

# 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.1142/2412

Date: 1 October 2020



## NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 9 October 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 meetings of 21st August and 11th September 2020**  
(Pages 5 - 22)
3. **Urgent Business**
4. **Members Declarations of Interest**  
Members are asked to declare any disclosable pecuniary, personal or prejudicial interests they may have in relation to items on the agenda for this meeting.
5. **Public Participation**  
To note any questions or to receive any statements, representations, deputations and petitions which relate to the published reports on Part A of the Agenda.
6. **Full Application - Erection of an Agricultural Barn for The Housing of Livestock and Storage, land near to Dale Farm, Middleton by Youlgrave**  
(Pages 23 - 34)  
Site Plan
7. **Householder Application - Underground Garage/Workshop to Replace Existing Temporary Wooden Structures at Slaley Hall Cottage, Leys Lane, Slaley** (Pages 35 - 44)  
Appendix 1  
  
Site Plan
8. **Variation of Conditions 2 and 3 on NP/DDD/0219/0137 Alsop Rivendale Touring Caravan and Leisure Park, unnamed section of A515 from Crosslow Lane to Back Lane, Alsop-en-le-Dale** (Pages 45 - 54)  
Site Plan
9. **Head of Law Report - Planning Appeals (A.1536/AMC)** (Pages 55 - 56)

## **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.

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

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

**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	Ms 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
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Constituent Authorities  
Secretary of State for the Environment  
Natural England

**Peak District National Park Authority****Tel: 01629 816200**E-mail: [customer.service@peakdistrict.gov.uk](mailto:customer.service@peakdistrict.gov.uk)Web: [www.peakdistrict.gov.uk](http://www.peakdistrict.gov.uk)

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



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**MINUTES**

Meeting:	<b>Planning Committee</b>
Date:	Friday 21 August 2020 at 10.00 am
Venue:	Webex Virtual Meeting
Chair:	Mr R Helliwell
Present:	Mr K Smith, Cllr W Armitage, Cllr M Chaplin, Cllr D Chapman, Cllr A Gregory, Cllr A McCloy, Cllr Mrs K Potter, Cllr K Richardson and Miss L Slack
Apologies for absence:	Cllr P Brady, Ms A Harling, Cllr A Hart, Cllr I Huddleston, Cllr G D Wharmby, Mr Z Hamid and Mr J W Berresford.

**65/20 ROLL CALL OF MEMBERS PRESENT, APOLOGIES FOR ABSENCE AND MEMBERS DECLARATIONS OF INTEREST****Item 5**

Cllr D Chapman declared a prejudicial interest as he had been friends with the owners for many years and had worked on the 2017 silt removal. Cllr Chapman would leave the meeting for this item.

**Item 8**

Cllr K Potter declared a personal interest as a member of CPRE who had commented on the item.

**66/20 PUBLIC PARTICIPATION**

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

**67/20 FULL APPLICATION - CONSTRUCTION OF AGRICULTURAL WORKERS DWELLING AT MANIFOLD FARM, BUXTON ROAD, WETTON - (NP/SM/0719/0818, ALN)**

The Planning Manager, South Area, introduced the report and confirmed that Members had visited the site in October 2019 prior to deferring the item at the October 2019 Planning Committee. Following the deferment discussions had taken place between the applicant and Officers and the revised application had been based on these discussion.

The following spoke under the Public Participation at Meetings Scheme:

- Craig Banks, Agent – audio recording.

Members were minded to support the application as they felt the applicant had tried hard to accommodate the requirements of the Authority.

A motion to approve the application contrary to the Officer recommendation was moved and seconded.

The Head of Development Management suggested the conditions that would be required if approval granted which were agreed by Members.

The motion to approve the application contrary to the Officer recommendation and subject to conditions was voted on and carried.

**RESOLVED:**

**That the application be APPROVED subject to entering into a legal agreement to maintain the building as an agricultural workers dwelling in perpetuity and to conditions to control the following aspects of the proposal:**

- 1. Three years to implement the permission in line with amended plans.**
- 2. That the residential curtilage be restricted to the triangle to the west of the access track and enclosed by drystone wall.**
- 3. Remove permitted development rights for extensions, porches, ancillary buildings, alterations to external appearance, solar panels, gates, fences, walls and other means of boundary enclosure.**
- 4. All services lines associated with the approved development and on the land within the applicants ownership and control should be placed underground and the ground restored to original conditions thereafter.**
- 5. The Air Source heat pump as shown on the plans must be installed before the dwelling is first occupied and shall be the primary source of heating to the property.**
- 6. Hard and soft landscaping scheme to be submitted and agreed.**
- 7. Before the dwelling is first occupied details of any disposal of spoil to be submitted and agreed.**
- 8. Walls to be natural limestone, sample panel to be agreed.**
- 9. Roof to be clad with Staffordshire Blue Clay Tiles, sample to be agreed.**
- 10. All windows and door frames to be recessed a minimum of 100mm from the external face of the wall.**
- 11. The external corners of the dwelling shall be provided with natural grit stone coin work where shown on the approved plans.**
- 12. All windows and doors to be timber construction, details of final finish to be submitted and agreed.**

### 13. Minor design details

**68/20 FULL APPLICATION - TEMPORARY STOCKPILING AND DEPOSITION OF DREDGED SILT FROM THE RIVER NOE; LAND ADJACENT TO RIVER NOE WEIR, OFF EDALE ROAD, NETHER BOOTH, EDALE. (NP/HPK/0620/0537 APB)**

Cllr D Chapman left the meeting and took no part in the discussion of this item as he had declared a prejudicial interest.

The Senior Minerals Planner introduced the report and asked Members to note a change to paragraph 7 of the report to read:

*There are no rights of way traversing the site, however, the site is open to view from long distance public vantage points along sections of the highway network on higher ground to the south, between Lose Hill and Backtor, and between Backtor and the rights of way network running north-westwards to Brown Bread Cottage on the Edale Road, to the west of the site. There are also some intermittent views of the site from the right of way heading westwards out of Nether Booth'.*

The Senior Minerals Planner confirmed that a response had been received from Natural England after the publication of the committee report but that no objections had been raised in the response.

The proposed scheme was recommended by officers for approval as opposed to removal of the silt from the site which would necessitate more than 200 lorry journeys, unacceptable traffic movement and issues with access to the site.

The Senior Minerals Planner confirmed that the scheme would be finalised following the committee meeting and that condition 17 would be amended so that the scheme would be submitted within 1 month of commencement of development as well as additional wording to ensure concerns regarding impacted soil would be addressed.

A motion to approve the application subject to the condition set out in the report and the amended condition 17 was moved and seconded.

Members raised concerns regarding the strength of the bridge to be used to carry the heavy machinery needed to the site for the dredging work and the impact on drainage of applying the silt to the field. Officers confirmed that the bridge was maintained by Network Rail to a standard to carry farm machinery and that condition 10 covered concerns regarding drainage from the field.

The motion was put to the vote and carried.

**RESOLVED:**

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

- 1. Commencement within three years from the date of the permission.**
- 2. Development to be undertaken in full accordance with the application details and approved plans.**

3. **Stockpiling of silt dredgings to be confined to locations shown on plan W611011 – CB-20 101**
4. **Maximum volume of silt dredgings to be stored on site is 4500 cubic metres.**
5. **All silt dredging stockpiles to have protective silt fence and straw bales placed on downslope edge for duration of storage in accordance with specification shown on drawing W611011 – CT-20 106.**
6. **A silt barrier fence and straw bales to be erected along the southern boundary of the receptor field in accordance with plan W611011 – CB-20 101, to remain in place until spreading has been completed and grassland has re-established.**
7. **Access arrangements and vehicle movements as detailed in the Traffic Management Plan.**
8. **A 10m buffer zone to be clearly demarcated at the southern boundary of the receptor field to protect unimproved grassland habitat. No dredgings to be deposited anywhere within the 10m buffer strip.**
9. **A 6m buffer zone to be clearly demarcated of the receptor field around any trees and hedgerows to protect Root Protection Areas. No dredgings to be deposited anywhere within the 6m buffer zone**
10. **Dredged silt spreading to be undertaken only when ground conditions are suitable – avoid compaction, soil damage.**
11. **Silt spreading operation to be completed on or before 1 April 2021 in full accordance with plan and cross sections shown on plan W611011 – CB-20 100.**
12. **Silt spreading to be undertaken in manner that does not impede surface water flow paths, in accordance with recommendations in the FRA.**
13. **Safe storage of fuels, oils, chemicals etc.**
14. **Working hours – 0700 – 1800 M – F, no working on Saturday, Sunday or Bank Holidays.**
15. **Development to be undertaken in full accordance with the Preliminary Ecological Assessment.**
16. **No trees, hedges or shrubs to be removed.**
17. **Site to enter statutory five year period of aftercare in full accordance with a scheme to be submitted to the Authority within one month of commencement of development. The scheme to include measures necessary to avoid soil compaction.**



The meeting adjourned for a short break at 11.25 and reconvened at 11.35. Cllr D Chapman rejoined the meeting.

**69/20 FULL APPLICATION - MODIFICATIONS TO THE PATHWAYS, ALTERATIONS TO THE LEVEL OF THE ENTRANCE PORCH AND DOORS ; THE IMPLEMENTATION OF AN INTERNAL RAMP BETWEEN THE NORTH AND CHANCEL AISLE; AS WELL AS THE CREATION OF A SECOND DOORWAY IN THE NORTH CHANCEL AISLE AT PARISH CHURCH OF ST. LAWRENCE EYAM, CHURCH STREET, EYAM (NP/DDD/0420/0313 AM)**

The Planning Manager, North Area, introduced the report and clarified that this was a planning application and that the Grade 2\* listed building had ecclesiastical exemption regarding listed building consent so the internal alterations would be determined at diocese level. An amendment to condition 6 was proposed to add the word 'wooden' to ensure a glass door was not used for the north door and an addition to condition 9 to ensure suitable covering for the drain channel along the footpath.

