemed to be suitable for conversion, then a new building sited within the existing building group and planning unit may be acceptable under DMP policy DMH5(B).</li> </ul>
	<p><b>5. Conversion of an existing building (not a heritage asset) located outside the residential curtilage/ building group but within the planning unit of the dwellinghouse, to an ancillary/incidental use. The building is sited away from the dwellinghouse (in this example, separated by a field):</b></p> <ul style="list-style-type: none"> <li>The acceptability of the proposal would be dependent on the siting of the building relative to the dwellinghouse and the functional connection between the two. The more remote the building is from the dwellinghouse, the less likely it would be acceptable as an ancillary/incidental use. Conversion to other uses could be sought in exceptional circumstances (see DMP paragraphs 3.107 &amp; 3.110).</li> </ul>


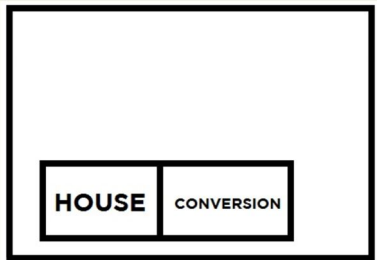
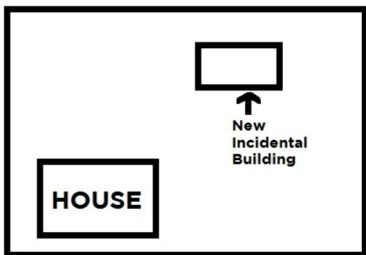


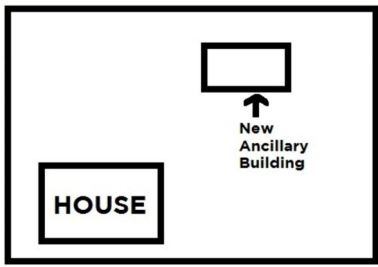
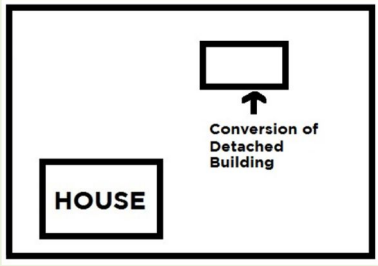
## **Appendix B: Section 106 Agreement or Condition?**

The following diagrams outline the different scenarios for both ancillary and incidental uses and whether a condition or a Section 106 Agreement (or neither) will be applied as part of a planning approval.

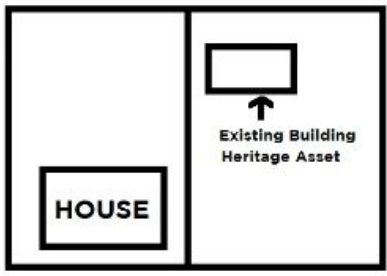
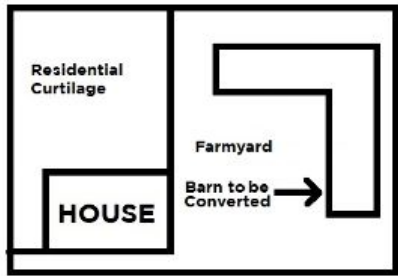
Please note that in some cases, it may be expedient for us to deviate from this advice due to the particular circumstances of a site/application and therefore these scenarios should only be treated as a guide.

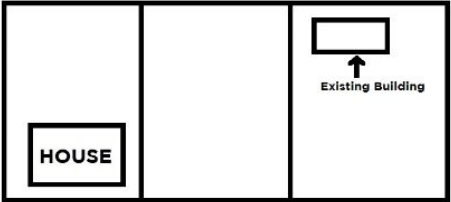
### **Within the Residential Curtilage**

