

# Public Document Pack

**Peak District National Park Authority**

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



Our Ref: A.1142/2413

Date: 29 October 2020



## NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 6 November 2020**

Time: **10.00 am**

Venue: **Webex - Virtual Meeting**

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

SARAH FOWLER  
CHIEF EXECUTIVE

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.

Link to meeting papers:

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

## **AGENDA**

**1. Roll Call of Members Present, Apologies for Absence and 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.

**2. Minutes of previous meeting of 9th October 2020** *(Pages 5 - 10)*

**3. Urgent Business**

**4. 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.

**5. Full Application - Removal of some animal enclosures, demolition of ticket office, removal of overspill car parking, erection of one residential dwelling, installation of package treatment plant, change of use of land around the site to residential, reinstatement of parkland, works of hard and soft landscaping and other works incidental to the application at Chestnut Centre, Sheffield Road, Chapel-en-le-Frith, (NP/HPK/0420/0298 AM)** *(Pages 11 - 28)*  
Site Plan

**6. Full Application - Conversion of the large barn to one residential dwelling, conversion of the small barn to ancillary accommodation / holiday accommodation to chestnut farmhouse, internal and external works to the barns and house, change of use of the associated land to residential, works of hard and soft landscaping, car parking, and other works incidental to the application proposals at Chestnut Centre, Sheffield Road, Chapel-en-le-Frith, (NP/HPK/0420/0301 AM)** *(Pages 29 - 40)*  
Site Plan

**7. Listed Building Consent - Conversion of the large barn to one residential dwelling, conversion of the small barn to ancillary accommodation / holiday accommodation to chestnut farmhouse, internal and external works to the barns and house, change of use of the associated land to residential, works of hard and soft landscaping, car parking, and other works incidental to the application proposals at Chestnut Centre, Sheffield Road, Chapel-en-le-Frith, (NP/HPK/0420/0302 AM)** *(Pages 41 - 48)*  
Site Plan

**8. Household Application - Proposed Dwelling Extension and Associated Works at 1, Horsedale, Bonsall, DE4 2AY (NP/DDD/0320/0275, LB)** *(Pages 49 - 56)*  
Site Plan

9. **Full Application - Proposed facilities for Hayfield Football and Community Sports Club at land off Bank Vale Road, Hayfield (NP/HPK/0320/0284 AM)**  
(Pages 57 - 68)  
Site Plan
10. **Full Application - Construction of a timber framed porch between the house and the barns to create a more practical entrance at Hayes Farm, Longnor (NP/SM/0420/0373 TM)** (Pages 69 - 76)  
Site Plan
11. **Adoption of Peak District National Park Authority Residential Annexes Supplementary Planning Document (IF)** (Pages 77 - 110)  
Appendix A
12. **Head of Law Report - Planning Appeals (A1536/AMC)** (Pages 111 - 112)

### **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).

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.

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.

## General Information for Members of the Public Attending Meetings

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

**To: Members of Planning Committee:**

Cllr P Brady  
Cllr D Chapman  
Ms A Harling  
Cllr I Huddleston  
Cllr Mrs K Potter  
Miss L Slack

Prof J Haddock-Fraser

Constituent Authorities  
Secretary of State for the Environment  
Natural England

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



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## MINUTES

Meeting: **Planning Committee**

Date: Friday 9 October 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, Ms A Harling, Cllr A Hart, Cllr A McCloy, Cllr Mrs K Potter, Cllr K Richardson, Miss L Slack and Cllr G D Wharmby

Apologies for absence: Cllr A Gregory.

**85/20 MINUTES OF PREVIOUS MEETINGS OF 21ST AUGUST AND 11TH SEPTEMBER 2020**

The minutes of the last meetings of the Planning Committee held on 21 August and 11 September 2020 were approved as correct records.

**86/20 URGENT BUSINESS**

There were no items of urgent business to consider.

**87/20 MEMBERS DECLARATIONS OF INTEREST**

Item 7

Cllr A McCloy declared a personal interest as he had received emails from the applicant but had not formed a view on the application.

**88/20 PUBLIC PARTICIPATION**

Nine members of the public had given notice to speak under the public participation at meetings scheme.

**89/20 HOUSEHOLDER APPLICATION - UNDERGROUND GARAGE/WORKSHOP TO REPLACE EXISTING TEMPORARY WOODEN STRUCTURES AT SLALEY HALL COTTAGE, LEYS LANE, SLALEY**

It was noted that the Chair and Vice Chair had visited the site on the previous day with the Head of Development Management.

The Head of Development Management introduced the report and suggested amendments to 2 of the conditions in the recommendation. If the front wall was raised at the end near the neighbouring land and a raised bed was included on top of the garage and maintained this would prevent overlooking of neighbouring land. Therefore the Officer suggested replacing the wording of condition 7 of the recommendation with 'submission of a scheme for a raised bed at the south western side of the site of a suitable width to prevent overlooking of neighbouring land and the raised bed to be retained in perpetuity'. This would mean condition 3 of the recommendation could be amended by deleting the words 'and omission of the access onto the garage roof'.

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

- Mr Peter O'Halloran, Applicant – recorded speech.

The recommendation for approval subject to conditions as amended was moved and seconded.

In response to Members' queries the Officer stated that a fence or screen had been considered but it would have been inappropriate due to rising land adding height which would be overbearing. The applicant had objected to the condition preventing any domestic use so the raised bed was a compromise.

The motion for approval subject to the amended conditions was voted on and carried.

**RESOLVED:**

**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.**
4. **Design and materials.**
5. **Workshop to remain ancillary to main dwelling.**
6. **Garage to remain for garaging of private domestic vehicles only.**
7. **Submission of a scheme for a raised bed at the south western side of the site of a suitable width to prevent overlooking of neighbouring land and the raised bed to be retained in perpetuity.**
8. **Source of local stone and timber to be submitted for approval.**

Cllr Hart abstained from the vote as he had arrived following the start of the presentation of this item and Cllr Chaplin abstained as he encountered connectivity issues during the item.

**90/20 FULL APPLICATION - ERECTION OF AN AGRICULTURAL BARN FOR THE HOUSING OF LIVESTOCK AND STORAGE, LAND NEAR TO DALE FARM, MIDDLETON BY YOULGRAVE**

It was noted that the Chair and Vice Chair of the Committee had visited the site on the previous day with the Head of Development Management.

The Planning Manager – South Area introduced the report and stated that the proposals did not address the reasons for refusal of a previous application last year.

The following addressed the Committee under the public participation at meetings scheme:

- Mr and Mrs Brocklehurst, Objectors – statement read out by Democratic Services
- Ms Kay Davies, Agent for Objectors Mr and Mrs Brocklehurst – live telephone call
- Mr Dominic Cooney, Agent for the Applicant – video recording.

It was noted that the application was brought to the Committee as the Parish Council now supported the application but the recommendation was for refusal. The Parish Council had not supported the previous application so that had been dealt with under delegated powers.

The recommendation for refusal was moved.

Ms A Harling declared a personal interest as she knew some of the people who had submitted written representations but she had not discussed the application with them or formed a view on it.

The motion for refusal was seconded.

Members noted the conflict between the desire to support a farming family within the community and the need to protect the listed buildings and monuments in the area but recognised that in line with National Park purposes and our policies that the building would be harmful to the special qualities of the National Park.

**RESOLVED:**

**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.**

**The meeting adjourned for a short break at 11.30 and reconvened at 11.40. When the meeting reconvened as Cllr Hart had been slightly late joining the start of the meeting due to connectivity issues he clarified that he had no interests to declare. Cllr McCloy stated that he would need to leave the meeting at 12.30pm due to another commitment.**

**91/20 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**

The Head of Development Management introduced the report and drew attention to the appeal inspector's decision in 1998, with regard to the site, which stated that the caravans should 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. It was noted that 4 site occupiers wanted to carry on their current site licences for static caravans without the 56 days occupation per year limit. The Officer also requested that Condition 21 to be amended to include reference to the 2 tree houses which were permitted but omitted from the condition.

The following addressed the Committee under the public participation at meetings scheme:

- Mr and Mrs Gallagher, Objectors – statement read out by Democratic Services
- Mr Steve Matthews and Ms Karen Marshall, Objectors – statement read out by Democratic Services
- Mr Ray Bridgman, Objector – statement read out by Democratic Services
- Ms Carol Broderick, Objector – statement read out by Democratic Services
- Mr Jeff Broderick, Objector – statement read out by Democratic Services.

*Cllr I Huddleston left the meeting at 12 noon.*

In response to Members' queries the Officer stated that the Authority had copies of the licence agreements and the site rules reflected the appeal Inspector's decision regarding occupancy and that all licensees had signed up to this. No lawful use applications had been received and there was no complaints or evidence of any breaches of the conditions.

The recommendation for approval subject to conditions as amended was moved and seconded. The motion was then voted on and carried.

**RESOLVED:**

**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 application site.
21. Total number of lodges and cabins and tree houses shall not exceed 75 and the number of camping pods will not exceed 25 the number of tree houses shall not exceed 2, no other static or touring caravans, treehouses or pods shall be brought onto the site at any time and the number of tree houses shall not exceed 2.
22. . Camping pods shall not include kitchen facilities and shall be no larger than as set out on plans.

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- 23. Landscaping scheme shall be approved.**
  - 24. Scheme for protection of trees and replacement to be approved.**
  - 25. Removal waste and demolition materials prior to occupation unless otherwise approved.**

**92/20 HEAD OF LAW REPORT - PLANNING APPEALS (A.1536/AMC)**

Members considered the report of appeals lodged and decided within the past month. It was noted that since the report was produced decisions on 2 enforcement appeals had been received and these had been dismissed. The enforcement decisions would be included in the next appeals report.

**RESOLVED:**

**To note the report.**

The meeting ended at 12.25 pm

**5. FULL APPLICATION – REMOVAL OF SOME ANIMAL ENCLOSURES, DEMOLITION OF TICKET OFFICE, REMOVAL OF OVERSPILL CAR PARKING, ERECTION OF ONE RESIDENTIAL DWELLING, INSTALLATION OF PACKAGE TREATMENT PLANT, CHANGE OF USE OF LAND AROUND THE SITE TO RESIDENTIAL, REINSTATEMENT OF PARKLAND, WORKS OF HARD AND SOFT LANDSCAPING AND OTHER WORKS INCIDENTAL TO THE APPLICATION AT CHESTNUT CENTRE, SHEFFIELD ROAD, CHAPEL-EN-LE-FRITH, (NP/HPK/0420/0298 AM)**

**APPLICANT: MR AND MRS HEAP**

**Summary**

1. The Chestnut centre is located in open countryside on Sheffield road north east of Chapel-en-le-frith. The site is currently unoccupied but benefits from planning permission for use as a conservation and wildlife park open to the public.
2. This application proposes the demolition of the existing ticket office, animal enclosures and restoration of the car park to grazing land and the erection of one earth sheltered market dwelling.
3. The application demonstrates that the development will result in significant enhancement to the landscape, biodiversity and cultural heritage of the National Park.
4. We recommend that the application is granted permission subject to conditions and prior entry into a planning obligation.

**Site and Surroundings**

5. The Chestnut Centre is located in open countryside off Sheffield Road, 1.5km north east of Chapel-en-le-frith and 300m south of the hamlet around Ford Hall.
6. The centre is currently un-occupied but benefits from planning permission for use as a wildlife centre, which utilised the existing buildings, and the associated land for parking. The wildlife enclosures were located along a section of the river to the north and accessed along the historic drive associated with Ford Hall. The site is located within the designated Slackhall and Ford Hall Conservation Area.
7. The site includes one modern building used as a ticket office and café for the wildlife centre, the car park and access down to the wildlife enclosures to the north.
8. Immediately to the south of the site are three buildings; a Grade II listed former Quaker burial ground, historic gates, the access and part of the parking areas for the wildlife centre. The buildings include: Chestnut Farmhouse, a Grade II listed dwellinghouse located adjacent to the highway (the farmhouse); a two storey barn last used as an education centre with toilets and changing facilities (the large barn) and a smaller barn last used as an office (the small barn). The barns and gateposts are curtilage listed in respect of the farmhouse and Ford Hall respectively.
9. The nearest neighbouring property is Toll Barn Cottage, a Grade II listed dwellinghouse to the west of the site. Slack Hall Farm, a Grade II listed farmhouse is located to the south of the site.

**Proposal**

10. The demolition of the existing ticket office building. The demolition of 31 of the 39 existing wildlife enclosures and removal of signage.

11. Erection of one earth sheltered market dwelling to part of the existing car park. The removal of the remaining car park and restoration of ground levels with the land returned to use as pasture as part of the wider estate land.
12. Associated landscaping including creation of parking area tree planting and ecological enhancement works.