The following spoke under the Public Participation at Meetings Scheme:

- Rev Mike Gilbert, applicant - by pre-recorded video

A motion to approve the application subject to changes to the conditions was moved.

Members requested that an additional condition be added regarding lighting which would be required outside the new door if it were to be used as an emergency exit.

Officers clarified the need for a new emergency exit as the door leading from the vestry was not suitable as it would require the emergency exit route to be through an additional room from the main part of the church which was not in line with Health and Safety requirements.

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

**RESOLVED:**

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

- 1. Statutory three year time limit for implementation.**
- 2. In accordance with submitted plans and specifications.**
- 3. No development shall commence until a written scheme of investigation for a programme of historic building recording has been submitted and approved. No development shall take place until all on-site elements of the approved scheme have been completed. Within 12 week from completion of the development reporting shall be completed and provision made for publication, dissemination and archiving of results.**
- 4. Notwithstanding the approved plans, no planning permission is granted for the removal or replacement of the existing external doors to the south porch.**

5. Agree details of alterations to existing external doors to the south porch to facilitate raised floor level.
6. Agree details of new wooden doors to north elevation including construction, finish and method of fixing.
7. Agree sample of stone type and dressing for the new north doorway.
8. Agree details of new mortars for bedding and pointing stonework (including proposed mortar mix(es) and joint profile).
9. Agree levels and samples of flagstone paving and kerbs including the drainage channel cover, dressing, coursing and joint profile.
10. Agree construction details and finish and method of fixing for new handrail.
11. Agree an external lighting scheme.

**70/20 FULL APPLICATION - PROPOSED REAR EXTENSION TO DWELLING AT 2 CHURCH STREET, MONYASH (NP/DDD/0520/0420 - ALN)**

Consideration of this item was brought forward as the meeting was running ahead of time for speakers.

The Planning Manager South Area introduced the item and confirmed that the Parish Council had objected on the grounds of the impact of the extension on reduced parking. As stated in the report the parking remained unchanged with space for one vehicle.

A motion to approve the application subject to conditions or modifications was moved, seconded, put to the vote and carried.

**RESOLVED:**

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

1. 3 year time limit
2. In accordance with amended plans
3. Off street parking space as shown on the approved plans to be provided before the extension is first brought into use and maintained throughout the life of the development.
4. Sample panel of external walling to be agreed.
5. Environmental Management measures as outlined in the submitted Climate Change Mitigation Strategy to be adhered to.
6. Design details.

**71/20 FULL APPLICATION - CHANGE OF USE OF APPROVED STABLE BUILDINGS TO 4 NO. BEDROOM SUITES, AN M&E ROOM AND A DOMESTIC STORE AT BLEAKLOW FARM, BRAMLEY LANE, HASSOP (NP/DDD/0520/0404 TS)**

The Planning Manager – South Area, introduced both reports for item 7 & 8 of the agenda but confirmed that these were two separate applications and following his introduction they would be discussed and voted on separately. The Planning Manager also reminded Members that, following an appeal on a previous application which had been upheld by the Inspector and which had resulted in the applicant being awarded costs against the Authority, serious consideration needed to be given to the Inspectors direction when considering these applications.

The following spoke under Public Participation at Meetings Scheme:

- Mr & Mrs Slack, Objector – statement read out by Democratic Services
- Nigel Chapman, Objector - statement read out by Democratic Services
- Clare Gamble, Objector - statement read out by Democratic Services
- Kathleen Pheasey, Objector - statement read out by Democratic Services
- Sarah Foster, Agent – live telephone call

Members considered approval a balanced decision in light of the judgement of the Inspector.

A motion to approve the application subject to conditions was moved, seconded put to the vote and carried.

**RESOLVED:**

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

- 1. Development to be carried out in accordance with specified plans.**
- 2. The accommodation hereby approved shall only be used in a manner that is ancillary to the use of the main house.**
- 3. The external doors and windows shall be of timber construction.**
- 4. All timber work shall be in accordance with the details submitted for application NP/DIS/0217/0144 and shall be permanently so maintained.**
- 5. The window frame glazing bars shall not exceed 18mm in thickness.**
- 6. The rainwater goods shall be cast metal, painted black. The gutters shall be fixed directly to the stonework with brackets and without the use of fascia boards. There shall be no projecting or exposed rafters.**
- 7. All pipework, other than rainwater goods, shall be completely internal within the building.**
- 8. There shall be no external meter boxes.**
- 9. Prior to the installation of any external lighting or any source of illumination attached to the replacement dwelling, within its curtilage, or associated with the access or access track to the replacement dwelling, full details of the precise design and specifications of the lighting, or source of illumination including its location, and luminosity, shall be submitted to and approved in writing by the National Park Authority. The lighting or any**

**other source of illumination shall thereafter be carried out in accordance with the approved specification and shall be permanently so maintained.**

**72/20 FULL APPLICATION - RETENTION OF A CONSTRUCTION COMPOUND AS A PERMANENT CAR PARKING AREA ONCE BUILDING AND FIT-OUT WORKS AT BLEAKLOW FARM ARE COMPLETE AT BLEAKLOW FARM, BRAMLEY LANE, HASSOP (NP/DDD/1119/1179 TS)**

The Planning Manager, South Team, introduced the item in conjunction with Item 7 of the agenda.

The following spoke under Public Participation at Meetings Scheme:

- Clare Gamble, Objector - statement read out by Democratic Services
- Kathleen Pheasey, Objector - statement read out by Democratic Services
- Sarah Foster, Agent – live telephone call

The Planning Manager confirmed that amendments had been made to the original application and planting added to the area to be used as a car park with a reduction in the number of parking spaces. As the new parking would remove the need for cars to park in the courtyard a condition had been included to stop the use of the courtyard other than deliveries etc. (condition 5). Although the condition did not specify that no parking would be allowed in the courtyard the plan issued with the decision notice would clearly indicate this.

*In accordance with Standing Orders a motion to continue the meeting beyond three hours was put to the vote and carried.*

A motion to approve the application subject to conditions was moved, seconded, put to the vote and carried.

**RESOLVED:**

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

- 1. Development to be carried out in accordance with specified plans.**
- 2. Planting to be completed in the first planting season following approval of the application and retained for the lifetime of the development.**
- 3. Any external lighting to be submitted to and approved by the Authority**
- 4. The parking area shall not be brought into use until the gates between the parking area and the yard have been installed.**
- 5. No parking shall take place in the yard save for visitors or residents with blue badges, loading or unloading, tradespeople, maintenance and deliveries.**

*Ms Lydia Slack left the meeting during consideration of this item at 13.00*

**The meeting was adjourned at 13.25 for a lunch break and reconvened at 13.50. Miss Lydia Slack did not re-join the meeting following the lunch break.**

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**73/20 FULL APPLICATION - RELOCATION OF HORSE SHELTER AT FIELD OFF CLIFF LANE, CURBAR (NP/DDD/0220/0200 AM)**

The Planning Manager, North Area, introduced the report and summarised the planning history.. The Officer explained that the proposed location of the stable is not the one preferred by the Planning Officers in their pre-application advice.

Members expressed concerns regarding the application especially the five year limit on the temporary permission which was based on the age of the horses and sought assurance that the stable would be removed if it were no longer needed in advance of the five year term. Officers confirmed that removal would be required once no longer required for the current horses. It was also stated that any planning approval would supersede the enforcement notice but that Officers would consider taking direct action if the current stable were not removed.

A motion to refuse the application contrary to the Officer recommendation was moved, seconded, put to the vote and carried. Members were asked to delegate the final decision wording to the Head of Development Management in consultation with the Chair and Vice Chair of the Planning Committee

**RESOLVED:**

**That the application be REFUSED contrary to the Officer recommendation due to the impact on the landscape contrary to policy L1.**

The meeting ended at 2.25 pm

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## **MINUTES**

Meeting: **Planning Committee**

Date: Friday 11 September 2020 at 10.00 am

Venue: Webex - Virtual Meeting

Chair: Mr R Helliwell

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

Apologies for absence: Cllr I Huddleston and Cllr K Richardson.

### **74/20 MINUTES OF PREVIOUS MEETING OF 7TH AUGUST 2020**

The minutes of the last meeting of the Planning Committee held on 7 August 2020 were approved as a correct record subject to correcting that Cllr. Potter was a member of CPRE and not Friends of the Peak District.

### **75/20 URGENT BUSINESS**

There were no items of urgent business.

### **76/20 MEMBERS DECLARATIONS OF INTEREST**

#### **Item 6**

Cllr D Chapman declared a prejudicial interest as the applicants were friends and would withdraw from the meeting when this item was discussed.

#### **Item 7**

Cllr A McCloy declared a prejudicial interest as a member of Youlgrave Parish Council and he had taken part in parish council discussion. Cllr McCloy would withdraw from the meeting when this item was discussed.

Cllr Potter declared that she is a member of CPRE and Friends of the Peak District is affiliated to CPRE who had commented on this item.

#### **Item 8**

Ms L Slack declared a prejudicial interest as the applicants were parents of a friend and would withdraw from the meeting when this item was discussed.

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**Item 9**

Mr R Helliwell declared that he would withdraw from the meeting when this item was discussed as he had already formed a view on the application.

**Item 10 & 11**

All Members declared a personal interest as both applications were on behalf of the Authority.

**77/20 PUBLIC PARTICIPATION**

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

**78/20 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 D Chapman declared a prejudicial interest and left the meeting during consideration of this item.

Due to issues with broadcasting the committee was adjourned at 10.25 and reconvened at 11.05

The Planning Officer introduced the item which had been deferred from the Committee on 7 August 2020 for further discussions between the applicant and Officers. The siting of the caravan had been changed and would be set into the ground to reduce the impact on the landscape but no further supporting evidence had been supplied to support the application for a agricultural workers dwelling and Officers still felt the application should be refused.

