

# Public Document Pack

**Peak District National Park Authority**

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



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Our Ref: A.1142/2411

Date: 3 September 2020



## NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 11 September 2020**

Time: **10.00 am**

Venue: **Webex - Virtual Meeting**

**(Joining instructions will be sent to Authority Members separately)**

SARAH FOWLER  
CHIEF EXECUTIVE

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In response to the Coronavirus (Covid -19) emergency restrictions, all meetings of the Authority and its Committees will take place using video conferencing technology.

You can watch our meetings live on YouTube using the following link:

<https://www.youtube.com/user/peakdistrictnpa/live>

Members of the public who have given notice may still speak at this meeting for three minutes. Please call 01629 816352 for more information.

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**Link to meeting papers:**

<https://democracy.peakdistrict.gov.uk/ieListDocuments.aspx?MId=2392>

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## **AGENDA**

- 1. Apologies for Absence**
- 2. Minutes of previous meeting of 7th August 2020** *(Pages 5 - 14)*
- 3. Urgent Business**
- 4. Members Declarations of Interest**  
Members are asked to declare any disclosable pecuniary, personal or prejudicial interests they may have in relation to items on the agenda for this meeting.
- 5. Public Participation**  
To note any questions or to receive any statements, representations, deputations and petitions which relate to the published reports on Part A of the Agenda.
- 6. Full Application - Siting of a log cabin for use as an agricultural workers dwelling ancillary to the farmhouse - Shepley Farm, Chelmorton (NP/DDD/0420/0370, MN)** *(Pages 15 - 28)*  
Site Plan
- 7. Full Application - Use of field for five touring caravans - Lower Greenfields Caravan Site, Unnamed Road from Cliff Lane to Mawstone Lane, Alport (NP/DDD/0720/0613, TS)** *(Pages 29 - 40)*  
Site Plan
- 8. Full Application - Erection of an agricultural workers dwelling - Cleulow Cross, Wincle (NP/CEC/0919/1034, MN)** *(Pages 41 - 52)*  
Site Plan
- 9. Section 73 Application - For the removal or variation of condition 1 on NP/SM/0915/0895 at Lower Damgate Farm, Ilam (NP/SM/0420/0318/SC)** *(Pages 53 - 60)*  
Site Plan
- 10. Listed Building Consent - For repair works comprising: crack repairs, crack stitching, re-pointing (using lime mortar), de-vegetation and removal of trees, installation of tell tales and mortar tabs, rebuilding of areas of collapse - Monsal Dale Viaduct, Monsal Dale (NP/DDD/0720/0611, TS)** *(Pages 61 - 70)*  
Site Plan
- 11. Listed Building Consent - Proposed repair works to Millers Dale South Viaduct (NP/HPK/0720/0635. DH)** *(Pages 71 - 78)*  
Site Plan
- 12. Head of Law Report - Planning Appeals (A.1536/AMC)** *(Pages 79 - 80)*

## **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 Committee 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 Committee 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 on the website <http://democracy.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 on the Authority's website.

### **Public Participation and Other Representations from third parties**

In response to the Coronavirus (Covid -19) emergency our head office at Aldern House in Bakewell has been closed. Therefore all meetings of the Authority and its Committees will take place using video conferencing technology. Public participation is still available using a telephone connection. 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 <http://www.peakdistrict.gov.uk/looking-after/about-us/have-your-say> or on request from the Democratic and Legal Support Team 01629 816362, email address: [democraticandlegalsupport@peakdistrict.gov.uk](mailto:democraticandlegalsupport@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 12 noon 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 will make a digital sound recording available after the meeting which will be retained for three years after the date of the meeting.

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

In response to the Coronavirus (Covid -19) emergency our head office at Aldern House in Bakewell has been closed. Therefore all meetings of the Authority and its Committees will take place using video conferencing technology.

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**To: Members of Planning Committee:**

Chair: Mr R Helliwell  
Vice Chair: Mr K Smith

|                   |                   |
|-------------------|-------------------|
| Cllr W Armitage   | Cllr P Brady      |
| Cllr M Chaplin    | Cllr D Chapman    |
| Cllr A Gregory    | Mrs A Harling     |
| Cllr A Hart       | Cllr I Huddleston |
| Cllr A McCloy     | Cllr Mrs K Potter |
| Cllr K Richardson | Miss L Slack      |
| Cllr G D Wharmby  |                   |

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

|            |                       |
|------------|-----------------------|
| Mr Z Hamid | Prof J Haddock-Fraser |
|------------|-----------------------|

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 August 2020 at 10.00 am

Venue: Virtual Meeting - Webex

Chair: Mr R Helliwell

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

Apologies for absence: Cllr A Gregory.

### 55/20 CHAIRS ANNOUNCEMENT

The Chair welcomed Mrs Annabelle Harling to Planning Committee who was observing the meeting as part of her planning training

### 56/20 MINUTES OF PREVIOUS MEETING OF 10 JULY 2020

The minutes of the last meeting of the Planning Committee held on the 10 July 2020 were approved as a correct record subject to the following amendment.

#### Minute 50/20

That the wording “sufficient to override adopted policy” be removed and replaced with “A motion for approval on the grounds of enhancement and acceptable design as set out in the Design Guide”

### 57/20 URGENT BUSINESS

There were no items of urgent business.

### 58/20 MEMBERS DECLARATIONS OF INTEREST

Item 6

Cllr Chapman declared that he had previously been involved in the application so would withdraw from the meeting when this item was to be discussed.

Item 7

Cllr Chapman declared a personal interest as he knew the applicant and had discussed the application with them, so would withdraw from the meeting when this item was to be discussed.

Item 8

Cllr Chaplin, Cllr McCloy, Cllr Wharmby, Cllr Huddleston, Cllr Potter, Cllr Brady & Ms Slack had all received emails from Mr Wheatley, one of the public participants.

Cllr Potter declared that she was a member of Friends of the Peak District, which was affiliated to CPRE.

Item 9

Cllr Chapman & Ms Slack declared a personal interest as they were Chair and Deputy Chair of the Moors for the Future Partnership.

**59/20 PUBLIC PARTICIPATION**

Four members of the public had given notice to make representations to the Committee.

**60/20 FULL APPLICATION - VARIATION OF CONDITION 2 (APPROVED PLANS) OF NP/DDD/0418/0303 - FORMER DOVE DAIRY, STONEWELL LANE, HARTINGTON (NP/DDD/1219/1298, MN)**

Cllr Chapman had declared a prejudicial interest so left the room while this item was discussed.

A site visit with the Chair & Vice Chair of Planning Committee together with the Director of Conservation and Planning and the Senior Planning Officer had taken place on the previous day.

The Director of Conservation & Planning informed Members that the Authority was in negotiations with the applicant regarding the final wording of the S106 Obligation. The Senior Planning Officer then went on to introduce the report and updated Members regarding a correction to Condition 26 of the report as this had now been agreed and the Condition partly discharged.

The following spoke under the Public Participation at Meetings Scheme:-

- Mr Mark Dauncey, AMOS - Applicant

Members felt that the scheme was now taking shape and that the affordable houses were of high quality, although there was some concern that the size of the plots had been reduced.

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

**RESOLVED:**

**To APPROVE the application subject to securing the affordable housing units by a section 106 unilateral undertaking/agreement, the final wording of which shall be agreed by the Director of Conservation and Planning, in consultation with the Head of Law, and to the following conditions:**

- 1. The development hereby permitted shall be carried out in accordance with the amended plans (numbers to be specified on any decision notice)**
- 2. No more than 26 dwellings, including the two units within the retained stone barns, are hereby permitted to be constructed within the application site.**
- 3. The field immediately to the east of the proposed housing site shall not be used for the storage of materials, spoil, or as a builder's compound.**
- 4. Within 3 months of first implementation of this permission, all windows of the dwellinghouse occupying plot A shall be changed to match those shown on the approved plans for this plot.**
- 5. Within 3 months of first implementation of this permission, the doors of the garages serving the dwellinghouses occupying plots A and B shall be re-treated with a solid painted finish. A painted finish shall thereafter be maintained throughout the lifetime of the development.**
- 6. Within 3 months of first implementation of this permission, all windows, doors, and associated external framework of the dwellinghouses occupying plots X and Y shall be painted in accordance with the specifications detailed on the approved plans.**
- 7. Within 3 months of first implementation of this permission, any rooflights that have been installed to the roofs of the dwellinghouses occupying plots X and Y that do not accord with the approved plans shall be removed and the roof shall at that time be made good to match the adjacent roof.**
- 8. Notwithstanding the approved plans, the chimneys of plots G through M, P through W, and of plot Z shall be constructed of natural stone to match the stonework of the property to which they are attached.**
- 9. Notwithstanding the approved plans, prior to the installation of any of the windows of the dwellinghouses occupying plots G or P, plans that show amended window opening details to provide for larger windows as sliding sash and that omit any top-opening lights shall be submitted to and approved in writing by the Authority. Thereafter the development shall proceed only in accordance with the approved details and shall be so maintained throughout the lifetime of the development.**
- 10. The home office accommodation shown at plot J shall be for private home office use only, and shall remain ancillary to the occupation of the dwellinghouse occupying plot J.**
- 11. The existing stone built buildings occupying plots X and Y as shown on the approved plans shall not be demolished, and the conversions shall take place within the shell of the existing buildings with no rebuilding.**

12. All material from the demolition works associated with the development, other than that re-purposed in on-site construction works, shall be removed from the site upon completion of construction of the development or within two months of the cessation of construction works on site, whichever is the sooner.
13. The buildings hereby permitted shall be constructed of natural stone and limedash render (where specified on the approved elevation drawings) with natural blue slate, Staffordshire blue natural plain clay tiles or red natural plain clay tiles for roofs as specified on the approved plans, and with roofing materials matching the appearance of those approved under NP/DIS/1217/1223.
14. Prior to the construction of the external walls of plots F through M, P through W, or of plot Z, a sample panel of no less than 1m<sup>2</sup> of each of limestone, gritstone, and rendered walling, including quoins, shall be constructed on the site. The National Park Authority shall be informed on the completion of the sample panels which shall then be inspected and approved in writing. All subsequent walling be of the type specified on the approved elevation plans for each plot and shall match the relevant approved sample panels in terms of stone/render colour, stone size, texture, and coursing and pointing in the case of the limestone and gritstone walling, subject to whatever reasonable modifications may be specifically required in writing by the Authority. If necessary the Authority shall request the construction of further sample panels incorporating the required modifications
15. All lintels, sills, jambs, copings and quoinwork in the development hereby permitted shall be in natural gritstone and shall be provided as shown on the approved elevations drawings and retained as such thereafter.
16. All pointing in the development hereby permitted shall be bag brushed and slightly recessed and shall be retained as such thereafter.
17. All external doors and windows in the development hereby permitted shall be of timber construction and shall be retained as such thereafter.
18. All door and window frames in the development hereby permitted shall be recessed a minimum of 75mm from the external face of the wall and shall be retained as such thereafter.
19. All rainwater goods in the development hereby permitted shall be of cast metal and painted black and shall be retained as such thereafter.
20. Where coped gables are not approved in the development hereby permitted, roof verges shall be flush pointed with no barge boards or projecting timberwork and shall be retained as such thereafter.
21. The boundary treatments in the development hereby permitted shall be as shown on the approved site plan – landscaping layout. Boundary treatments that are to be a dry stone wall shall be made of natural rubble limestone. The dry stone walls shall be capped with half-round natural limestone coping stones and shall be between 900mm and 1000mm in height in the case of those adjacent to driveways (identified with the letter N on the approved site plan (landscaping layout)) and between 1000mm

and 1200mm in all other cases (identified with the letter O on the approved site plan (landscaping layout)). Where walls identified with the letter N on the approved site plan (landscaping layout) transition in to walls identified with the letter O on the approved Landscaping Layout plan, any difference in height shall be addressed through a gradual sloped transition, not a stepped transition. The boundary treatments shall be completed before the dwelling to which it relates is first occupied, and the boundary treatments shall be retained thereafter.

22. None the dwellings hereby permitted shall be first occupied until any car parking (including garages) and vehicle manoeuvring areas relating to them have been laid out/constructed and made available in accordance with the approved plans. These car parking spaces (including garages) and vehicle manoeuvring areas shall be used solely for the benefit of the occupants of the dwelling to which it relates. The car parking (including garages) and vehicle manoeuvring areas shall be retained thereafter and kept available for their respective purposes at all times.
23. The areas annotated 'Area Returned to Greenfield' on the approved site plan (landscaping layout), shall be restored to grassland in accordance with the details specified on that same plan. The area to the west of the built development marked for returning to greenfield on the approved plan shall be restored to grassland upon completion of construction of the development or within two months of the cessation of construction works on site, whichever is the sooner. The remaining areas marked for grassland restoration shall be restored prior to the first occupation of the open market houses hereby permitted.
24. Demolition or construction works shall not take place outside 07:30 hours to 19:00 hours Mondays to Fridays and 09:00 hours to 17:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.
25. No development of plots F through M, P through W, or of plot Z shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors
  - ii) loading and unloading of plant and materials
  - iii) storage of plant and materials used in constructing the development
  - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - v) wheel washing facilities
  - vi) measures to control the emission of dust, dirt and light during construction
  - vii) measures to protect the water environment during construction
  - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
26. Development of plots F through M, P through W, or of plot Z shall take place in accordance with the site investigation methodology approved by the local planning authority. The site shall be remediated in accordance with the approved details, including any measures that would form part of the development, such as the provision of gas vents or membranes within

buildings and other structures. If, during the course of development, any contamination is found which has not been identified in the site investigation, then additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

27. No development of plots F through M, P through W, or of plot Z shall take place until a scheme to protect trees during demolition/construction works, which shall include an implementation programme, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme and its implementation programme.
28. Development shall proceed only in complete accordance with the mitigation measures for protected species approved under NP/DIS/1217/1223.
29. No development of plots F through M, P through W, or of plot Z shall take place until a scheme for the provision of residential estate roads and footways that shall include details of their construction, layout, levels, gradients, surfacing, means of water drainage, a programme for their provision, the gradients of any access drives leading from the highway and any gates or barriers within 6m of the highway, and details of waste storage and collection arrangements, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme.
30. No development of plots F through M, P through W, or of plot Z shall take place until a scheme for the undergrounding of all service lines within the development hereby permitted has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme.
31. No development of plots F through M, P through W, or of plot Z shall take place until a scheme of external lighting (including any floodlighting) has been submitted to and approved in writing by the local planning authority. Such details shall include the location, height, type, direction and intensity of the illumination. External lighting shall be installed in accordance with the approved details before the development to which it relates is first occupied or brought into use.
32. No development of plots F through M, P through W, or of plot Z shall take place until a scheme for the disposal of surface water and sewage and flood attenuation measures has been submitted to and approved in writing by the local planning authority. No dwelling hereby permitted shall be occupied until the measures approved in the scheme have been implemented.
33. No development of plots F through M, P through W, or of plot Z shall take place until a scheme of hard and soft landscaping works for the development hereby permitted has been submitted to and approved in writing by the local planning authority. The approved scheme of landscaping works shall also confirm which trees are to be retained and which are to be removed, and include biodiversity enhancements that

retain the 'Area Returned to Greenfield' on the former car to the south of plot 1 as a hay meadow. Development shall be carried out in accordance with the landscaping works, which shall be implemented as approved and to the timescales within it.

34. All new metal estate fencing shall be between 1000mm and 1200mm in height, from the adjacent ground level, and shall have a black painted finish at the time of installation.
35. Prior to the occupation of any part of the development a Landscape Management Plan detailing the provision and retention, management and maintenance of trees and tree planting belts within the owner's ownership but outside of the site boundary (as enclosed by a blue line on the approved site plan) shall be submitted to and approved in writing by the local planning authority. Thereafter no part of the development shall be occupied until the approved Landscape Management Plan has been implemented, and it shall thereafter continue to be implemented throughout the lifetime of the development.
36. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no development permitted by Classes A B C D E H of Part 1 and Class A of Part 2 of Schedule 2 of the order shall be carried out other than that expressly authorised by this permission.
37. Notwithstanding the approved plans, no alterations to the design, layout, or appearance of the dwellinghouse or curtilage of plot Z from those of decision NP/DDD/0418/0303 are approved by this decision.

The meeting adjourned for a short break at 11:30 and reconvened at 11:40

61/20

**FULL APPLICATION - SITING OF A LOG CABIN FOR USE AS AN AGRICULTURAL WORKERS DWELLING ANCILLARY TO THE FARMHOUSE - SHEPLEY FARM, CHELMORTON (NP/DDD/0420/0370, MN)**

Cllr Chapman had declared a personal interest so left the room while this item was discussed.

A site visit with the Chair & Vice Chair of Planning Committee together with the Director of Conservation and Planning had taken place on the previous day.

The Planning Officer introduced the report, and informed Members that a further letter of representation in support of the applicant had been received since the report had been published.

The following spoke under the Public Participation at Meetings Scheme:-

- Mr Dominic Cooney, Agent

Members felt some sympathy with the applicant but considered that a number of matters required further attention and explanation before a decision could be taken, including the period of temporary permission being proposed/needed, how might this be secured if permission was granted, and whether there were there less harmful options in terms of the design and siting of the ancillary dwelling

The recommendation to defer the item for further discussion between Officers and the applicant was moved, seconded put to the vote and carried.

**RESOLVED:**

**To DEFER the application to allow for further discussion with the applicant.**

**Cllr Chapman rejoined the meeting.**

**62/20 FULL APPLICATION - INSTALLATION OF NEW PACKAGE TREATMENT PLANT AND SOAKAWAY AT THE NAZE, MAYNESTONE ROAD, CHINLEY (NP/HPK/0420/0333 AM)**

The Director of Conservation & Planning introduced the report.