### **RECOMMENDATION**

**That subject to prior entry into a S.106 legal agreement to control the use of the land to be returned to pasture that the application be APPROVED subject to the following conditions or modifications.**

- 1. Statutory three year time limit for implementation.**
- 2. In accordance with specified amended plans.**
- 3. No development shall commence until detailed scheme of finished floor levels and finished ground levels on site (including above the dwelling) are approved.**
- 4. Implementation of tree protection measures before any other development commences.**
- 5. Agreement of construction compound, parking and storage before any other development commences.**
- 6. Agreement of detailed landscaping plan (including tree and shrub species, roof planting and management, walls, gates, ha-ha and hardstanding). Implementation before first occupation of the development.**
- 7. Development to be carried out in accordance with protected species report.**
- 8. No works to commence the demolition or removal of animal enclosures to take place other than in accordance with an approved Construction Environment Management Plan which shall have first been submitted and approved in writing.**
- 9. No works to demolish or remove ticket off building or animal enclosures to take place within bird breeding season or summer roosting season (March to September).**
- 10. Detailed scheme of ecological enhancement measures to be agreed and implemented before first occupation of the development.**
- 11. Management plan for the removal or management of Schedule 9 non-native species on site to be agreed and implemented before the first occupation of the development.**
- 12. The ticket office building and animal enclosures shall be demolished and fully removed from the site before the first occupancy of the dwelling.**
- 13. No external lighting other than in accordance with approved scheme.**
- 14. Ground source heat pump to be installed in accordance with details to be approved before the first occupancy of the development hereby approved and no other heating system be introduced for the life of the development without prior approval.**
- 15. Package treatment plant to be installed in accordance with details to be approved before the first occupancy of the development hereby approved.**
- 16. Electric vehicle charging points to be installed in accordance with details to be approved before the first occupancy of the development hereby approved.**

- 17. Parking and bin storage areas to be laid out and constructed prior to first occupation of the development.**
- 18. Design details including finish of metal sheeting, doors, windows, fascia and natural gritstone sample panel.**
- 19. Remove domestic permitted development rights for hardstanding, outbuildings, gates, fences, walls or other means of enclosure.**
- 20. Restrict domestic curtilage to area shown on the approved plan only.**
- 21. Underground services**

### **Key Issues**

- Whether the proposals demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area to justify the re-development of previously developed land in the open countryside to one market dwelling.

### **Relevant Planning History**

Pre-application advice has been sought prior to the submission of the application. We advised that in principle the conversion of the historic buildings was acceptable subject to a detailed design that conserved the significance of the buildings and the amenity of occupants.

The removal of the enclosures, ticket office and parking areas and replacement with a single market dwelling may be acceptable as the site is previously developed land. Any development would need to demonstrate significant enhancement in accordance with policy GSP2. A sub-terrain approach may be acceptable but care is needed to ensure a seamless approach with the topography and a design that minimised visual impact.

2007: Appeal against planning conditions imposed by the 2006 permission. Conditions 4 and 5 were deleted. These conditions sought to restrict total visitor numbers per annum and at any one time.

2006: Planning permission granted conditionally for change of use to conservation and wildlife park and formation of additional car parking area.

1989: Planning permission granted conditionally for otter breeding enclosures.

1988: Planning permission granted conditionally for erection of building to accommodate residential groups.

1986: Planning permission granted conditionally for erection of building and variation of conditions.

1984: Planning permission granted conditionally for falconry and country pursuits centre.

### **Consultations**

13. Parish Council: Request we carry out a site visit to fully assess the impact a new dwelling would have on the area especially the woodland and raise concerns regarding the proposed change of use of land to residential.
14. District Council: No response to date.
15. Highway Authority: The proposals will result in a substantial reduction in vehicle movements therefore there are no objections subject to planning conditions.
16. Natural England: No comment.

17. PDNPA Built Environment: Makes the following comment:

18. *"The proposals are within the Slack Hall and Ford Conservation Area, within the Slack Hall element. This small hamlet has traditional buildings of gritstone and stone slate, Chestnut Farmhouse (within development area) and Tollbar Cottage immediately adjacent have fine detailing (both Grade II listed). The openness of the buildings contribute to the character of the conservation area, providing a rural feel with open views.*
19. *The proposed new building is of a very modern design, being mainly a subterranean house with a large glazed wall with views to the north of the site, and a grass roof. There is an entrance lobby that will appear above ground, this has low stone walls and then a geometric zinc roof and glazed walls with timber fins. This part of the building is likely to be visible from the listed buildings.*
20. *The ticket office was constructed as part of the Chestnut Centre operations across the former route to Ford Hall. The building is to be demolished and the historic route reinstated and new trees planted to create an avenue along the route. The demolition of the ticket office and reinstatement of the historic route will enhance the setting of the listed buildings and the conservation area.*
21. *Associated with this is the construction of a new modern house on the site of the former car park, and remedial landscaping of the area. The modern house is proposed to be located away from the traditional farmstead of Chestnut, and the Quaker burial ground within the former rural parkland of the Ford Hall estate.*
22. *It is sited a distance from the four listed buildings and within the conservation area. The conservation area has a rural and traditional material character, the proposed building is incongruous with this. It is likely that the building will be visible from outside the conservation area, and will therefore affect the character of the conservation area. The site is adjacent to the road to Chapel en le Frith and the lane to Malcoff, and visible from the historic parkland of Ford Hall.*
23. *The proposed new building is on the dis-used car park (an area of former historic parkland), that falls away downhill from Chestnut Farmhouse (mid 19th century), burial ground and shippin. The setting of the listed buildings will be affected by the proposals, it will change from a currently open (although car park) setting that changes to historic parkland.*
24. *The car park area has had quite intrusive engineering works to form flatter areas to provide suitable car parking for visitors, the mounding of the site is visible from the historic parkland to the 17th century Ford Hall. The proposal is to include reinstatement of the natural contours to the north (lower on the slope). The parkland landscape, as shown on the 1880 OS map, extended from the boundary of the burial ground north to Ford Hall. The inappropriate ticket office and car park have been located on this parkland, therefore negatively affecting the setting of the farmstead (listed buildings) at the historical entrance to Ford Hall. The removal of this building and opening up of the views of the historic route and parkland is an enhancement to the setting of the listed buildings.*
25. *There are some concerns regarding the modern building and managing the landscaping and the impact living could have on it. Maintaining the open space is important for the character of the site and the conservation area. It is suggested that provision could be made within conditions to prevent the proliferation of sheds and fencing etc, especially on the open parkland associated with the new building, in addition to the proposed garden store."*
26. PDNPA Landscape: Initially raised concerns about the submitted landscape and visual appraisal but considers that the revised documents address these concerns.
27. Considers that there would be landscape benefits from the removal of existing incongruous elements on site. The proposed wall and ha-ha arrangement and additional trees give a

parkland character which is more appropriate. Has concerns that domestic clutter could remain an issue.

28. PDNPA Archaeology: The proposals raise no archaeological concerns.

29. PDNPA Ecology: No response to date.

30. PDNPA Tree Officer: No response to date.

### **Representations**

31. We have received two letters of objection to date. The material planning reasons for objection are summarised below.

- The proposed development would be contrary to the National Planning Policy Framework (NPPF).
- The proposal is major development and should not be permitted.
- The proposal does not enhance the architecture or conserve or contribute to the historical nature of the two hamlets.
- The new building does not complement the established listed buildings or the conservation area. It would have a huge detrimental effect on the environment and it is unattractive and inappropriate in the hillside landscape in a National Park.
- The application does not adequately assess the impact of the building upon the conservation area.
- The development is not in an isolated or well-screened site.
- The development will be clearly visible for most of the year when deciduous trees lose their foliage.
- The approval of the development would set a precedent for similar developments in conservation areas.
- The approval of the development would result in the erection of further buildings on the site.
- The development would be highly intrusive in the landscape and would be apparent from the lane leading to Ford and nearby properties.
- The development would result in overshadowing and an overbearing impact on Ford.
- The development would impact upon the residents of Ford causing a lack of privacy.
- The proposed development is not necessary.
- Inaccuracies in the submitted application.
- The site should not be considered as previously developed land.
- The impact of the previous development of the site should not justify the proposed new development.
- If permission is granted the enhancements (removal of shelters, removal of ticket office, reinstatement of driveway) must be carried out first.

- If permission is granted fencing by the listed bridge should be removed to reinstate access.

### Main Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, DS1, CC1, HC1, L1, L2 and L3

Relevant Development Management Plan policies: DMC1, DMC3, DMC5, DMC7 and DMC8, DMC11, DMC12, DMC13, DMC14, DMH6, DMT3 and DMT8

Relevant Neighbourhood Plan policies: H3, TM1 and C2

### National Planning Policy Framework

32. 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.
33. The latest version of the National Planning Policy Framework (NPPF) was published on 19 February 2019. The NPPF is a material consideration and carries particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and policies of the Development Management Policies document 2019. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application.
34. In this case there is no conflict between our development plan policies and the NPPF Our development plan policies should therefore be afforded full weight in the determination of this application.
35. Paragraph 172 of the NPPF 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. The conservation and enhancement of wildlife and cultural heritage should also be given great weight in National Parks.
36. Paragraph 79 of the NPPF states that Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
  - a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
  - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
  - c) the development would re-use redundant or disused buildings and enhance its immediate setting;
  - d) the development would involve the subdivision of an existing residential dwelling; or
  - e) the design is of exceptional quality, in that it:
    - i. is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
    - ii. would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.



37. Para 190 of the NPPF states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
38. Para 192 of the NPPF states that in determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.
39. Para 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
40. Para 194 of the NPPF states 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. Substantial harm to or loss of:
- a) grade II listed buildings, should be exceptional.
41. Substantial harm is very serious and is the greatest level of harm after total loss. Substantial harm will often lead to irreversible loss of significance to a point where the designation is likely to be compromised. All other harm falls under the umbrella of 'less than substantial harm', and it is important that this is not underestimated as harm that falls into this category can still be very damaging cumulatively or in its own right. Para 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
42. Para 199 of the NPPF states that Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

#### Core strategy policies

43. GSP1 sets out the broad strategy for achieving our objectives having regard to the Sandford Principle. GSP1 also sets out the need for sustainable development and to avoid major development unless it is essential.
44. GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.

45. GSP4 says that we will consider the contribution that a development can make directly and/or to its setting, including, where consistent with government guidance, using planning conditions and planning obligations.
46. Our conservation policies reflect the approach taken in the NPPF. Policy L3 says that development must conserve and where appropriate enhance cultural heritage assets and their setting and that other than in exceptional circumstances, development will not be permitted where it is likely to cause harm. Policies L1 and L2 require development to conserve or enhance landscape character and biodiversity.
47. HC1 says that permission will not be granted for new housing unless there are exceptional circumstances. HC1. C. says that one such circumstance is where development is required to achieve the conservation or enhancement in a designated settlement or to a listed building.
48. CC1 says that development must be designed in accordance with the energy hierarchy and be designed to maximise reductions in energy and water consumption to mitigate the impacts of climate change.

#### Development management policies

49. DMC1. A says that in open countryside, any development with a wide scale landscape impact must provide a landscape assessment with reference to the Landscape Strategy and Action Plan. The assessment must demonstrate how valued landscape character, including natural beauty, biodiversity, cultural heritage features and other valued characteristics will be conserved and, where possible, enhanced taking into account overall strategy and action plan character areas, any cumulative impact and the effect of the proposals on the landscape.
50. DMC1. B says where a development has potential to have significant adverse impact on the purposes for which the area has been designated the Authority will consider the proposal in accordance with major development tests set out in national policy.
51. DMC1. C says that where a building or structure is no longer needed or being used for the purposes for which it was approved and its continued presence or use is considered by the Authority, to be harmful to the valued character of the landscape, its removal will be required by use of planning condition or obligation where appropriate.
52. DMC3 says that where development is acceptable in principle, it will be permitted if its detailed treatment is of a high standard that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage assets. Particular attention will be paid to siting, scale, form, mass, landscape setting and the valued character and appearance of the area.
53. DMC5 makes the submission of a heritage statement with applications a policy requirement and reflects policies in the NPPF by requiring great weight to be given to the conservation of heritage assets, weighing harm against public benefits.
54. DMC7 and DMC8 say that applications affecting a listed buildings and conservation areas should be determined in accordance with DMC5 and clearly demonstrate how the significance of the affected heritage assets will be preserved and why the proposed development is desirable or necessary. DMC7 C. and D set out specific types of alterations to listed buildings that will not be permitted. DMC10 is specifically relevant for conversions of heritage assets.
55. In considering whether to grant permission for the proposals, we are obliged to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest, which it possesses. We must give great weight to the desirability of conserving a designated heritage asset weighing against any public benefit where harm is less than substantial.

- 56. Policies DMC11 and DMC12 require applications to include sufficient information to enable an assessment of impact upon designated sites and protected species. Development must conserve and enhance protected sites and species unless there are exceptional circumstances. DMC13 requires sufficient information to enable an assessment on trees to be made.
- 57. DMC14 says that development that presents a risk of pollution or disturbance including soil, air, light, water or noise pollution, or odour that could adversely affect any of the following interests will not be permitted unless adequate control measures are put in place to bring the pollution within acceptable limits
- 58. DMH6 allows for the re-development of previously development land for housing if it conserves and enhances the valued character of the built environment or landscape on, or adjacent to the site. Paragraph 6.97 of the supporting text to DMH6 says that outside of designated settlements and away from other forms of built development, applications for housing will be assessed against policies DS1 and GSP2.
- 59. DMT3 and DMT8 require safe access and adequate off-street parking provision.

#### Neighbourhood plan policies

- 60. Policy H3 sets detailed design criteria for new housing which must be of a high quality that reflects and distinguishes the attractive characteristics of settlements within the parish.
- 61. Policy TR1 says that applications must demonstrate safe walking and cycle routes with consideration of access to services and the countryside, public transport links, demonstrate the impacts of the traffic arising from the development and address any impacts.
- 62. Policy C2 says that proposals that would result in a significant net loss in biodiversity will not be accepted. Proposals that achieve a net gain will be supported.