<b>SCENARIO</b>	<b>CONDITION OR SECTION 106 AGREEMENT?</b>
 <p>A diagram showing a large rectangle representing the residential curtilage. Inside, at the bottom left, is a smaller rectangle labeled 'HOUSE'. To its right is another rectangle labeled 'EXTENSION'.</p>	<p>1. Ancillary/Incidental use as an extension to a dwellinghouse located within the residential curtilage:</p> <ul style="list-style-type: none"><li>• No Condition or Section 106 Agreement needed.</li></ul>
 <p>A diagram showing a large rectangle representing the residential curtilage. Inside, at the bottom left, is a smaller rectangle labeled 'HOUSE'. To its right is another rectangle labeled 'CONVERSION'.</p>	<p>2. Ancillary/Incidental use through the conversion of an attached building located within the residential curtilage:</p> <ul style="list-style-type: none"><li>• No Condition or Section 106 Agreement needed.</li></ul>
 <p>A diagram showing a large rectangle representing the residential curtilage. Inside, at the bottom left, is a rectangle labeled 'HOUSE'. To its right and slightly higher up is a smaller rectangle. An arrow points from the text 'New Incidental Building' to this smaller rectangle.</p>	<p>3. Incidental use in a new detached building located within the residential curtilage:</p> <ul style="list-style-type: none"><li>• No Condition or Section 106 Agreement needed as the building will be for an incidental rather than ancillary use (e.g. garage, gym, swimming pool etc.)</li><li>• If there is a mix of incidental and ancillary uses proposed (e.g. a garage with bedroom above) then either no Condition/Section 106 Agreement or just a Condition to control the ancillary accommodation.</li></ul>

SCENARIO	CONDITION OR SECTION 106 AGREEMENT?
 <p>A diagram showing a rectangular area representing a residential curtilage. Inside, on the left, is a box labeled 'HOUSE'. To the right and slightly above the house is a smaller box. An arrow points from the text 'New Ancillary Building' to this smaller box.</p>	<p>4. Ancillary use in a new detached building located within the residential curtilage:</p> <ul style="list-style-type: none"> <li>The majority of applications should use a Condition but there may be times when a Section 106 Agreement is required (see paragraph 6.10).</li> </ul>
 <p>A diagram showing a rectangular area representing a residential curtilage. Inside, on the left, is a box labeled 'HOUSE'. To the right and slightly above the house is a smaller box. An arrow points from the text 'Conversion of Detached Building' to this smaller box.</p>	<p>5. Ancillary use through the conversion of an existing building located within the residential curtilage:</p> <ul style="list-style-type: none"> <li>The majority of applications should use a Condition, however there may be times when a Section 106 Agreement is required (see paragraph 6.10).</li> </ul>

### Outside the Residential Curtilage

SCENARIO	CONDITION OR SECTION 106 AGREEMENT?
 <p>A diagram showing a rectangular area. On the left is a box labeled 'HOUSE'. To the right, outside the house's immediate curtilage, is a smaller box. An arrow points from the text 'Existing Building Heritage Asset' to this smaller box.</p>	<p>1. Conversion of a heritage asset located outside the residential curtilage and building group but within the same planning unit, to an ancillary/ incidental use:</p> <ul style="list-style-type: none"> <li>It would depend on the proximity of the heritage asset from the existing dwellinghouse whether a Condition or a Section 106 Agreement is required (see paragraph 6.10).</li> </ul>
 <p>A diagram showing a rectangular area. On the left is a box labeled 'HOUSE'. To the right of the house is a box labeled 'Residential Curtilage'. Further right is a box labeled 'Farmyard'. To the right of the farmyard is a large L-shaped box. An arrow points from the text 'Barn to be Converted' to the L-shaped box.</p>	<p>2. Conversion of a building located outside the residential curtilage but within a group of buildings and the same planning unit as the dwellinghouse, to an ancillary/incidental use</p> <ul style="list-style-type: none"> <li>The majority of applications should use a Condition but there may be times when a Section 106 Agreement is required (see paragraph 6.10).</li> </ul>

SCENARIO	CONDITION OR SECTION 106 AGREEMENT?
 <p>The diagram shows a rectangular area divided into three sections. The leftmost section contains a smaller rectangle labeled 'HOUSE'. The middle section is empty. The rightmost section contains a smaller rectangle labeled 'Existing Building' with an upward-pointing arrow below it. The entire diagram is enclosed in a black border.</p>	<p>3. Conversion of an existing building (not a heritage asset) located outside the residential curtilage/ building group but within the planning unit of the dwellinghouse, to an ancillary/incidental use. The building is sited away from the dwellinghouse (in this example, separated by a field):</p> <ul style="list-style-type: none"> <li>• It would depend on the proximity of the building from the existing dwellinghouse whether a Condition or a Section 106 Agreement is required (see paragraph 6.10).</li> </ul>



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**15. APPROVAL OF LEEKFRITH NEIGHBOURHOOD PLAN TO SUBMIT FOR REFERENDUM**

**1. Purpose of the report**

To consider the recommendations set out in the report by the independent examiner of Leekfrith Neighbourhood Plan and decide how to proceed.