The Head of Development Management clarified that the application was for an ancillary dwelling and not an Agricultural workers dwelling as there had been no supporting evidence received from the applicant. Members were asked to consider the application as an ancillary dwelling and any grant of permission would have to be subject to the applicant amending the wording of the application description.

The following spoke under the Public Participation at Meetings Scheme:

- Dominic Cooney – Agent

Members were minded to approve the application to avoid the fall-back position of installing a caravan in the garden of the farmhouse. They also requested that a comprehensive legal agreement regarding removal of the caravan be agreed to ensure its removal after 10 years or earlier if alternative accommodation became available.

The recommendation to approve the application contrary to Officer recommendation, subject to conditions and a legal agreement regarding removal of the caravan was moved and seconded.

The Head of Development Management confirmed that if the caravan were to remain after 10 years a new planning application would be required. She also highlighted concerns regarding the lack of sustainability of the application in line with policy CC1.



The Planning Officer confirmed that even though the applicant had offered to enter into a legal agreement regarding the temporary nature of the caravan there was no need for a legal agreement as this would be controlled by inclusion in the conditions which he outlined.

The recommendation to approve the application contrary to Officer recommendation and subject to conditions was voted on and carried.

**RESOLVED:**

**To APPROVE the application subject to applicant amending the wording of the application description and subject to the following conditions:**

- 1. Implementation period of three years.**
- 2. Proposal to accord with the amended plans.**
- 3. A section plan to be provided to show the levels in order to confirm that the caravan is cut in and not built on raised ground.**
- 4. The use of the caravan to cease within ten years or when alternative accommodation becomes available, whichever is the sooner and subsequent removal.**
- 5. Reinstatement of the original landscape following removal of the caravan.**
- 6. Occupation ancillary to Shepley Farm only.**
- 7. Drainage details to be submitted.**
- 8. All services to the caravan to be underground.**
- 9. Details of the timber finish and stain or painted finish to be agreed.**

**79/20 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)**

Cllr D Chapman returned to the meeting, Cllr A McCloy declared a prejudicial interest and left the meeting during consideration of this item.

The Head of Development Management introduced the item. A previous application for 15 caravan pitches had been refused by the Authority and the refusal upheld by the Planning Inspectorate. The Head of Development Management reminded Members that the Planning Inspectors decision was a material consideration.

The following spoke under the Authorities Public Participation Scheme:

- Karen & Glynn Hind – Applicants – Statement read out by Democratic Services

The Officer recommendation to refuse the application was moved and seconded.

Cllr Potter confirmed she would abstain from voting as she had not been able to speak on the application due to connectivity issues.

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

**RESOLVED:**

**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 Park Planning Policy Framework.**

**The meeting adjourned for a short break at 12.20 and reconvened at 12.30**

**80/20 FULL APPLICATION - ERECTION OF AN AGRICULTURAL WORKERS DWELLING - CLEULOW CROSS, WINCLE (NP/CEC/0919/1034, MN)**

Cllr A McCloy returned to the meeting. Ms L Slack declared a prejudicial interest and left the meeting during consideration of this item.

The Planning Officer introduced the item and confirmed that although the application was for an agricultural workers dwelling no appraisal had been submitted by the applicant to support the need for the accommodation and it was clear that the applicant only spent 25% of his time working on the farm. Other concerns were the location of the building, design issues and the low level of climate change/energy efficiency measures proposed.

The following spoke under the Public Participation at Meetings Scheme:

- Rebecca Melland, Applicant – video recording submitted.

Members were concerned regarding the lack of supporting evidence for an agricultural workers dwelling.

The Officer recommendation to refuse the application was moved.

The Planning Officer confirmed that there needed to be a proven need for the agricultural worker to be situated on the farm and that the farm would be able to sustain the development. This was not proven for this application.

The motion to refuse the application was seconded, put to the vote and carried.

**RESOLVED:**

**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 propose 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 dwelling house fails to reflect or compliment the style and building traditions of the locality, contrary to policy DMC3.**

**81/20 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)**

Ms L Slack returned to the meeting. Mr R Helliwell declared that he had already formed a view on this application and left the meeting during this item. Mr K Smith took on the role of Chair in Mr Helliwell's absence.

The Head of Development Management introduced the item and confirmed that a letter of support had been received from the Parish Council following publication of the report. Consideration had been given to the implications on small businesses of the current pandemic and more flexibility applied to the judgement of this application.

The following spoke under the Public Participation at Meetings Scheme:

- Lisa Wain, Supporter – statement read out by Democratic Services
- Carolyn Wilderspin, Applicant – video recording submitted

Members felt weight should be given to the support of the parish council but had concerns about the number of events the applicant was requesting. Members requested clarification on how the proposed numbers from the Authority had been reached? The Head of Development Management confirmed that the figures were based on an assessment by Officers of the level of events and the harm to amenity that would arise. No other application for extension or changes had been received from any similar business.

Members were minded to agree to a total of 20 events for 2021 and 16 for 2022

A motion to approve the application with the amended figures of 20 events for 2021 and 16 for 2022 was moved, seconded, put to the vote and carried.

Ms L Slack abstained from voting due to issues with her connection to the meeting.

**RESOLVED:**

**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 20 wedding events for the calendar year 2021 and 16 for the calendar year 2022 on land within the applicant's ownership at Lower Damgate Farm and no more than one event with more than 30 guests shall take place at Lower Damgate Farm in any five day period. From 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 of 09:00 to 21:00 hours and the number of guests at**

**these workshops shall not exceed 30. The owner/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.**

Cllr G Wharmby left the meeting at 13.35

**82/20 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)**

The Head of Development Management introduced the item and explained that the volume of repair work required a planning application and that an additional condition would be added to record and submit information on all repairs and the information to be added to the historic record. Condition 8 of the report would be removed as any future large scale repair work would need to be brought before a future committee and could not be approved in advance.

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

**RESOVLED:**

**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 access equipment that requires temporarily fixing to the viaduct to be submitted and approved.**
- 9. Works to be carried out in accordance with the submitted Precautionary Working Method Statement in respect of roosting bats.**
- 10. Details of equipment and material storage areas to be submitted and approved.**
- 11. Details of all repairs to be recorded and the information added to the historic document.**

**83/20 LISTED BUILDING CONSENT - PROPOSED REPAIR WORKS TO MILLERS DALE SOUTH VIADUCT (NP/HPK/0720/0635. DH)**

The Planning Officer introduced the report and asked that the Precautionary Method Statement covering bats set out in the ecological report should be added as a condition and an additional condition to record and submit information on all repairs and the information to be added to the historic record. Condition 18 of the report would be removed as any future large scale repair work would need to be brought before a future committee and could not be approved in advance.

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

Members asked if there was a reason why only one parish council had been consulted on the application as the site spanned two parishes. Officers confirmed this was an error and apologised.

**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**

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**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. The Precautionary Method Statement relating to Bats to be carried out in full.**

**14. Details of all repairs to be recorded and the information added to the historic document.**

**Footnote regarding the Greenway.**

**84/20 HEAD OF LAW REPORT - PLANNING APPEALS (A.1536/AMC)**

The Head of Development Management introduced the report which was welcomed by Members.

A motion to receive the report was moved, seconded, put to the vote and carried.

**RESOLVED:**

**To note the report.**

The meeting ended at 2.00 pm

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**7. FULL APPLICATION - ERECTION OF AN AGRICULTURAL BARN FOR THE HOUSING OF LIVESTOCK AND STORAGE, LAND NEAR TO DALE FARM, MIDDLETON BY YOULGRAVE (NP/DDD/0820/0713, TS)**

**APPLICANT: MR ALEX STONE**

**Summary**

1. The application seeks full planning permission for an agricultural building. The application has demonstrated that there is a functional need for a new building. However, the location of the building would be harmful to the setting of the Middleton Conservation Area and several listed buildings. The agricultural need for the building does not outweigh the harm that would be caused to the designated heritage assets and the cultural heritage of the National Park. The application is therefore recommended for refusal.

**Site and surroundings**

2. The application site is a parcel of land that lies to the west of Dale Farm on the edge of Middleton-by-Youlgrave village. The site is in the corner of a parcel of agricultural land that has an area of about 7 acres. The site is bordered to the north, south and west by agricultural land. The built-up area of the village lies to the east with numerous residential properties in close proximity. The site is just outside of the Middleton Conservation Area boundary. There are several other designated heritage assets in close proximity, including Bateman's Tomb, Chapel House and Dale Farm, which are all grade II listed buildings.

**Proposal**

3. The application seeks full planning permission for the erection of a new agricultural building for livestock and storage.
4. The proposed building would be 18.4m wide by 9.15m deep. It would have an eaves height of 3.65m and a ridge height of 5.1m. It would be constructed with pre-cast concrete panels to a height of 1.2m and timber boarding above to the walls. The east elevation wall would have a small area of rubble limestone instead of a concrete panel base. The roof of the building would be blue/grey coloured cement sheeting with roof.
5. As well as the building itself, the submitted plans show that regrading of the existing yard and earthworks around the building are also required.