#### **Assessment**

##### Principle

- 63. The application site is located in open countryside where our housing policies would not normally support the erection of new build market housing.
- 64. The site comprises the majority of the former wildlife centre which is previously developed land as defined by the National Planning Policy Framework and our Development Management policies. Policy DMH6 states that re-development of previously developed land for housing is acceptable in principle provided that it conserves and enhances the valued character of the built environment or landscape.
- 65. The supporting text to policy DMH6 states that for previously developed land in the open countryside applications for housing will be assessed against policies DS1 and GSP2.
- 66. Policy DS1 is our development strategy and directs the majority of new housing to Bakewell and the named settlements. For sites in the countryside DS1. C. allows for the conversion or change of use for housing or other development and alternative uses needed to secure effective conservation and enhancement. GSP2 sets detailed criteria to consider enhancement proposals against.
- 67. Therefore while policy DMH6 allows for re-development of previously developed land the expectation is that in open countryside this will involve the conversion of existing (preferably traditional buildings) unless other development would achieve effective conservation or enhancement.

68. Separate applications have been submitted for the conversion of the office and classroom buildings (the small and long barns respectively). The remaining building on this part of the site is the former ticket office and café building.
69. This is a relatively modern building and despite being built from natural stone has a wide gable and is comparable in form to a modern bungalow. The ticket office was also constructed partly on the line of the former historic drive to Ford Hall and interferes with views over the parkland from the listed farmstead.
70. Therefore at the pre-application stage an alternative option of demolishing the ticket office building (along with restoring the car park and removing the wildlife enclosures) in exchange for a single market dwelling was discussed. In principle our policies would allow for a new build market dwelling as an alternative to conversion if it would achieve significant enhancement in accordance with policies DS1 and GSP2.
71. The key issue therefore is the impact of the proposed development and whether it would achieve significant overall benefit to the valued characteristics of the National Park to justify the erection of a new market dwelling in this location.

#### Design, impact upon conservation area and setting of listed buildings

72. The site is located immediately north of the historic farmstead historically associated with Ford Hall and last used as part of the wildlife centre. The farmhouse and two gravestones within the Quaker burial ground are Grade II listed and the former barns are curtilage listed. Nearby Toll Bar Cottage is also Grade II listed. The site forms part of the parkland historically associated with Ford Hall which is also Grade II listed.
73. As the site is within the conservation area and close to listed buildings development here has the potential to affect the significance of the conservation area and the setting of the listed buildings. A heritage statement has been submitted to inform the development and assess its impact in accordance with policy DMC5.
74. Slack Hall is a small hamlet of traditional buildings loosely clustered around a triangular village green. The openness and well separated buildings provide a rural feel with open views to the countryside except to the east where groups of trees and the road blocks the views. Buildings are constructed from gritstone and stone slate and Chestnut Farmhouse and Toll Bar Cottage have fine detailing.
75. The existing ticket office / café building is modern and despite being constructed from natural stone has a wide gable and a form comparable to a modern bungalow. The ticket office building was also constructed partly on the route of the historic drive down through the estate land to Ford Hall. The ticket office building also blocks views out over the estate land from the entrance gates and farmstead.
76. The removal of the ticket office building would enhance the setting of the historic buildings by removing a modern building, facilitating realignment of the driveway on its historic route and by opening up views over the estate land. Combined this would result in an enhancement to the setting of the listed buildings and the conservation area.
77. The parking areas to the wildlife centre are located on land that was formerly open estate land. The historic maps do not show the trees planted between the upper and lower car parks indicating that these have been planted relatively recently and also potentially block views over the parkland that would have been open.
78. The car parks have changed the character of the land from open estate land to surfaced car parks and the creation of the lower car park has resulted in significant level changes where level areas for parking have been created in the sloping ground. The creation of the car parks has resulted in an adverse impact to the character of the estate land. The impact of the car

parks is would be significantly increased when in use. The restoration of this land would result in an enhancement to the setting of the listed building and the conservation area.

79. The removal of the majority of the enclosures within the valley bottom would not have a significant impact upon the setting of the affected historic buildings or the conservation area due to the distance and because the enclosures are well screened by mature planting.
80. The design of the proposed dwelling does not reflect the local vernacular or the traditional form of nearby listed buildings. The dwelling would be earth sheltered and built into the sloping ground between the upper and lower car parks.
81. A single storey entrance element would be built above ground to provide access between the parking area and the earth sheltered building below. The above ground entrance element would not be built to reflect a traditional building. This would have a contemporary design with five sides constructed from black zinc above drystone walls which would continue out into the landscape.
82. The former ground levels of the parkland would be restored over the existing car park and the plans show that the level from the ground to the roof of the dwelling would be seamless. Two elevations would be cut out from the sloping ground to provide light into the habitable rooms. These elevations would open out onto a terrace sunk below the adjacent park land level behind a retaining wall. A 'ha-ha' would be created on the estate land side to prevent stock getting onto the terrace without requiring a visible wall or fence.
83. The proposed dwelling would be sited away from the historic farmstead to allow the route of the historic driveway to be restored and the intention of the earth sheltered design is to allow open views out over the parkland and minimise visual impact
84. As has been stated in representations and by our conservation officer the proposed design would not reflect the local vernacular or buildings within the conservation area. The majority of the proposed dwelling takes a 'non-building' approach by attempting to conceal the volume of the dwelling within the rising ground so only the entrance element and cut-out elevations would be visible.
85. The entrance element takes a contemporary approach. The form and materials of this element would not reflect traditional buildings but the design would reduce the visual impact of this element by integrating the lower walls into the stone boundary walls with simple black zinc above and the majority of the glazing limited to the south elevation with vertical sub-division. The roof would have a complicated rather than traditional form which would give some architectural interest rather than risk this element appearing as a small portal framed building.
86. Our design guide allows for contemporary design but requires it to respond to the built tradition. The proposed design is considered to be acceptable modern design that responds to its context by minimising the visual impact of the dwelling in the wider landscape and opening up views from the farmstead. The above ground element has been designed to integrate into the landscaping with very simple dark materials above to minimise visual impact while adding architectural interest.
87. From within the conservation area looking out the proposed design approach would succeed in removing the former ticket office, re-aligning the historic access drive and opening up views over the parkland. The above ground element would be modest in size and an interesting contemporary design that would complement the historic buildings and historic access into the parkland.
88. From outside the conservation area within the parkland looking south the proposed design would succeed in removing the parking area. The lower area would be restored to parkland which would continue up to the proposed ha-ha. However, beyond this the upper part of the 'cut-out' elevations would be visible along with part of the access building above.

89. Therefore while the proposed dwelling is designed to be seamless in the landscape and minimise landscape impact the design would not conceal the impact of the development entirely. Part of the building would be visible from within the parkland looking south along with lighting and activity in the terrace but this is not likely to have an unacceptable impact in the wider landscape. Parking to the south would be concealed by the landform.
90. The proposed additional tree planting would break up and mitigate the visual impact of the new building to a degree but the success of the development in providing an enhancement over the impact of the existing car parks would depend upon achieving seamless levels between the roof of the dwelling and the surrounding land. It would also be essential that the land to the north of the terrace is returned to estate land and used for grazing. The use of this land for garden or even grazing separate from the wider estate would be very harmful to the estate land and wider landscape.
91. The submitted plans demonstrate that the proposed earth sheltered dwelling can be achieved in a manner that achieves the enhancement of the setting of the listed buildings, the conservation area and the surrounding estate land. The proposed design does not reflect the local vernacular but is a high quality contemporary design that responds to the constraints of the site, achieves enhancement and reduces the impact of the new development.
92. The development is therefore an appropriate design which achieves enhancement of the setting of listed buildings, the conservation area and the wider estate land in accordance with policies GSP3, L3, DMC3, DMC5, DMC7 our adopted design guide and the National Planning Policy Framework.

#### landscape impact

93. The site is located within the Dark Peak Western Fringe Landscape Character Area and specifically within the Valley Pastures with Industry Landscape Character Type. This is a small scale, settled pastoral landscape on undulating lower valley slopes with filtered views through scattered hedgerows and dense streamside trees. There are dispersed gritstone farmsteads as well as small clusters of farms with associated dwellings.
94. We do not consider that the proposals represent major development, however, the site is in a sensitive area where development of this nature has the potential to have a wide scale landscape impact. Therefore a landscape assessment has been submitted with the application with reference to our Landscape Strategy and Action Plan in accordance with policy DMC1.
95. Our Landscape Officer initially raised concerns about the submitted landscape assessment. An amended document has been submitted which overcomes these concerns.
96. There are no public rights of way crossing the site. A public footpath runs from Ford Hall up Peat Lane before turning south to Sheffield Road. The Pennine Bridleway runs from Hayfield to Peak Forest approximately 1.5km to the north east of the site of the proposed dwelling.
97. The submitted assessment demonstrates that the proposed development would only be visible from views down the valley to the north east due to the topography. Therefore the main public views of the site would be from a section of the footpath running from Ford Hall up Peat Lane and from a section of the Pennine Bridleway.
98. The existing ticket office building and car parks have a more limited adverse impact upon the wider landscape and are only viewed at distance from public vantage points. However, this impact would increase if the wildlife centre was in use due to parked cars and activity. Due to the well screened location of the wildlife enclosures their removal would not result in any significant landscape impact.
99. Therefore the potential benefits and impact of approving the proposed dwelling would be more limited upon the wider landscape. We agree with the submitted landscape assessment that the proposed development would result in a minor beneficial impact when initially

completed and a moderate beneficial impact once the proposed landscaping has had time to mature.

100. We agree with the concerns from our Landscape Officer that domestic clutter around the development could result in an adverse impact and undermine the potential benefits of the development. Of particular concern would be further uncontrolled domestic development, the use of the land north of the proposed dwelling as garden and the impact of external lighting on dark skies. If permission was granted care would be needed to control the development to prevent these adverse impacts.
101. The development therefore would result in a minor enhancement to the landscape in accordance with policies L1, DMC1 and the National Planning Policy Framework.

#### Impact upon biodiversity and trees

102. The site does not form part of a Special Area of Conservation (SAC), Special Protection Area (SPA) or Site of Scientific Special Interest (SSSI). The parkland is designated as Woodpasture and Parkland Biodiversity Action Plan (BAP) priority habitat and the woodland along the stream where the wildlife enclosures are located is designated as Deciduous Woodland priority habitat.
103. A ecological impact assessment and tree survey have been carried out and the reports submitted with the application in accordance with policies DMC11 and DMC13.
104. Given the distance to designated sites we agree with the reports that direct impacts upon them is unlikely. The South Pennine SAC and Peak District Moors SPA are approximately 1.4km to the north-east of site. Both designations are due to the diversity of flora and fauna present. Habitats identified on site do not support either nesting or foraging opportunities for any objective bird species. The site is subject to tree protection orders (TPO).
105. The development would require the removal of several trees located between the existing car parks. These trees are not well established and do not appear on historic maps. These trees are low quality and do not form an important landscape feature. None of these trees were noted as having potential features to support roosting bats and the removal of these trees would have a negligible impact upon foraging behaviour of bats and hedgehogs.
106. Therefore there is no objection in principle to the removal of these trees provided that replacement planting is carried out as proposed to enhance the site and the wider landscape in more appropriate locations in the estate land. We would also recommend that tree protection measures including protective fencing and low impact excavation methods (where required) are carried out in full.
107. The ecological impact assessment states that noise pollution is known to have a detrimental impact upon wildlife and that the reduction in traffic and noise disturbance from the closure of the wildlife centre and change of use to a dwelling would be likely to benefit wildlife on a local scale.
108. The ecological impact assessment states that the restoration of the car parks to grazing land and new tree and hedge planting will increase biodiversity significantly, particularly around the car park area. If properly managed the restored habitat will have the potential to provide a range of ecological opportunities for invertebrates, birds and mammals (including bats).
109. The proposals will require dismantling and demolition works within the valley woodland to remove the wildlife enclosures. The ecological impact assessment states that care will be needed to prevent damage to sensitive habitats, protected species and pollution. We consider that a construction environment management plan would be required to be agreed to ensure that the demolition works do not harm the priority habitats on site.
110. Survey of the ticket office building confirmed that there are four bat roosts within the roof structure including three Brown long-eared day roosts and one Common pipistrelle day roost.

The development would result in the demolition of the entire building and therefore the permanent loss of the bat roosts if work is not undertaken in a sensitive manner. The wildlife enclosures were found to have negligible potential for roosting bats.