The following spoke under the Public Participation at Meetings Scheme:-

- Mr & Mrs Wheatley, Objector – Statement read out by Democratic Services
- Chinley, Buxworth & Brownside Parish Council, Objector – Statement read out by Democratic Services

The Officer confirmed that the treatment plant would be entirely underground, and that an assessment had been undertaken to show that any run off would be to an acceptable standard without causing any harm to the local environment or the amenity of neighbouring properties, after Members expressed some concern.

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

**RESOLVED:**

**To APPROVE the application subject to the following conditions or modifications.**

1. **Statutory three year time limit for implementation.**
2. **In accordance with amended plans and specifications.**

**In accordance with Standing Orders, the Committee voted to continue its business over 3 hours.**

**Cllr Brady, Cllr McCloy & Cllr Wharmby left the meeting following discussion of this item.**

**The meeting adjourned for a short break at 1.00pm and reconvened at 1.05pm**

**63/20 FULL APPLICATION - A RESTORATION SCHEME FOR THE GREAT RIDGE COMPRISING THE LAYING OF FLAGSTONES, PITCHING AND AGGREGATE ALONG WITH ASSOCIATED GROUND PREPARATION, DRAINAGE MANAGEMENT AND LANDSCAPING AT HOLLINS CROSS, EDALE (NP/DDD/0420/0307 AM)**

The Director of Conservation & Planning introduced the report on the application by the Moors for the Future Partnership to restore a length of footpath, as part of the Mend our Mountains Campaign, between Hollins Cross and Back Tor, otherwise known as The Great Ridge. The Officer explained to Members that as this route, which was heavily used by visitors, was not on the definitive map, permission was needed for the proposed resurfacing works.

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

**RESOLVED:**

**To APPROVE the application subject to the following conditions or modifications.**

1. Three year time limit for implementation.
2. In accordance with submitted plans and specifications.
3. No development shall take place until a detailed timescale for construction and land restoration works has been submitted to and approved in writing by the National Park Authority. Thereafter no development shall take place other than in complete accordance with the approved timescales.
4. No development shall take place until a written method statement for the protection and safeguarding of known heritage assets, and the preservation in situ of previously unknown archaeological remains and features, has been submitted to and approved in writing by the National Park Authority. Thereafter no development shall take place other than in complete accordance with the approved method statement.
5. A. No development shall take place until a Written Scheme of Investigation for a programme of archaeological monitoring and supervision has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and
  1. The programme and methodology of site investigation and recording;
  2. The programme and provision to be made for post investigation analysis and reporting;
  3. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
  4. Provision to be made for archive deposition of the analysis and records of the site investigation;
  5. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.B. No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under part A.  
C. Within a period of 12 weeks from completion of the development the archaeological site investigation and post investigation analysis and reporting shall have been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part A and the provision to be made for publication and dissemination of results and archive deposition shall have been secured.
6. Agree stone and aggregate samples prior to construction.

64/20

**HEAD OF LAW REPORT - PLANNING APPEALS**

Members welcomed the report on appeals lodged and decided during the month.

A motion to receive the report was moved, seconded, voted on and carried.

**RESOLVED:**

**That the report be received.**

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**6. FULL APPLICATION – SITING OF A LOG CABIN FOR USE AS AN AGRICULTURAL WORKERS DWELLING ANCILLARY TO THE FARMHOUSE – SHEPLEY FARM, CHELMORTON (NP/DDD/0420/0370, MN)**

**APPLICANT: MR PAUL SWINDELL**

**Summary**

The proposal is to provide an ancillary farm workers dwelling at Shepley Farm, a working Dairy Farm near Chelmorton village. This is proposed through the siting of a caravan with externally timber clad walls to achieve the appearance of a 'log cabin'.

The application was presented at the August 2020 planning committee meeting. Members resolved to defer the decision so that officers could work further with the applicant to:

- Try to establish how long the dwelling would be required for
- Explore options for a dwelling of improved appearance, through either conversion of an existing shippon or of alternative design
- Further assess alternative options for the siting of the dwelling

Since the application was last presented to Members no further justification for the provision of an additional farm worker's dwelling on the site has been provided, but the provision of an ancillary dwelling remains compliant with planning policy in principle.

It has not been possible to determine precisely how long the proposed dwelling would be required for because this depends on one of the other dwellings on the site becoming vacant, but the applicant has proposed limiting a permission to 10 years, which they anticipate will meet their need.

Following Members' discussions relating to how a temporary permission might function, the applicant's agent has proposed securing this by legal agreement. This would secure a maximum occupation period of 10 years, with the caravan being required to be removed by that time. They have advised that this is likely to meet the need for a dwelling, but that it would allow time for a more permanent alternative to be brought forward if found to be necessary. The suggested Heads of Terms for such an agreement have been submitted, and they also provide for the earlier removal of the caravan from the site should either the farmhouse or agricultural workers dwelling (or any other accommodation on the site) become available sooner.

The alternative of providing the dwelling in a different form on the site has also been further discussed since the last committee meeting. Members queried the possibility of converting the shippon to ancillary accommodation during that meeting. The applicant advises that the shippon would be costly to convert to due to the need for modification, including an improved foundation, and that this would have structural implications for the wall of the house to which it is attached.

Further, from a financial position, they do not wish to invest so heavily in what they anticipate being a short-term need for a further dwelling. This is the same reason that they do not wish to invest in a more traditional and permanent new build dwelling on the site.

The dwelling now proposed has been altered in appearance since that which Member reviewed at the last meeting. It remains a static caravan however, with vertical timber boarding.

Having considered other positions within the group of buildings it is accepted that re-siting the building in a different location on the site would not reduce its impacts; the compact layout of the farmyard means that in order to maintain access through the site any other location would need

to be on the site periphery and would be at least as prominent in the landscape as the proposed position – more so in many instances.

In an effort to mitigate the impacts of the building's appearance it is now proposed to cut it in to the rising ground of the hillside in which it would be positioned, and to stain it a dark colour.

Despite the amendments that have been put forward since the application was last presented to Members, the proposed development fails to achieve a satisfactory standard of design and appearance. Given that the dwelling would be present on the site for up to ten years this still represents a substantial conflict with policies DMC3, DMH5, and paragraph 130 of the NPPF

Further, due to the period of need being unknown and potentially subject to change, we remain of the view that a temporary permission is not appropriate as there can be no certainty as to whether a need will remain at the end of any such period.

Further, and as previously, the proposals fail to comply with policy CC1 due to insufficient climate change mitigation measures being proposed.

Accordingly, and having given consideration to all other material considerations the application is recommended for refusal.

The report that follows has been updated to reflect the changes made to the application since it was last considered by Members in August 2020.

### **Site and surroundings**

Shepley Farm is a working dairy farm situated in the open countryside approximately 200m north west of Chelmorton village.

The site comprises of a farmhouse and a range of modern agricultural buildings arranged to its north and west. A bungalow with an agricultural worker's occupancy restriction attached (which was approved in the 1970s) is located a short distance south east of the farmhouse, with a small paddock separating the two. There is no occupancy restriction on the main farmhouse.

The farmhouse walls appear to be constructed of mixed materials with a white painted finish, under a slate roof, whilst the agricultural worker's bungalow is constructed of artificial stone under a concrete tiled roof.

A public footpath runs along the access track to the site, running east to west to the immediate south of the two dwellings and paddock.

There are no neighbouring properties adjacent to the application site.

The farmhouse is within the Chelmorton Conservation Area. The paddock is outside of the conservation area, but bounds it to its southern edge.

### **Proposal**

To site a wood clad static caravan for use as an agricultural worker's ancillary dwelling in a paddock between the existing farmhouse and agricultural workers bungalow that are already present on the site.

### **RECOMMENDATION:**

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

1. **The design and appearance of the dwellinghouse are of a poor standard of design that fails to conserve the appearance of the built environment, contrary to Development Management policies DMC3, DMH5, and paragraph 130 of the NPPF.**
2. **The development fails to demonstrate how it will achieve the highest possible standards of carbon reductions and water efficiency, contrary to Core Strategy policy CC1.**

### **Key Issues**

- Whether the principle of conversion accords with the planning policies of the Development Plan
- Whether the development would have acceptable impacts on residential amenity

### **Recent Planning History**

2013 – Planning permission granted for a proposed agricultural silage building extensions & proposed agricultural replacement building to house livestock and store implements.

2004 – Planning permission granted for a building extension to cattle housing and an underground slurry store.

2001 – Planning permission granted for extension to an existing silage building and erection of new cattle building.

### **Consultations**

Highway Authority – No highway objections assuming agricultural justification exists.

Parish Council – Support the application on the grounds that it would assist the operation of a working farm. Subsequently further comment was provided advising that if there were concerns in relation to the proposal it could perhaps be sited in an out of the way position with a fixed life span rather than being refused permission.

District Council – No response at time of writing.

PDNPA – Archaeology – No archaeological concerns or constraints

### **Representations**

No letters of representation have been received at time of writing.

### **Main policies**

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L3, HC1, CC1

Relevant Development Management Plan policies: DMC3, DMC5, DMC10, DMH10

### **National planning policy framework**

The National Planning Policy Framework (NPPF) was first published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and the Development Management Policies document 2019. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no

significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.

Paragraph 172 of the NPPF states that 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'

Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Chapter 16 deals with conserving and enhancing the historic environment.

Amongst other things, paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It notes that the more important the asset, the greater the weight should be. It also advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

#### Development plan

Core Strategy policies GSP1, GSP2 and GSP3 together say that all development in the National Park must be consistent with the National Park's legal purposes and duty and that the Sandford Principle will be applied where there is conflict. Opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon and development which would enhance the valued characteristics of the National Park will be permitted. Particular attention will be paid to impact on the character and setting of buildings, siting, landscaping and building materials, design in accordance with the Design Guide and the impact upon living conditions of local communities. Core Strategy policy GSP4 highlights that the National Park Authority will consider using planning conditions or obligations to secure the achievement of its spatial outcomes.

Core Strategy policy DS1 outlines the Authority's Development Strategy, and states that the majority of new development will be directed into Bakewell and named settlements, with the remainder occurring in other settlements and the rest of the countryside.

Policy HC1 of the Core Strategy reflects Government guidance and allows for new residential development in the National Park, exceptionally, where it provide for key workers in agriculture, forestry or other rural enterprises in accordance with policy HC2 of the Core Strategy.

Policy HC2 deals with housing for key workers in agriculture, forestry or other rural enterprises and says:

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

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.

Core Strategy policy CC1 requires development to make the most efficient and sustainable use of land and resources, to take account of the energy hierarchy, to achieve the highest standards of carbon reduction and water efficiency, and to be directed away from flood risk areas.

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.

Policy DMH4 further details criteria for essential worker dwellings. It states that the need for a worker dwelling to support agriculture, forestry or other rural enterprise businesses will be considered against the needs of the business concerned and that development will be permitted by conversion or new build provided that:

(i) a detailed appraisal demonstrates that there is a genuine and essential functional need for the worker(s) concerned, with a requirement that they need to be readily available at most times, day and night, bearing in mind current and likely future requirements; and  
(ii) stated intentions to engage in or further develop the business are genuine, reasonably likely to happen and capable of being sustained for a reasonable period of time. The Authority will require financial evidence that:

- a) the business has been operating for at least three years; and
- b) the business is currently profitable; and
- c) it has been profitable for at least one of the last three years; and
- d) the profit from the business as opposed to turnover, is such that it can sustain the ongoing cost of the dwelling; and
- e) the ongoing costs associated with the dwelling linked to the landholding reflect the actual and potential income that might be generated from the landholding; and

(iii) there is no accommodation available in the locality that could enable the worker(s) to be readily available at most times, day and night, bearing in mind current and likely future requirements; and

(iv) where a new building is proposed, there is no traditional building that could be converted for use as a worker dwelling, within or close to the main group of buildings, in line with other policies and guidance on siting and design; and

(v) where conversion of existing buildings is not an option, construction costs of new buildings reflect the likely sustainable income of the business; and

(vi) the new building is within or immediately adjacent to the site of the existing building group and enhances the building group when considered in its landscape setting; and

(vii) the new building is smaller than any house in the building group that is already under the control of the business and in accordance with policy DMH5, unless an acceptable landscape and building conservation outcome for the building group and the setting can only be achieved by a bigger building.

Development Management Policy DMH5 addresses ancillary dwellings. It states that:

A. The conversion of an outbuilding close to a dwelling, to ancillary dwelling use will be permitted provided that:

(i) it would not result in an over-intensive use of the property, an inadequate standard of accommodation or amenity space, or create a planning need for over intensive development of

the property at a later date through demand for further outbuildings; and  
(ii) the site can meet the parking and access requirements of the proposed development; and  
(iii) the new accommodation provided would remain within the curtilage of the main house, accessed via the same access route, sharing services and utilities, and remain under the control of the occupier of the main dwelling.

B. Where no buildings are suitable for conversion, a new build ancillary dwelling unit will be permitted provided that it:

- (i) is within the existing building group; and
- (ii) is subsidiary in physical size to the main house; and
- (iii) is of an appropriate design and materials that complement the existing building group; and
- (iv) is able to be located in such a way that any heritage significance of the existing building group is conserved or enhanced by the new building; and
- (v) is able to be located in such a way that the wider landscape setting of the building group is conserved or enhanced by the new building; and
- (vi) does not require new access points and tracks from highway to building or new services and utilities infrastructure; and
- (vii) can be contained within a single planning unit by condition.

It also stipulates that for proposals under A or B, where it is not possible to secure its ancillary status in perpetuity by planning condition, the ancillary accommodation will be tied to the main dwelling by way of a Section 106 Agreement.

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**

### **Principle of development**

The proposal states the proposed use of the caravan as an 'agricultural workers dwelling ancillary to the farmhouse'. An agricultural appraisal has been submitted in support of the application in an effort to demonstrate the essential housing need of the proposed occupiers.

The proposed occupiers are the applicant's son and his partner. The applicant lives in the main farmhouse and the agricultural workers bungalow is occupied by the applicant's mother, who, we are advised, is a retired farmer.

The 'Standard Man Days' calculation used to calculate the number of full time staff required to manage the farm calculates that 6 full time staff are required. The appraisal concludes, however, that this is excessive for this business and does not reflect the actual labour required to operate this business, which it explains to be 4 full time staff. The submitted appraisal also concludes that there is an essential need for only two workers to be present on the site at most times of day and night.

There are already two dwellings within the agricultural unit to meet that housing requirement – the main farmhouse, and the agricultural workers bungalow. On that basis, were this application for an independent farm worker's dwelling then it would be unacceptable in principle because the need for a further dwelling has not been established as policies HC2 and DMH4 require.

Furthermore, the necessary financial information relating to the profitability of the farm and viability of the new dwelling relative to the business has not been provided, which is also a

policy requirement to demonstrate the long term need for, and sustainability of, new essential worker dwellings.

This is not to say that we do not understand the challenges of and the need for succession planning on farms. Indeed, this is a principal reason for the adoption of policy DMH5, which supports the provision of ancillary dwellings in principle. This policy makes no requirement for these to be occupied only by agricultural workers, or to demonstrate the need for an ancillary dwelling.

In that context, and given that the proposed dwelling is described as ‘ancillary’, the fact the dwelling is proposed for an agricultural worker is not a relevant consideration, although clearly it would serve a beneficial purpose in this regard.

Following discussion with the applicant regarding the potential conversion of the farmhouse shippon to ancillary accommodation (ruled out due to structural issues and the fact that this remains in agricultural use) it is accepted that there are no buildings on the site that are suitable for conversion to an ancillary dwelling; apart from the shippon and the existing dwellings, the remaining buildings form the occupied buildings of the farm business. Part B of policy DMH5 therefore applies.

It is necessary for any ancillary dwelling to meet the criteria detailed in policy DMH5B, and the other policies of the development plan as a whole. These matters are addressed by the following sections of this report.

#### Siting of the dwelling

The proposed dwelling would comply with parts (i) and (ii) of policy DMH5B, being within the existing building group and being subsidiary in size to the main house.

In landscape terms, the siting of a new dwellinghouse of appropriate design and appearance in this location would also comply with adopted policy, being well related to the existing buildings and limiting further encroachment in to more open countryside.

Some exaction of the hillside would be required to accommodate the caravan, but would not have any adverse impact in wider views of the site, from where it would not be apparent.

#### Design and appearance of the dwelling

The existing farmhouse is of broadly traditional form and appearance, and the less traditional bungalow is constructed of stone under a slate roof. It is ‘of its time’ and would be unlikely to gain planning permission under current design and conservation policies.

The proposed dwelling is a static caravan, proposed to be vertically timber clad with a ‘tile effect’ sheet roof. This appearance would not complement either of the existing buildings, would be out of keeping with the local building traditions and would fail to reflect adopted design guidance, which advises that there is no tradition of external timber boarding in the Peak District and that there is therefore only a limited place for it, particularly when the development is seen in the context of traditional buildings or open landscape.

In addition to the concerns regarding its materials, the caravans design is also not reflective of either the adjacent buildings or the local built environment, having a very low pitched roof, overhanging eaves, and large windows relative to both the height and size of the walls.

Whilst the wider landscape and conservation area impacts of this would be largely mitigated by topography, trees, and the existing building on the site, the building would be prominent from the footpath that passes immediately south of the site only 25m away.

By virtue of the materials and the proposed design the development would result in harm to the appearance of the built environment, contrary to policy DMH5B(iii), DMC3 and paragraph 130 of the NPPF.