**Key Issues**

- **The Authority must consider each of the examiner's recommendations and the reasons for them and decide what action to take.**
- **If the Authority is satisfied that the draft plan:**
  - (i) meets basic conditions;**
  - (ii) is compatible with European Convention Rights;**
  - (iii) complies with the definition of a neighbourhood plan and the provisions that can be made by a neighbourhood plan, or can do so as modified;****a referendum must be held.**

**2. Recommendations(s)**

**That members, in accordance with paragraph 12 of Schedule 4B of the 1990 Town and Country Planning Act:**

- (i) consider and accept the Examiner's Report (Background Paper 1) and the recommendations in the report to make modifications to Leekfrith Neighbourhood Plan;**
- (ii) approve that Leekfrith Neighbourhood Plan (Background Paper 2) is modified in accordance with the Examiner's Report and as set out in the Schedule of Proposed Modifications (Background Paper 3);**
- (iii) determine that Leekfrith Neighbourhood Plan, as modified, would meet basic conditions, would be compatible with Convention Rights, and would comply with the definition of and the provisions that can be made by a neighbourhood plan;**
- (iv) determine that the modified plan go forward to referendum.**

**How does this contribute to our policies and legal obligations?**

- 3. This is a legal obligation for the Authority and for Staffordshire Moorlands District Council under the Town and Country Planning Act 1990 (as modified). Staffordshire Moorlands District Council determined to approve Leekfrith Neighbourhood Plan for referendum at Cabinet on 11<sup>th</sup> February 2020.<sup>1</sup>
- 4. This proposal contributes to KPI 17 of the Corporate Strategy (number of communities shaping the place) and the 2024 target (20% of parishes have helped to shape their future.)

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<sup>1</sup> <https://democracy.highpeak.gov.uk/documents/s16397/Leekfirth%20Neighbourhood%20Plan.pdf>

## Background Information

5. The Localism Act 2011 enabled parish councils and neighbourhood forums to write neighbourhood plans for defined neighbourhood areas. Once 'made' (brought into force) neighbourhood plans become part of the statutory development plan for that neighbourhood area and are used to determine planning applications.
6. Leekfrith Parish Council submitted a neighbourhood plan and supporting documents to the Authority and Staffordshire Moorlands District Council on 28<sup>th</sup> February 2019. It was determined by the Authority (under delegated powers, see Appendix 4) and by Staffordshire Moorlands District Council (by Cabinet<sup>2</sup>) that this submission met statutory requirements and could therefore be subject to public consultation and examination. The statutory (Regulation 16) consultation took place between 2<sup>nd</sup> August and 23<sup>rd</sup> September 2019 and the subsequent Examiner's Report was submitted on 23<sup>rd</sup> December.
7. Table 1 below sets out the existing Neighbourhood Plan policies alongside the examiner's proposed modifications.

<b>Table 1: Leekfrith Neighbourhood Plan – Proposed Modifications</b>		
	<b>Existing Policy</b>	<b>Proposed Modification</b>
<b>Recommended Modification 1</b>	N/A	<ul style="list-style-type: none"> <li>• in the Neighbourhood Plan Contents Page refer to the Policies using numbers, and replace "Development" with "Redevelopment"</li> <li>• add the Policy titles to the text boxes for Policies 2,3, and 4</li> </ul>
<b>Recommended Modification 2</b> <b>Policy 1</b>	<p>A. Redevelopment of the Upper Hulme Mill site broadly in line with the requirements set out below, and as indicated on the site plan (figure 2) is supported:</p> <p>(i) in the red hatched area, significant enhancement of the site and its surroundings is required by removal of non-traditional structures and buildings and the replacement with new build, traditionally designed dwellings with associated parking and garaging.</p> <p>(ii) in the blue hatched area all the existing traditional buildings should be retained. Conversion to new dwellings/apartments, holiday accommodation, and B1 business (small craft businesses with ancillary retail) may be suitable. (iii) in the green hatched area, general industrial use is the established use but other acceptable uses include affordable local needs housing and/or B1 light industrial units.</p> <p>B. The ratio of affordable to open market housing will depend on the prevailing</p>	<ul style="list-style-type: none"> <li>• in Part A (i) replace "associated parking and garaging" with "sufficient vehicle parking facilities to ensure no additional on-road parking results"</li> <li>• in Part A (ii) replace "may be suitable" with "will be supported"</li> <li>• continue Part A (iii) with "subject to proposed uses being compatible with nearby uses"</li> <li>• delete Part B and transfer the text to Section 7.1 of the supporting text</li> <li>• insert replacement Part B "All development proposals must include a detailed site-specific flood risk assessment and demonstrate the suitability of the proposals taking into account any mitigation measures."</li> <li>• in Part C replace the text before "parking on" with "All development proposals must include sufficient vehicle parking provision to ensure no additional"; and replace "is completely discouraged" with "results"</li> </ul>