111. The report states that a European Protected Species Licence will be required from Natural England and that the precise mitigation design will be drawn up as part of that process. At this stage the report recommends that a minimum of five crevice design bat boxes are installed on nearby trees or on the new dwelling. Furthermore, an additional two boxes should be mounted on nearby trees before the ticket office building is demolished. In addition no demolition works should be carried out during summer.
112. The other public benefits of demolishing the former ticket office justify the impact upon the identified bat roosts. Furthermore subject to appropriate conditions to secure alternative habitat provision for bats on site that the development will not harm the conservation status of the identified protected species. If permission is granted it would be necessary to agree a scheme of enhancement works along with timing and require alternative provision to be installed before any works to demolish the ticket office commence. Furthermore a condition should be imposed to prohibit demolition works during the summer roosting season. Finally, a planning condition should be imposed to prohibit external lighting unless in accordance with an approved scheme to minimise impact on bats.
113. The ticket office and animal enclosures are identified providing habitat for breeding birds. The report therefore recommends that demolition works are also carried out outside of the breeding bird season (March to September). The ecological assessment recommends that bird boxes are installed either to the new dwelling or on nearby trees to provide compensatory habitat for birds with specific provision for perching owls.
114. Finally, the report provides a list of enhancement measures that could be incorporated into the development including: using native species and grass seed mixes that encourage connectivity and habitats for foraging invertebrates, birds and mammals; creating specific habitats for invertebrates and ensuring that holes are incorporated at the base of new walling to allow wildlife connectivity.
115. The proposed enhancements are fairly generic and do not offer more site specific enhancements that could be achieved particularly in the wooded valley after the enclosures are removed. Further enhancement proposals have therefore been submitted including creating an artificial otter holt, installing owl boxes in the wooded valley and removing non-native species and replacing with native planting.
116. These enhancement measures are welcomed but we consider there is further potential to enhance the wooded area. For example once the enclosures and connecting pathways are removed there may be opportunities to re-instate natural ground levels, create features for wildlife and encourage native plants to re-colonise. If permission is granted we would recommend that a more comprehensive scheme of enhancements be agreed.
117. However, in principle it is clear that when taken as a whole the proposed development will result in enhancement to biodiversity on site by reducing human activity and enhancing habitats and foraging opportunities. Therefore subject to conditions the proposed development would result in enhancement to biodiversity in accordance with policies L2, DMC11, DMC12 and DMC13.

#### Climate change and sustainable building

118. The application states that the proposed new dwelling would be designed to construct and if possible, exceed the requirements of building regulations including a large amount of window insulation and high performance windows and doors. The earth sheltered nature of the building will also add to the insulating effect.
119. The application proposes to install a ground source heat pump within the land to the north of the proposed dwelling (which will be restored to estate grazing land above) this is welcomed



as it will provide a significant reduction in energy consumption for heating. Due to the constraints of the site there are limited opportunities for solar photovoltaics.

- 120. The proposal to use local building materials and timber from a sustainable source is welcomed as is the proposal to install an electric vehicle charging point in the parking area.
- 121. Foul drainage will be to a package treatment plant which is acceptable in principle subject to agreement of the specification and location of the plant and soakaways. A connection to the main sewer is not viable due to the distance from the site.

#### Other issues

- 122. The development has been designed to protect the amenity of the occupants of the proposed dwelling, the dwellings to be created by conversion and that of the neighbouring toll house. The development would not overlook or lead to the loss of privacy of any neighbouring property. Given the distance of the building from neighbours there are no concerns that the development would be overbearing. Therefore the development will conserve the amenity, security and privacy of neighbouring properties in accordance with policies GSP3 and DMC3.
- 123. The development would be provided with adequate parking and we agree with the Highway Authority that there are no objections to use of the existing access given that the development will result in significantly less trip generation than the existing use. If permission were granted, we would recommend planning conditions to agree the construction compound, secure parking provision and bin storage. The development is therefore in accordance with DMT3 and DMT8.
- 124. The development would have links to the countryside but given the relatively remote location would not have any close link to nearby settlements (policy TR1). However, this must be balanced against the potential benefits of the development, which can only be achieved on site.

#### Planning conditions and planning obligation

- 125. If permission is granted planning conditions would be required to ensure that the dwelling is constructed in accordance with the approved plans with appropriate design details and materials agreed and critically that the finished floor levels and ground levels (adjacent and above the dwelling) are approved to ensure that the dwelling is seamless with the surrounding landscape.
- 126. Furthermore, a detailed landscaping scheme including planting, hardstanding, boundary treatments and ha-ha and seeding for the roof and restored car parks would need to be secured including a timetable for implementation.
- 127. Planning conditions must be imposed to ensure that the ticket office and wildlife enclosures are removed and the land restored over the car parks before the first occupation of the dwelling to ensure that these enhancements are secured. The removal of the animal enclosures should be in accordance with an approved construction environment management plan and the works to construct the dwelling should be in accordance with an agreed construction compound.
- 128. Planning conditions would be necessary to ensure that the proposed tree mitigation measures are implemented during construction and environmental enhancement measures are agreed and implemented on the site of the new dwelling and within the wooded valley once the wildlife enclosures are removed. We would recommend a condition to prohibit any external lighting unless in accordance with an approved scheme.
- 129. Finally, we would recommend planning conditions to ensure that the proposed ground source heat pump, package treatment plant, parking spaces and EV charge points are installed before the dwelling is occupied and that no alternative heating system is installed for the life of the development without consent. Given the nature of the development, the design of the

dwelling and potential for landscape impact we would recommend planning conditions to restrict the domestic curtilage of the dwelling to the area shown on the plans and to remove permitted development rights for extensions, alterations or outbuildings.

130. Given our concerns about the potential impact of use of the land north of the dwelling by occupants we have discussed options with the agent to ensure that this land remains managed and maintained as part of the wider parkland as grazing land with no fences to separate it off. We have agreed with the agent that a planning obligation can be used to ensure that the land remains as grazing land and that no fences, walls or other boundary treatments can be erected to separate the land from the wider estate land.
131. The agent has provided us with draft heads of terms and we are satisfied that this in principle, along with planning conditions are precise and enforceable. The proposed planning obligation is necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development. We therefore recommend that if permission is granted prior entry into a legal agreement is required.

### **Conclusion**

132. Subject to conditions, the proposed development would result in significant enhancement to the valued characteristics of the National Park that justifies the development of one market house on the site in accordance with policies GSP2, DS1 and DMH6.
133. The development would incorporate appropriate climate change mitigation measures and not harm the amenity of neighbouring properties or highway safety.
134. Therefore having taken into account all matters raised we consider that subject to conditions the development is in accordance with the development plan. There are no other material considerations that indicate that permission should be refused. The application is therefore recommended for approval subject to conditions and prior entry into a planning obligation.

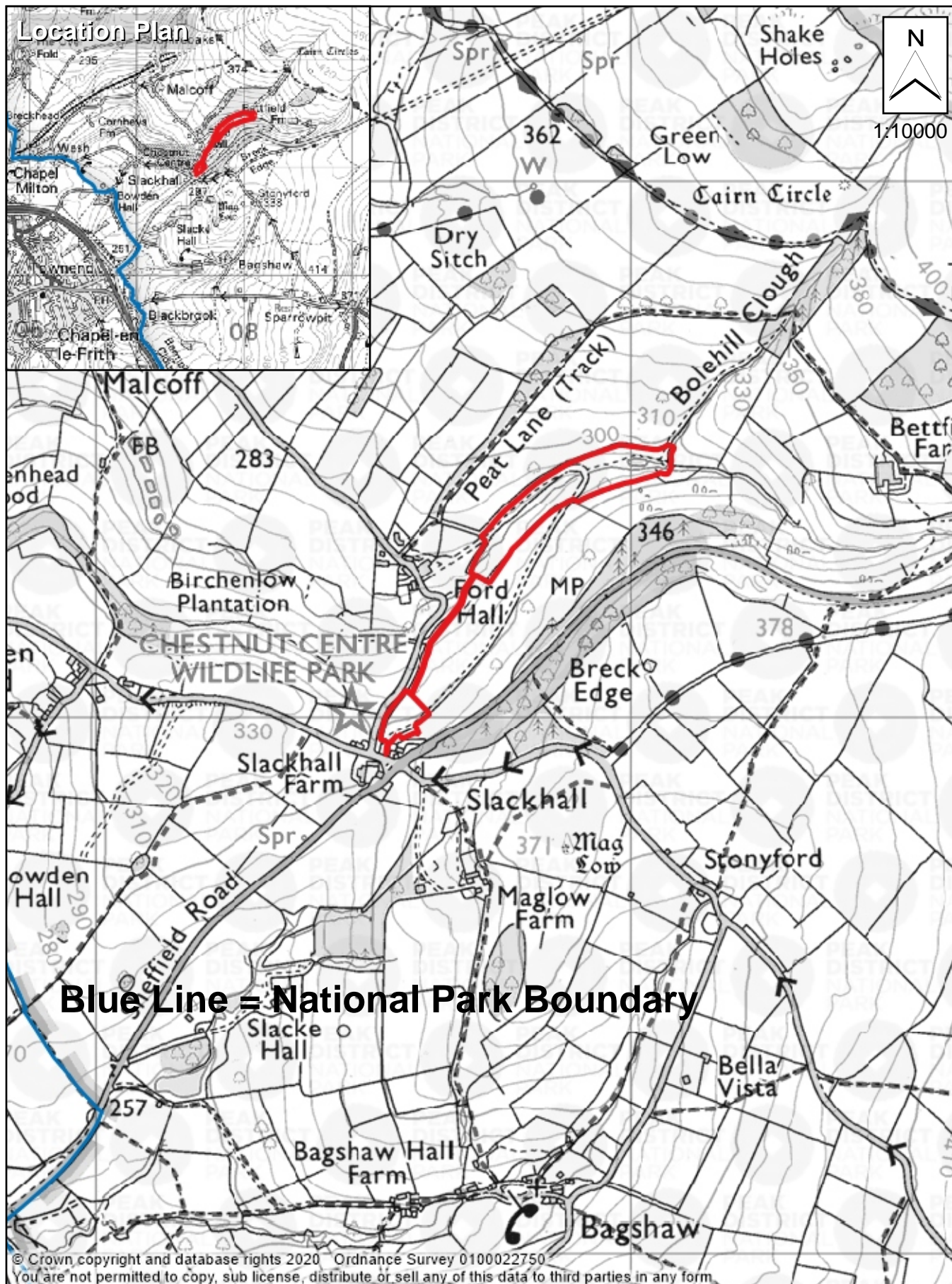
### **Human Rights**

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

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

None

**Report Author:** Adam Maxwell, Senior Planner



Committee Date: 6th November 2020  
Item Number:  
Application No: NP/HPK/0420/0298  
Grid Reference: 407548, 381928

**Title:** Chestnut Centre,  
Chapel-en-le Frith



**PEAK  
DISTRICT  
NATIONAL  
PARK**

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**6. FULL APPLICATION – CONVERSION OF THE LARGE BARN TO ONE RESIDENTIAL DWELLING, CONVERSION OF THE SMALL BARN TO ANCILLARY ACCOMMODATION / HOLIDAY ACCOMMODATION TO CHESTNUT FARMHOUSE, INTERNAL AND EXTERNAL WORKS TO THE BARN AND HOUSE, CHANGE OF USE OF THE ASSOCIATED LAND TO RESIDENTIAL, WORKS OF HARD AND SOFT LANDSCAPING, CAR PARKING, AND OTHER WORKS INCIDENTAL TO THE APPLICATION PROPOSALS AT CHESTNUT CENTRE, SHEFFIELD ROAD, CHAPEL-EN-LE-FRITH, (NP/HPK/0420/0301 AM)**

**APPLICANT: MR AND MRS HEAP**

**Summary**

1. The Chestnut centre is located in open countryside on Sheffield road north east of Chapel-en-le-frith. The site is currently unoccupied but benefits from planning permission for use as a conservation and wildlife park open to the public.
2. This application proposes the conversion and alterations to the existing Grade II listed farmhouse and two former barns to create one ancillary / holiday dwelling and one market dwelling.
3. The application demonstrates that the development will conserve and enhance the significance of the listed farmhouse and barns and conserve the valued characteristics of the National Park.
4. We recommend that the application is granted permission subject to conditions.

**Site and Surroundings**

5. The Chestnut Centre is located in open countryside off Sheffield Road, 1.5km north east of Chapel-en-le-frith and 300m south of the hamlet around Ford Hall.
6. The centre is currently un-occupied but benefits from planning permission for use as a wildlife centre, which utilised the existing buildings, and the associated land for parking. The wildlife enclosures were located along a section of the river to the north and accessed along the historic drive associated with Ford Hall. The site is located within the designated Slackhall and Ford Hall Conservation Area.
7. The site includes three buildings; a Grade II listed former Quaker burial ground, historic gates, the access and part of the parking areas for the wildlife centre. The buildings include: Chestnut Farmhouse, a Grade II listed dwellinghouse located adjacent to the highway (the farmhouse); a two storey barn last used as an education centre with toilets and changing facilities (the large barn) and a smaller barn last used as an office (the small barn). The barns and gateposts are curtilage listed in respect of the farmhouse and Ford Hall respectively.
8. The nearest neighbouring property is Toll Barn Cottage, a Grade II listed dwellinghouse to the west of the site. Slack Hall Farm, a Grade II listed farmhouse is located to the south of the site.

**Proposal**

9. The conversion of the large barn to a market dwelling. The conversion of the small barn to ancillary accommodation / holiday accommodation for the farmhouse. External and internal alterations to the buildings and landscaping.
10. The proposed works to the farmhouse include replacement external and internal doors, new floor finishes, replacement of handrails and balustrading to staircase, replacement of existing roof light, replacement kitchen, bathroom and soil vent pipe.
11. The small barn would be converted to ancillary accommodation / holiday accommodation to the farmhouse. This would comprise a kitchen and living room at ground floor and a single

bedroom at first floor. New timber windows and doors are proposed along with flue and soil vent pipe.

12. The large barn would be converted to a three-bedroom market dwelling. This would comprise three bedrooms and two bathrooms at first floor and living accommodation at ground floor. New timber window and doors are proposed along with flue and soil vent pipes. The existing roof lights would be removed and one additional window opening would be created to the north elevation.
13. Landscaping is proposed to create parking areas and gardens for the dwellings. An electric vehicle charging point is proposed for each dwelling.