We have recommended that the applicant consider a proposal to provide ancillary accommodation either through extension to the farmhouse, or through the provision of a modest new building of more traditional design. We have been advised in response that this is not affordable to them given the short-term need for a dwelling that they anticipate. Policy and planning law do not allow significant weight can be placed on these personal circumstances in determining the application.

It has also been suggested by the applicant's agent that a temporary permission could be granted to control the duration of the impacts of the building on the site.

It has not been possible to determine how long the proposed dwelling would be required for, because this is dependent on either the farmhouse or the existing agricultural workers dwelling becoming vacant – at which point the applicants son could occupy that dwelling, removing the need for the caravan.

Following Members' discussions at the last committee meeting relating to how a temporary permission might function, the applicant's agent has proposed securing this by legal agreement. They propose a maximum occupation period of 10 years, with the caravan being required to be removed by that time.

They have advised that this is likely to meet the need for a dwelling, but that it would allow time for a more permanent alternative to be brought forward if found to be necessary. The suggested Heads of Terms for such an agreement have been submitted, and they also provide for the earlier removal of the caravan from the site should either the farmhouse or agricultural workers dwelling (or any other accommodation on the site) become available sooner.

The planning impacts would still be present for up to 10 years whilst the building remained on the site however, contrary to planning policy.

Further, there are no planning reasons to impose a temporary restriction in this case. The development is not proposed for a particular project with a determined end point, and nor is a temporary permission necessary for further assessment of planning impacts to be made. Whilst at this point the applicants anticipate 10 years being sufficient, the circumstances of those occupying the farm could change over the next 10 years. This could change the need for a longer-term dwelling on the site and the applicants (or future occupiers) ability to offer a more appropriate long-term alternative to the caravan. The Authority can have no certainty or control over this.

If such changes were to occur during the period of any temporary consent, it has the potential to lead to a situation whereby the expiry date approaches and the applicant's son or another occupant is still residing in the dwelling. It would not at that point be reasonable to make any individual homeless, which is what would occur if permission was then refused on a longer term basis. A condition limiting the lifespan of the dwelling would therefore be unreasonable.

### Highways

It is not anticipated that the development would result in a significant change in traffic to the site, as the applicant already lives there.

Although details of access and parking have not been provided, it is anticipated that these could be arranged within the existing site with only pedestrian access to the proposed dwelling. Such details could be secured by condition if the development was to be approved.

The development therefore raises no concerns on grounds of highway safety and complies with policy DMT8.

#### Climate change mitigation

The application states that the following matters reduce the climate change impacts of the proposed development:

- The cabin would be second-hand, reducing its carbon footprint
- The cabin would be fully insulated and draught proofed
- Due to its size the cabin would have a lower energy requirement than a typical house
- The fully assembled delivery of the cabin would involve a single vehicle movement to the site, whereas the delivery of building materials for the construction of a permanent house involves multiple vehicle movements.
- The farm enterprise is signed up to an Entry-Level Environmental Stewardship Scheme and allowing the development would ensure that the farm business continues to successfully deliver the stewardship scheme.
- Living on site would reduce vehicle movements that would otherwise be required if the applicant's son needed to find accommodation elsewhere in the locality.

Whilst some of these measures would serve to minimise carbon emissions in the carrying out of the development, the proposals do not demonstrate how they would follow the energy hierarchy to maximise carbon reduction and water efficiency. The longer-term measures are limited to the property being of a small size and the reduced need for travel by the applicant's son – which would be a modest gain, given that he would need to remain living locally if he were to continue working at the farm.

There is scope for any ancillary dwelling to demonstrate how provisions such as high standards of insulation, high performance glazing, grey water recycling, energy efficient and water saving fittings and, potentially, renewable and semi-renewable energy could be supplied to the property.

In the absence of any such proposals the application cannot be concluded to demonstrate the highest standards of carbon reduction and water efficiency, and is contrary to policy CC1.

#### Amenity

The caravan would have windows facing towards the bungalow to the east, and facing towards the farmhouse to the west – albeit some would be obscured by the fact that the building was to be cut partly in to the hillside.

Whilst the properties are in the same family ownership at present, they are independent dwellings.

In order to make sure that the dwelling complied with policy it would be necessary to secure it to be ancillary to the farmhouse, which would effectively secure them in the same ownership. The bungalow would remain a separate unit however, and so if permission was granted a suitable boundary treatment would need to be provided to ensure privacy was not affected through overlooking.

Subject to such an arrangement there would be no objection to the development on grounds of amenity.

### Applicants 'fall-back' position

The siting of a caravan (which the proposed dwelling is) on land does not constitute operational development, and does not in itself require planning permission.

If the occupation of the caravan for any purpose results in a material change of use of the land on which it is sited though, then this does represent development requiring planning permission.

This means that if the caravan was sited within the planning unit of the existing dwellinghouse (the 'C3 planning unit') and occupied ancillary to the dwellinghouse, there would be no change of use of the land and permission would not be required.

We are of the view that the C3 planning unit is likely to extend only to the farmhouse itself and that land enclosed as garden in front of it.

The paddock currently has the appearance of rough grassland rather than of a garden or other land that might ordinarily form part of a C3 planning unit.

Despite this, the applicant's agent has contested that the paddock also forms part of the C3 planning unit, based on two historical aerial images. One of these (from 2006) seems to show the paddock as bare earth, with what appears to be a trampoline sited in it and some low-level enclosure to the northern edge, whilst the other from 2011 appears much the same but with the ground covered with grass. During a recent visit to the site we were shown a further photograph that appears to show the area being used as garden, but this in itself does not provide sufficient evidence of lawful use of the land.

We are not satisfied that this represents evidence of the paddock forming part of the C3 planning unit. We would also query why the application has been submitted if the agent has certainty in that position, as the proposals would not constitute development.

On this basis, we are of the view that a caravan cannot be sited within the paddock without the need for planning permission.

However, as explained above, the siting of the caravan for ancillary accommodation within the C3 planning unit would be possible without permission being required. The applicant's agent has suggested that this could be in the front of the farmhouse. As they have acknowledged themselves however, this would adversely impact on the amenity of the occupiers of the farmhouse. The garden is relatively small and the cabin would need to be located close to the farmhouse, would obscure views from the farmhouse, there would be overlooking between the two dwellings, and it would leave the property with very limited outdoor garden or amenity space.

We conclude that this does not represent a strong fall-back alternative for the applicant and is unlikely to be carried out if permission is refused.

We therefore afford this only limited weight that does not outweigh the conflicts with planning policy or adverse impacts that the appearance of the proposed dwelling would result in.

### **Conclusion**

There is insufficient justification for the provision of an additional farm workers dwelling on the site in the terms set out in adopted planning policy.

Policy does however provide for ancillary dwellings in principle, and this could meet the need identified at this site.

Such provision is subject to the development achieving a satisfactory appearance however, and the development fails to achieve this, conflicting with policies DMC3, DMH5, and paragraph 130 of the NPPF.

Further, the development proposes insufficient climate change mitigation measures to comply with policy CC1.

We have given consideration to the applicant's fall-back position but conclude that this nor any other material considerations that would indicate that planning permission should be granted.

Accordingly, the application is recommended for refusal.

### **Human Rights**

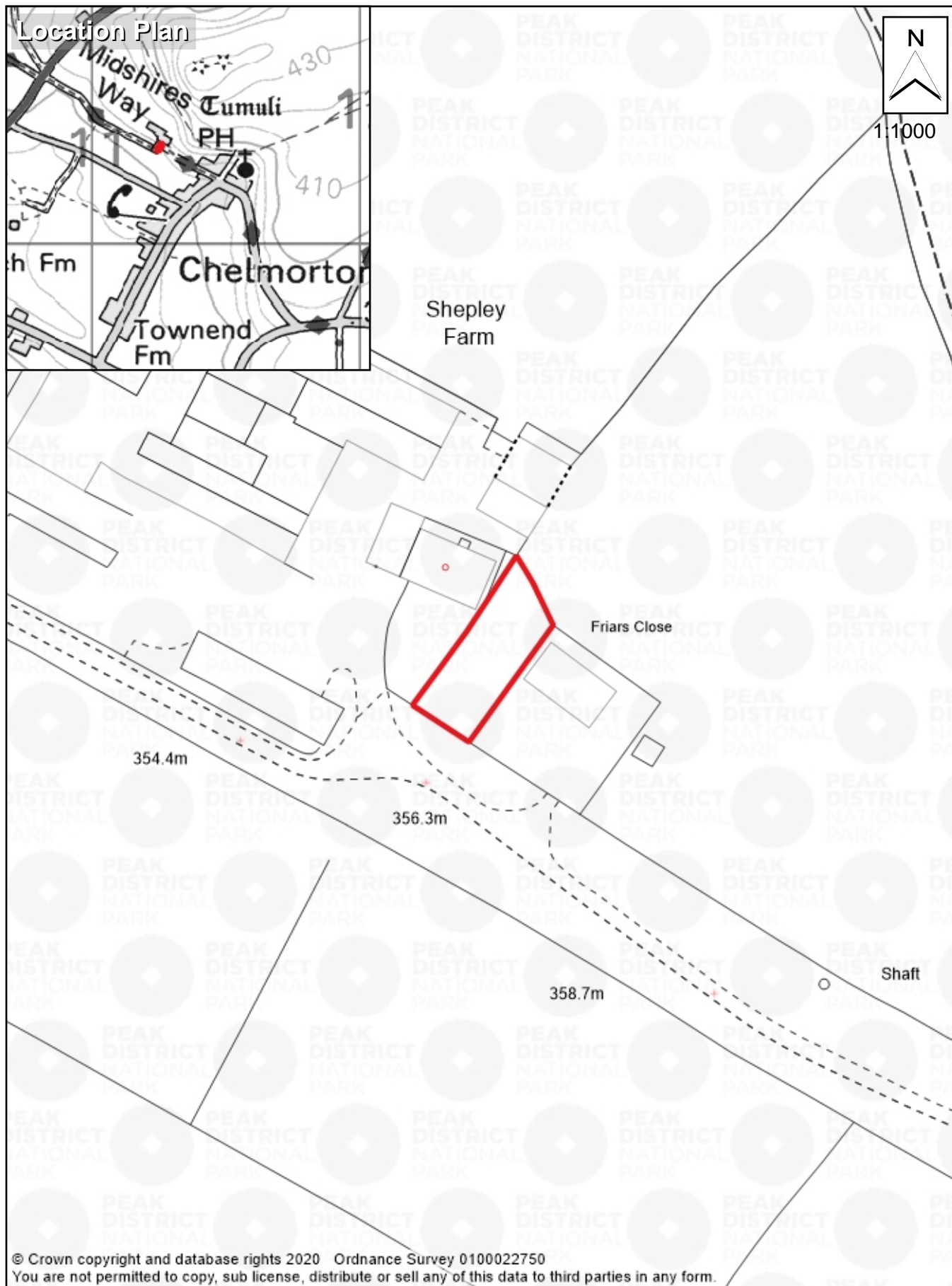
Any human rights issues have been considered and addressed in the preparation of this report.

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

Nil

Report Author: Mark Nuttall, Senior Planner (South)

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Committee Date: 11th September  
Item Number: -  
Application No: NP/DDD/0420/0370  
Grid Reference: 411243, 370374

**Title:** Shepley Farm, Chelmorton



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**7. FULL APPLICATION - USE OF FIELD FOR FIVE TOURING CARAVANS – LOWER GREENFIELDS CARAVAN SITE, UNAMED ROAD FROM CLIFF LANE TO MAWSTONE LANE, ALPORT (NP/DDD/0720/0613, TS)**

**APPLICANT: MR GLYN HIND**

**Summary**

1. The application seeks full planning permission for a field next to the existing caravan site to be used to site five touring caravans. The proposed expansion of the existing caravan site would result in significant harm to the landscape character of this area of the National Park. A recent application to site 15 caravans in the same field was refused and dismissed at appeal. The Planning Inspector concluded that caravans in this location “*would represent a grievous, man-made intrusion into a protected landscape*”. The same concern still applies to the smaller number of caravans now proposed. The application is therefore recommended for refusal.

**Site and surroundings**

2. Lower Greenfields Caravan Site is located in an enclosed field parcel in a relatively remote and isolated location in open countryside approximately 1km south east of Youlgrave, the nearest named settlement. The existing caravan site has an area of about 0.35 hectares and has a combination of established lawful use and planning permission for 16 touring caravan pitches. The application site is a field immediately to the north west of the existing caravan site. This field has an area of about 0.45 hectares. The nearest neighbouring properties are Lower Greenfields to the south west of the site, which comprises of a dwelling house and holiday accommodation, and Hollow Farm to the south. The site is located within a network of public rights of way

**Proposal**

3. The application seeks full planning permission for change of use of the agricultural field to allow the siting of five touring caravans. The proposal would form an extension to the existing caravan site.
4. The submitted information sets out that although touring caravans would be sited in the field, the applicant’s intention is that the caravans would be parked on the site throughout the duration of the opening months of the site, which are 01 March to 31 October. The caravans would therefore not move on and off the site during the open season.

**RECOMMENDATION:**

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

1. The proposed development would result in unacceptable expansion of the existing caravan site that would result in a form of development that would be visually prominent and harmful to the valued landscape character and scenic beauty of the National Park. It would result in significant harm to landscape character contrary to policies L1, RT3, DMR1 and DMC3 and the guidance contained within section 15 of the National Planning Policy Framework.

## **Key Issues**

- The principle of development
- Impact on the landscape character and special qualities of the National Park
- Highways Impacts
- Economic benefits

## **History**

The most relevant planning history is application NP/DDD/0919/1001 for use of the same field to site 15 caravans. This application was refused and an appeal was dismissed in June 2020. The Inspector's decision is discussed in more detail in the assessment section below.

Other planning history comprises of:

2012 – Application approved for one additional touring caravan pitch to the existing 15 pitches.

2009 - Lawful development certificate refused for existing use of the land for two additional pitches over and above those considered to be lawful in 1993.

1993 - Lawful development certificate granted for existing use of the land for a fifteen pitch caravan site.

## **Consultations**

5. **Harthill Parish Meeting** – Object to the proposal because of adverse landscape and highways impacts.
6. **Youlgrave Parish Council** - Does not have a unanimous view on this new application. Note that some support was expressed for the business and knock on local economic benefits. However, there are also concerns about traffic impacts and that the site is not well screened.
7. **Derbyshire County Council Highway Authority** – *The site has been the subject of a previous application which it is understood was refused. In its response, the Highway Authority requested clarification as to the route caravans use / would be expected to use to access the site. It is still considered that this information is required.*

*It is also noted that the proposed number of pitches has been significantly reduced. Clarification should be sought, however, as to whether this will mean tents will continue to be accommodated on the site and if so, the number of pitches that would still be available.*

*On receipt of further information, the Highway Authority will be able to provide formal comments on this application.*

## **Representations**

8. Friends of the Peak District have objected, noting the following:

*“the field is not well-screened, nor could it be. Lying in a broad open landscape and in an elevated location the existing site is visible from a wide area (as the accompanying images show) and causes harm to the special character and landscape in Bradford Dale. Any extension into the adjacent field would increase that harm and would not be mitigated by the intention to replace tents, which are more discrete, by five caravans. The applicant’s ‘plan to plant trees and shrubs to enhance the site and provide some screening from the village of Youlgreave’ is not informed by an actual plan. The caravans are to be present throughout the year to reduce the access movements but this would increase the harm to the landscape.*

*Consequently the application is contrary to the relevant policies. Policy L1A requires that ‘development must conserve and enhance valued landscape character’ and DMR1 does not permit a small extension to an existing site ‘unless its scale, location, access, landscape setting and impact upon neighbouring uses are acceptable, and it does not dominate its surroundings.’ The National Planning Policy Framework para 172 requires 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 proposed access arrangements appear unsatisfactory. The existing caravan site is accessed by a gravel track, also a bridleway, off Cliff Lane but the proposed access arrangements for the current application would be via Coach Road, with an alternative via Hollow Farm (adjacent to the site). According to the letter of objection from the Haddon Estate to the previous application, Coach Road or ‘Old Coach Road’ is a private road owned by the Haddon Estate. At present there are no legal agreements in place that allow motor vehicles access along this road which is a gated footpath and bridleway. The alternative access offered by the applicant is the private track to Hollow Farm, which is also a PRow and passes through the centre of a working farm. Although permission has been given by the owners of Hollow Farm by email (17-11-2019) for this route to be used, this is not a legal agreement and could be changed. Any intensification of use of these rights of way by motor vehicles would be detrimental to the amenity and safety of pedestrians, cyclists and horse riders that utilise them.*

### **Conclusion**

*As this application would cause unacceptable harm to this landscape and would be contrary to Policies RT3 and L1, DMP Policy DMR1 and National Planning Policy Framework paras 170 and 172, we urge the PDNPA to reject the application.”*

9. 13 letters of objection have been received from local residents. The objections raise concerns about traffic problems and highways safety, particularly from the use of Coach Road and Mawstone Lane, and the adverse landscape and visual impacts.
10. Eleven letters of support have been received, none of which are from addresses in the local area. The letters of support relate to the economic benefits of the development, the provision of additional tourism facilities and the well-run nature of the existing caravan site.