**RECOMMENDATION:**

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

1. **The introduction of the proposed building in an open and undeveloped landscape that makes a positive contribution to the setting of the Middleton-by-Youlgrave Conservation Area and to the setting of several Listed Buildings would significantly alter the character of the site and would result in significant harm to the landscape character of the area, the setting of the conservation area and the setting of the nearby listed buildings. The development would therefore fail to conserve the valued characteristics of the National Park and is contrary to policies GSP1, GSP2, GSP3, L1, L3, DMC3, DMC7, DMC8 and DME1 and the guidance contained within the National Planning Policy Framework.**

## **Key Issues**

- The principle of development
- Impact on the landscape character and special qualities of the National Park
- Impact on heritage assets
- Amenity considerations
- Access considerations

## **History**

Application 0915/1015 for an agricultural building on the same parcel of land was refused in November 2019 for the following reasons:

6. The introduction of the proposed building in an open and undeveloped landscape that makes a positive contribution to the setting of the Middleton-by-Youlgrave Conservation Area and to the setting of several Listed Buildings would significantly alter the character of the site and would result in significant harm to the landscape character of the area, the setting of the conservation area and the setting of the nearby listed buildings. The development would therefore fail to conserve the valued characteristics of the National Park and is contrary to policies GSP1, GSP2, GSP3, L1, L3, DMC3, DMC7, DMC8 and DME1 and the guidance contained within the National Planning Policy Framework.
7. The application has failed to demonstrate how the development would make the most efficient use of land, buildings and natural resources or achieve the highest possible standard of carbon reductions. It is therefore contrary to policy CC1.

The current application differs from the previously refused one in that the height of the building has been reduced and its position has been moved 7m to the east and 2m to the south.

## **Consultations**

8. **Middleton and Smerrill Parish Council** – *“Middleton and Smerrill Parish Council supports this application to allow a fourth generation resident farming parishioner to secure and expand his livelihood on land owned by his family. Farming is the central core of the village existence and the siting of farm buildings within and adjacent to its Conservation Area part of its history as a working village.*
9. *Council is aware of the regulation difficulties that supporting this application may cause but would draw planners attention to its Community Aspirations in the Parish Statement, foremost of which is “To remain a rural focused community maintaining its local population, welcoming families not second homes and looking to conserve its historic legacy.”*
10. **Derbyshire County Council Highway Authority** – *“No objections subject to agricultural use in support of existing farming activities carried out on surrounding, controlled farmland.”*

## **Representations**

11. One letter of objection has been received from local residents. The grounds for objection are summarised as follows:
  - detrimental impact the siting of the proposal will have on amenity, heritage, visual impact of the landscape;



- the access track is not adequate to accommodate larger, modern machinery;
  - Harmful impact on the amenity of nearby residential properties, especially as the building has been moved 7m closer to them since the previous application.
12. Eight letters of support have been received. The grounds for support are summarised as follows:
- Farming in the village should be supported;
  - The impact on heritage assets would be limited;
  - The building is needed to enable farming to continue;
  - The building is outside of the conservation area.

### **Main policies**

13. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, L3, CC1
14. Relevant Development Management Plan policies: DMC3, DMC7, DMC8, DME1

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

15. 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.
16. 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.'*
17. Part 16 of the NPPF relates to conserving and enhancing the historic environment. When considering potential impacts of proposals on the significance of a designated heritage asset great weight should be given to the assets conservation, irrespective of whether the potential harm amounts to substantial harm, total loss or less than substantial harm.
18. Paragraph 193 sets out 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 194 continues that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
20. Paragraph 196 explains 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

21. 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.
22. Core Strategy policy DS1 outlines the Authority's Development Strategy.
23. 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.
24. Policy L3 states that development must conserve and where appropriate enhance or reveal the significance of archaeological, architectural, artistic or historic assets and their settings, including statutory designations and other heritage assets of international, national, regional or local importance or special interest and other than in exceptional circumstances development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset of archaeological, architectural, artistic or historic significance or its setting, including statutory designations or other heritage assets of international, national, regional or local importance or special interest;.
25. CC1 sets out that developments will be expected to make the most efficient and sustainable use of land, buildings and natural resources.
26. DME1 deals specifically with agricultural development and states the following:

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

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

character as established in the Landscape Strategy and Action Plan, including winter housing to protect landscape.

B. New agricultural and forestry buildings, structures and associated working spaces or other development shall:

- (i) be located close to the farmstead or main group of farm buildings, and in all cases relate well to, and make best use of, existing buildings, trees, walls and other landscape features; and
- (ii) not be in isolated locations requiring obtrusive access tracks, roads or services; and
- (iii) respect the design, scale, mass and colouring of existing buildings and building traditions characteristic of the area, reflecting this as far as possible in their own design; and
- (iv) avoid adverse effects on the area's valued characteristics including important local views, making use of the least obtrusive or otherwise damaging possible location; and
- (v) avoid harm to the setting, fabric and integrity of the Natural Zone.

- 27. 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.
- 28. DMC7 requires that planning applications for development affecting a Listed Building and/or its setting should be determined in accordance with policy DMC5 and clearly demonstrate:
  - (i) how their significance will be preserved; and
  - (ii) why the proposed development and related works are desirable or necessary.
- 29. DMC8 sets out that applications for development in a Conservation Area, or for development that affects its setting or important views into, out of, across or through the area, should assess and clearly demonstrate how the character or appearance and significance of the Conservation Area will be preserved or enhanced.
- 30. 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.

## **Assessment**

### **Principle**

- 31. Policy DME1 makes it clear that the agricultural buildings will only be permitted when the building is functionally required.
- 32. The submitted information sets out that the applicant has developed a small part-time farm business that comprises of 15 store cows and 70 breeding ewes. Approximately 67 acres is farmed in total, of which 7 acres are owned and the rest is rented. The application site is part of the parcel of owned land. It is understood that the rented land is to the eastern side of Weddon Lane. Until recently the applicant had use of buildings on the rented land but these buildings are no longer available for the applicant to use. There are no existing buildings on the owned parcel of land. The submitted information goes on to set out that the proposed barn is needed to provide housing for livestock during the winter. The stock numbers generate a need for a building of about 170 square metres. The proposed building

is approximately 150 square metres so would meet most of the identified need.

33. The application demonstrates an agricultural need for a building of the size proposed.
34. The broad principle of the development is acceptable, subject to it not having unacceptable impacts on the character of the conservation area, the setting of listed buildings, the wider landscape and special qualities of the National Park.

#### Impact on Heritage Assets and Landscape Impact

35. The site is immediately to the west of the Conservation Area boundary. Whilst the building would be located fairly close to the built edge of the village, it would very clearly encroach away from existing building and into the open fields that surround the village.
36. The introduction of a modern agricultural building in this otherwise undeveloped field, away from the built edge of the village, would be harmful to the adjacent conservation area. The conservation area character appraisal notes the open character of the north end of the village, and the location of buildings at right angles to the street, which invites and allows views through to the countryside beyond. While the earthworks and hollowed land near Fulwoods Castle to the east of the road form the focal point of this area, the rising ground to the west (on which the building would be sited) is also important to the setting of the buildings, providing a strong sense of place and identity.
37. Whilst the site is outside of the conservation area boundary, it is intimately associated with the conservation area by virtue of the rising ground which forms a backdrop, and by the manner in which the village enfolds the site to the east and south. The footpath access to Bateman's tomb further increases public awareness and appreciation of the site.
38. The introduction of a modern agricultural building here would erode the open and undeveloped character of the site and would cause significant harm to the character of the setting of the conservation area. The building would be sited in the bottom of the long and attractive hollow that runs westwards up the hillside from Dale Farm. The hollow contributes positively to the general character of the area, adding to the diversity in the land form that creates the basic topography of the village.
39. The impact of the building is not limited just to the new building itself. The submitted plans show that a yard area around the building is to be created through regrading. Whilst there is evidence of some low-key use of the 'yard area' at the moment. It is essentially still part of the grass field. It is not hard surfaced. The proposal would create a very clear formalised yard area around the building that would be very likely to be used for vehicles and machinery much more intensively than is the case at the moment. This would further add to the visual impact of the development and the erosion of the largely undeveloped character of the land parcel.
40. As well as the impact on the setting of the adjacent conservation area, the proposed building would also affect the setting of a number of listed buildings.
41. The undeveloped character of the site makes a positive contribution to the setting of several designated heritage assets in the locality, in particular Bateman's Tomb, Chapel House, Dale Farm and Yew Tree House.

42. The introduction of the proposed modern agricultural building would erode the positive impact that the site makes to the setting of the listed buildings, and would therefore cause harm to their setting. This is contrary to policies L3 and DMC7 and the guidance contained within the NPPF.
43. The proposed agricultural building would therefore harm designated heritage assets in the form of the Middleton Conservation Area and the grade II listed buildings at Bateman's Tomb, Chapel House, Dale Farm and Yew Tree House. Using the categorisation of harm set out in the NPPF, this harm would fall into the "less than substantial" category. 'Substantial harm' is a term used in association with complete loss or destruction of the interest. 'Less than substantial harm' applies to all other development which would harm a designated heritage asset to a lesser extent. Development which causes 'less than substantial harm' such as this can still be unacceptable, and cause permanent and irreversible harm to the designated interest.
44. The NPPF makes it clear that great weight should be given to the conservation of heritage assets (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.
45. "Less than substantial" harm to heritage assets should be weighed against any public benefits. As set out further above, there is an agricultural justification for the new building and there would be some public benefit in terms of assisting in land management. However, the farm business is small and comprises of only 7 acres of owned land with the rest being rented. The rented land has existing buildings so it is difficult to make a compelling case that the new building is required to manage the rented land (even though on a personal level, it may be required by the applicant). The benefit of the new building in terms of land management is therefore quite limited. Conversely, the harm the development would cause to several designated heritage assets is very significant. The land management benefits of the proposed building therefore do not outweigh the harm that would be caused to the conservation area and listed buildings. The conservation of cultural heritage in the National Park is central to our first National Park purpose. Whilst we also have a duty to foster economic well-being of local communities, the Sandford principle makes it clear that more weight has to be given to conservation when there is a conflict between the National Park purposes and aims.
46. An application in 2019 was refused because of the adverse impact on the setting of the conservation area and the nearby listed buildings. It is acknowledged that the applicant has tried to address these concerns in the current application by moving the building 7m to the east and 2m to the south. The proposed building would now be dug into the land which would reduce the ridge height by about 0.8m. However, the fact remains that the current application still proposes a modern portal framed agricultural building in an undeveloped area. The undeveloped nature of the site makes an important contribution to the setting of the designated heritage assets. The amendments therefore do not overcome the fundamental concerns of siting a new farm building in this location.