## **RECOMMENDATION**

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

- 1. Statutory three year time limit for implementation.**
- 2. In accordance with specified amended plans.**
- 3. Implementation of tree protection measures before any other development commences.**
- 4. Agreement of construction compound, parking and storage before any other development commences.**
- 5. Agreement of detailed landscaping plan (including tree and shrub species, walls, gates and hardstanding). Implementation before first occupation of the development.**
- 6. Development to be carried out in accordance with protected species report and details of enhancement measures for bats and birds to be agreed and implemented before first occupation of the development.**
- 7. Management plan for the removal or management of Schedule 9 non-native species on site to be agreed and implemented before the first occupation of the development.**
- 8. Agreement of external lighting scheme prior to installation.**
- 9. Electric vehicle charging points to be installed before first occupation of the development in accordance with details to be agreed.**
- 10. Parking and bin storage areas to be laid out and constructed prior to first occupation of the development.**
- 11. Notwithstanding approved plans, no permission is granted for roof light to farmhouse. The existing roof light shall not be replaced other than in accordance with revised plans showing a single conservation roof light which shall have first been submitted to and approved by the National Park Authority.**
- 12. Notwithstanding approved plans the window to elevation 04 of building C (opening C-W11 on drawing PL-234) shall not be installed other than in accordance with revised plans (including frame design, opening mechanism and obscure glazing) which shall have first been submitted to and approved by the National Park Authority.**
- 13. No works to expose the fireplace within the small barn shall be undertaken other than in accordance with a method statement, which shall have first been submitted to and approved in writing. Thereafter, full details of new fireplace and associated works to be agreed in writing.**

- 14. Minor design details including: window and door finishes and furniture; rainwater goods; soil vent pipes (to be internal); flues and vents and floor finishes.**
- 15. Restrict occupancy of small barn to ancillary or holiday accommodation ancillary to the farmhouse.**
- 16. Remove domestic permitted development rights for hardstanding, outbuildings, gates, fences, walls or other means of enclosure.**
- 17. Restrict domestic curtilages to areas shown on approved plans.**

### **Key Issues**

- The impact of the proposed development upon the significance of the Grade II listed buildings and their setting.

### **Relevant Planning History**

Pre-application advice has been sought prior to the submission of the application. We advised that in principle the conversion of the historic buildings was acceptable subject to a detailed design that conserved the significance of the buildings and the amenity of occupants.

The removal of the enclosures, ticket office and parking areas and replacement with a single market dwelling may be acceptable as the site is previously developed land. Any development would need to demonstrate significant enhancement in accordance with policy GSP2. A sub-terrain approach may be acceptable but care is needed to ensure a seamless approach with the topography and a design that minimised visual impact.

2007: Appeal against planning conditions imposed by the 2006 permission. Conditions 4 and 5 were deleted. These conditions sought to restrict total visitor numbers per annum and at any one time.

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1988: Planning permission granted conditionally for erection of building to accommodate residential groups.

1986: Planning permission granted conditionally for erection of building and variation of conditions.

1984: Planning permission granted conditionally for falconry and country pursuits centre.

### **Consultations**

14. Parish Council: Request we carry out a site visit to fully assess the impact a new dwelling would have on the area especially the woodland and raise concerns regarding the proposed change of use of land to residential.
15. District Council: No response to date.
16. Highway Authority: The proposals will result in a substantial reduction in vehicle movements therefore there are no objections subject to planning conditions.
17. Natural England: No comment.



18. PDNPA Built Environment: Considers that the works are generally appropriate and will address issues with the existing buildings. Therefore, the proposed scheme is acceptable subject to minor amendments to address the detailed design.
19. PDNPA Archaeology: The proposals raise no archaeological concerns.
20. PDNPA Ecology: No response to date.
21. PDNPA Tree Officer: No response to date.

### **Representations**

22. Council for British Archaeology (CBA): Make the following comments:  
*“After assessing the application and examining the associated documentation the CBA is content that the proposed development will result in minimal harm to the significance of the Grade II Listed and curtilage listed buildings and their setting within the Conservation Area and the Peak District National Park. The CBA note that these proposals take many opportunities to better reveal the significance of the proposal site. The CBA is satisfied that the “great weight”, required by paragraph 193 of the NPPF, has been given to the buildings’ conservation and that “clear and convincing justification”, as required by paragraph 194 has been expressed for the proposed works in order to secure its sustainable future.*

*The CBA’s only recommendation is that the 1970s period of works be considered as a valid phase in the change and evolution of Chestnut Farm, and that all evidence of this period should not be removed.”*

Relevant Development Management Plan policies: DMC3, DMC5, DMC7 and DMC8, DMC10, DMC11, DMC12, DMC13, DMR3, DMH5, DMH6, DMH7, DMT3 and DMT8

Relevant Neighbourhood Plan policies: H3, TM1, TR1 and C2

### **National Planning Policy Framework**

23. 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.
24. The latest version of the National Planning Policy Framework (NPPF) was published on 19 February 2019. The NPPF is a material consideration and carries particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority’s Core Strategy 2011 and policies of the Development Management Policies document 2019. Policies in the Development Plan provide a clear starting point consistent with the National Park’s statutory purposes for the determination of this application.
25. In this case there is no conflict between our development plan policies and the NPPF Our development plan policies should therefore be afforded full weight in the determination of this application.
26. Paragraph 172 of the NPPF 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. The conservation and enhancement of wildlife and cultural heritage should also be given great weight in National Parks.
27. Para 190 of the NPPF states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by



development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

28. Para 192 of the NPPF states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

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

30. Para 194 of the NPPF states 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. Substantial harm to or loss of:

- a) grade II listed buildings, should be exceptional.

31. Substantial harm is very serious and is the greatest level of harm after total loss. Substantial harm will often lead to irreversible loss of significance to a point where the designation is likely to be compromised. All other harm falls under the umbrella of 'less than substantial harm', and it is important that this is not underestimated as harm that falls into this category can still be very damaging cumulatively or in its own right. Para 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

32. Para 199 of the NPPF states that Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

#### Core strategy policies

33. GSP1 sets out the broad strategy for achieving our objectives having regard to the Sandford Principle. GSP1 also sets out the need for sustainable development and to avoid major development unless it is essential.

34. GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.

35. Our conservation policies reflect the approach taken in the NPPF. Policy L3 says that development must conserve and where appropriate enhance cultural heritage assets and their setting and that other than in exceptional circumstances, development will not be

permitted where it is likely to cause harm. Policies L1 and L2 require development to conserve or enhance landscape character and biodiversity.

36. HC1 says that permission will not be granted for new housing unless there are exceptional circumstances. HC1. C. says that one such circumstance is where development is required to achieve the conservation or enhancement of a listed building. RT2 allows for holiday accommodation created by conversion of a building of vernacular merit.
37. CC1 says that development must be designed in accordance with the energy hierarchy and be designed to maximise reductions in energy and water consumption to mitigate the impacts of climate change.

#### Development management policies

38. DMC3 says that where development is acceptable in principle, it will be permitted if its detailed treatment is of a high standard that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage assets. Particular attention will be paid to siting, scale, form, mass, landscape setting and the valued character and appearance of the area.
39. DMC5 makes the submission of a heritage statement with applications a policy requirement and reflects policies in the NPPF by requiring great weight to be given to the conservation of heritage assets, weighing harm against public benefits.
40. DMC7 and DMC8 say that applications affecting a listed buildings and conservation areas should be determined in accordance with DMC5 and clearly demonstrate how the significance of the affected heritage assets will be preserved and why the proposed development is desirable or necessary. DMC7 C. and D set out specific types of alterations to listed buildings that will not be permitted. DMC10 is specifically relevant for conversions of heritage assets.
41. In considering whether to grant permission for the proposals, we are obliged to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest, which it possesses. We must give great weight to the desirability of conserving a designated heritage asset weighing against any public benefit where harm is less than substantial.
42. Policies DMC11 and DMC12 require applications to include sufficient information to enable an assessment of impact upon designated sites and protected species. Development must conserve and enhance protected sites and species unless there are exceptional circumstances. DMC13 requires sufficient information to enable an assessment on trees to be made.
43. Policy DMR3 says that where holiday accommodation is acceptable in the open countryside it will be subject to a 28 day occupancy condition. DMH5 allows for the conversion of an outbuilding close to a dwelling to ancillary dwelling use in principle provided that it will not harm amenity or the character and appearance of the site and provided that the new accommodation will remain within the curtilage of the main house with shared access, services and remain under the control of the main dwelling.
44. DMH6 allows for the re-development of previously development land for housing if it conserves and enhances the valued character of the built environment or landscape on, or adjacent to the site. DMH7 allows for extensions and alterations to dwellings in principle if they do not harm the character, appearance or amenity of the existing building, dominate the existing dwelling or amount to the creation of a separate independent dwelling.
45. DMT3 and DMT8 require safe access and adequate off-street parking provision.

#### Neighbourhood plan policies

- 46. Policy H3 sets detailed design criteria for new housing which must be of a high quality that reflects and distinguishes the attractive characteristics of settlements within the parish.
- 47. Policy TM1 says that applications for tourism related uses will be welcomed.
- 48. Policy TR1 says that applications must demonstrate safe walking and cycle routes with consideration of access to services and the countryside, public transport links, demonstrate the impacts of the traffic arising from the development and address any impacts.
- 49. Policy C2 says that proposals that would result in a significant net loss in biodiversity will not be accepted. Proposals that achieve a net gain will be supported.

## **Assessment**

### Principle

- 50. The farmhouse is a Grade II listed building and the barns are curtilage listed in association. The application proposes alterations to the farmhouse and the conversion of the barns to create one holiday / ancillary dwelling and one market dwelling.
- 51. Our policies allow for the proposed conversions in principle if the development is required to achieve the conservation or enhancement of the listed buildings and their setting. Therefore, the key issue is the impact of the proposed development upon the listed buildings and their setting within the conservation area.

### Impact of proposed development

- 52. The buildings are located in a group close to the junction and together form a historic farmstead formerly associated with Ford Hall. A heritage statement has been submitted to inform the development in accordance with policy DMC5.
- 53. The proposals to the farmhouse are relatively minor in nature and the replacement of the existing doors and handrail / balustrading to the staircase will provide an enhancement to the building.
- 54. The application proposes a new two-pane roof light to the rear elevation. This would replace an existing roof light, which is unauthorised. There is no objection in principle to a new roof light in this position but the proposed two pane light is wide and has a horizontal form. A single pane conservation roof light would be acceptable and we would recommend that this detail is secured by planning condition along with other minor design details as recommended by our Conservation Officer. With these conditions the development would be acceptable.
- 55. The small barn would be converted to a single bedroom dwelling ancillary to the farmhouse. This building has been significantly altered internally and externally when it was converted to its current use as an office for the centre. The proposed works would introduce more appropriate window and door frames, remove timber wall lining and replace with lime plaster. The existing structural steel work would be removed with new timber purlins installed.
- 56. The proposed works would result in enhancement to the small barn subject to conditions to secure minor design details as recommended by our Conservation Officer. There is no objection to the use of the barn as ancillary accommodation or holiday accommodation given its close relationship to the farmhouse. A planning condition would be necessary to secure occupancy would be necessary in accordance with policy DMR3.
- 57. The large barn would be converted to a three-bedroom market. This building has also been significantly altered internally and externally when it was converted to its current use as classrooms, changing rooms and toilets for the centre. The roof structure, floors and internal walls of the building are modern. The proposed works would introduce more appropriate

window and door frames and remove the modern roof lights. The existing structural steel work would be removed with new timber purlins installed.

58. The proposed works would result in enhancement to the large barn subject to conditions to secure minor design details as recommended by our Conservation Officer. The long barn is very close to the farmhouse and therefore conditions are required to secure the amended plans, which ensure that occupants of the dwellings will not overlook each other or occupants of the neighbouring lodge.
59. The Council for British Archaeology request we consider retaining the steel roof structure in the barns as this represents the most recent chapter in the use of the buildings. We acknowledge that this structure does represent the conversion works that took place during the later 20<sup>th</sup> century; however, we consider that the steel structure significantly detracts from the character of the building and that it would be preferable to take the opportunity to install a more appropriate timber roof structure.
60. The farmhouse and small barn would be provided with a modest curtilage and four parking spaces adjacent to the access. Landscaping including new paving and tree and hedge planting is proposed.
61. The dwelling within the large barn would be provided with a curtilage in the former yard area. Two parking spaces are proposed accessed from the historic driveway. New tree and hedge planting is proposed. An area of land to the north of the proposed curtilage, formerly used as an outdoor seating area by the centre is proposed to be returned to the woodland with new tree and shrub planting carried out. There are no objections to the proposed landscaping which will conserve the setting of the buildings subject to the approval of details.
62. We therefore conclude that subject to conditions the proposed development will result in enhancement to the significance of the buildings and their setting. The development is therefore in accordance with policies L1, L3, DMC5, DMC7, DMC8, DMC10, DMH5, DMH6, DMH7, H3 and TM1.