## **Main policies**

11. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, RT3, CC1

12. Relevant Development Management Plan policies: DMC3, DMR1, DMT3, DMT5

National Planning Policy Framework and National Planning Practice Guidance

13. 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 with regard to the issues that are raised.
14. 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

15. Core Strategy policies GSP1, GSP2 and GSP3 together say that all development in the National Park must be consistent with the National Park's legal purposes and duty and that the Sandford Principle will be applied where there is conflict. Opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon and development which would enhance the valued characteristics of the National Park will be permitted. Particular attention will be paid to impact on the character and setting of buildings, siting, landscaping and building materials, design in accordance with the Design Guide and the impact upon living conditions of local communities. Core Strategy policy GSP4 highlights that the National Park Authority will consider using planning conditions or obligations to secure the achievement of its spatial outcomes.
16. Core Strategy policy DS1 outlines the Authority's Development Strategy.
17. 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.
18. Policy RT3 of the Core Strategy states that small touring camping and caravan sites and backpack camping sites will be permitted, particularly in areas where there are few existing sites, provided that they are well screened, have appropriate access to the road network, and do not adversely affect living conditions.
19. CC1 sets out that developments will be expected to make the most efficient and sustainable use of land, buildings and natural resources.

20. DMC3 states that development will be permitted provided that its detailed treatment is of a high standard that respects, protects and where possible enhances the natural quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place.
21. Policy DMR1 states that the development of a new touring camping or touring caravan site, or small extension to an existing site will not be permitted unless its scale, location, access, landscape setting and impact upon neighbouring uses are acceptable, and it does not dominate its surroundings.
22. Policy DMT3 sets out that development will only be permitted where a safe access that is achievable for all people can be provided in a way that does not detract from the character and appearance of the locality.
23. DMT5 states that development that would increase vehicular traffic on footpaths, bridleways or byways open to all traffic to the detriment of their enjoyment by walkers and riders will not be permitted unless there are overriding social, economic or environmental conservation benefits arising from the proposal.

## **Assessment**

### **Principle**

24. Policy RT3 is broadly supportive in principle of small touring caravan development. Policy DMR1 sets out that small extension to an existing site will not be permitted unless its scale, location, access, landscape setting and impact upon neighbouring uses are acceptable, and it does not dominate its surroundings. The proposal is for an extension to an existing caravan site to add an additional five pitches. The existing site accommodates 16 pitches so the proposal would result in 21 in total. Policy RT3 does not define “small” sites but the supporting text clarifies that sites up to 30 pitches are more likely to be acceptable, although this may be too large in many circumstances. The proposal would still therefore be broadly within what can reasonably be considered to be a small site. However, such development is only acceptable in principle when it would not have an adverse landscape impact. The impact on the landscape is therefore key to the acceptability of this type of development. The landscape impact is discussed below.

### **Landscape Impacts**

25. The site lies within a Valley Farmlands with Villages area of the Derwent Valley as identified in the Landscape Character Assessment. This is a settled pastoral landscape with a network of streams and damp hollows. Much of the landscape in this area is low lying, but the site is about half way up the hillside of Bradford Dale. The existing site is clearly visible from wide-ranging vantage points, including from the centre of Youlgrave village and further afar from the north.
26. With the exception of the existing caravan site and a few sparsely scattered farms, the hillside is largely unspoilt, comprising of enclosed fields and large wooded areas. It is a key part of the landscape character of this part of the National Park. The existing caravan site already has a detrimental impact on the landscape character. Caravans and cars parked within it are clearly visible and are at odds with the pastoral landscape and wooded areas higher up the hillside, resulting in a development which is a detracting feature in the landscape.
27. The proposal would result in the encroachment of the existing site into the undeveloped adjacent field. This would increase both the numbers of pitches and the

width of the site that is visible in the landscape. This would significantly exacerbate the existing level of visual impact and would have a significantly detrimental impact on the character of the landscape.

28. The submitted information sets out that the intention would be that touring caravans would be brought onto the site at the start of each season and would remain parked on it for the entire season regardless of whether or not they were in use at any given time. This would reduce the number of trips involving towed caravans (as discussed further in the Highways section below), but would mean that the visual impact of the caravans would remain the same, and significantly harmful, throughout the season. The site is so prominent that even the visual impact of touring caravans used in a transient way where they are regularly brought on and off the site would be unacceptable here. The fact that an additional 5 caravans would potentially be parked on the site for the whole of the open season would compound the harm.
29. It is understood that the field subject to the application is used occasionally for tent camping. There is no planning permission in place for tent camping so this would be limited to 28 days per year under Class B of Part 4 of the Permitted Development Order (56 days at the moment due to temporary a relaxation in response to covid 19). Use for 28 days a year (or 56 days for a temporary period) for tent camping would have significantly less visual impact than the proposed use for 15 touring caravans for 9 months of the year (246 days). That the proposed use would result in the tent camping not taking place anymore therefore carries very little weight in favour of the proposal.
30. We refused an application for 15 caravans within this field in 2019. An appeal against the refusal was dismissed in June 2020. The Planning Inspector gave a very clear assessment of the visual impact of siting additional caravans here, noting the following:
- *“As I saw when I visited the area, the existing caravan site and appeal site are visible from wide-ranging vantage points, including from Mawstone Lane on the southern edge of Youlgreave and the Rights of Way network to the west which includes the popular Limestone Way.”*
  - *As with the existing site, there can be little doubt that the stationing of large and often prominently coloured vehicles would completely change the character of the land. Although the caravans would be removed over the winter months, they would be present during those months of the year when greater numbers of people would be visiting and enjoying the National Park for its natural and scenic beauty.*
  - *Whilst I note the Appellant’s intention to ‘plant trees and shrubs to enhance the site and provide some screening’, I have not been provided with a plan and therefore do not know what form the landscaping would take. In any event, although landscaping might assist in softening the visual impact of the development, this would inevitably take some years to reach sufficient maturity to be of benefit and in the intervening years the caravans would represent a grievous, man-made intrusion into a protected landscape. I also share the Authority’s concerns about how the site could be landscaped in a manner that would offer adequate screening from the multitude of visual receptors in the area.*
  - *I acknowledge that the Appellant would be entitled to use the appeal site for camping under the permitted development regime for up to 28 days a year. However, tents by virtue of their size, colour and lack of permanence are not in any way comparable to touring caravans. Accordingly, the existence of permitted development rights over the land adds very limited weight in favour of the appeal.*

- Overall, I conclude that the development would not conserve or enhance the landscape and scenic beauty of the Peak District National Park. It would thus conflict with CS Policies RT3 and L1, DMP Policies DMR1 and DMC3 and Section 15 of the Framework.

31. The inspector's decision leaves no doubt that the introduction of caravans in this field would be significantly harmful to the landscape character of this part of the National Park.
32. It is fully acknowledged that the number of caravans now proposed has been reduced from the previous application and appeal. Whilst the extent of the significant harm may have been reduced by reducing the number of caravans and the area of land that would be covered by them, all the same concerns still apply even if to a slightly lesser extent. The proposed five additional caravans would still be a grievous, manmade intrusion into a protected landscape, in a prominent and elevated position. The existing field that forms the application site is not a suitable location for an extension to the existing caravan site because of this. Any number of caravans within this field would have a harmful landscape impact.
33. The development would harm the landscape character and scenic beauty of the Peak District National Park. It would therefore conflict with Core Strategy Policies RT3 and L1, DMP Policies DMR1 and DMC3 and Section 15 of the NPPF.

#### Highways Impacts

34. In addition to the landscape harm, the previous application was also refused on highways grounds. However, although the Inspector comprehensively upheld our decision in respect of landscape harm, they did not agree with the reason for refusal on highways grounds.
35. The Inspector noted that:

*"There is some ambiguity in the Appellant's submissions regarding the issue of access. Despite an agreement to use the access through Hollow Farm it appears that the principle means of access to the site would be via Coach Road which is gated at its junction with Mawstone Lane and carries the line of a Public Right of Way. The Appellant states that this route has been used for over 20 years with no apparent problems. The Highway Authority has confirmed that Coach Road is Public Highway. On that basis and in the absence of any substantial evidence to the contrary, I am satisfied that the applicant has demonstrated a means of access to the site.*

*Whilst I acknowledge the substandard nature of Coach Road as well as its popularity with pedestrians, I have not been made aware of any accidents despite its use in connection with the existing caravan park. From my observations, any vehicles using Coach Road, whether towing or not, are likely to do so with extreme caution and are likely to be familiar with its limitations. In any event, irrespective of its deficiencies, the number of additional traffic movements is likely to be very small. I am therefore satisfied that the development would not materially harm highway safety. Accordingly, there would be no conflict with DMP Policy DMT5 C). Whilst the Authority's second reason for refusal cites conflict with Policy DMT3, I do not consider this policy relevant to the appeal scheme."*

36. Letters of objection from local residents have raised very strong concerns about the additional traffic that would be generated by the development and potential for road safety problems. These concerns are fully acknowledged.

37. However, the previous appeal decision is a material consideration that must be given very significant weight.
38. As with the last application, there is some ambiguity about the access arrangements. However, the applicant has confirmed that the intention is for caravans to be brought on and off the site at the start and end of the season through Hollow Farm. This is by way of an informal agreement with the owners of Hollow Farm so could end at any point. As stated further above, the applicant has also stated that the caravans would be parked on site throughout the season, so would not be regularly towed on or off. Most traffic would therefore be cars driving to the site to use caravans that are already in situ, rather than cars towing caravans.
39. As with the previous application, the principle route for visitors to the site would be Coach Road. Coach Road is an adopted highway. Parts of Coach Road also form sections of public bridleway and public footpath.
40. Whilst we do retain some concerns about the use of Coach Road for additional traffic, and have sympathy with the views of local residents in this respect, great weight must be given to the Inspector's comments that use of Coach Road would not be harmful to highways safety, particular as the previous application would have generated more traffic than the scheme that is now proposed.
41. Overall, the view must be taken that a reason for refusal on highways grounds can no longer be substantiated.

#### Economic Benefits and Covid 19 Response

42. Several letters of support have been received which raise the benefits to the local rural economy, particularly in response to economic impacts caused by covid 19. These benefits are fully acknowledged and are given weight in the planning balance. The development would also provide a facility that would help to promote the second National Park purpose of promoting understanding and enjoyment of the National Park. However, the first purpose of the National Park is to conserve the environment of the National Park. Where conflict arises between conservation and public enjoyment then greater weight must be given to conservation. The development would be significantly harmful to the natural beauty of the National Park and this harm clearly outweighs the small scale economic and recreation benefits.
43. It must also be acknowledged that although the proposal would provide additional visitor accommodation, it would harm understanding and enjoyment of the National Park by users of the rights of way network. The proposal would be contrary to National Park purposes and cause harm, in perpetuity, to the nationally designated landscape.
44. The Planning Inspector also took into account the economic benefits in considering the previous scheme, but concluded that the landscape harm would clearly outweigh this. The Inspector's decision was very recent, being in June of this year.
45. Whilst the impact of the pandemic on rural businesses is fully acknowledged, assisting local businesses cannot be at the expense of significant and permanent harm to the landscape character and scenic beauty of the National Park.
46. We are working hard with rural business operators to find ways to support business in ways that are not significantly harmful to the National Park and in more

appropriate ways than are proposed in this application. One such option would be a temporary extension of the operating months at the existing site or temporarily siting a small number of additional caravans within the boundary of the existing area. Both of these options would be likely to deliver the same economic benefits to contribute to recovery, but would have a far lesser impact on the landscape character and scenic beauty of the National Park. We have made the applicant aware that these are options that we would be happy to investigate further with them.

### Carbon Reduction and Energy Efficiency

47. Policy CC1 requires that new development makes the most efficient and sustainable use of land, building and natural resources and achieves the highest possible standards of carbon reductions and water efficiency.
48. The previous application was also refused because no details of how the scheme would accord with policy CC1 had been submitted.
49. Unfortunately, the Planning Inspector did not uphold this reason for refusal, noting that *“The Authority’s third reason for refusal cites conflict with the carbon reduction aims of Policy CC1. Whilst the development might generate a small number of additional traffic movements, that in itself is not a reasonable reason to reject the development. In any event, I am satisfied that the environmental impact of additional movements could be offset by a suitable landscaping scheme.”*
50. This was a disappointing stance and we do not agree that a landscaping scheme would achieve the requirements of policy CC1. However, we must again accept that the previous appeal decision is a material consideration that must be given very significant weight. As such, although it is disappointing that no carbon reduction or energy efficiency measures have been put forward in the current application, it would not be possible to substantiate a reason for refusal for this reason in this specific case.

### Conclusion

51. The proposed expansion of the existing caravan site would result in significant harm to the landscape character of this area of the National Park. The economic and tourism benefits of the scheme have been fully considered but do not outweigh this harm. The application is contrary to policies L1, RT3, DMR1 and DMC3 and the guidance contained within the National Planning Policy Framework. The application is recommended for refusal.

### Human Rights

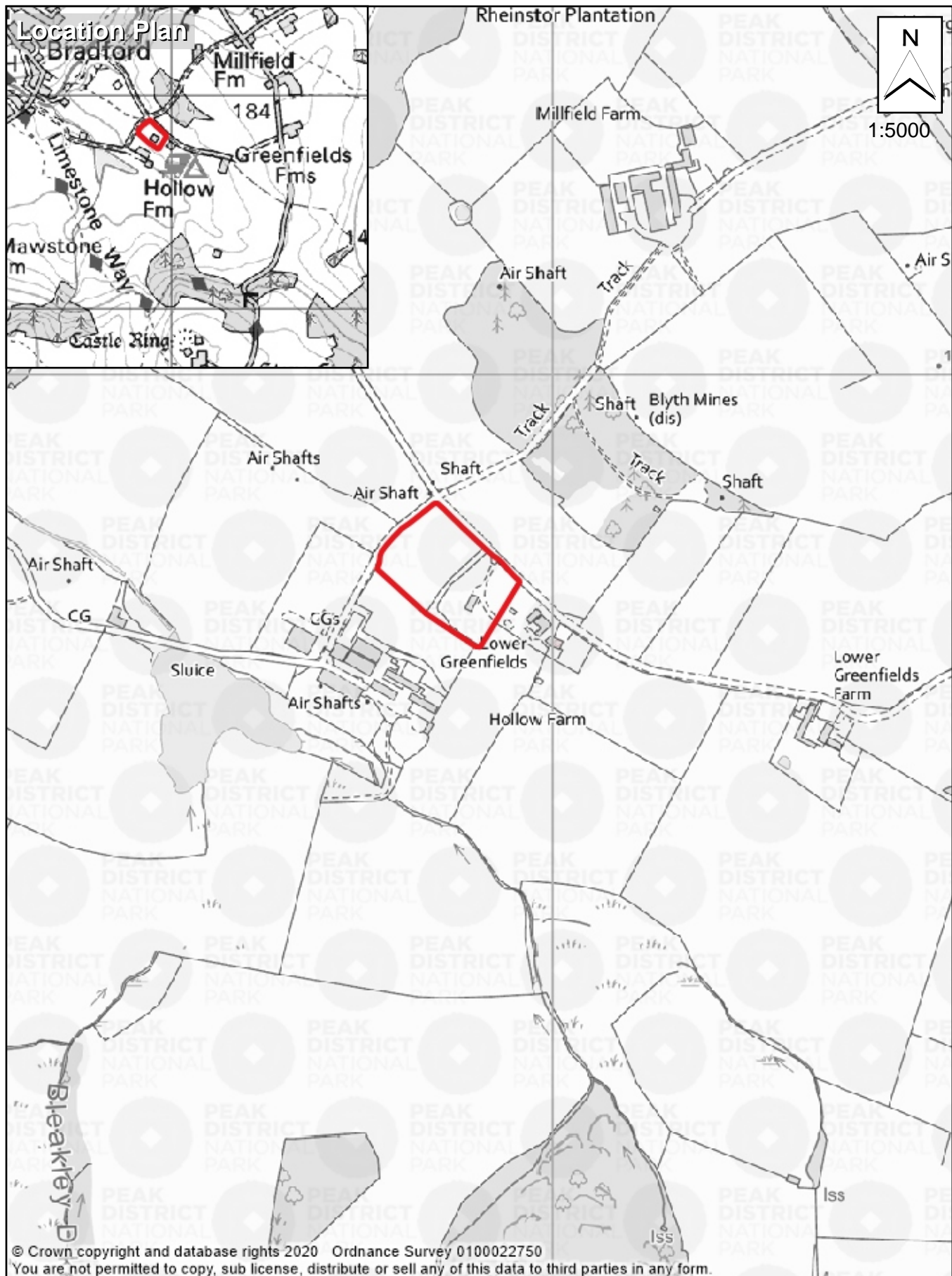
52. Any human rights issues have been considered and addressed in the preparation of this report.


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

Nil

Report Author: Tom Shiels, Area Team Manager

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|-----------------|------------------|--|--|
| Committee Date: | 11th September   | <b>Title:</b> Lower Greenfields Farm, Alport |  <b>PEAK DISTRICT NATIONAL PARK</b> |
| Item Number:    | -                |  |  |
| Application No: | NP/DDD/0720/0613 |  |  |
| Grid Reference: | 422004, 363749   |  |  |

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**8. FULL APPLICATION – ERECTION OF AN AGRICULTURAL WORKERS DWELLING –  
CLEULOW CROSS, WINCLE (NP/CEC/0919/1034, MN)**

**APPLICANT: MR TURNOCK**

**Summary**

1. The application proposes a four-bedroom agricultural workers dwellinghouse in a field adjacent to the farmstead.
2. There is insufficient agricultural justification for the dwellinghouse in the terms set out by adopted planning policies HC2 and DMH4.
3. Further, the proposed siting of the dwellinghouse would adversely affect the appearance of the landscape due to its encroachment in to the countryside, contrary to policies L1 and DMC3.
4. The detailed design of the dwellinghouse also fails to appropriately reflect or compliment local building traditions, as require by planning policy DMC3.
5. Whilst the applicant has suggested that they are prepared to incorporate carbon reduction and energy efficiency measures in to the development, none form part of the proposal and it is therefore contrary to policy CC1.
6. On this basis, and having concluded that there are no other planning policy or material considerations that indicate that planning permission should be granted, the application is recommended for refusal.