#### Highways Impacts

47. A letter of objection has raised concerns about access issues arising from the proposal. However, the Highways Authority has raised no objections to the proposal, noting the building would be used in support of existing farming activities that are carried on out surrounding farmland. The access arrangement is therefore considered to be acceptable in terms of highways safety and the application

accords with policy DMT3 in this respect.

### Amenity Impacts

48. A letter of objection has raised concerns that the use of the building for livestock would cause harm to the amenity of the nearby residential properties, especially as it has been moved closer to the residential dwellings since the previous application.
49. The concerns in this respect are fully acknowledged. However, Middleton is historically a farming village and as such there are a number of farmsteads in very close proximity to residential dwellings and the residential dwellings lie immediately next to agricultural land. As such, there is a strong sense of co-existence between residential and agricultural activities throughout the village. The land on which the building would be sited is already in agricultural use. It is considered that the proposed building would not result in an unacceptable impact on the amenity of residents of nearby houses by way of noise, smells or other associated disturbance.
50. The access issues are also fully acknowledged as access to the building would involve passing in very close proximity to the existing residential properties. However, this is the existing situation and access to the land already occurs in this way. The proposed building may result in some intensification of the use of the access. Considering the relatively small scale of the farming operation and that the land in ownership is only around 7 acres, it is considered that any such intensification would be low. As such, it would not be possible to substantiate a reason for refusal based on the impacts on the amenity of neighbouring residents. On balance, the application is acceptable in this respect as accords with policy DMC3.

### Carbon Reduction and Energy Efficiency

51. 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.
52. The current application includes a scheme of energy efficiency and carbon reduction measures. This is sufficient to address policy CC1.

### Conclusion

53. It has been demonstrated that the proposed building is necessary and appropriately sized for the small agricultural business. However, the siting of the proposed building would result in significant harm to the setting of the adjacent conservation area and to several listed buildings in the locality. It would also result in harm to the landscape character of this part of the National Park. Whilst it is accepted that there is unlikely to be a more suitable site within the applicant's ownership that could accommodate the proposed building, the agricultural need for the building does not outweigh the need to conserve the valued characteristics of the National Park. In this case, the harm would clearly outweigh the benefits and the development is contrary to policies GSP1, GSP2, GSP3, L1, L3, DMC3, DMC7, DMC8 and DME1 and the guidance contained within the NPPF.

### Human Rights

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

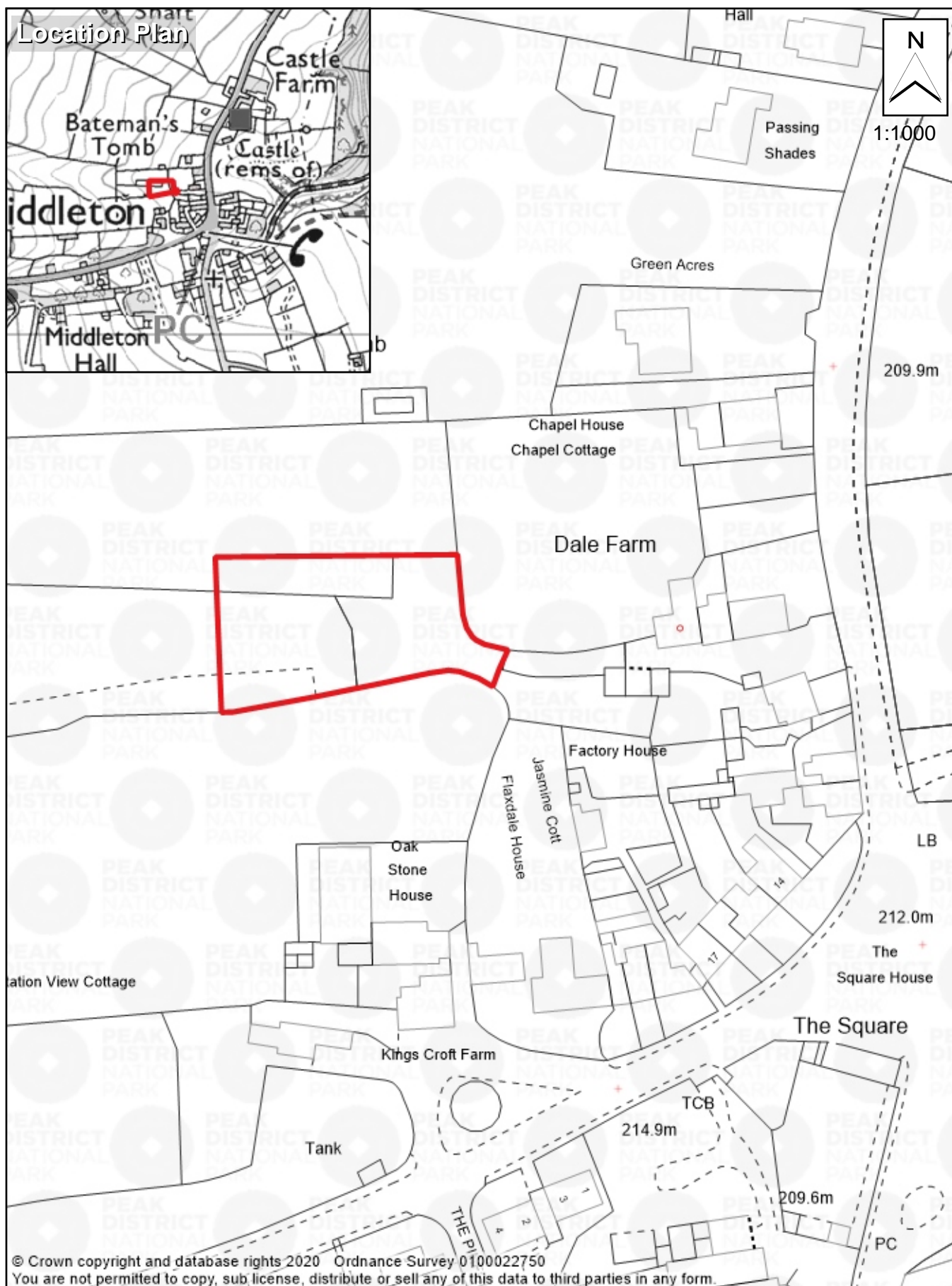
List of Background Papers (not previously published)

Nil

Report Author: Tom Shiels, Area Team Manager

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Committee Date: 9th October  
Item Number: Item 6  
Application No: NP/DDD/0820/0713  
Grid Reference: 419533, 363271

**Title:** Land Near To Dale Farm,  
Middleton By Youlgreave



**PEAK  
DISTRICT  
NATIONAL  
PARK**

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

**APPLICANT: PETER O HALLORAN**

**APPLICATION UPDATE**

1. The proposed garage roof could be used as a terrace, which could result in potential overlooking issues onto an adjacent neighbouring area which is currently in domestic use, therefore conflicting with policies GSP3 & DMC3. However, it was considered that the use of the garage roof as a terrace, could be limited by condition and the scheme made acceptable in this respect. Consequently, an additional conditions were proposed when this item was considered at planning committee to restrict use of the roof of the garage. Although there was no objection received from the neighbouring property, in making planning decisions the Authority is still obliged to consider amenity of current and future residents.
2. The application was deferred pending a site visit to consider the impact of the development on the amenity of the neighbouring land and the surrounding area. Due to the restrictions brought about by COVID 19 a full committee site visit has not been possible and there is no prospect of full committee site visits recommencing in the short term. The Chair and Vice Chair are able to carry out site visits with officers, and therefore this item is brought back to committee for consideration.

**RECOMMENDATION:**

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

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

**Human Rights**

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

4. Appendix 1 - Attached report from March 2020 Planning Committee.
5. Report Author – Steve Coombes, Planning Officer.

## **APPENDIX 1**

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

**APPLICANT: PETER O HALLORAN**

#### **Summary**

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

#### **Site and Surroundings**

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

#### **Proposal**

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

#### **RECOMMENDATION:**

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

1. **Standard 3-year time limit.**
2. **Compliance with amended plans and details.**
3. **Submission of details prior to the garage being brought into use for the roofing of the garage and omission of the steps to the garage roof.**
4. **Design and materials.**
5. **Workshop to remain ancillary to main dwelling.**

6. **Garage to remain for garaging of private domestic vehicles only.**
7. **The roof of the garage shall not be used for any recreational or domestic purpose.**
8. **Source of local stone and timber to be submitted for approval.**

#### **Key Issues**

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

#### **Relevant History**

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

#### **Consultations**

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

#### **Representations**

11. None.

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

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

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

### **Main Development Plan Policies**

#### **Core Strategy**

16. GSP1, GSP2 - *Securing National Park Purposes and sustainable development & Enhancing the National Park*. These policies jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park's landscape and its natural and heritage assets.
17. GSP3 - *Development Management Principles*. Requires that particular attention is paid to the impact on the character and setting of buildings and that the design is in accord with the Authority's Design Guide and development is appropriate to the character and appearance of the National Park.
18. DS1 - *Development Strategy*. Supports extensions in principle, subject to a satisfactory scale, design and external appearance.

#### **Development Management Policies**

19. DMC3 - *Siting, Design, layout and landscaping*. Reiterates, that where developments are acceptable in principle, Policy requires that design is to high standards and where possible enhances the natural beauty, quality and visual amenity of the landscape. The siting, mass, scale, height, design, building materials should all be appropriate to the context. Accessibility of the development should also be a key consideration.
20. DMC5 - *Assessing the impact of development on designated and non-designated heritage assets and their setting*. The policy provides detailed advice relating to proposals affecting heritage assets and their settings, requiring new development to demonstrate how valued features will be conserved, as well as detailing the types and levels of information required to support such proposals. It also requires development to avoid harm to the significance, character, and appearance of heritage assets and details the exceptional circumstances in which development resulting in such harm may be supported.