#### Impact upon biodiversity and trees

63. Given the distance to nearby designated sites we agree with the submitted ecological report that the development will not impact upon any designated site.
64. There are trees with bat roosting potential within the site, which are also important in the landscape. The application proposes to retain these trees with mitigation during construction. If permission were granted, we would recommend conditions to ensure that trees are protected during construction.
65. The ecological report states that the three buildings have potential to support roosting bats but that surveys found no evidence they are currently used. The report recommends that further survey would be required if development does not commence within two years and that lighting is designed to avoid habitats used by bats. The report also recommends that bat boxes be incorporated into the development either in appropriate trees or within the buildings.
66. No bird breeding activity was identified but the report does confirm that all the buildings have the potential to support nesting birds. The report therefore recommends that any vegetation removal and external works are carried out outside of the main breeding bird season and that construction materials are store away from trees and shrubs. The report also recommends that bird boxes be incorporated into the development.
67. The report did not find any evidence of other protected species but recommends a precautionary approach during construction in respect of reptiles and mammals.
68. The protected species survey identified a cotoneaster plant potentially falling within Schedule 9 of the Wildlife and Countryside Act. This schedule identifies plants and animals that do not

occur naturally in this country but have become established and represent a threat to natural fauna and flora. The report recommends that a management plan is required for the removal or retention of the identified cotoneaster.

69. We conclude that subject to conditions to protect trees during construction, avoid the bird breeding season, agreeing external lighting and enhancements for bats and birds that the development would not harm protected species or their habitat and would secure enhancement in accordance with policies L3, DMC11, DMC12, DMC13 and C2.

#### Climate change and sustainable building

70. There are limited opportunities to incorporate energy and water saving measures into the development other than enhanced insulation and sustainably sourced timber as proposed. The implementation of solar or water heating panels would harm the character of the buildings and there is insufficient space for ground source or air source heat pumps without harming amenity.
71. Nevertheless, the proposed conversion of historic buildings to uses that better conserve their significance is intrinsically sustainable and the development incorporates measures to enhance the environmental performance of the building without harming significance in accordance with policy CC1. The provision of electric vehicle charging points is welcomed subject to agreement of the design and location.

#### Other issues

72. The development has been designed to protect the amenity of the occupants of the proposed dwellings and that of the neighbouring toll house. Care is needed in regard to the window facing towards the toll house to ensure that there is no overlooking. We would recommend a condition to agree precise details of the frame design and obscure glazing. Subject to this, we consider that the development will not harm the amenity, privacy or security of any neighbouring property in accordance with GSP3 and DMC7.
73. The development would be provided with adequate parking and we agree with the Highway Authority that there are no objections to use of the existing access given that the development will result in significantly less trip generation than the existing use. If permission were granted, we would recommend planning conditions to agree the construction compound, secure parking provision and bin storage. The development is therefore in accordance with DMT3 and DMT8.
74. The development would have links to the countryside but given the relatively remote location would not have any close link to nearby settlements (policy TR1). However, this must be balanced against the potential benefits of the development, which can only be achieved on site.

#### **Conclusion**

75. Subject to conditions, the proposed development would conserve and enhance the significance of the Grade II listed farmhouse, adjacent barns and their setting. The development would conserve the landscape and biodiversity of the site.
76. The development would incorporate appropriate climate change mitigation measures and not harm the amenity of neighbouring properties or highway safety.
77. Therefore having taken into account all matters raised we consider that subject to conditions the development is in accordance with the development plan. There are no other material considerations that indicate that permission should be refused. The application is therefore recommended for approval subject to conditions.

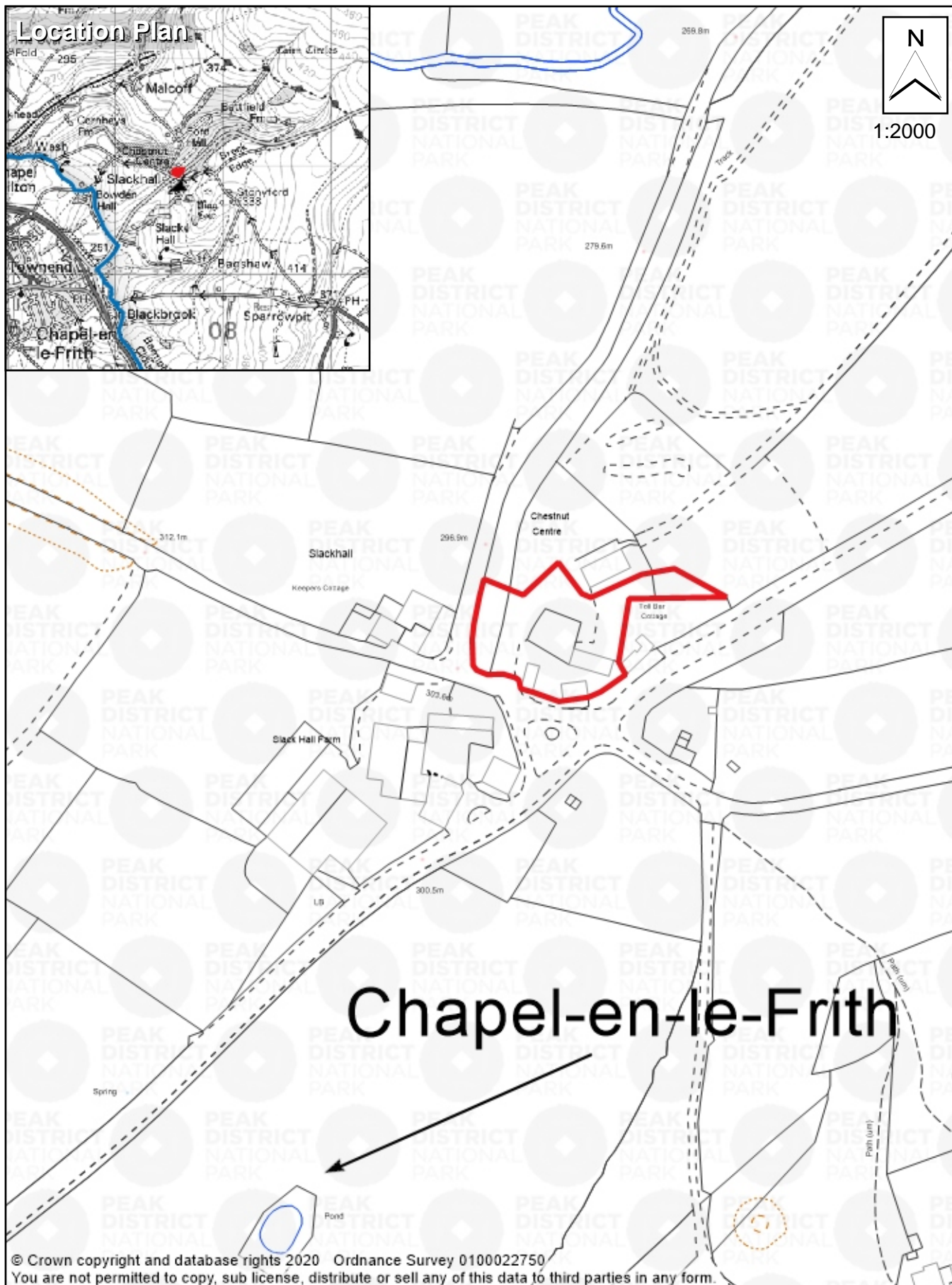
## **Human Rights**

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

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

None

**Report Author:** Adam Maxwell, Senior Planner



Committee Date: 6th November 2020  
Item Number:  
Application No: NP/HPK/0420/0301  
Grid Reference: 407548, 381928

**Title:** Chestnut Centre



**PEAK  
DISTRICT  
NATIONAL  
PARK**

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**7. LISTED BUILDING CONSENT – CONVERSION OF THE LARGE BARN TO ONE RESIDENTIAL DWELLING, CONVERSION OF THE SMALL BARN TO ANCILLARY ACCOMMODATION / HOLIDAY ACCOMMODATION TO CHESTNUT FARMHOUSE, INTERNAL AND EXTERNAL WORKS TO THE BARNS AND HOUSE, CHANGE OF USE OF THE ASSOCIATED LAND TO RESIDENTIAL, WORKS OF HARD AND SOFT LANDSCAPING, CAR PARKING, AND OTHER WORKS INCIDENTAL TO THE APPLICATION PROPOSALS AT CHESTNUT CENTRE, SHEFFIELD ROAD, CHAPEL-EN-LE-FRITH, (NP/HPK/0420/0302 AM)**

**APPLICANT: MR AND MRS HEAP**

**Summary**

1. The Chestnut centre is located in open countryside on Sheffield road north east of Chapel-en-le-frith. The site is currently unoccupied but benefits from planning permission for use as a conservation and wildlife park open to the public.
2. This application proposes the conversion and alterations to the existing Grade II listed farmhouse and two former barns to create one ancillary / holiday dwelling and one market dwelling.
3. The application demonstrates that the development will conserve and enhance the significance of the listed farmhouse and barns.
4. We recommend that the application is granted consent subject to conditions.

**Site and Surroundings**

5. The Chestnut Centre is located in open countryside off Sheffield Road, 1.5km north east of Chapel-en-le-frith and 300m south of the hamlet around Ford Hall.
6. The centre is currently un-occupied but benefits from planning permission for use as a wildlife centre, which utilised the existing buildings, and the associated land for parking. The wildlife enclosures were located along a section of the river to the north and accessed along the historic drive associated with Ford Hall. The site is located within the designated Slackhall and Ford Hall Conservation Area.
7. The site includes three buildings; a Grade II listed former Quaker burial ground, historic gates, the access and part of the parking areas for the wildlife centre. The buildings include: Chestnut Farmhouse, a Grade II listed dwellinghouse located adjacent to the highway (the farmhouse); a two storey barn last used as an education centre with toilets and changing facilities (the large barn) and a smaller barn last used as an office (the small barn). The barns and gateposts are curtilage listed in respect of the farmhouse and Ford Hall respectively.
8. The nearest neighbouring property is Toll Barn Cottage, a Grade II listed dwellinghouse to the west of the site. Slacke Hall Farm, a Grade II listed farmhouse is located to the south of the site.

**Proposal**

9. The conversion of the large barn to a market dwelling. The conversion of the small barn to ancillary accommodation / holiday accommodation for the farmhouse. External and internal alterations to the buildings and landscaping.
10. The proposed works to the farmhouse include replacement external and internal doors, new floor finishes, replacement of handrails and balustrading to staircase, replacement of existing roof light, replacement kitchen, bathroom and soil vent pipe.
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bedroom at first floor. New timber windows and doors are proposed along with flue and soil vent pipe.

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13. Landscaping is proposed to create parking areas and gardens for the dwellings. An electric vehicle charging point is proposed for each dwelling.

### **RECOMMENDATION**

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

- 1. Statutory three year time limit for implementation.**
- 2. In accordance with specified amended plans.**
- 3. Agreement of external lighting scheme prior to installation.**
- 4. Notwithstanding approved plans, no permission is granted for roof light to farmhouse. The existing roof light shall not be replaced other than in accordance with revised plans showing a single conservation roof light which shall have first been submitted to and approved by the National Park Authority.**
- 5. Notwithstanding approved plans the window to elevation 04 of building C (opening C-W11 on drawing PL-234) shall not be installed other than in accordance with revised plans (including frame design, opening mechanism and obscure glazing) which shall have first been submitted to and approved by the National Park Authority.**
- 6. No works to expose the fireplace within the small barn shall be undertaken other than in accordance with a method statement, which shall have first been submitted to and approved in writing. Thereafter, full details of new fireplace and associated works to be agreed in writing.**
- 7. Minor design details including: window and door finishes and furniture; rainwater goods; soil vent pipes (to be internal); flues and vents and floor finishes.**

### **Key Issues**

- The impact of the proposed works upon the significance of the Grade II listed buildings and their setting.

### **Relevant Planning History**

Pre-application advice has been sought prior to the submission of the application. We advised that in principle the conversion of the historic buildings was acceptable subject to a detailed design that conserved the significance of the buildings and the amenity of occupants.

The removal of the enclosures, ticket office and parking areas and replacement with a single market dwelling may be acceptable as the site is previously developed land. Any development would need to demonstrate significant enhancement in accordance with policy GSP2. A sub-terrain approach may be acceptable but care is needed to ensure a seamless approach with the topography and a design that minimised visual impact.

2007: Appeal against planning conditions imposed by the 2006 permission. Conditions 4 and 5 were deleted. These conditions sought to restrict total visitor numbers per annum and at any one time.

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1984: Planning permission granted conditionally for falconry and country pursuits centre.

### **Consultations**

14. Parish Council: Request we carry out a site visit to fully assess the impact a new dwelling would have on the area especially the woodland and raise concerns regarding the proposed change of use of land to residential.

15. District Council: No response to date.

16. Highway Authority: The proposals will result in a substantial reduction in vehicle movements therefore there are no objections subject to planning conditions.

17. Historic England: No comment.

18. PDNPA Built Environment: Considers that the works are generally appropriate and will address issues with the existing buildings. Therefore, the proposed scheme is acceptable subject to minor amendments to address the detailed design.