<sup>2</sup> <https://democracy.staffs Moorlands.gov.uk/documents/g1376/Public%20reports%20pack%2018th-Jun-2019%2014.00%20Cabinet.pdf?T=10>

	<p>conditions at the time of application. The number of units will depend on the details of the development and how they are integrated within the site as a whole.</p> <p>C. Car parking requirements must be sufficient to ensure that parking on the main road through Upper Hulme is completely discouraged.</p> <p>D. Any application for development should be supported by a Preliminary Ecological Appraisal and a Habitat Regulations Assessment to determine if proposals would affect the South Pennine Moors Special Area of Conservation and Peak District Moors Special Protection Area.</p>	<ul style="list-style-type: none"> <li>• add as Part E “All development proposals must include results of a contamination survey and demonstrate necessary mitigation appropriate to the use proposed.</li> </ul>
<p><b>Recommended modification 3</b></p> <p><b>Policy 2</b></p>	<p>The renting of ancillary holiday accommodation, on the general rental housing market will be permitted provided</p>	<ul style="list-style-type: none"> <li>• present points ii and iii as alternative circumstances and then present points i, iv and v to apply in every case</li> </ul>
	<p>i. The ancillary holiday accommodation has adequate indoor and outdoor living space and is not so closely related to adjoining properties that permanent residence would cause unacceptable harm to their amenity and</p>	<ul style="list-style-type: none"> <li>• replace “permitted” with “supported”</li> </ul>
	<p>ii. The ancillary holiday accommodation has been made available for holiday use through recognised marketing channels for holiday accommodation for the whole of the two years prior to the application, at a competitive price for the size and standard of the accommodation offered, and such marketing shows a lack of demand that proves that holiday use of the accommodation is unviable; or</p> <p>iii. There is evidence provided that the ancillary holiday accommodation cannot be operated as ancillary holiday accommodation by the current owners for other non-financial reasons such as age or infirmity; and</p> <p>iv. The letting of the property for other than ancillary holiday use requires no additional infrastructure; and</p> <p>v. The ancillary holiday accommodation remains under the control of the owner of the main house to which the accommodation is ancillary.</p> <p>Where the above criteria are satisfied, permission will be granted on a temporary basis for 2 years.</p>	<ul style="list-style-type: none"> <li>• replace “permission will be granted” with “proposals will be supported”</li> </ul>
<p><b>Recommended modification 4</b></p>	<p>The majority of roads in the parish are narrow, and have soft verges. Any development proposal must provide a</p>	<p>replace the final sentence with “To be supported development proposals must demonstrate that</p>

<b>Policy 3</b>	transport statement that considers the parking implications of the proposal. The proposed development must demonstrate suitable parking arrangements that avoid unacceptable harm to the highways network.	they will not result in additional on-road vehicle parking.”
<b>Recommended modification 5</b> <b>Policy 4</b>	This plan supports the alternative use of the land specified in Figure 3 for car parking for up to 28 days per calendar year.	Delete Policy 4 and transfer the policy text and supporting text to become a non-policy community aspiration in a new Part 8 of the Neighbourhood Plan
<b>Recommended modification 6</b>	N/A	Modify general text to achieve consistency with the modified policies, and to correct identified errors including those arising from updates.