**Site and surroundings**

7. Cleulow Cross is a working farm, located in open countryside approximately 2.4km north of Wincle and immediately adjacent to the A54. It is located close to the National Park boundary, which is approximately 150m west of the site.
8. The farm complex comprises a traditional farmhouse, an agricultural workers dwelling and associated traditional and modern outbuildings. The farm entrance is directly off the A54, with a separate field gate accessing the holding from Hollins Lane to the north.
9. The main farmhouse is occupied by the applicant's parents, who manage the farm, whilst it is understood that the applicants uncle lives in the existing agricultural workers dwelling. Whilst he does not physically work the farm we are advised that he deals with farm administration.
10. The applicant and his family currently live in a static caravan within the farmyard, and we are advised that they have been doing so for the last three years. The occupation of the caravan as a dwelling is unauthorised, and this matter has been referred to the Authority's Monitoring and Enforcement team for further investigation and action as necessary.
11. The site lies within the upland pastures of the South West Peak, which is characterised by an undulating landscape with dispersed gritstone farmsteads and permanent pasture of various shaped small to medium sized fields enclosed by gritstone walls and some thorn hedgerow.

12. There are no other properties immediately adjacent to the application site, with the closest residential dwellings being approximately 300m to the south east and 400m to the north west.
13. The site is outside of any conservation area.

### **Proposal**

14. To erect an agricultural workers dwellinghouse on land to the north of the farm complex. The property would be a four-bedroom two-storey building, constructed with gritstone walls under a slate roof and with uPVC windows. The property would be accessed through the existing farm.

### **RECOMMENDATION:**

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

1. **The proposals fail to demonstrate the essential need for a further agricultural dwelling on the site, contrary to policies HC2 and DMH4.**
2. **By virtue of the proposed siting outside of the existing building group, and the proposed scale and massing, the development would fail to conserve the appearance of the landscape as required by policies L1 and DMC3.**
3. **The development fails to demonstrate how it will achieve the highest possible standards of carbon reductions and water efficiency, contrary to Core Strategy policy CC1.**
4. **The detailed design of the dwellinghouse fails to reflect or complement the style and building traditions of the locality, contrary to policy DMC3.**

### **Key Issues**

15. Whether the principle of conversion accords with the planning policies of the Development Plan
16. Whether the development would have acceptable landscape impacts

### **Recent Planning History**

2016 – Pre-application advice sought in relation to providing a further dwelling on the site through either conversion of an existing building or provision of a new one. The enquirer was advised that a dwelling could only be supported if there was an essential functional need for a further agricultural workers dwelling at the site and that any forthcoming application should be supported by a formal Agricultural Appraisal to establish whether this exists. They were also advised of the need to see Audited Accounts for the farm business for the previous three years, to determine that the business is viable and that the profit from the business as opposed to turnover is such, that it can sustain the ongoing cost of the dwelling. In terms of the proposed dwellinghouse itself, they were advised to further consider the conversion of an existing agricultural building, and advised of the landscape conservation policies were they to pursue a new build dwelling instead.

2015 – Planning permission granted for an agricultural building for general farm use, as well as for use for a vehicular maintenance and repair business operated by Mr Turnock.

1995 - Planning permission granted for the erection of agricultural workers dwelling.

### **Consultations**

17. Highway Authority – No highway objections, and confirm that the development does not appear to affect a public right of way.
18. Parish Council – Support the application on the grounds that housing is needed for local agricultural workers.

### **Representations**

19. No letters of representation have been received at time of writing.

### **Main policies**

20. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, HC1, HC2, CC1
21. Relevant Development Management Plan policies: DMC3, DMH4, DMC14, DMT8

### **National Planning Policy Framework**

22. The National Planning Policy Framework (NPPF) was first published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and the Development Management Policies document 2019. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.
23. Paragraph 172 of the NPPF states that 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'

### **Development plan**

24. Core Strategy policies GSP1, GSP2 and GSP3 together say that all development in the National Park must be consistent with the National Park's legal purposes and duty and that the Sandford Principle will be applied where there is conflict. Opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon and development which would enhance the valued characteristics of the National Park will be permitted. Particular attention will be paid to impact on the character and setting of buildings, siting, landscaping and building materials, design in accordance with the Design Guide and the impact upon living conditions of local communities. Core Strategy policy GSP4 highlights that the National Park Authority will consider using planning conditions or obligations to secure the achievement of its spatial outcomes.
25. Core Strategy policy DS1 outlines the Authority's Development Strategy, and states that the majority of new development will be directed into Bakewell and named settlements, with the remainder occurring in other settlements and the rest of the countryside.

26. Policy HC1 of the Core Strategy reflects Government guidance and allows for new residential development in the National Park, exceptionally, where it provide for key workers in agriculture, forestry or other rural enterprises in accordance with policy HC2 of the Core Strategy.
27. Policy HC2 deals with housing for key workers in agriculture, forestry or other rural enterprises and says:
  - A. New housing for key workers in agriculture, forestry or other rural enterprises must be justified by functional and financial tests.
  - B. Wherever possible it must be provided by re-using traditional buildings that are no longer required for their previous use.
  - C. It will be tied to the land holding or rural enterprise for which it is declared to be needed.
28. 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.
29. Core Strategy policy CC1 requires development to make the most efficient and sustainable use of land and resources, to take account of the energy hierarchy, to achieve the highest standards of carbon reduction and water efficiency, and to be directed away from flood risk areas.
30. 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.
31. Development Management policy DMH4 further details criteria for essential worker dwellings. It states that the need for a worker dwelling to support agriculture, forestry or other rural enterprise businesses will be considered against the needs of the business concerned and that development will be permitted by conversion or new build provided that:
  - (i) a detailed appraisal demonstrates that there is a genuine and essential functional need for the worker(s) concerned, with a requirement that they need to be readily available at most times, day and night, bearing in mind current and likely future requirements; and
  - (ii) stated intentions to engage in or further develop the business are genuine, reasonably likely to happen and capable of being sustained for a reasonable period of time. The Authority will require financial evidence that:
    - a) the business has been operating for at least three years; and
    - b) the business is currently profitable; and
    - c) it has been profitable for at least one of the last three years; and
    - d) the profit from the business as opposed to turnover, is such that it can sustain the ongoing cost of the dwelling; and
    - e) the ongoing costs associated with the dwelling linked to the landholding reflect the actual and potential income that might be generated from the landholding; and

- (iii) there is no accommodation available in the locality that could enable the worker(s) to be readily available at most times, day and night, bearing in mind current and likely future requirements; and
  - (iv) where a new building is proposed, there is no traditional building that could be converted for use as a worker dwelling, within or close to the main group of buildings, in line with other policies and guidance on siting and design; and
  - (v) where conversion of existing buildings is not an option, construction costs of new buildings reflect the likely sustainable income of the business; and
  - (vi) the new building is within or immediately adjacent to the site of the existing building group and enhances the building group when considered in its landscape setting; and
  - (vii) the new building is smaller than any house in the building group that is already under the control of the business and in accordance with policy DMH5, unless an acceptable landscape and building conservation outcome for the building group and the setting can only be achieved by a bigger building.
32. Development Management policy DMC14 addresses pollution and disturbance. It states that development that presents a risk of pollution or disturbance including soil, air, light, water or noise pollution, or odour that could adversely affect any of the following interests will not be permitted unless adequate control measures are put in place to bring the pollution within acceptable limits:
- (i) the amenity of neighbours and neighbouring uses; or
  - (ii) the amenity, tranquility, biodiversity or other valued characteristics of the area; or
  - (iii) existing recreation activities; or
  - (iv) extensive land uses such as forestry and agriculture; or
  - (v) ecosystem services including water supply, groundwater resources and the water environment; or
  - (vi) established businesses; or
  - (vii) potential future uses of the land; or
  - (viii) any nuisance,
33. 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**

### **Principle of development**

34. Policy HC2 requires that any new housing for key workers in agriculture be justified by functional and financial tests. Policy DMH4 reinforces this requirement and provides greater detail as to what will be required. Each of the requirements detailed by policy DMH4 is taken in turn below (set out in italics) in relation to the current proposals:
- (i) *a detailed appraisal demonstrates that there is a genuine and essential functional need for the worker(s) concerned, with a requirement that they need to be readily available at most times, day and night, bearing in mind current and likely future requirements;*
35. A detailed agricultural appraisal has not been submitted in support of the application. As a result we are unable to determine what the labour requirements for the farm amount to, or how many workers need to be available on the farm at most times of the day or night.

36. Even if this information was available, however, the applicants circumstances do not demonstrate that they are currently fulfilling – or are required to address – an essential need to be available to work on the farm at most times of day or night.
37. The submission advises the applicant runs an agricultural machinery repair business from the farm, based from an agricultural building on the site. The submitted Design and Access Statement states that “It is down to the commitment of working as a mechanic on site and helping out around the farm during busy periods that it is necessary for our client to have a permanent home on site.”
38. A letter of support from the applicants father, who it is understood is the main worker on the farm, states that the applicant spends at least 25% of his time working on the farm, repairing machinery and undertaking general maintenance. The letter advises that the applicant also helps with much spreading, bale carting, stock moving, and helping to calve difficult cows and lambing sheep.
39. This demonstrates that working at the farm represents only secondary employment for the applicant and cannot be concluded to amount to an essential functional need to be readily available at the farm at most times, day and night. The development is therefore contrary to this part of policy DMH4.
40. There are already two existing dwellings at this site. As stated above, we do not have a detailed agricultural appraisal so it is difficult to say for certainty what the labour demand of the farm business is. However, there is absolutely no evidence that the two existing dwellings cannot meet the needs of the farm business for workers who need to be on site most of the time. As such, no functional need for a third dwelling at the site has been demonstrated.
- (ii) stated intentions to engage in or further develop the business are genuine, reasonably likely to happen and capable of being sustained for a reasonable period of time. The Authority will require financial evidence that:*
- a) *the business has been operating for at least three years; and*
41. The application doesn’t address this, but it is clear from the planning history of the site that the farm business has been established for at least this period.
- b) *the business is currently profitable; and*
42. Financial accounts have been requested but the applicant is not prepared for these to be published as even outline figures. As a result, for reasons of transparency in decision making, they cannot be taken in to account as part of the consideration of the application. A letter has been received from the applicants accountants (which the applicant has agreed to allow publication of), stating that they have acted for the applicant for many years, that profit amounts have been consistent over the years, and that the profits should be adequate to sustain another property. It gives no breakdown of profits however, and it is therefore not considered that this conclusively demonstrates that the farm business is currently profitable, as required by this part of policy DMH4.
- c) *it has been profitable for at least one of the last three years; and*
43. The submitted accountants letter indicates that to be the case, but due to the lack of any profit breakdown it is again inconclusive.
- d) *the profit from the business as opposed to turnover, is such that it can sustain the ongoing cost of the dwelling; and*

44. The submitted accountant's letter indicates that to be the case, but there is no indication as to what profit levels or build costs this conclusion is based on. It is therefore again inconclusive.

e) *the ongoing costs associated with the dwelling linked to the landholding reflect the actual and potential income that might be generated from the landholding; and*

45. The submitted accountant's letter indicates that to be the case, but there is no indication as to what ongoing costs this is based on. It is therefore again inconclusive.

46. In summary, and in relation to DMH4(ii) as a whole, the lack of evidence of the financial standing of the farm business means that the proposals are contrary to this part of the policy.

*(iii) there is no accommodation available in the locality that could enable the worker(s) to be readily available at most times, day and night, bearing in mind current and likely future requirements; and*

47. The submitted Design and Access Statement addresses alternative accommodation, advising that the functional need for accommodation is on the application site and therefore there are no properties which are sufficiently close to the land and buildings to meet the functional requirements, particularly during lambing. It notes that the site is quite rural, with nearby towns being at least 7 miles away. It also notes that properties currently for sale nearby with 4 bedrooms are priced between £250,000-£300,000.

48. No evidence of this property search has been provided, nor evidence of a search for smaller properties, nor evidence that £250,000 would not be affordable to the applicant.

49. However, if the contention that the applicant needs to be readily available at most times of day and night to work on the farm was accepted, we recognise that the distance of this alternative accommodation from the farm would be problematic.

50. It is not accepted that the applicant needs to be readily available at most times of day and night to work on the farm though, and as such there is no evidence that other properties in the locality could not provide them with housing. The proposals are therefore contrary to this policy requirement.

*(iv) where a new building is proposed, there is no traditional building that could be converted for use as a worker dwelling, within or close to the main group of buildings, in line with other policies and guidance on siting and design; and*

51. There are existing traditional agricultural buildings on the site, and the 2016 enquiry initially stated that it would be possible to convert these to a dwelling. However, during the course of the enquiry they indicated that their conversion could not in fact meet their need due to a lack of amenity space and the relationship to the working farm. Officers encouraged the applicant to investigate this option further, but this has not been taken forward.

*(v) where conversion of existing buildings is not an option, construction costs of new buildings reflect the likely sustainable income of the business; and*

52. As detailed above, this has not been sufficiently evidenced, contrary to this policy requirement.

*(vi) the new building is within or immediately adjacent to the site of the existing building group and enhances the building group when considered in its landscape setting; and*

53. As discussed in the 'Siting of the dwelling' section of this report below, the development would detract from the landscape setting of the farm, contrary to both this policy requirement and the further landscape conservation policies of the Development Plan.

*(vii) the new building is smaller than any house in the building group that is already under the control of the business and in accordance with policy DMH5, unless an acceptable landscape and building conservation outcome for the building group and the setting can only be achieved by a bigger building.*

54. Whilst the property would be smaller than the main farmhouse, it would be larger than the farmworkers dwelling already present on the site, contrary to this policy requirement.
55. On the basis of all of the above, the proposals fail to demonstrate the essential need for a further agricultural dwelling on the site or to comply with the other requirements of policies HC2 and DMH4, and is therefore unacceptable in principle.

#### Siting of the dwelling

56. The proposed dwelling would be located in a field adjacent to but outside of the extent of the built development of the farm.
57. The rationale for this position is that it would sit alongside a previously approved farm building –approved in 2015. Whilst that building, as approved, also projects in to the field beyond the existing farm boundary, only half of it has been constructed to date. The half built part is within the existing farm group, and the Authority has no control over whether or when the additional part of the farm building might be constructed.
58. If completed, it would project in to the fields outside the existing farmstead boundary but would better relate to the existing farm group than the proposed freestanding dwelling would, as a result of being an extension of the existing building.
59. The proposed building is of substantial size with a length of 11m, a gable width of 7.5m, and a ridge height of 8.5m and would be a prominent feature in for the landscape where visible from Hollins Lane to the north and east, at its closest point at a distance of approximately 100m.
60. Whereas planting often serves to minimise the impacts of development, here the existing tree and shrub cover would actually serve to make the development appear more isolated, as it would screen much of the farm behind the proposed dwelling from view when viewed from Hollins Lane, making it appear more remote from the existing development on the site.
61. Overall, in views from Hollins Lane the house would appear as an encroachment in to the open countryside and removed from the farm grouping – particularly so if the farm building subject of the extant permission is not completed, or until such time that it is.
62. On this basis it would detract from the appearance of the landscape, contrary to policies L1 and DMC3.

63. We have encouraged the applicant to consider other locations within the existing building group which might have lower landscape impacts, and to consider conversion of existing buildings, but they have advised that they want the proposals to be considered as submitted.
64. The applicant's agent has advised that the applicant would be prepared to make some concession on the size of the property but advises that with two children they would still require a family sized house with at least three bedrooms. In this location, the impacts of reducing the property in size by what would be only a relatively modest amount is unlikely to result in significantly reduced landscape impacts. In any case, no amended plans showing a reduction in the size of the property have been submitted for consideration.

#### Design and appearance of the dwelling

65. The proposed dwelling broadly follows the form and materials of traditional dwellings in the locality. The gables are somewhat wide and design details including the windows and porch would require revision in order to represent an appearance that would conserve the appearance of the built environment.
66. If the development was acceptable in other regards then these matters could be addressed through amendments to the proposed plans in order to ensure the development complies with policy DMC3 and follows adopted design guidance. As the application stands however, these details mean it fails to reflect or complement the style and traditions of the locality and is therefore in conflict with policy DMC3.

#### Highways

67. The highway authority have raised no concerns relating to an intensification of use of the existing access, and there is sufficient parking and turning space for vehicles within the site.
68. The development therefore raises no concerns on grounds of highway safety and complies with policy DMT8.

#### Climate change mitigation

69. The application provides no details of how it would follow the energy hierarchy and achieve the highest standards of carbon reduction and energy efficiency, as required by policy CC1.
70. The applicant's agent has subsequently advised that they would prepare a climate change mitigation statement, and would be prepared to integrate solar panels in to the build. They also advise that the building would be constructed from re-used stone and that the provision of a dwelling on the site would reduce carbon emissions associated with travel to and from the site for work that the applicant would otherwise need to do.
71. No further information has been submitted at time of writing however, and so in the absence of any such proposals the application cannot be concluded to demonstrate the highest standards of carbon reduction and water efficiency, and is contrary to policy CC1.

#### Amenity

72. Due to the remote nature of the site the dwelling would not affect the amenity of any independent property. It would be positioned relatively close to the existing agricultural workers dwelling on the site, with some potential for overlooking.