19. PDNPA Archaeology: The proposals raise no archaeological concerns.

### **Representations**

20. Council for British Archaeology (CBA): Make the following comments:  
*“After assessing the application and examining the associated documentation the CBA is content that the proposed development will result in minimal harm to the significance of the Grade II Listed and curtilage listed buildings and their setting within the Conservation Area and the Peak District National Park. The CBA note that these proposals take many opportunities to better reveal the significance of the proposal site. The CBA is satisfied that the “great weight”, required by paragraph 193 of the NPPF, has been given to the buildings’ conservation and that “clear and convincing justification”, as required by paragraph 194 has been expressed for the proposed works in order to secure its sustainable future.*

*The CBA’s only recommendation is that the 1970s period of works be considered as a valid phase in the change and evolution of Chestnut Farm, and that all evidence of this period should not be removed.”*

Relevant Development Management Plan policies: DMC7

### **National Planning Policy Framework**

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

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

22. The latest version of the National Planning Policy Framework (NPPF) was published on 19 February 2019. The NPPF is a material consideration and carries particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and policies of the Development Management Policies document 2019. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application.
23. In this case there is no conflict between our development plan policies and the NPPF Our development plan policies should therefore be afforded full weight in the determination of this application.
24. Paragraph 172 of the NPPF 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. The conservation and enhancement of wildlife and cultural heritage should also be given great weight in National Parks.
25. Para 190 of the NPPF states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
26. Para 192 of the NPPF states that in determining applications, local planning authorities should take account of:
  - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.
27. Para 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
28. Para 194 of the NPPF states 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. Substantial harm to or loss of:
  - a) grade II listed buildings, should be exceptional.
29. Substantial harm is very serious and is the greatest level of harm after total loss. Substantial harm will often lead to irreversible loss of significance to a point where the designation is likely to be compromised. All other harm falls under the umbrella of 'less than substantial harm', and it is important that this is not underestimated as harm that falls into this category can still be very damaging cumulatively or in its own right. Para 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of

a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

30. Para 199 of the NPPF states that Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

#### Core strategy policies

31. Our conservation policies reflect the approach taken in the NPPF. Policy L3 says that development must conserve and where appropriate enhance cultural heritage assets and their setting and that other than in exceptional circumstances, development will not be permitted where it is likely to cause harm.

#### Development management policies

32. DMC7 says that applications affecting a listed buildings should be determined in accordance with DMC5 and clearly demonstrate how the significance of the affected heritage assets will be preserved and why the proposed development is desirable or necessary. DMC7 C. and D set out specific types of alterations to listed buildings that will not be permitted.
33. In considering whether to listed building consent for the proposals, we are obliged to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest, which it possesses. We must give great weight to the desirability of conserving a designated heritage asset weighing against any public benefit where harm is less than substantial.

### **Assessment**

#### Impact of proposed works

34. The buildings are located in a group close to the junction and together form a historic farmstead formerly associated with Ford Hall. A heritage assessment has been prepared to inform the proposed works.
35. The proposals to the farmhouse are relatively minor in nature and the replacement of the existing doors and handrail / balustrading to the staircase will provide an enhancement to the building.
36. The application proposes a new two-pane roof light to the rear elevation. This would replace an existing roof light, which is unauthorised. There is no objection in principle to a new roof light in this position but the proposed two pane light is wide and has a horizontal form. A single pane conservation roof light is require and we would recommend that this detail is secured by planning condition along with other minor design details as recommended by our Conservation Officer.
37. The small barn would be converted to a single bedroom dwelling ancillary to the farmhouse. This building has been significantly altered internally and externally when it was converted to its current use as an office for the centre. The proposed works would introduce more appropriate window and door frames, remove timber wall lining and replace with lime plaster. The existing structural steel work would be removed with new timber purlins installed.
38. The proposed works would result in enhancement to the small barn subject to conditions to secure minor design details as recommended by our Conservation Officer. There is no objection to the use of the barn as ancillary accommodation or holiday accommodation given

its close relationship to the farmhouse. A planning condition would be necessary to secure occupancy would be necessary in accordance with policy DMR3.

39. The large barn would be converted to a three-bedroom market. This building has also been significantly altered internally and externally when it was converted to its current use as classrooms, changing rooms and toilets for the centre. The roof structure, floors and internal walls of the building are modern. The proposed works would introduce more appropriate window and door frames and remove the modern roof lights. The existing structural steel work would be removed with new timber purlins installed.
40. The proposed works would result in enhancement to the large barn subject to conditions to secure minor design details as recommended by our Conservation Officer. The long barn is very close to the farmhouse and therefore conditions are required to secure the amended plans, which ensure that occupants of the dwellings will not overlook each other or occupants of the neighbouring lodge.
41. The Council for British Archaeology request we consider retaining the steel roof structure in the barns as this represents the most recent chapter in the use of the buildings. We acknowledge that this structure does represent the conversion works that took place during the later 20<sup>th</sup> century; however, we consider that the steel structure significantly detracts from the character of the building and that it would be preferable to take the opportunity to install a more appropriate timber roof structure.
42. The farmhouse and small barn would be provided with a modest curtilage and four parking spaces adjacent to the access. Landscaping including new paving and tree and hedge planting is proposed.
43. The dwelling within the large barn would be provided with a curtilage in the former yard area. Two parking spaces are proposed accessed from the historic driveway. New tree and hedge planting is proposed. An area of land to the north of the proposed curtilage, formerly used as an outdoor seating area by the centre is proposed to be returned to the woodland with new tree and shrub planting carried out. There are no objections to the proposed landscaping which will conserve the setting of the buildings subject to the approval of details.
44. We therefore conclude that subject to conditions the proposed development will result in enhancement to the significance of the buildings and their setting. The development is therefore in accordance with policies L3 and DMC7.

## **Conclusion**

45. Subject to conditions, the proposed development would conserve and enhance the significance of the Grade II listed farmhouse, adjacent barns and their setting.
46. Therefore having taken into account all matters raised we consider that subject to conditions the proposed works will conserve and enhance the listed building and its setting. There are no other material considerations that indicate that consent should be refused. The application is therefore recommended for approval subject to conditions.

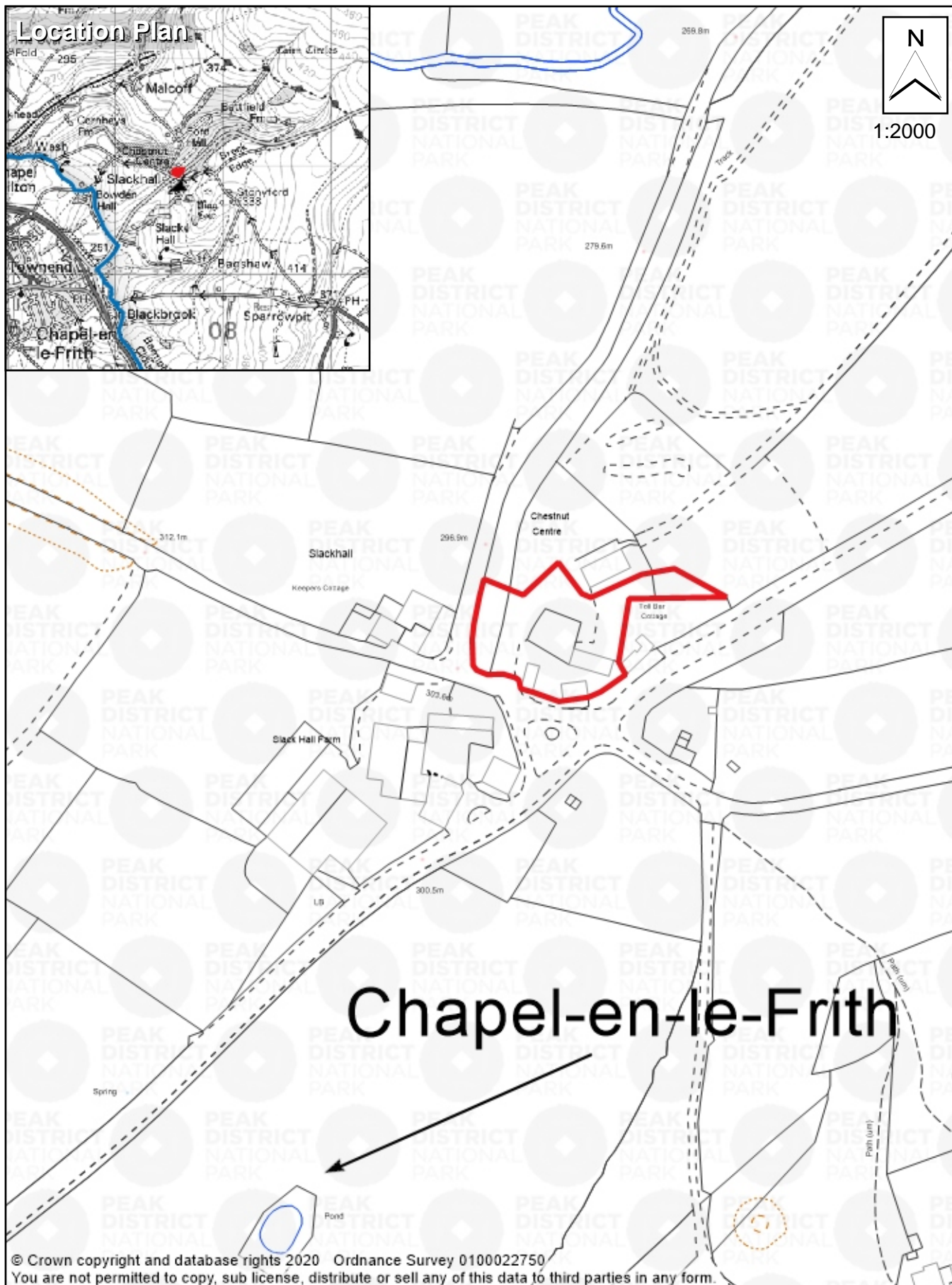
## **Human Rights**

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

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

None

**Report Author:** Adam Maxwell, Senior Planner



Committee Date: 6th November 2020  
Item Number:  
Application No: NP/HPK/0420/0302  
Grid Reference: 407548, 381928

**Title:** Chestnut Centre



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**8. HOUSEHOLD APPLICATION - PROPOSED DWELLING EXTENSION AND ASSOCIATED WORKS AT 1, HORSEDALE, BONSCALL, DE4 2AY (NP/DDD/0320/0275, LB)**

**APPLICANT: MR ANDREW CLARKE**

**Summary**

1. The application seeks planning permission for a rear extension to number 1, Horsedale at Bonsall for additional living accommodation. The proposed extension would result in the dwelling having a complicated mass and plan form that would fail to preserve the historic character of the host building and that would result in harm to the character of the Bonsall Conservation Area. The application is therefore recommended for refusal.

**Site and surroundings**

2. Number 1 Horsedale is located to the west of Bonsall within its Conservation Area. Set at the bottom of 'The Bank', and overlooking 'Horsedale Lane' to the south, the large detached dwelling sits in an open and prominent garden, clearly visible from the highway which leads into Bonsall and Slaley. Under a pitched roof the dwelling has a formal frontage; 4 sliding slash windows with gritstone surrounds which sit alongside a small porch. A large two storey element projects off the rear elevation and the whole dwelling is rendered with a white painted finish. A detached pitched roof garage is also located at the rear of the site. Footpaths run into Bonsall Dale from the north, south and west. The nearest neighbouring property is Dale House, approximately 20 metres to the north, and Pear Tree Cottage, 30 metres to the east.

**Proposal**

3. The application seeks planning permission for an extension and associated works.
4. The submitted amended plans show a two storey extension will project off the east elevation of the existing rear projection. The proposed extension will project past the eastern gable of the host dwelling, causing the addition to come past and be visible from the front elevation. A single storey lean-to is also proposed to project off the eastern gable of the proposed extension.
5. The extension will be constructed from random limestone rubble laid to course under a blue tiled roof alongside casement windows with gritstone heads.
6. Amended plans also show landscaping works will take place to the front of the dwelling alongside various alterations to the property that comprise of replacing hardrow tiles with Staffordshire blue tiles, rebuilding of the chimney stacks, and stripping the window surrounds of paint.

**RECOMMENDATION:**

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

1. **The proposed development, by virtue of the scale, form, massing and design fails to harmonise with or adequately respect the character and appearance of the existing dwelling. As such the development proposals are not sensitive to the locally distinctive building traditions or the valued characteristic of the National Park. The development would therefore also result in harm to the historic character of the Bonsall conservation area. The proposal is contrary to the National Planning**

**Policy Framework, the Core Strategy Policies GSP1, GSP2, GSP3, DS1 and L1 and the Development Management Policies DMC3 and DMC8.**

**Key Issues**

- Design and scale, location, landscape impact and amenity issues.

**History**

7. WED/0177/006, planning permission for the erection of a garage, approved.

**Consultations**

8. **Bonsall Parish Council** – *‘Support the application on the basis that the proposals would constitute an improvement to the aspect of the dwelling and would be sympathetic to the conservation area’.*
9. **Derbyshire County Council Highways Authority** – *‘No highway objections in principle providing the office is for private domestic purposes only i.e. not for commercial use’.*
10. **Derbyshire Dales District Council** – No response to date.

**Representations**

11. The Authority has not received any letters of representation.

**Main policies**

12. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1
13. Relevant Development Management Plan policies: DMC3, DMC8

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

14. 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.
15. 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.’*
16. Section 16 of the NPPG discusses the conservation of the historic environment. It sets out that great weight must be given to the conservation of heritage assets.