### Background Information: Legal checks that the Authority must now undertake

8. The Authority must ensure<sup>3</sup> that Leekfrith Neighbourhood Plan meets, or would meet if modified according to the recommendations of the independent examiner:
  - the Basic Conditions<sup>4</sup>
  - Convention Rights<sup>5</sup>
  - provisions relating to the definition and content of a neighbourhood plan<sup>6</sup>.
9. Taking each of these in turn:
10. Basic Conditions are that a neighbourhood plan must:
  - have regard to national policy and guidance from the Secretary of State
  - contribute to sustainable development
  - be in general conformity with the strategic policy of the development plan for the area
  - not breach or otherwise be compatible with EU obligations
  - conform with chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017<sup>7</sup>
11. Convention Rights relate to the European Convention on Human Rights and EU Directive 2001/42 requiring the integration of environmental considerations into the preparation and adoption of plans and programmes.
12. Provisions relating to the definition and content of a neighbourhood plan specify:

<sup>3</sup> Paragraph 12, Schedule 4B, Town and Country Planning Act 1990 (as amended)

<sup>4</sup> Paragraph 8(2), Schedule 4B, Town and Country Planning Act 1990 (as amended)

<sup>5</sup> European Convention on Human Rights, EU Directive 2001/42,

<sup>6</sup> Neighbourhood Planning (General) Regulations (2012), Conservation of Habitats and Species Regulations (2017), paragraph 6 of Schedule 4B of the Town and Country Planning Act 1990

<sup>7</sup> This Basic Condition arises from the coming into force, on 28 December 2018, of the Conservation of Habitats and Species Regulations 2018



- What must be included in the submission and the rules of submission<sup>8</sup>
- That the proposal must not be a repeat proposal<sup>9</sup>
- That the qualifying body is authorised to act<sup>10</sup>
- That the proposals meet the definition and scope of a neighbourhood plan<sup>11</sup>

13. In considering whether Leekfrith Neighbourhood Plan meets these requirements, the Authority should take into account the Plan as a whole, the supporting *Basic Conditions Statement* (Background Paper 5) and the Examiner's Report.

**Consideration whether the Authority can be satisfied that Leekfrith Neighbourhood Plan has regard to national policies and advice contained in guidance issued by the Secretary of State.**

14. Leekfrith Neighbourhood Plan has been prepared in accordance with the most up to date National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG). The *Basic Conditions Statement* at Table 1 lists sections of the NPPF that the Neighbourhood Plan has regard to and where relevant makes reference to policies of the Neighbourhood Plan. The Examiner makes one recommendation with regard to the referencing of policies in the Neighbourhood Plan, to ensure that it is 'clearly written and unambiguous' (as required by paragraph 16d of the NPPF), and states:

*"I am satisfied that the Basic Conditions Statement . . . demonstrates that the Neighbourhood Plan has sufficient regard to relevant identified components of the Framework."*

15. Planning Practice Guidance<sup>12</sup> explains the neighbourhood planning system, including key stages and considerations required. The Authority referred Leekfrith Parish Council to this Guidance throughout the Neighbourhood Plan's preparation. During examination the Authority undertook a review of the Guidance to ensure the neighbourhood plan was compliant with the most up-to-date version, and this was accepted by the examiner.

16. The report of the independent examiner states in paragraph 51 that

*" . . . with the exception of those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition 'having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.'"*

**Consideration whether the Authority can be satisfied that Leekfrith Neighbourhood Plan contributes to sustainable development**

17. The NPPF requires a presumption in favour of sustainable development for plan-making<sup>13</sup> and PPG<sup>14</sup> requires a qualifying body (in this case Leekfrith Parish Council) to demonstrate how its plan will contribute to improvements in environmental, economic and social conditions.

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<sup>8</sup> Part 5 (15) of Neighbourhood Planning (General) Regulations (2012) as amended and S106 of the Conservation of Habitats and Species Regulations (2017)

<sup>9</sup> Para 5 of Schedule 4B of the Town and Country Planning Act (1990)

<sup>10</sup> Schedule 4B paragraph (6) (2) (a) (b) and Chapter 8 (Part 3) S 61F of the Town and Country Planning Act 1990

<sup>11</sup> Section 38 A (2) and 38 (B) of the Planning and Compulsory Purchase Act 2004.

<sup>12</sup> <https://www.gov.uk/guidance/neighbourhood-planning--2>

<sup>13</sup> Paragraphs 10 and 11 National Planning Policy Framework 2019

<sup>14</sup> Planning Practice Guidance paragraph 072

18. The Neighbourhood Plan includes a positive vision for Leekfrith developed at the beginning of the plan preparation process, that includes economic dimensions (“small businesses thriving”, “set up a range of businesses” and “employment opportunities for local people”) and social components (“housing suitable for all ages”, “places of focus”) while also referring to environmental considerations (“special character”, “beauty”).
19. The Basic Conditions Statement includes at Table 2 a demonstration of how the neighbourhood plan simultaneously contributes to the economic, social and environmental dimensions of sustainable development.
20. The Examiner’s Report states:
- “I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development.”*