73. However, if permission was granted it would be necessary to tie the new dwelling to the existing farm holding by legal agreement (to ensure it remained available for occupation in support of the farm business) and so there would be no concerns about the two dwellings being taken in to separate control.
74. On that basis, the amenity impacts are considered acceptable, and accord with policy DMC3.

#### Alternative options

75. We have suggested that the applicant might be better to pursue an application for an ancillary dwelling at the site, given that they do not have an essential need to live there that would justify an independent dwelling.
76. The applicant's agent has advised however that the applicant is seeking a dwelling for independent occupation and that would be in their sole ownership. This would actually fail to comply even with the requirements for a farmworkers dwelling set out by policy HC2, which requires the dwelling to be tied to the landholding. And it certainly wouldn't represent an ancillary dwelling as defined by policy DMH5 that could reasonably be tied to the main farmhouse.

#### **Conclusion**

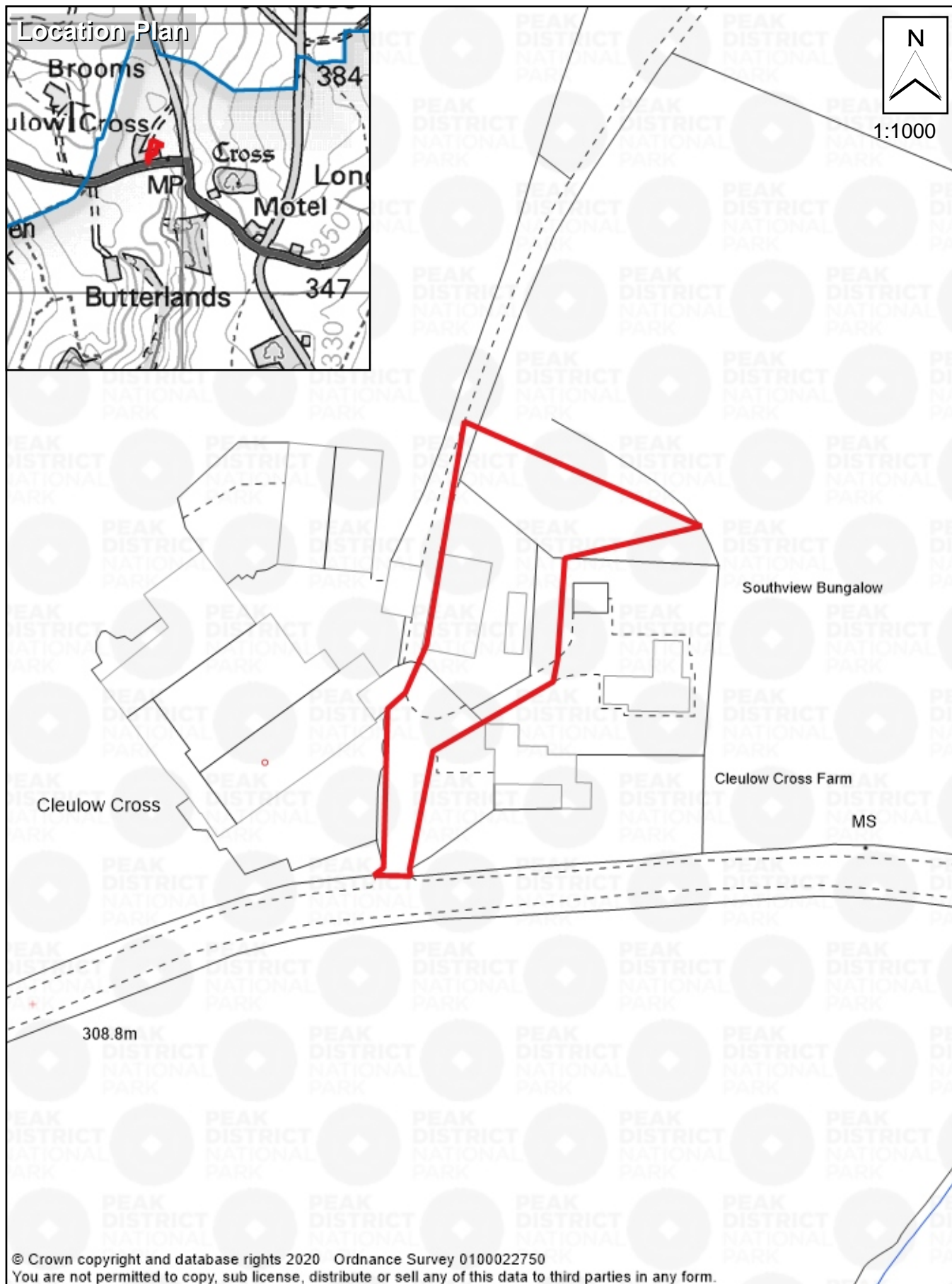
77. There is no justification for the provision of an additional farm workers dwelling on the site in the terms set out in adopted planning policies HC2 and DMH4.
78. In addition, the proposed siting of the dwelling proposed would have adverse landscape impacts, contrary to policies L1 and DMC3.
79. Further, the development proposes insufficient climate change mitigation measures to comply with policy CC1.
80. There are no other planning policy or material considerations that indicate that planning permission should be granted and so the application is therefore recommended for refusal.

#### **Human Rights**

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

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

82. Nil
83. Report Author: Mark Nuttall, Senior Planner (South)



Committee Date: 11th September  
Item Number: -  
Application No: NP/CEC/0919/1034  
Grid Reference: 394836, 367499

**Title:** Cleulow Cross, Wincle



**PEAK  
DISTRICT  
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PARK**

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**9. SECTION 73 APPLICATION FOR THE REMOVAL OR VARIATION OF CONDITION 1 ON NP/SM/0915/0895 AT LOWER DAMGATE FARM, LLAM. (NP/SM/0420/0318/SC)**

**APPLICANT: MS CAROLYN WILDERSPIN**

**Summary**

1. Permission is being sought to vary condition 1 of planning approval NP/SM/0915/0895. The current condition allows for no more than 12 wedding events per calendar year at Lower Damgate Farm. The applicant is asking to temporarily amend Condition No. 1 to allow 24 events in 2021 and 18 in 2022 with the original condition to come back into operation on 1st January 2023. This would allow wedding events cancelled as a result of COVID 19 restrictions to be re-scheduled.
2. The key planning considerations are whether the proposed variation of the condition (to increase the number of events for a temporary period) would conflict with the statutory purposes of the National Park and its policies primarily by negatively affecting the amenity of neighbouring dwellings. In this case, we consider that an increased but more limited number of events than sought per calendar year up until the end of December 2022 would balance safeguarding a viable hospitality business, with protecting the valued characteristics and amenity of the area for other residents and users of the vicinity.
3. On this basis, the application is recommended for approval for eight additional wedding events, four in each calendar year 2021 & 2022 taking the total to 16 in each calendar year ending 31 December 2022. This is an increase of a third over the normal maximum number of events.

**Site and Surroundings**

4. Lower Damgate lies in open countryside off Llam Moor Lane mid-way between the two nearest named settlements Llam, which lies around 2.5km to the south of the site, and Alstonefield, which is just over 2km to the north. The property comprises a grade II listed dwelling house, associated traditional barns that have been converted to holiday accommodation, and a large modern blockwork building that has been sub-divided into two parts. The larger part has been taken into use to host events. The remainder of the building is used in association with the business and the farm.
5. The landscape surrounding Lower Damgate is characterised as Limestone Plateau Pastures in The Authority's landscape Strategy and Action Plan. The valued characteristics of this countryside setting include its scenic beauty and its tranquillity. The landscape surrounding the application site reflects these characteristics and is generally a peaceful rural environment with open distant views to surrounding higher ground. The area is also sparsely populated but there is a farm in separate ownership immediately opposite on the other side of Llam Moor Lane.

**Proposal**

6. The application seeks the removal or variation of condition 1 on NP/SM/0915/0895. Condition 1 reads;
7. *'Subject to the provisions of Condition 9 (below), there shall be no more than 12 wedding events in any one calendar year on land within the applicant's ownership at Lower Damgate and no more than one event with more than 30 guests shall take place at Lower Damgate in any five day period. Additionally no more than 2 one-off community and charity events, and 1 local school event per year, and no more than 2*

*small events/workshops per week (such as yoga classes and art classes) shall take place in the barn. The residential/community workshops shall be limited to the hours 09:00 to 21:00 hours and the number of guests at these workshops shall not exceed 30. The owners/operators shall maintain an up-to-date register of the dates of bookings and the names of all clients who book this venue, and shall, on request, make this information available at all reasonable times to the Authority’.*

### **RECOMMENDATION:**

**That the application be APPROVED subject to condition 1 of NP/SM/0915/0895 being varied to read:**

- 1 There shall be no more than 16 wedding events for each calendar years 2021 and 2022 on land within the applicant’s ownership at Lower Damgate and no more than one event with more than 30 guests shall take place at Lower Damgate in any five day period. From the 1 January 2023 there shall be no more than 12 wedding events in any one calendar year. Additionally no more than 2 one-off community and charity events, and 1 local school event per year, and no more than 2 small events/workshops per week (such as yoga classes and art classes) shall take place in the barn. The residential/community workshops shall be limited to the hours 09:00 to 21:00 hours and the number of guests at these workshops shall not exceed 30. The owners/operators shall maintain an up-to-date register of the dates of bookings and the names of all clients who book this venue, and shall, on request, make this information available at all reasonable times to the Authority’.**

### **Key Issues**

8. Whether the proposed variation would harm the tranquillity and valued characteristics of the area and the potential amenity of neighbouring properties.

### **Relevant History**

2016 - (NP/SM/0915/0895) - Change of use of former portal framed building to a building used for community events, weddings and other celebrations and events (Use Class D2 Assembly and Leisure). (Retrospective). External alterations and extension to existing building to form amenities block and associated car parking provision. Granted with conditions.

### **Consultations**

9. Highway Authority - No objections.
10. District Council Environmental Health - No objections.
11. Parish Council – *‘Ilam Parish Council is in favour of the application. It is not just a case of the applicant’s losses but also lost wages for staff, which are all local, the suppliers and catering companies and lots of other locally sourced assistance when the weddings take place. It is also big loss in the local community particularly bed and breakfast businesses in the local area where guests stay whilst they are attending the weddings’.*

### **Representations**

Four letters of representation have been received, objecting to the application on increased noise, disturbance and unneighbourliness.

### **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*. Allows for development that secures effective conservation and enhancement.

E2 - *Business in the countryside*. States, that development in the countryside outside the Natural Zone and named settlements should be located in groups of buildings in sustainable locations.

### 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. DMC14 – *Pollution and disturbance*. States amongst other things, that development that risks pollution or disturbance including noise, will not be permitted unless adequate control measures are put into place to bring the pollution within acceptable limits.

### Assessment

21. Section 73 of the Town and Country Planning Act 1990, provides that an application maybe made for planning permission without complying with conditions applied to a previous permission. It is stated, that local authorities may decide whether to grant permission subject to differing conditions (this can include imposing new conditions), remove the conditions altogether or refuse to alter conditions. It is possible to apply for conditions to be struck out, or for their modification or relaxation. The section makes it clear, that in considering such an application a Local Planning Authority may only consider the question of the conditions and not revisit the principle of the development.

### Reason for varying the condition

22. The applicant is asking to temporarily amend Condition No. 1 to allow 24 events in 2021 and 18 in 2022 with the original condition to come back into operation on 1st January 2023. This would allow wedding events, cancelled due to the restrictions arising from the COVID 19 pandemic to be re-scheduled.
23. The applicant has stated that the coronavirus pandemic has resulted in the cancellation of many of the proposed wedding events in 2020 and is likely to lead to the cancellation of the remaining events threatening the viability of the business which makes a significant contribution to the local economy and to the local community. The suggested variation of the condition would allow the 2020 bookings to be re-arranged and spread over two years. Whilst it is the aim to fit the re- arranged events in 2021, it may not be possible to achieve this and through necessity, may need to be carried over into 2022.

### Government Advice re: Covid 19 and the planning system

24. The government has indicated that it is important that local authorities continue to provide the best service possible and prioritise decision-making to ensure the planning system continues to function, especially where this will support the local economy. In this case, whilst this is acknowledged, the National Park Authority also has a duty to protect the landscape and special qualities of the National Park. Therefore, as a consequence of COVID 19, the proposed variation brings about a conflict between the economic activity of the business and the protection of the National Park's special qualities.

### Potential impact on the tranquillity and amenity of the National Park Landscape

25. This area of the National Park is quiet and undisturbed. Tranquillity of this nature is intrinsically linked to the special qualities of the character of the surrounding landscape, and in granting the initial permission it was a delicate balance between these qualities and the merits of the proposed development.
26. The increased use of the building as proposed would undoubtedly diminish this tranquillity further, conflicting with the landscape conservation objectives of the National Park albeit for a temporary period. It is considered that doubling the number of weddings to 24 in 2021 would cause unacceptable harm.
27. Where there is potential conflict between the statutory purposes, the conservation of the National Park must be given priority. In this case, it is considered there would be a discernible loss of amenity arising from the substantial increase in wedding events proposed, albeit for a temporary period. The proposal as submitted therefore conflicts with core planning principles both in the Authority's Development Plan and the Framework (NPPF).
28. However, due to the unprecedented circumstances of COVID 19, the impacts this has had on the economy and in particular on small businesses in the hospitality industry (as is the case here), it is considered a more flexible judgement is needed.
29. In this instance, the numbers proposed by the applicant are considered unacceptable in terms of the impact on the tranquillity of the area and local residents and users of the national park's expectation of that tranquillity being preserved and maintained.
30. However, although any increase in the number of events would have an impact, we consider that a smaller increase for a temporary period would balance the special qualities of the national park and the economic need of the business.
31. In this case, 4 more wedding events per calendar year for 2 years is considered to appropriately balance the special qualities of the national park and the economic need of the business. This would take the total from 24 wedding events to 32 wedding events over the period 2021 to December 31 2022 (12 per year to 16 per year). This smaller increase would effectively allow the business to organise a wedding every week or so during the summer months, which is the busiest period for weddings.
32. This is considered to be a satisfactory balance between supporting the economic recovery/viability of a local hospitality business, whilst serving to protect the special qualities of the National Park landscape and residents amenity in the short term is an appropriate resolution and would in general accord with policy GSP1 and in particular Para: 172 of the NPPF.

### Potential impact on neighbourliness.

33. The increase in events could potentially affect the neighbouring property opposite Lower Damgate through additional noise and disturbance and the probable increase in traffic movements. In this case, whilst it is acknowledged that an increase would potentially cause further disturbance to this neighbouring property, it is considered the lower number of additional wedding events proposed and spread over a period of two calendar years, would not lead to an increase in noise and disturbance that would unduly harm the amenity of this neighbouring property. Subsequently, the proposed increase of four additional wedding events per calendar year would be an acceptable

arrangement, generally according with policies GSP3 & DMC3 in respect of the impact on the residential amenity of neighbouring occupiers.

### **Conclusion**

34. Subject to the above and the replication of all applicable and subsisting conditions from the original consent, the proposal is recommended for approval.

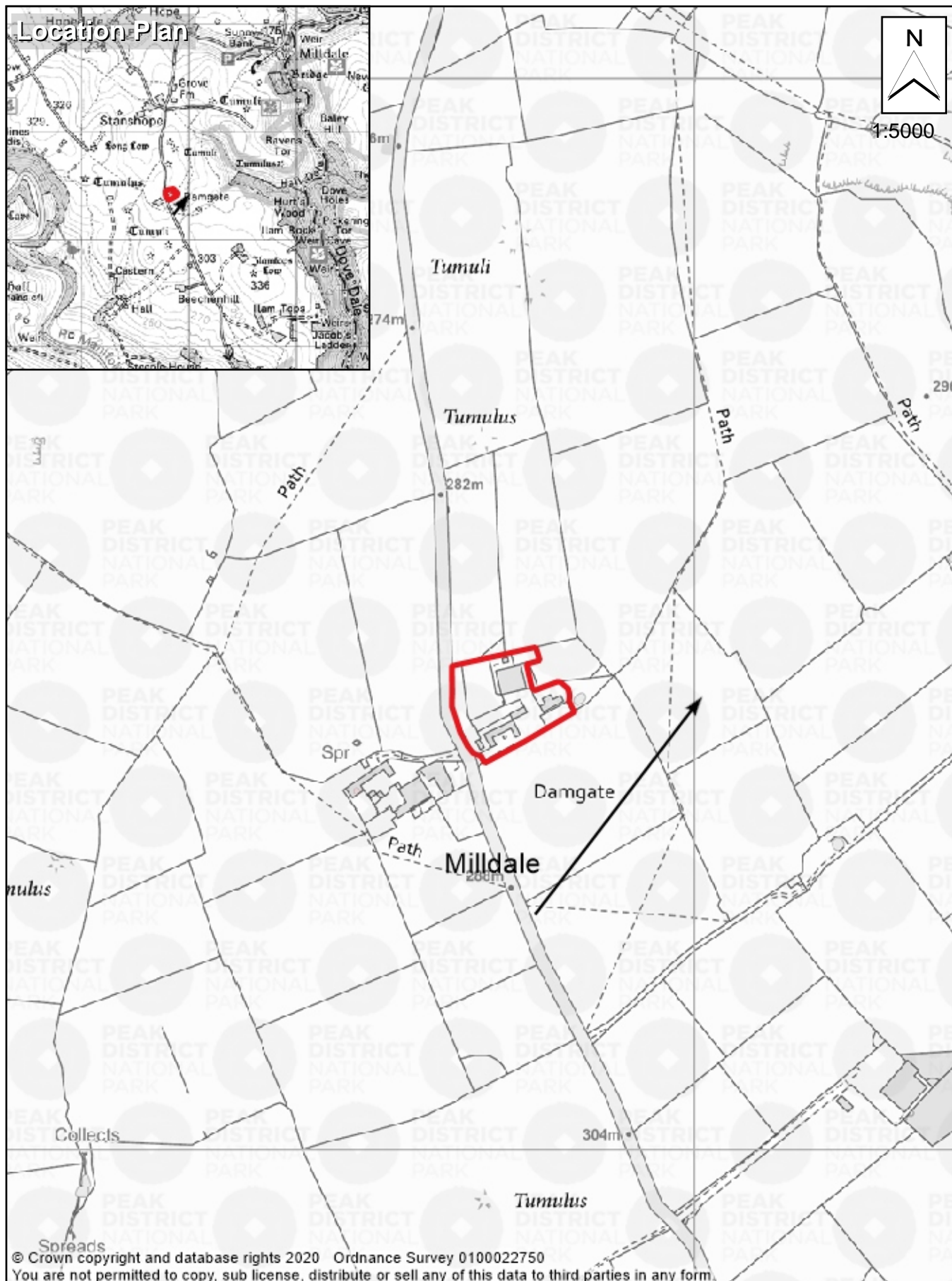
### **Human Rights**

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

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

36. Nil

Report Author – Steve Coombes – Planning Officer.