21. DMH8 - *New Outbuilding and alterations and extensions to existing outbuildings in the curtilages of dwelling houses.* States, that new outbuildings will be permitted provided the scale, mass, form, and design of the new building conserves and enhances the immediate dwelling and curtilage. In addition, the use of the buildings will be restricted through conditions, where necessary.
22. DMH7 - *Extensions and alterations.* States that extensions and alterations to dwellings will be permitted provided that the proposal does not detract from the character, appearance or amenity of the original building, its setting or neighbouring buildings.
23. DMT3 *Access and design criteria.* States amongst other things, that a safe access should be provided in a way that does not detract from the character and appearance of the locality and where possible enhances it. Whilst DMT8 - *Residential off street parking.* Says, that off-street parking for residential development should be provided and the design and numbers of parking spaces associated with the residential development respects the valued characteristics of the area.
24. The Authority has also adopted three separate supplementary planning documents (SPD) that offers design guidance on householder development namely the Design Guide, the Building Design Guide and the Detailed Design Guide on Alterations and Extensions. This guidance offers specific criteria for assessing the impacts of householder development on neighbouring properties.

## **Assessment**

### **Principle of development**

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

### **Design and materials**

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

26. The Authority's design guidance advises, that an underground garage solution can be considered, should it minimise the garages obtrusiveness where the form of the garage is deliberately played down and effectively 'lost' behind walls and planting. Further stating, that if a garage results in a building of a size that cannot be considered to be of a design that is sympathetic to the property it serves, e.g. they do not appear subservient or are out of proportion with the house itself, these considerations will outweigh any issues of car storage.
27. The proposed garage and workshop would replace an array of timber structures to the south west of the main dwelling. Part of the roadside drystone walling to the site would also require re-aligning, in order to curve



round and join up with the garage development. The existing garden steps would also be re-modelled, allowing access to the workshop and the upper garden area, whilst also providing a sheltered bin area.

28. The building itself would be set back 2m from the roadside, with a footprint measuring around 7.5m in depth x 9m in length, with the visible roof of the building being proposed as a terraced area. The front roadside elevation of the building, would measure around 3.4m at its highest point, with the walls of the building being constructed of natural stone to match the existing dwelling and the surrounding vernacular. All doors would have gritstone headers and be vertically boarded timber.
29. In this case, the garage/workshop building would appear subordinate in scale and massing in relation to the main dwelling and in the wider street scene. Moreover, it would reflect a design and use of materials that would complement the host building, helping to preserve its traditional character and appearance. Consequently, the development by virtue of its siting, scale, design and use of materials, would accord with policies GSP3, DMC3, DMC8 & DMH7 respectively.

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

30. Outlook, amenity, privacy and daylight are fundamental considerations when altering or extending a property. This is to ensure that habitable rooms achieve a satisfactory level of outlook and natural daylight, there is adequate privacy and outdoor private amenity space and that no overbearing or harmful overshadowing of neighbouring property results.
31. The nearest neighbouring property that would be most affected is 'Homestead' which is sited around 25 metres west of the proposed development and at a higher level. It is considered the development, whilst close to the boundary of this neighbouring property, would be sited far enough away from the dwelling itself, not to harm the quiet enjoyment of the occupants of this dwelling. However, the application site is separated from the garden of the Homestead by another piece of land in the ownership of the residents of Hillside Cottage. The use of this land is ambiguous, but appears to be in low level domestic use. Although the land is not currently in a condition to be used as a garden, the use of the proposed terrace on the garage would be over bearing and overlooking of the land and would have a significant impact on neighbour amenity. This would be contrary to policies GSP3 & DMC3 in these respects. However, it's considered that the use of the roof of the garage as a terrace can be limited by condition and the scheme can be made acceptable in this respect.

#### **Highway Impact**

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

### **Environmental Management**

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

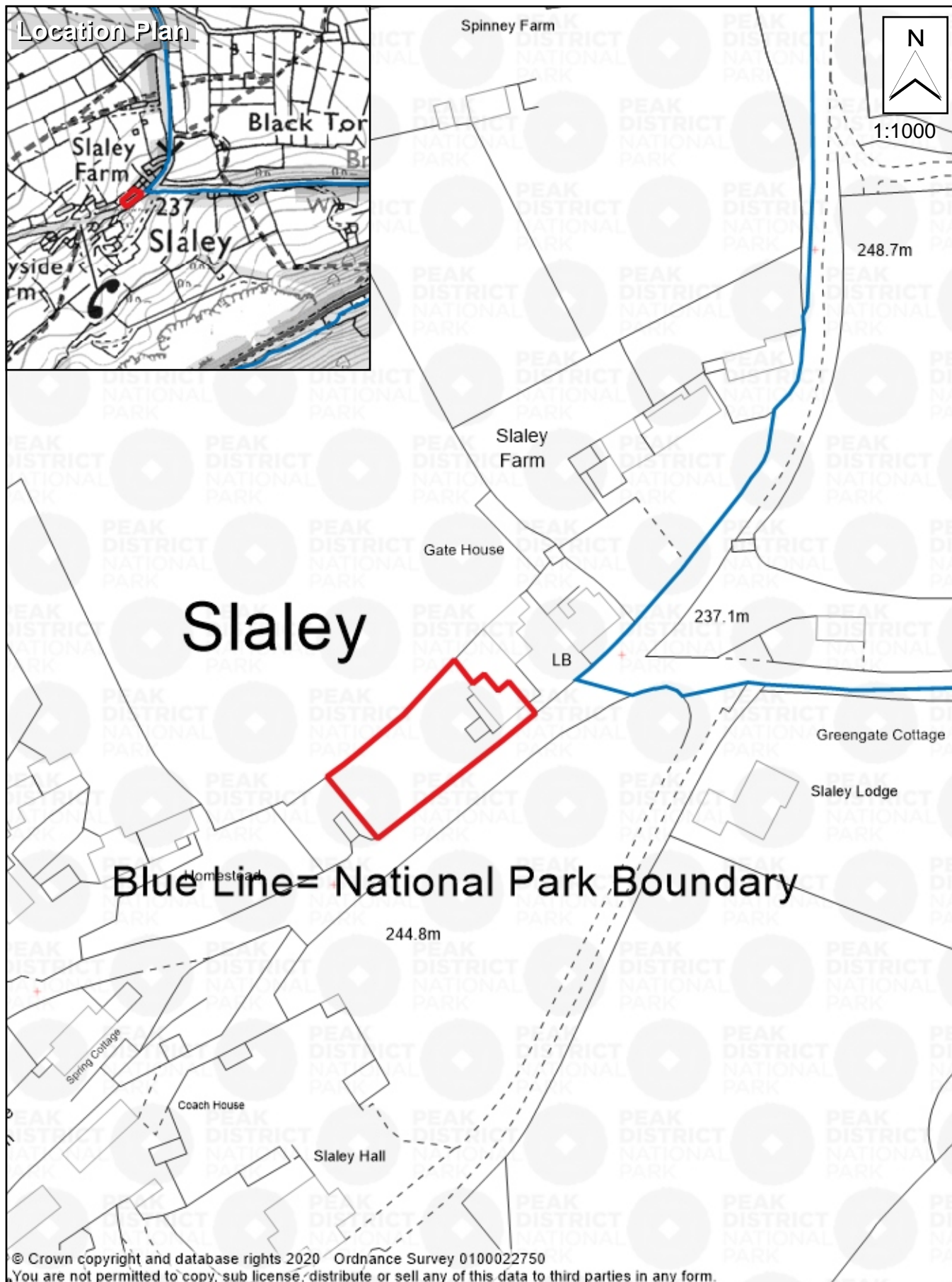
### **Conclusion**

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

### **Human Rights**

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

Report Author: Steve Coombes, Planner.



Committee Date: 9th October  
Item Number: Item 7  
Application No: NP/DDD/1119/1248  
Grid Reference: 427384, 357503

**Title:** Slaley Hall Cottage, Leys Lane, Slaley



**PEAK  
DISTRICT  
NATIONAL  
PARK**

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**8. VARIATION OF CONDITIONS 2 AND 3 ON NP/DDD/0219/0137 ALSOP RIVENDALE TOURING CARAVAN AND LEISURE PARK UNNAMED SECTION OF A515 FROM CROSSLOW LANE TO BACK LANE ALSOP EN LE DALE NP/DDD/0120/0056 JEN**

APPLICANT: MR RODGER VAIL

Summary

Site and Surroundings

1. Rivendale is a large and long established camping and caravanning site located to the southern side of the A515. The site has an area of 14.5 hectares, a large section of which is a former quarry. The rest of the site is wooded grassland and areas that have been hard surfaced.
2. The existing site comprised of a total of 186 caravan and camping pitches. These pitches comprised of 37 static caravans and wooden lodges, 33 winter storage touring pitches, 51 touring pitches, 44 camping pitches, 15 pods, 2 yurts and 4 B&B rooms. The site is currently undergoing redevelopment with 75 lodges and 25 camping pods permitted to be installed.
3. The site is accessed directly from the A515. To the south west there is a large wooded area that is proposed to be used for camping.
4. In the central area of the site there is a new facilities building under construction. This building serves as a reception, restaurant and bar.
5. To the east of this building the site opens into the former quarry floor and is surrounded by the high quarry walls. This area is where the lodges are being located and where the units subject to this application are situated.
6. A public right of way enters the site at the same point as the vehicular access and crosses the site before joining the open fields to the south of the site.
7. To the north of the site, beyond the A515, there are open fields. The Tissington Trail lies only a few metres further north of the A515. The site is also surrounded by open fields to the south. There is a row of residential dwellings that lie about 100 metres from the southern boundary of the site. These are the nearest neighbouring properties.