**Consideration whether the Authority can be satisfied that Leekfrith Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan**

21. The NPPF states neighbourhood plans should ‘support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies<sup>15</sup>’. The relevant planning policies are those contained in the Core Strategy, which sets out strategic policies, and the Development Management Policies which supplement the Core Strategy with detailed operational policies.
22. Leekfrith Parish Council has provided its judgement with regard to conformity with strategic planning policies in Section 5 and Table 3 of the *Basic Conditions Statement*.
23. The Authority has given advice to Leekfrith Parish Council throughout the plan making process and at the statutory ‘Regulation 14 consultation’ which stated that the draft policies are in general conformity with strategic policies. (Staffordshire Moorlands District Council, in approving the Neighbourhood Plan for referendum, has also determined that the Plan is in general conformity with that Authority’s strategic planning policies.)
24. The Examiner’s Report states:
- “Subject to the modifications I have recommended I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan.”*

**Consideration whether the Authority can be satisfied that Leekfrith Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations (meets Convention Rights) and conforms with chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017**

25. *European Convention on Human Rights*
- The Basic Conditions Statement (Background Paper 5) states “an equalities impact assessment has not been undertaken, as no longer required under the Equalities Act 2010, and it is not considered the Plan discriminates unfairly or in a manner which is contrary to the Human Rights Act 1998.” The Examiner’s Report states at paragraph 37 “I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the convention.”
26. *EU Directive 2001/42 regarding the Environmental Assessment of Plans and Programmes*
- A Strategic Environmental Assessment Screening Statement prepared by the Authority

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<sup>15</sup> paragraph 13 NPPF 2019

concluded that “the implementation of Leekfrith Neighbourhood Plan is not likely to result in significant environmental effects. On this basis a full Strategic Environmental Assessment will not be required to be undertaken.” The Screening Statement was submitted to the statutory environmental bodies (Historic England, Natural England and the Environment Agency) who agreed with the conclusion. The Examiner’s Report at paragraph 40 states “I am satisfied the requirements regarding Strategic Environmental Assessment have been met.”

27. *European Sites (conservation of habitats and species)*

A Habitat Regulations Assessment (HRA) screening was undertaken by the Authority. The report states: “due to the limited scale of the development, its distance from the Special Area of Conservation/Special Protection Area and the even greater distance from the key bird species, its location in the valley below the Natura 2000 site and the likely negligible impacts compared to existing recreational pressure, it is concluded that the policies set out in Leekfrith Neighbourhood Plan are unlikely to have a significant effect on Natura 2000 sites.” The screening was submitted to Natural England who agreed with the conclusion. The Examiner’s Report states

*“The Neighbourhood Plan is compatible with the Convention Rights and does not breach, and is otherwise compatible with, EU obligations. I also conclude that the making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.”*

**Consideration whether the Authority can be satisfied that Leekfrith Neighbourhood Plan satisfies the provisions relating to the definition and content of a neighbourhood plan**

28. These issues were considered under delegated powers (see Background Paper 4). It was decided that “Leekfrith Neighbourhood Plan complies with statutory requirements.”

The examiner is also required to consider whether the Neighbourhood Plan complies with these provisions. Paragraph 15 of the Examiner’s Report states:

*“I am satisfied that the Neighbourhood Plan has been prepared in accordance with the requirements of those sections (38A and 38B of the Planning and Compulsory Purchases Act 2004) in particular in respect to the Neighbourhood Planning (General) Regulations 2012.”*

29. **The Authority can be satisfied that Leekfrith Neighbourhood Plan, as modified according to the examiner’s recommendations:**

**(i) meets basic conditions;**

**(ii) is compatible with European convention rights;**

**(iii) complies with the definition of a neighbourhood plan and the provisions that can be made by a neighbourhood plan**

30. The recommendation of the examiner with regard to Leekfrith Neighbourhood plan is as follows:

“I recommend to the Peak District National Park Authority and Staffordshire Moorlands District Council that the Leekfrith Neighbourhood Development Plan for the period up to 2033 should, subject to the modifications I have put forward, be submitted for referendum.”

**Are there any corporate implications members should be concerned about?**

**Financial:**

31. There are implications for staff time in making the modifications to the plan and publicising the decision statement. The Authority will work with Staffordshire Moorlands District Council to undertake the referendum. The Authority and Staffordshire Moorlands District Council will share the £20k 'extra burdens' payment that can be claimed once the Plan is approved for referendum and a date is set.