Committee Date: 11th September  
 Item Number: -  
 Application No: NP/SM/0420/0318  
 Grid Reference: 412682, 353335

**Title:** Lower Damgate Farm  
 Ilam Moor Lane  
 Ilam



**PEAK  
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**10. LISTED BUILDING CONSENT FOR REPAIR WORKS COMPRISING: CRACK REPAIRS, CRACK STITCHING, RE-POINTING (USING LIME MORTAR), DE-VEGETATION AND REMOVAL OF TREES, INSTALLATION OF TELL TALES AND MORTAR TABS, REBUILDING OF AREAS OF COLLAPSE. - MONSAL DALE VIADUCT, MONSAL DALE (NP/DDD/0720/0611, TS)**

**APPLICANT: PEAK DISTRICT NATIONAL PARK AUTHORITY**

**Summary**

1. The application seeks listed building consent for a series of repair works to the grade II listed viaduct. The repairs are necessary for the ongoing maintenance and use of the viaduct as part of the Monsal Trail. Subject to conditions to ensure appropriate materials and working practices, the repair works would conserve the significance of the listed building. The application is therefore recommended for approval.

**Site and surroundings**

2. The site is Monsal Dale Viaduct. The site is within Little Longstone parish, a short distance from Monsal Head. The viaduct spans the River Wye in the Monsal Dale Valley. The structure was constructed in the mid-19<sup>th</sup> century as a railway viaduct by Midland Railway. The viaduct is now part of the Monsal Trail.
3. The viaduct is constructed of stone and brick and comprises 5 round headed barrel arches of equal height. The viaduct is about 20m high and spans 91m in length. It was listed as a grade II building in 1970 and it is therefore of national importance.

**Proposal**

4. The application seeks listed building consent for a scheme of repair works to the viaduct.
5. The application is a result of a condition inspection of the viaduct that was undertaken on behalf of the Authority in 2016. The inspection identified a series of repair works that are necessary to bring the viaduct into sound condition. The full inspection report has been submitted with the current application and is available to view. However, the issues can be summarised as a series of cracks to all five spans of the viaduct and the parapets of varying widths, loss of mortar and missing stones. Much of the damage has been attributed to movement arising from settlement of the foundations.
6. A detailed scheme of works has been submitted and is available to view in the application documents. The proposed works can be summarised as follows:
  - Crack repairs;
  - Crack stitching;
  - Re-pointing (using Lime Mortar);
  - De-vegetation of the structure;
  - Re-building of areas of collapse.

In addition, in order to monitor any future damage arising from movement of the structure, it is proposed to install monitoring tools in the form of tell tales and mortar tabs.

7. The proposed works would be undertaken using rope access from the top of the viaduct.

## **RECOMMENDATION:**

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

1. Time limit for commencement.
2. Development to be carried out in accordance with the submitted details and specifications.
3. Mortar repairs and repointing to match the existing lime mortar with a sample to be submitted and approved.
4. All brick and stone to match existing.
5. Method statement for brick and stone repairs to be submitted and approved, including use of hand tools only.
6. Method statement for crack stitching to be submitted and approved.
7. Specific details of the monitoring devices to be submitted and approved.
8. Details of any unforeseen repairs to be submitted and approved.
9. Details of any access equipment that requires temporarily fixing to the viaduct to be submitted and approved.
10. Works to be carried out in accordance with the submitted Precautionary Working Method Statement in respect of roosting bats.
11. Details of equipment and material storage areas to be submitted and approved.

## **Key Issues**

- The impact on the character and significance of the listed building;
- The impact on ecology and protected species.

## **History**

8. There is no planning history that is directly relevant to the assessment of this application.

## **Consultations**

9. **Little Longstone Parish Meeting** – no objections.
10. **Derbyshire County Council Highway Authority** – No objections. Note that a Greenway and Public Right of Way run along the viaduct and the route must remain unobstructed at all times.
11. **Authority's Conservation Officer** – No objections subject to conditions, noting the following:

*"The application is for repairs to the viaduct that were identified during the access inspection in 2016. The inspection identified a number of issues that need addressing, this being cracks and separation, loss of some stonework and brickwork.*

*The works proposed are repairs to the cracks, re-pointing, removal of vegetation, stonework or brickwork replacement and installation of monitoring tell tales.*

*Methods statements have been submitted for some of the works, however further details are required regarding the materials and methods to be used.*

*Repointing and mortar repairs are to be done using lime of varying strengths identified within the method statement, an accessible sample patch should be agreed. The additional information, replacement materials and sample patch can be conditioned.*

*There is to be some replacement of brickwork and stonework, although no details have been included in Table 3 specification of works. To prevent damage to the surrounding brickwork or stonework removal must be by hand using the appropriate hand tools. A method statement should be agreed, again this can be conditioned.*

*There has been a significant period of time between the inspection and the likely commencement of works, there could be further deterioration and therefore increased and unforeseen works could be identified once access and works commence. Allowance for unforeseen works should be conditioned.”*

12. **Authority’s Ecologist** – No objections subject to conditions to ensure the submitted Precautionary Method Statement is followed in respect of bats and to ensure that materials and equipment is stored in appropriate locations.

### **Representations**

13. No third party representations have been received.

### **Main policies**

14. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L3.
15. Relevant Development Management Plan policies: DMC3, DMC5, DMC7.

### **Legislation**

The Authority must, by virtue of S16 of the Listed Buildings Act 1990 pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses

### **National Planning Policy Framework and National Planning Practice Guidance**

16. In the National Park the development plan comprises the Authority’s Core Strategy 2011 and the Adopted 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 with regard to the issues that are raised.
17. Paragraph 189 advises that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
18. Paragraph 193 states that when considering the impact of a proposed development on

the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

19. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

#### Development plan

20. Core Strategy polices GSP1, GSP2 and GSP3 together say that all development in the National Park must be consistent with the National Park's legal purposes and duty and that the Sandford Principle will be applied where there is conflict. Opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon and development which would enhance the valued characteristics of the National Park will be permitted. Particular attention will be paid to impact on the character and setting of buildings, siting, landscaping and building materials, design in accordance with the Design Guide and the impact upon living conditions of local communities. Core Strategy policy GSP4 highlights that the National Park Authority will consider using planning conditions or obligations to secure the achievement of its spatial outcomes.
21. Core Strategy policy DS1 outlines the Authority's Development Strategy.
22. Core Strategy policy L3 requires that development must conserve and where appropriate enhance or reveal significance of archaeological, artistic or historic asset and their setting, including statutory designation and other heritage assets of international, national, regional or local importance or special interest.
23. Development Management Policy DMC3 requires development to be of a high standard that respects, protects, and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place. It also provides further detailed criteria to assess design and landscaping, as well as requiring development to conserve the amenity of other properties.
24. Development Management Policy DMC5 provides detailed advice relating to proposals affecting heritage assets and their settings, requiring new development to demonstrate how valued features will be conserved, as well as detailing the types and levels of information required to support such proposals. It also requires development to avoid harm to the significance, character, and appearance of heritage assets and details the exceptional circumstances in which development resulting in such harm may be supported.

25. Development Management Policy DMC7 addresses development affecting listed building, advising that applications for such development should be determined in accordance with policy DMC5 and address how their significance will be preserved. It goes on to detail specific aspects of development that will not be supported when dealing with applications affecting listed buildings. It advises that the only exceptions to this are where any resulting harm is less than substantial in terms of impact on the character and significance of the Listed Building and its setting; and where it is also offset by the public benefit from making the changes, including enabling optimum viable use, and net enhancement to the Listed Building and its setting.

## **Assessment**

### **Impacts of the proposed works on the significance, character and appearance of the building**

26. A Heritage Assessment has been submitted which outlines the significance of the listed building. This appraises the significance of the listed building as follows:

#### ***“Evidential: Medium to high value***

*The evidential value of the viaduct lies in its potential to provide evidence for late 19th century railway engineering, especially in regard to viaducts. Analysis of the extant structure and the repairs which it has undergone allows an insight into its construction, purpose and use, and buried remains associated with its construction may still remain below ground. While the loss of railway infrastructure such as the tracks and signals somewhat diminish its evidential value, it does not impede understanding of the purpose or use of the viaduct.*

#### ***Historical: Medium to high value***

*The associative historical value of the viaduct strongly lies in its association with the Peak Railway Line, its designer William Henry Barlow and the wider history of how the landscape of the Peak District was transformed from the 1840s onwards due to the introduction of the railway. The appearance of the viaduct in newspaper reports, postcards and marketing records from the late 19th century and early 20th century add weight to this value. Records show that at the time of construction the viaduct was regarded as contentious, and written accounts by prominent contemporaries of the time (such as Ruskin) are still available and epitomise the debate over the price of progress at the detriment to the natural landscape. Furthermore, records, including photographs, associated with the railway and the viaduct still exist today and an archive is held at the MRSC in Derby. Such evidence strengthens the viaduct's historical value.*

*The illustrative value of the viaduct is linked to its evidential value in the sense that it provides evidence of viaduct construction and design processes of late 19th century. While the structure is no longer used to support a busy railway network, it is still being utilised to support the popular Monsal Trail. Although the historical value has been lessened to an extent by the loss of the railway network (similar to the evidential value), the fact that the viaduct is integrated as part of an active trail along the Peak District, still, to some agree, allows the feeling of a moving, connected network to be retained.*

*The historical value of the viaduct is considered to be medium to high.*

### **Aesthetic: High value**

*The aesthetic value of the structure primarily derives from its architectural design and the ways in which people may draw sensory and intellectual stimulation from it. While there may have been some opposition to the viaduct following its construction, the overall structure and its relatively slender design forms an impressive visual and physical link across Monsal Dale. The use of local materials emulates much older bridges in the Peak District, with a counterpoint of modernity highlighted through the use of the railway era materials for detailing, including Staffordshire blue engineering bricks to form the arch voussoirs. Nowadays it appears to blend in well into the wider landscape of the Wye valley, while still providing a prominent feature in the landscape.*

*The authenticity of its design, while there is evidence of repairs and alterations, means that it has retained some of its integrity. The aesthetic value of the viaduct is considered to be high.*

### **Communal: Medium value**

*The communal value of the viaduct is expressed through the sense of place and connectivity people may have had, or still have, with it, the Peak Railway line or the Monsal Trail. While sections of the railway are still preserved operating as a steam and heritage diesel for tourists further along the line, the preserved railway only covers c. 5.6km in length. Collective experiences and memories of the working railway may still exist in living memory as the railway did not fall into disuse until 1968. While not used for railway purposes from then onwards, from the start of the 1980s the viaduct was officially incorporated into the Monsal Trail which has been a popular walking and cycling route since.*

*The viaduct to this day is described as one of the most impressive viaducts in Britain, despite its earlier criticism by Ruskin, and its position across the scenic countryside was one of the reasons why this stretch of railway between Rowsley to Bakewell was so popular. Due to the continued use of the viaduct, the communal value is considered to be medium.”*

27. The proposed works have all been identified as necessary to ensure the soundness of the viaduct. In addition, the repair works are clearly important to the ongoing function of the viaduct as part of the Monsal Trail.
28. The Authority's Conservation Officer has raised no objections, subject to conditions to ensure appropriate materials and working methods. The use of like-for-like brick, stone and mortar is an appropriate solution that will restore damaged and missing historic fabric. The proposed crack stitching is a more modern construction technique but it is accepted that this is the most minimal intervention available and is therefore acceptable. The use of tell tales and dated mortar tabs are small-scale interventions that will allow for monitoring in connection with the ongoing maintenance of the viaduct and will have no adverse impact.
29. Subject to the conditions recommended by the Conservation Officer, the proposed works would not diminish any of the values set out in paragraph 27 which make up the historic significance of the listed building. The proposed works would therefore not be harmful to the significance or character of the viaduct.
30. The proposal would therefore achieve the conservation of the listed building and fully accords with policies DMC3, DMC5 and DMC7 and the guidance in section 16 of the NPPF.

31. As the proposal would conserve the listed building and is fully policy compliant, there is no requirement to take public benefits into account. However, it is acknowledged in any case that there are clear public benefits arising from the works in terms of both securing the soundness of the listed building and also in ensuring that the viaduct can continue to function as part of the Monsal Trail.

### Ecology and Protected Species

32. A bat survey report has been submitted with the application. This sets out that the viaduct has limited potential for roosting bats and no evidence of roosting bats has been identified. A precautionary working method statement has been submitted that sets out measures to avoid disturbance to roosting bats or nesting birds if evidence of any is found.
33. The proposed works are to be carried out by accessing the affected areas from above so no support structures are required in the river or at ground level.
34. The Authority's Ecologist has raised no objections subject to conditions to ensure the method statement is followed and that materials and equipment are stored in areas that are already hard-surfaced.

### Other Issues

35. The submitted information sets out that the repair works could impede access by the public to the viaduct for a temporary period during the works but that the extent of this is unknown at the moment.
36. This matter cannot be given any weight in the consideration of a listed building consent application. It is however clearly an important issue for the Authority going forwards and the Authority will need to ensure that all requirements are met in terms of the impact of the works on a public right of way.

### Conclusion

37. The application would conserve the significance of the listed viaduct. The application is recommended for approval.

### Human Rights

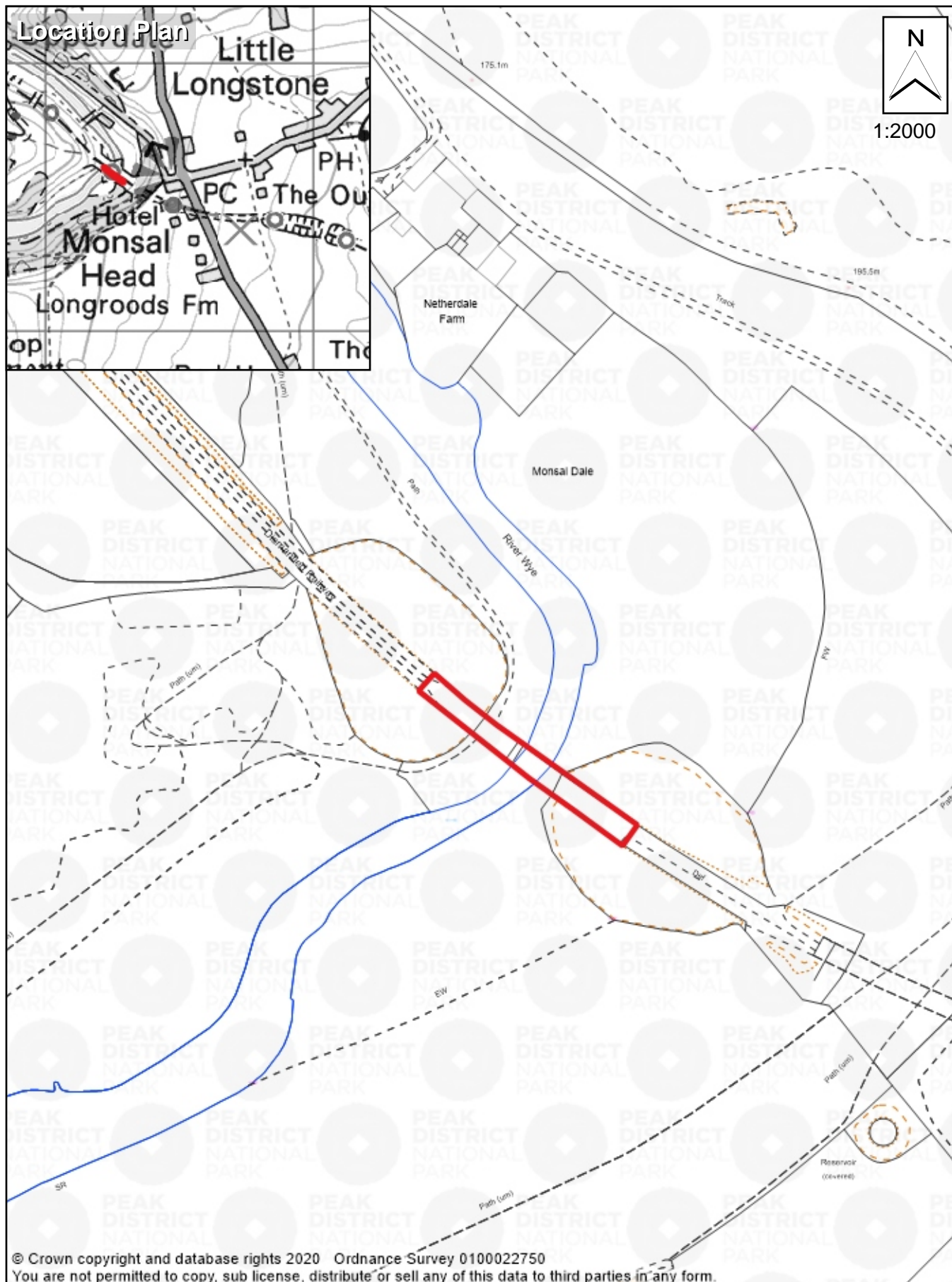
38. Any human rights issues have been considered and addressed in the preparation of this report.