Proposal

8. The proposal is to vary conditions 2 and 3 of planning permission NP/DDD/0219/0137 in order to facilitate the retention of 4 units on the site which have existing site licences. There is also a minor change to the ground levels proposed near to the maintenance building.

**RECOMMENDATION:**

**That subject to the applicant entering into a unilateral undertaking to agree relinquishment of existing planning permissions and rights, and to commit that on expiration the 4 licenses shall not be extended or renewed, that the units will all be replaced with cabins in line with the remainder of the site not later than one month after the expiration of the site license in each case, and that the letting after each of the site licenses expiration will immediately be restricted to occupation for short term holiday use of no more than 28 days per year by any one person, in line with the remainder of**

the site; the application be APPROVED subject to conditions to control the following elements:

1. Time limit for commencement.
2. Development to be carried out in accordance with the submitted plans.
3. Holiday occupancy restriction of 28 days to be placed on all units with the exception of the four units identified as 'existing plots' on 'Revised proposed masterplan plan B' dated 22/05/2019.
4. The four units identified as 'existing plots' on 'Revised proposed masterplan plan B' dated 22/05/2019 for the term of each of their existing site license shall be occupied for no more than 28 days consecutively by any one individual and no more than 56 days in total in any calendar year by any one individual. After the term of each of the site licenses expires or, if earlier, is terminated or otherwise is abandoned the unit shall be occupied for no more than 28 days by any one individual in any calendar year.
5. In respect of the four units currently sited on the plots identified as existing plots' on 'Revised proposed masterplan plan B' dated 22/05/2019, the 4 plots can remain static caravans until each of the respective site licence expires as follows:  
Unit 1: signed 21/07/2017    Ends: 31/12/2047  
Unit 2: signed 02/12/2016    Ends: 31/12/2033  
Unit 3: signed 10/11/2016    Ends: 21/12/2032  
Unit 4: signed 28/01/2014    Ends: 31/12/2045  
or, until such licence is terminated or otherwise is abandoned.

On the expiry of each of the licences or at the time that any of the licenses are terminated or otherwise abandoned:

- a) the related static caravan shall be removed from the site within two weeks of the expiration of the license
  - b) the plot shall thereafter only be used for the placement of a lodges to match the specification and appearance approved elsewhere on the site.
  - c) This condition does not prevent the replacement of any of the 4 static caravans with a lodge to match the specification and appearance approved elsewhere on the site at any time earlier than the expiration of the site license and the occupation would continue to be limited by condition 4 for the duration of the license unless otherwise terminated or otherwise abandoned.
6. The 4 units shall count towards the maximum permitted numbers of 75 lodges – i.e. caravans.
  7. The field barns are to be omitted from the scheme other than the single barn that is only for a replacement bat roost.
  8. Contaminated land remediation to be carried out as approved.
  9. Ecology mitigation to be implemented as approved.
  10. Facilities building is for use by overnight guests only.
  11. The accommodation within the maintenance building shall be for occasional staff use only and shall not be let to visitors or be a permanent dwelling.
  12. Renewables to be implemented.
  13. Travel plan to be adopted and implemented.
  14. Materials and colour details of all units to be implemented as approved.
  15. Lighting scheme to be implemented as approved.
  16. Scheme for grassland enhancement to be implemented as approved.
  17. Provision and retention of parking spaces.
  18. Materials and glazing details for new facilities and maintenance buildings to be implemented as approved.
  19. Drainage strategy to be implemented.
  20. The lodges, cabins and camping pods shall only be sited in accordance with the submitted plans and no units shall be sited elsewhere within the

**21. application site.**

**22. Total number of lodges and cabins shall not exceed 75 and the number of camping pods will not exceed 25 no other static or touring caravans shall be brought onto the site at any time.**

**23. Camping pods shall not include kitchen facilities and shall be no larger than as set out on plans.**

**24. Landscaping scheme shall be approved**

**25. Scheme for protection of trees and replacement to be approved.**

**26. Removal waste and demolition materials prior to occupation unless otherwise approved.**

Key Issues

- Whether the retention of existing units affects the degree of enhancement offered to such an extent that the scheme no longer complies with policy RT3 and GSP1.
- Whether rolling forward the existing occupancy restriction is reasonable.

History

There is extensive planning history for the site, including the following applications:

July 2019:	Planning permission was granted for the replacement of the caravans and structures with lodges, erection camping pods and tree houses and erection of a new maintenance building and erection of a new facilities building.
January 2011:	Application approved for removal of 2 existing static caravans and toilet and shower building and replacement with a new single building.
December 2009:	Application approved to relinquish a permission on plot D and transfer it to plot B.
February 2007:	Application for conversion of agricultural building into four bedrooms with ensembles was not determined by the Authority. An appeal against non-determination was then allowed in August 2007.
January 2006:	Application refused for removal of a condition restricting sales of food and alcohol from the bar and restaurant to overnight guests. An appeal against the refusal was dismissed in October 2006.
April 1999:	Application approved for the conversion of the former farm buildings to bar and café.
September 1997:	Application refused for siting of mobile homes as an alternative to touring caravans. An appeal was later part-allowed.
November 1994:	Application refused for a camping and caravanning park with new and converted associated building. An appeal was later allowed.
July 1985:	Application approved for use as a caravan and camping site.

Consultations

Highway - No objections  
Parish - No objections  
Environment Agency – No objections  
Natural England – No objections  
PDNPA Landscape – No objections  
PDNPA Policy – No objections  
PDNPA rangers – No objections

#### Representations

9. 23 representations have been received from 11 named individuals. All representations have been made by licensees or their family members.
10. These representations object specifically to a condition restricting occupation of the units to no more than 56 days in any calendar year. The licensees contend that they have routinely breached the condition and that therefore its application to any new consent is unreasonable.
11. They consider that the condition is unfair as they contend it is not a condition applied elsewhere.
12. They consider that the static caravans are not short term holiday accommodation as they have not been sublet.

#### National Planning Policy Framework (NPPF)

13. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales: Which are; to conserve and enhance the natural beauty, wildlife and cultural heritage and promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public. When national parks carry out these purposes they also have the duty to; seek to foster the economic and social well-being of local communities within the National Parks.
14. The National Planning Policy Framework (NPPF) has been revised (2019). This replaces the previous document (2012) with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In particular Paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
15. In the National Park, the development plan comprises the Authority's Core Strategy 2011 and the 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.
16. Main Development Plan Policies
17. Core Strategy
18. GSP1, GSP2 - *Securing National Park Purposes and sustainable development & Enhancing the National Park*. These policies jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park's



landscape and its natural and heritage assets.

19. Policy GSP3 sets out development management principles and 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.
20. L1 - *Landscape character and valued characteristics*. Seeks to ensure that all development conserves and enhances valued landscape character and sites, features and species of biodiversity importance.
21. Policy L2 states that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting. Other than in exceptional circumstances development will not be permitted where it is likely to have an adverse impact on any sites, features or species of biodiversity importance or their setting that have statutory designation or are of international or national importance for their biodiversity.
22. Policy RT1 states that The National Park Authority will support facilities which enable recreation, environmental education and interpretation, which encourage understanding and enjoyment of the National Park, and are appropriate to the National Park's valued characteristics. Opportunities for access by sustainable means will be encouraged.
23. Policy RT3 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. It goes on to include the following relevant parts:
24. Static caravans, chalets or lodges will not be permitted.
25. Provision of improved facilities on existing caravan and camping sites, including shops and recreation opportunities, must be of a scale appropriate to the site itself.
26. Development that would improve the quality of existing sites, including improvements to upgrade facilities, access, landscaping, or the appearance of existing static caravans, will be encouraged.
27. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.
28. Development Management Policies
29. DMR3 Holiday Occupation of Self Catering Accommodation, states that where self catering accommodation is acceptable, its use will be restricted to no more than 28 days per calendar year by any one person. Removal of 28 day occupancy conditions will be permitted in very limited circumstances provided that there would be no adverse impacts on the valued characteristics of the area or residential amenity, and provided that the dwelling is tied by legal agreement to occupancy in perpetuity by those in housing need and having the required local connection as specified in policies DMH 1 and DMH2; and that the dwelling is of a size specified in policy DMH1.

## Assessment

30. Principle of Development

31. The Authority's recreation and tourism policies are clear that static caravans, chalets or lodges will not normally be permitted. However, the supporting text to policy RT3 goes on to state that exceptionally, static caravans, chalets or lodges may be acceptable in locations where they are not intrusive in the landscape. There may be some locations where, through the use of effective design and landscaping, small, simple timber structures may be acceptable as replacements for existing static caravans where this would result in enhancement.
32. In determining application NP/DDD/0219/0137 it was concluded that the package of benefits that were secured at this long established site in terms of improved visitor experience, ecology and significantly improved appearance of the site, was sufficient to allow the proposal to be permitted. The replacement of the static caravans was a significant part of this benefit, but other factors such as improved landscaping and removal of shabby structures and facilities were also key to the decision.
33. This application does not require a full reconsideration of the principle of the development, as that is already permitted. The proposal in this case is to address the problem that has arisen for the developer, of 4 site licences for particular plots granted to individuals who do not wish to relinquish them. The expiry of the site licenses does not fit into the timetable for redevelopment. It is proposed that of the 4 units, one is provided as a lodge, in line with the others permitted on the site and 3 be provided as static caravans until the site licenses expire, at which point they would be replaced by lodges. The four units would at all times be within the total number of permitted units (75 lodges – ie caravans – and 25 camping pods).
34. The units were granted site licenses by the previous owner of the site as set out below:
- |                           |                  |
|---------------------------|------------------|
| Unit 1: signed 21/07/2017 | Ends: 31/12/2047 |
| Unit 2: signed 02/12/2016 | Ends: 31/12/2033 |
| Unit 3: signed 10/11/2016 | Ends: 21/12/2032 |
| Unit 4: signed 28/01/2014 | Ends: 31/12/2045 |

As you can see, the licenses have been granted for substantial periods of time.