**Risk Management:**

32. The steps that the Authority is taking to respond to the submission of Leekfrith Neighbourhood Plan means that the risk of failure to meet government standards or legal obligations is low.

**Sustainability:**

33. Sustainability issues are fully considered in the neighbourhood planning process

**Equality:**

34. Equality issues are fully considered in the neighbourhood planning process

35. **Background papers (not previously published) – these can be viewed in the “Background Papers” Folder in the Library on the National Park Website**

Background paper 1 - Leekfrith Neighbourhood Plan Examiners Report

Background paper 2 - Leekfrith Neighbourhood Plan

Background paper 3 - Leekfrith Neighbourhood Plan Schedule of Modifications

Background paper 4 - Leekfrith Neighbourhood Plan Delegated Officer Decision 'Assessing Statutory Requirements'

Background paper 5 - Leekfrith Neighbourhood Plan Basic Conditions Statement

Background paper 6 - Leekfrith Neighbourhood Plan Strategic Environmental Assessment Screening Statement

Background paper 7 - Leekfrith Neighbourhood Plan Habitats Regulations Assessment Screening Statement

36. **Appendices**

NONE

**Report Author, Job Title and Publication Date**

Adele Metcalfe, Community Policy Planner, 27 February 2020

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

### 1. **APPEALS LODGED**

The following appeals have been lodged during this month.

<b><u>Reference</u></b>	<b><u>Details</u></b>	<b><u>Method of Appeal</u></b>	<b><u>Committee/ Delegated</u></b>
NP/HPK/0919/1017 3243416	Side extension to provide a dining area with study above at The Pringle, Ashopton Road, Bamford	Householder	Delegated
NP/CEC/0919/0985 3243568	S.73 Removal or Variation of condition 2 on application NP/CEC/0718/0600 to allow an additional window to the first floor on the south east elevation at Shire Horse Barn, Macclesfield Forest	Written Representations	Delegated
NP/DDD/0719/0759 3246020	Change of use of barn into 2 bed holiday accommodation including new track. Demolition of existing extension at Barn at Bradford, Youlgreave	Written Representations	Delegated

### 2. **APPEALS WITHDRAWN**

There have been no appeals withdrawn during this month.

### 3. **APPEALS DECIDED**

The following appeals have been decided during this month.

<b><u>Reference</u></b>	<b><u>Details</u></b>	<b><u>Method of Appeal</u></b>	<b><u>Decision</u></b>	<b><u>Committee/ Delegated</u></b>
NP/DDD/0219/0116 3240447	Proposed first floor extension and internal remodelling to Barnlea, Foolow, S32 5QR	Householder	Dismissed	Committee
The Inspector considered that the proposal would be unduly prominent, and would cause harm to the character and appearance of the appeal property. It also failed to comply with policies GSP1 and GPS3 of the Core Strategy and conflicted with DMC3 and DMH7 of the Development Management Policies. The appeal was therefore dismissed.				
NP/DDD/0619/0687 3238360	Use of land as touring caravan site with 10 pitches at the Jug and Glass Inn, Ashbourne Road, Hartington	Written Representations	Dismissed	Committee

The Inspector considered that the proposal would be prominent within the landscape, and would fail to conserve and enhance the landscape and scenic beauty of the Peak District National Park, thereby harming the character and appearance of the area. It would also conflict with GSP3, L1

and RT3 of the Core Strategy as well as DMC3 and DMR1 of the Development Management Plan. The appeal was therefore dismissed.

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NP/DDD/1018/0951 3237122	Conversion of barn to a local needs dwelling at Leach Barn, Leadmill, Hathersage	Written Representations	Dismissed	Committee
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The Inspector considered that while the overall form of the original dwelling would largely be retained, the proposed alterations would lead to the barn taking on a more domestic appearance and its contribution to the rural setting would be diminished, it would also fail to conserve and enhance the landscape. The appeal was dismissed.

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NP/DDD/0918/0867 3236664	Erection of double garage at the Coach House Leys Lane, Slaley, Bonsall	Householder	Dismissed	Delegated
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The Inspector considered that the overall scale and massing created by the proposal would be prominent and out of proportion to the more modest surrounding buildings in the vicinity, and would harm the character and appearance of the area. The appeal was dismissed.

4. **RECOMMENDATION:**

**To note the report.**