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

Nil

Report Author: Tom Shiels, Area Team Manager

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## **11. LISTED BUILDING CONSENT – PROPOSED REPAIR WORKS TO MILLERS DALE SOUTH VIADUCT (NP/HPK/0720/0635 DH)**

**APPLICANT:** Peak District National Park Authority

### **Summary**

1. The application seeks Listed Building Consent for repair works to the viaduct which are considered to be necessary in order to conserve the heritage asset.
2. The works will not harm the significance of the listed structure or its setting and the methodology which has been provided is sensitive to the nature of the project.
3. The application is recommended for approval.

### **Site and Surroundings**

4. The application site is the southernmost of the two Victorian viaducts at Millers Dale which used to carry the Midland Railway London to Manchester. The viaducts are parallel with each other, the southern one being slightly lower, crossing over the River Wye and B6049 in a west to east direction. The south viaduct now carries part of the Monsal Trail.
5. The south viaduct dates from the 1860s. It is constructed as a wrought iron structure, upon abutments and piers that are faced with limestone, with gritstone dressings. The parapets are masonry with decorative metal rails. The structure was listed Grade II\* on 22 March 1985. The later north viaduct was constructed in 1905, also faced with gritstone, and is listed Grade II.
6. The site lies within the Millers Dale Conservation Area. Part of the site is within Flood Zones 2 and 3, Natural Zone, the Wye Valley Site of Special Scientific Interest, and the Peak District Dales Special Area of Conservation.
7. The nearest neighbouring properties to the application site are Dale View to the north on the Wormhill road, and Rose Cottage to the south on the B6049.

### **Proposal**

8. The application seeks Listed Building Consent for repair works to the three main spans of the viaduct, including:
  - debris and vegetation clearance;
  - reinstatement of mortar loss;
  - replacement and reinstatement of missing stonework;
  - grit blasting where areas of corrosion are most severe;
  - repairing support brackets;
  - repointing cracked mortar joints

### **RECOMMENDATION:**

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

1. Time limit for commencement.

2. **Development to be carried out in accordance with the submitted plans and specifications**
3. **Storage areas for the duration of the works shall be agreed in writing prior to works commencing**
4. **Environment Agency Pollution Prevention Guidelines shall be adhered to throughout the works.**
5. **Details of any access equipment that requires temporarily fixing to the viaduct to be submitted and approved.**
6. **Where necessary defective mortar shall be raked out by hand as specified in the amended Method Statement**
7. **Mortar repairs and repointing to match existing lime mortar, a sample of which is to be provided for written agreement with the National Park Authority prior to the works commencing**
8. **Removal of any defective stonework or brickwork shall be done using hand tools only as specified in the amended Method Statement**
9. **Any repair to or replacement of stonework or brickwork shall match the existing**
10. **The method of grit blasting the three spans shall be agreed in writing by the Authority.**
11. **Paintwork shall match the existing**
12. **Details of any pips or other monitoring devices shall be provided with locations for agreement in writing with the Authority prior to installation**
13. **When works commence, if any additional, unforeseen, works are required they shall be agreed in writing with the Authority prior to continuing with the works**

**Footnote regarding the Greenway.**

### **Key Issues**

9. With regard to Section 16 & 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 61 of the Environment Act 1995, the key issues for Listed Building Consent are the impact of the proposed works on the special historic and architectural interest of the Grade II\* listed building and its setting within the Conservation Area.

### **History**

10. None directly relevant to this application

### **Consultations**

11. Derbyshire County Council (Highway Authority): No highway objections, but note it is a Greenway.
12. High Peak Borough Council: No response to date.

13. Wormhill and Green Fairfield Parish Council: No objections to the proposed repair work providing of course that all safety issues are taken into consideration.
14. PDNPA Conservation Officer: No objections subject to recommended conditions.
15. PDNPA Archaeologist: No response to date.
16. PDNPA Ecologist: No objections subject to recommended conditions
17. Historic England: Do not wish to offer any comments
18. Amenity Societies: No response to date
19. Natural England: No response to date

### **Representations**

20. The Authority has not received any representations regarding the application.

### **Main Policies**

21. Relevant Core Strategy policies: GSP1-4, DS1, L3
22. Relevant Local Plan policies: DMC3, DMC5, DMC7 & DMC8

### **National Planning Policy Framework**

23. The National Planning Policy Framework (NPPF), which was revised February 2019, is considered to be a material consideration which carries 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.
24. 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 all these areas, and should be given great weight in National Parks and the Broads.'*
25. Part 16 of the NPPF relates to conserving and enhancing the historic environment, so is of particular relevance to applications for Listed Building Consent.
26. Paragraph 189 advises that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning

authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

27. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

### **Core Strategy Policies**

28. Core Strategy 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.
29. 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.
30. Core Strategy policy CC1 states that all development must make the most efficient and sustainable use of land, buildings and natural resources to achieve the highest possible standards of carbon reductions.
31. Policy DS1 sets out what types of development are acceptable within the National Park.
32. 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.
33. Policy L3 relates to cultural assets of archaeological, architectural, artistic or historic significance. It states that development must conserve and where appropriate enhance or reveal the significance of historic assets and their settings; other than in exceptional circumstances development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset. It goes on to say that proposals will be expected to meet the objectives of any strategy covering the National Park that has, as an objective, the conservation and where possible the enhancement of cultural heritage assets.

### **Development Management Policies**

34. 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.
35. Policy DMC5 relates to assessing the impact of development on designated and non-designated heritage assets and their settings.

36. DMC7 deals specifically with development affecting a listed building and/or its setting. It states that applications should be determined in accordance with policy DMC5 and clearly demonstrate how their significance will be preserved and why the proposed development is desirable or necessary. It goes on to say that that materials, techniques and detailing should be appropriate to a listed building.
37. DMC8 relates to development in conservation areas and development which affects its setting and important views into and out of conservation areas. It says that the following should be taken into account: (i) form and layout of the area including views and vistas into and out of it and the shape and character of spaces contributing to the character of the historic environment; (ii) street patterns, historical or traditional street furniture, traditional surfaces, uses, natural or man-made features, trees and landscapes; (iii) scale, height, form and massing of the development and existing buildings to which it relates; (iv) locally distinctive design details including traditional frontage patterns and vertical or horizontal emphasis; and (v) the nature and quality of materials.

### **Legislation**

38. The National Park Authority has a statutory purpose under the Environment Act 1995 to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park.
39. The Planning Act 1990: 66(1) states that “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority .... Shall have special regard to the desirability of preserving the building or its setting.”
40. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the setting of listed buildings.

### **Assessment**

#### **Principle**

41. If it can be demonstrated that proposed works to listed buildings are desirable or necessary, and would not harm the significance of the listed building and its setting or detract from the valued characteristics and the scenic beauty of the wider landscape, in principle they would be acceptable.

#### **Heritage Impacts**

42. The viaduct is listed Grade II\* and a key feature contributing to the significance of the Millers Dale Conservation Area. A Heritage Statement and Method Statement for the works have been provided. The proposals for the repair and refurbishment to the structure are made in the interests of the structures long term conservation. The works are considered necessary to ensure the safety of the structure and desirable as they will conserve the heritage asset and ensure its longevity.
43. An inspection in 2016 identified cracks and separation, loss of some stonework and brickwork, vegetation growth and corrosion of the three main spans. Since this inspection was some time ago it is likely that there could be further works required which will only be identified when works commence. It is therefore necessary to include conditions regarding any works which may be unforeseen.

44. The works comprise the clearance of vegetation on the structure and the removal of two trees close to the west abutment. Debris and loose mortar and defective stonemasonry is to be removed by hand to prevent any further damage to historic fabric, as specified in the amended Method Statement. Missing masonry will be replaced and reinstated like-for-like, and areas re-pointed as required with lime mortar. Repairs to the metalwork are also required. The areas will be grit-blasted and cleaned, and where necessary replaced like-for-like. The cleaned and new metalwork will then be re-painted as existing.
45. The works and methodology for implementing them are supported by the Authority's Conservation Officer. The works will conserve and enhance the significance of the listed structure and thereby the significance of the conservation area. Consequently, subject to appropriate conditions the proposal is considered to be compliant with the legislation and our own policies in the Development Plan including GSP1, GSP2, GSP3 and L1 of the Core Strategy and DMC5, DMC7 and DMC8 of the Local Plan.

#### Amenity Impacts

46. The scope of a Listed Building Consent is restricted to those issues regarding effect on the significance of a designated heritage asset. However, in this instance the viaduct forms part of the Monsal Trail therefore the impact on the use of the recreational asset needs consideration, although this cannot be given any weight in the determination of the Listed Building Consent application.
47. The works are anticipated to take sixteen days to complete although no start date has been provided. During that time, due to the works being undertaken from above using rope access, it will not be necessary to close the road below but the greenway use will be impacted as an exclusion zone will need to be set up prior to the works commencing. An advisory note will need to be added to any Decision Notice in relation to this.

#### Conclusion

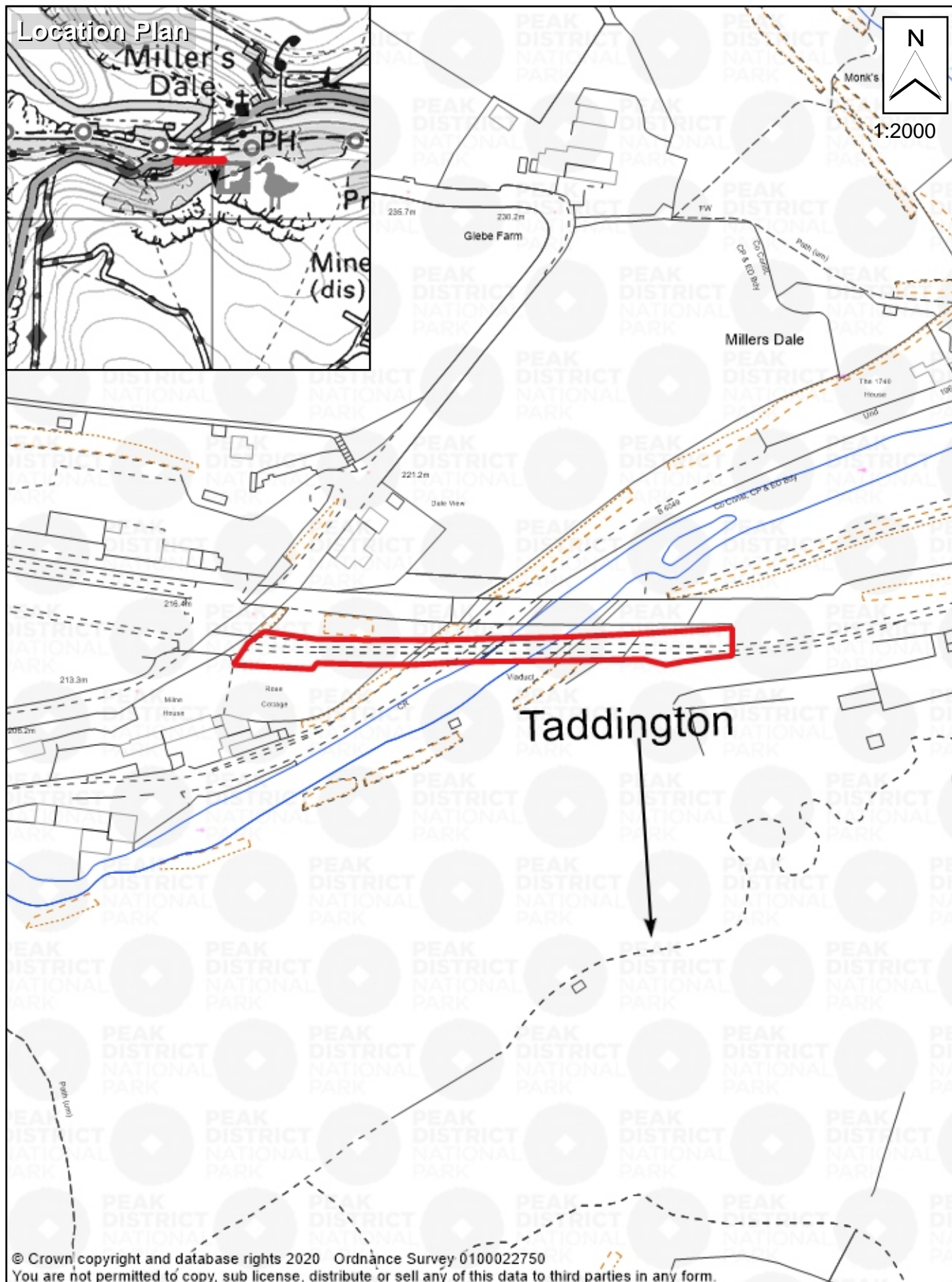
48. The proposed works comprise essential repair and maintenance works to conserve and enhance the designated heritage asset with no alteration proposed. The work will also conserve the significance of the Millers Dale conservation area. The works are compliant with both local and national policies and guidance and the application is therefore recommended for conditional approval.

#### Human Rights

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

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

50. Nil
51. Report author: Denise Hunt. Planning Assistant



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

### 1. **APPEALS LODGED**

There were no new appeals lodged this month.

### 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/SM/0719/0729<br>3246109 | Residential conversion of traditional stone barn at Carr Lane, Wetton | Written Representations        | Dismissed              | Committee                          |

The Inspector considered that the public benefits did not outweigh the harm that would be caused to the character and appearance of the Conservation Area, the surrounding landscape and the rural setting of Wetton and to the character and setting of the barn as a non-designated heritage asset. Accordingly, the Inspector found that the proposal conflicted with the development plan as a whole, so dismissed the appeal.

|                             |   |                         |         |           |
|-----------------------------|---|-------------------------|---------|-----------|
| NP/GDO/1219/1271<br>3251761 | New agricultural storage building at Broadhay Farm, Highlow | Written Representations | Allowed | Delegated |
|-----------------------------|---|-------------------------|---------|-----------|

The Inspector considered that the proposal would be reasonably necessary for the purposes of agriculture, and would not fail to conserve the valued characteristics of the National Park. The Inspector allowed the appeal.

|                             |   |                         |         |           |
|-----------------------------|---|-------------------------|---------|-----------|
| NP/CEC/0919/0985<br>3243568 | S.73 Removal or Variation of condition 2 on NP/CEC/0718/0600 to allow a new first floor window and re-location of an existing glazed former ventilation slot at Shire Horse Barn, Macclesfield Forest | Written Representations | Allowed | Delegated |
|-----------------------------|---|-------------------------|---------|-----------|

The Inspector considered that the proposal would greatly improve the living conditions, and would not harm the significance of the non-designated heritage asset or the character and appearance of the appeal property or its setting. The appeal was therefore allowed.

|                             |   |             |                         |           |
|-----------------------------|---|-------------|-------------------------|-----------|
| NP/HPK/0120/0039<br>3253768 | Rear two storey extension and demolition and re-build of porch at 78 Castleton Road, Hope | Householder | Allowed with Conditions | Delegated |
|-----------------------------|---|-------------|-------------------------|-----------|

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The Inspector considered that the proposal would not have an effect on the character and appearance of the area nor that the proposed extension excessive, as it would only be seen from a small section of the main road. The Inspector allowed the appeal subject to conditions requiring the flue to be painted matt black and for materials used to match the existing stonework.

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|                             |   |             |                         |           |
|-----------------------------|---|-------------|-------------------------|-----------|
| NP/HPK/0120/0041<br>3253769 | Rear two storey extension 76 Castleton Road, Hope | Householder | Allowed with Conditions | Delegated |
|-----------------------------|---|-------------|-------------------------|-----------|

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The Inspector considered that the proposal would not harm the character and appearance of the host dwelling, and would not be prominent in the street scene. The Inspector allowed the appeal subject to the condition that materials used should match the existing stonework.

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|                             |   |                         |           |           |
|-----------------------------|---|-------------------------|-----------|-----------|
| NP/CEC/0919/1002<br>3240770 | Construction of 9no. residential units (use class C3), comprising 2no. one-bedroom flats, 2no. two-bedroom dwellings and 2no. three-bedroom dwellings for affordable rent, and 3no. three-bedroom dwellings for shared ownership, associated car parking, creation of new access, landscaping and associated works, at land off Church Lane, Rainow | Written Representations | Dismissed | Committee |
|-----------------------------|---|-------------------------|-----------|-----------|

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The Inspector considered that the proposed development would have a harmful impact on the character and appearance of the Conservation Area, highway safety and potential harm to climate change and sustainability. The proposal would also conflict with Core Strategy Policies GSP1, GSP3, L1, L3, and DMP Policies DMC1, DMC3, DMC5, DMC8 and DMC13 which together seek to preserve or enhance the significance of Conservation Areas, their setting and the landscape character of the National Park. The appeal was therefore dismissed.

#### 4. **RECOMMENDATION:**

**To note the report.**