35. The licenses grant permission for the holders to occupy caravans on the land but they do not own the land or have a legal interest in the land. The license holders are not the applicant for this application and would have no recourse to a planning appeal in relation to any decision or conditions.
36. Current policy DMR3 sets out that self catering holiday accommodation will be limited to no more than 28 days per year by any one individual. This is the restriction that applies to the chalet development permitted in 2019.
37. However, in this case, the previous consent that allowed the static caravans is a material consideration which should be given significant weight. That permission was granted through a planning appeal, and the Inspectors decision is dated 23 October 1998. In granting the permission the Inspector sets out limits on the use of static caravans 'for short let holiday accommodation; the caravans shall not be occupied by any one person either individually or as part of a group, for a continuous period exceeding 28 days, or for more than a total of 56 days in any calendar year. A register of occupants shall be maintained and made available for inspection by the local planning authority on request.'

38. To break down Condition 3, it firstly permits the static caravans for 'short term let holiday accommodation.' This prevents the units being occupied permanently. The terms of the license agreements lets the units to those individuals for use as holiday accommodation, in line with that part of the condition, whether the units were sublet is irrelevant. The second part of the condition states 'the caravans shall not be occupied by any one person either individually or as part of a group for a continuous period exceeding 28 days, or for more than a total of 56 days in any calendar year' and this sets out limitations the Inspector considered reasonable occupation restrictions to secure the use of the units as short term holiday lets.
39. On this basis it is considered reasonable to reflect that condition in relation only to the four retained units, as their licenses were granted with regard to that permission and its limitations. Although this is more generous than our current policy position, this is considered a reasonable restriction to roll forward into new conditions.
40. The license agreements provided to us all have a term that requires the licensees comply with the site rules appended to the licenses. The site rules reflect the condition imposed by the planning inspector. The agreements include the following text 'Only sign this legally binding agreement if you read it and fully understand its terms and conditions. Please discuss with us any terms you do not understand or do not wish to agree to, before signing.'
41. However, representations made by all the license holders and some of their family set out that they consider that the restriction to no more than 56 days is unreasonable. They contend that they were not made aware of this when they purchased their site licenses and that they have routinely breached that condition.
42. Beyond their representations we have no evidence to demonstrate that a lawful use has been attained by way of the condition being consistently breached for a 10 year period and no Certificate for Existing Lawful Use has been sought. The applicant (who is the site owner) has not provided any evidence to this effect. The Inspectors condition requires that a register of applicants be kept and provided to the Authority, but no information of this nature has been provided to substantiate the suggestion that the condition has been breached such that a lawful use has accrued. Little weight can be given to this in making the decision.
43. If the Licensees were unaware that the restriction applied in signing their license agreements, then they may wish to consider whether they can take this up with any solicitor that they used to take legal advice when they entered into the license.
44. The proposed condition is necessary to prevent full time permanent residential use of the units, reasonable, as although it goes beyond current policy this is directly related to material planning considerations, is enforceable, relevant to planning and the development, and precise.
45. It is proposed that a unilateral undertaking be provided by the applicant which would renew the matters already entered into and tie those to this permission, with an additional requirement that on expiration the licenses are not extended or renewed, that the units will all be replaced with cabins in line with the remainder of the site, and that the letting after that expiration will be restricted to occupation no more than 28 days per year by any one person, in line with policy DMR3 and the remainder of the site.
46. The number of units affected by this proposal is small and the benefits in terms of improved visitor experience and contribution of the site to nature conservation and landscape would still be realised. The medium term small impact of these 4 units being retained and occupied in a different way to the remainder of the site is acceptable and

the long term benefits of the site being occupied in line with current policy will still be realised.

47. Change in Ground Levels

48. The change in ground levels near the maintenance building is a minor change from the approved plan and will have no impact beyond the immediate vicinity within the site. This change is acceptable.

49. Conclusion

50. The majority of the benefits of permission NP/DDD/0219/0137 would still be delivered with this amendment in the medium term and all the benefits would be delivered in the longer term. The change is small scale in the overall site being only 4 units of 100 and is not considered to substantially erode the enhancement secured by the scheme. The proposed change is in accordance with policies GSP1, GSP2, GSP3, DS1, L2, RT1, RT3, DMR1 and DMR2.

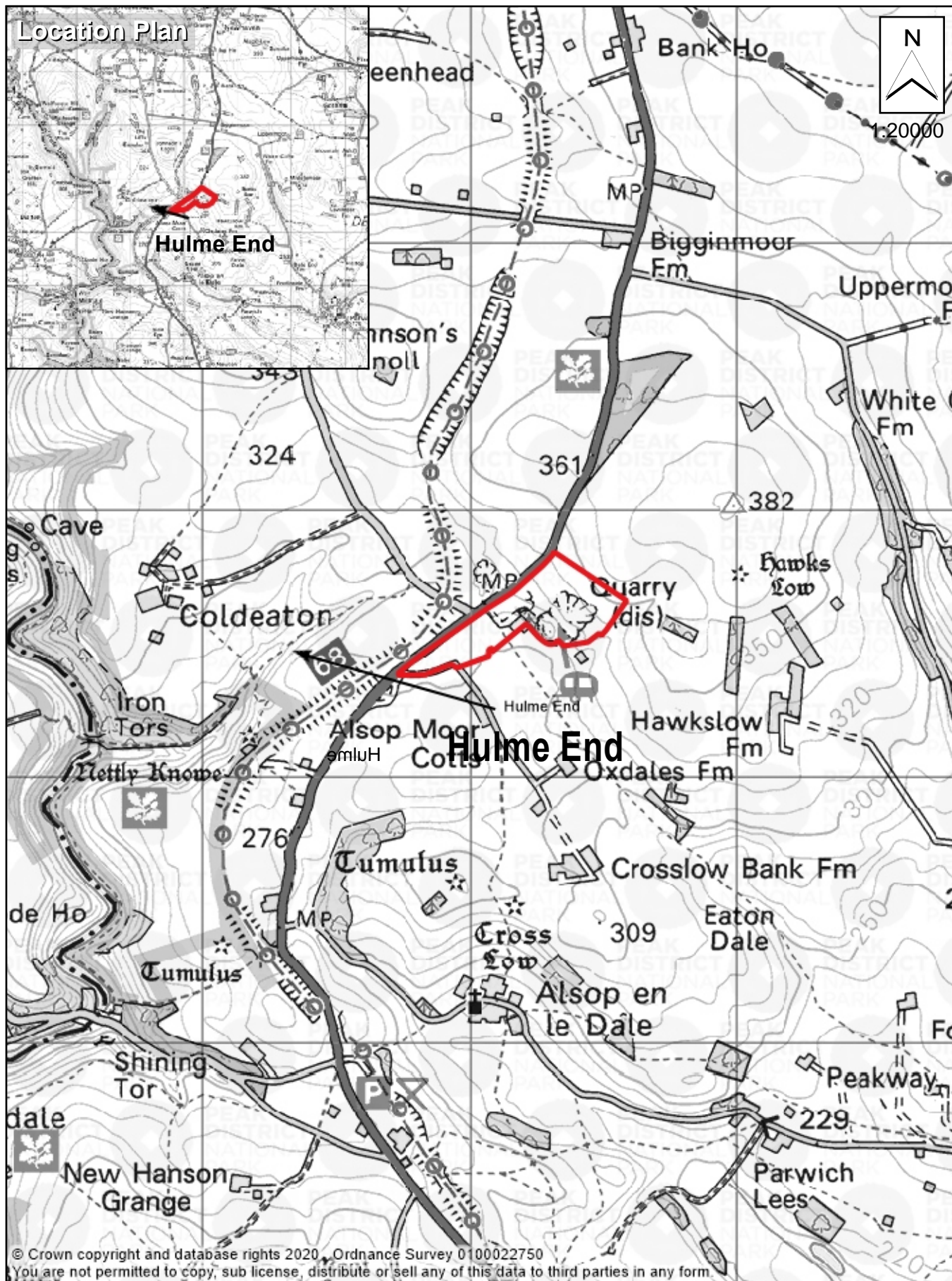
51. Human Rights

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

53. List of Background Papers (not previously published)

54. Nil

55. Report author: Jane Newman Head of Development Management



Committee Date: 9th October  
 Item Number: Item 8  
 Application No: NP/DDD/0120/0056  
 Grid Reference: 416106, 356636

**Title:** Alsop Rivendale Touring  
 Caravan And Leisure Park  
 Alsop En Le Dale



**PEAK  
 DISTRICT  
 NATIONAL  
 PARK**

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

**1. APPEALS LODGED**

The following appeals have been lodged during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
NP/HPK/0718/0578 3256738	Section 73 application for removal/variation of condition 2 on NP/HPK/0915/0914 at 7 Stocks Brow, Tintwistle	Written Representations	Delegated
NP/S/1019/1109 3257551	Two storey detached residential units to existing care home at The Lodge, Hollow Meadows, Sheffield	Written Representations	Committee

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**2. APPEALS WITHDRAWN**

There have been no appeals withdrawn during this month.

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**3. APPEALS DECIDED**

The following appeals have been decided during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
NP/DDD/0819/0911 3245444	Agricultural building to house livestock on land to northwest of Main Street, Taddington	Written Representations	Dismissed	N/A – Non Determination

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The Inspector considered that although the proposal would have had a neutral effect on the character and appearance of the conservation area, but that it would be harmful to the rare strip field heritage and despite screening, would cause moderate harm to the significance of the heritage asset. The functional need for the building was not demonstrated. The appeal was dismissed.

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**4. RECOMMENDATION:**

**To note the report.**

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