### Development plan

17. Core Strategy polices GSP1, GSP2 and GSP3 together say that all development in the National Park must be consistent with the National Park's legal purposes and duty and that the Sandford Principle will be applied where there is conflict. Opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon and development which would enhance the valued characteristics of the National Park will be permitted. Particular attention will be paid to impact on the character and setting of buildings, siting, landscaping and building materials, design in accordance with the Design Guide and the impact upon living conditions of local communities.
18. Core Strategy policy DS1 outlines the Authority's Development Strategy.
19. 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.
20. DMC3 of the Development Management Plan states that development will be permitted provided that its detailed treatment is of a high standard that respects, protects and where possible enhances the natural quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place.
21. DMC8 of the Development Management Plan states that applications for development in a Conservation Area, or for development that affects its setting or important views into or out of the area, across or through the area should assess and clearly demonstrate how the existing character and appearance of the Conservation Area will be preserved and, where possible, enhanced. Applications should also be determined in accordance with policy DMC5 taking into account amongst other things, form and layout, street pattern scale, height, form and massing, local distinctive design details and the nature and quality of materials.
22. The Authority's Detailed Design Guide Supplementary Planning Document gives advice on alterations and extensions. Chapter 3 states that there are three main factors to consider, massing, materials, detailing and style, it states that all extensions should harmonise with the parent building, respecting the dominance of the original building and being subordinate to it. The original character of the property should not be destroyed when providing additional development. Side extensions should take their cue from the front elevation alongside, converted loft space can be lit by the addition of roof lights.

### Assessment

#### Principle

23. As noted in the Authorities policies, in principle, extensions to dwellings in the National Park are supported by the Authority provided that they are of a suitable design, scale, form and massing and would not harm the character, appearance or amenities of the host property or the amenities of neighbouring properties.

#### Design and Impact on the Conservation Area

24. The host dwelling occupies a very prominent position in the conservation area and the front and eastern side elevations are clearly visible from public vantage points.
25. The host dwelling is a traditional building that is a good example of the local, historic, vernacular. Its single-room-depth plan form and narrow gables are entirely in keeping with the Peak District local building tradition. The building has previously been extended with

quite a large two storey addition to the rear elevation, but this has a very simple plan form that does not detract from the historic character of the original building. Because the existing rearward projecting element is set against the bankside, meaning that it does not have a particularly prominent appearance.

26. In its current form, the host dwelling makes a positive contribution to the historic character of the Bonsall Conservation Area.
27. Originally the submitted plans proposed a two storey extension that projected from the east elevation of the existing rear projection, passing and almost wrapping round the side gable of the front section of the dwelling. A further single storey extension with a porch projected off the eastern gable of the extension, increasing the bulk and massing at the rear of the dwelling and completely altering the original, simple form of the dwelling, contrary to adopted design guidance. Amended plans were submitted during the course of the application.
28. The amended plans still propose a two storey projection off the eastern elevation of the existing rear projection but with a single storey lean to attached to the gable of the extension.
29. The extension would project significantly beyond the eastern elevation of the principle part of the host dwelling. This raises two significant conflicts with our adopted design guidance: massing and plan form.
30. In terms of massing, the substantial footprint of the extension, with an internal area very similar to that of the principle original part of the dwelling, along with the proposed extensions' eaves and ridge height, creates a form and massing that is not subsidiary to the host dwelling. The scale is further increased by the additional single storey element. Clearly dominating the property, the extension would be larger than the existing rear projection and would result in significant erosion of the original, simple character and appearance of the building.
31. The adopted design guide requires that extensions are set down and/or set back from principle elements of the host dwelling in order to ensure a subservient visual relationship. However, the extension as proposed would do exactly the opposite; it would result in the original eastern side elevation of the historic host property being set back several metres from the side elevation of the proposed extension. This is an unacceptable arrangement that would significantly detract from the character of the host building.
32. In terms of plan form, the proposed extension projects off both the back of the original part of the host dwelling and the side of the existing two storey addition. It then continues to project significantly beyond the original eastern elevation as set out above.
33. This completely alters the original shape of the dwelling, creating a building of very complicated plan form with a total of six different roof elements. Simplicity of plan and roof form is identified in our adopted Design Guides as one of the key characteristics of the local building tradition. A complicated, unresolved plan form should be avoided. The extension as proposed would completely erode the existing simple and traditional historic form of the host dwelling, resulting in a dwelling with an unresolved form that would dominate the original building rather than harmonise with it or compliment it.
34. The extension does not sit comfortably or balance with the dwelling, instead one overall mass of bulk is created when taken together with the original part. The original simplicity of the building is lost. The extension creates a double pitch and valley roof with the original dwelling when viewed from the east and forms a complicated massing of roof pitches together, contrary to examples in the Authority's Design Guide. This would create a building that is no longer a good example of the local vernacular.

35. As the dwelling can also be viewed from the adjacent highway, the extension from the east and west will be seen in its wider setting resulting in visual impact upon the dwelling itself, its wider setting and the surrounding Conservation Area. Rather than making a positive contribution to the character of the Conservation Area as is the case now, the dwelling as proposed to be extended would harm the character of the Conservation Area.
36. The scale, massing, design and location of the extension harms the character and appearance of the dwelling and creates unnecessary harm to the visual impact of the dwellings' imitate setting and the wider area resulting in impact upon the public view points and the Conservation Area. Therefore, the proposals are contrary to Development Management Policies DMC3 and DMC8 and the guidance within section 16 of the NPPF.
37. During the course of the application, we have invited the applicant to consider an alternative scheme that involves a simple extension off the side elevation of the host dwelling. This would allow the building to retain its simple and traditional form and massing and would be likely to overcome the concerns with the scheme as proposed. However, the applicant has declined to amend the scheme in this way and has requested that the application is determined in its current form.

#### Amenity

38. Due to the distance to the nearest neighbouring properties and as there are no opening proposed in the eastern gable of the extension, the proposal will not result in any amenity issues.

#### Highways Impacts

39. The Highways Authority has no objection to the proposal provided the extension is not for commercial use. The proposal is for residential use only, therefore there are no highways concerns.

### **Conclusion**

40. The proposed extension to number 1 Horsedale would result in significant harm to the character and appearance of the dwelling and would be harmful to the Bonsall Conservation Area and to the special qualities of this part of the National Park. The application is contrary to policies GSP1, GSP1, GSP3, DS1 L1, and DMC3 and DMC8 and the guidance within the NPPF. The application is recommended for refusal.

### **Human Rights**

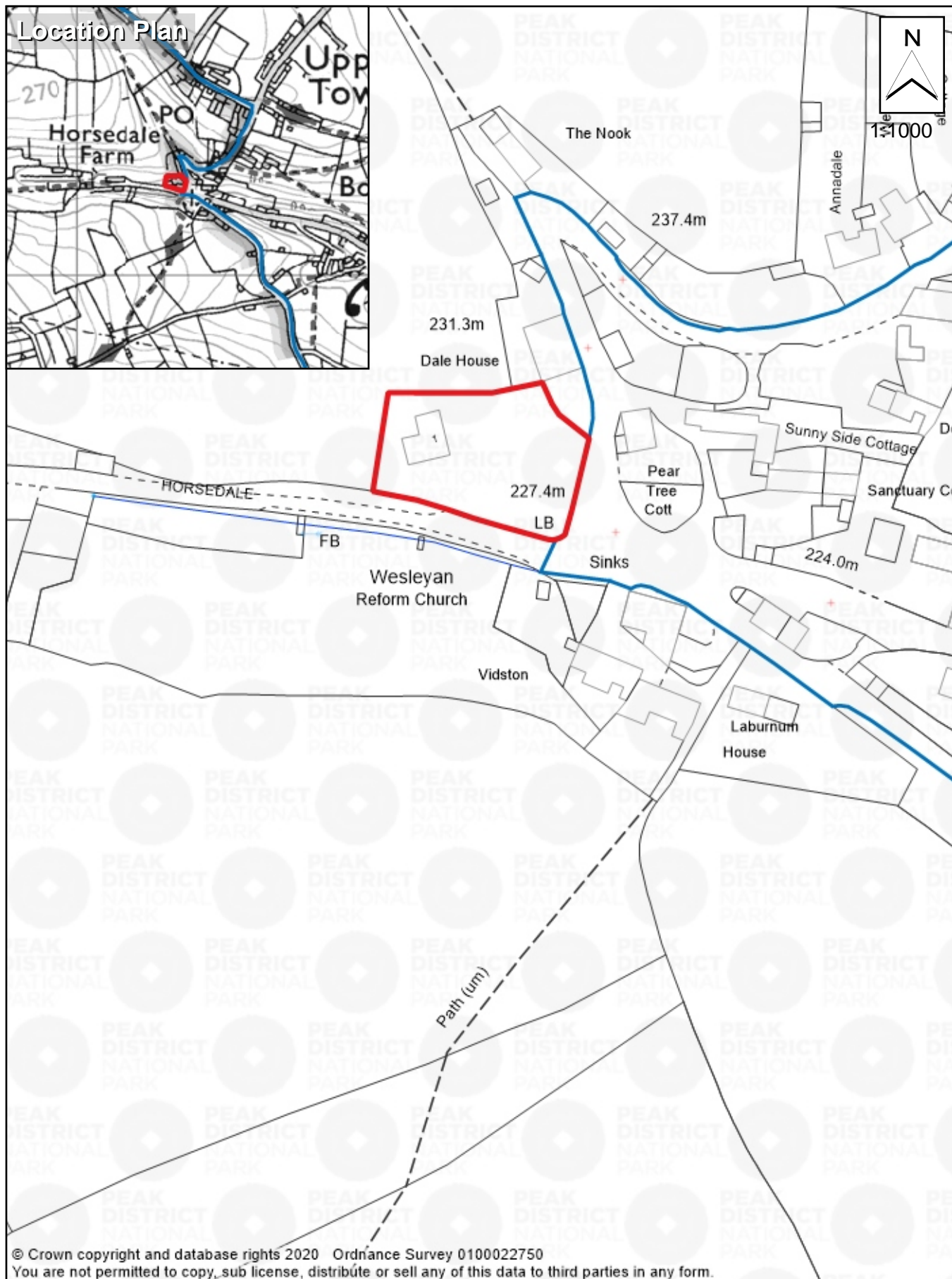
41. Any human rights issues have been considered and addressed in the preparation of this report.

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

Nil

Report Author: Laura Buckley, Planning Assistant, South Area.

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Committee Date: 6th November 2020  
Item Number:  
Application No: NP/DDD/0320/0275  
Grid Reference: 427172, 358174

**Title:** Horsedale, Bonsall



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**9. FULL APPLICATION – PROPOSED FACILITIES FOR HAYFIELD FOOTBALL AND COMMUNITY SPORTS CLUB AT LAND OFF BANK VALE ROAD, HAYFIELD (NP/HPK/0320/0284 AM)**

**APPLICANT: CARL DEAN**

**Summary**

1. The site is existing sports pitches located on the edge of Hayfield.
2. This application proposes the erection of facilities for Hayfield Football club on the south west corner of the fields along with alterations to the existing access and extension of the car park.
3. The application demonstrates that the development will provide enhanced community sports facilities and conserve the valued characteristics of the National Park, the amenity of neighbouring properties and highway safety.
4. We recommend that the application is granted permission subject to conditions.

**Site and Surroundings**

5. The application site forms part of playing fields on the northern edge of Hayfield. The site is outside of the Hayfield conservation area.
6. There is an existing car park on the west side of the site with access from Bank Vale Road.
7. There are neighbouring residential properties to the west on the far side of the road and to the south.

**Proposal**

8. The erection of a building on the south west corner of the field for changing rooms, storage and training / social space for Hayfield football club. The building would be single storey constructed from natural gritstone under a blue slate roof with dark grey aluminium window and door frames. Solar photovoltaic panels would be installed on part of the rear roof and an air source heat pump would be installed.
9. The car park would be enlarged to the south to create a total of 21 parking spaces and 2 coach spaces. Two of the parking spaces would be provided with electric vehicle charging points.
10. The site around the building and car park would be landscaped with new shrub planting, and creating of wildflower meadow. The car park would be surfaced with bound gravel with low powered bollard down lighting. The existing drystone boundary walls would be repaired and rebuilt as necessary. The existing access would be widened to 5m and paving would be laid around the building to provide pedestrian access and a terrace to the rear.

**RECOMMENDATION**

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

1. Statutory three year time limit for implementation.
2. In accordance with specified amended plans.
3. Implementation of tree protection measures before any other development commences.
4. Provision of widened access prior to any other development commencing (other than implementation of tree protection measures).

5. Agreement and implementation of construction compound, parking and storage before any other development commences.
6. Agreement of detailed landscaping plan (including replacement tree planting, car park surfacing and hardstanding). Implementation before first occupation of the development.
7. Development to be carried out in accordance with protected species report and outside of breeding bird season (March to September).
8. Detailed scheme of ecological enhancement measures to be agreed and implemented before first occupation of the development.
9. No external lighting other than in accordance with approved scheme.
10. Air source heat pump to be installed in accordance with details to be approved before the first occupancy of the development hereby approved.
11. Solar photovoltaic panels and battery storage system to be installed in accordance with details to be approved before the first occupancy of the development hereby approved.
12. Electric vehicle charging points and secure cycle storage to be installed in accordance with details to be approved before the first occupancy of the development hereby approved.
13. Design details including narrower front porch element, natural gritstone sample panel and blue slate roof. Obscure glazing to windows.
14. Restrict use to assembly and leisure only notwithstanding the Use Class Order.
15. Underground services

#### **Key Issue**

- The impact of the proposals upon the valued characteristics of the National Park and the amenity of neighbouring properties.

#### **Relevant Planning History**

11. Pre-application advice has been sought prior to the submission of the application. We advised that in principle the erection of a club house for the football club would be acceptable subject to an appropriate design, landscaping, limited parking and incorporation of sustainable building measures.

#### **Consultations**

12. Parish Council: Make the following comments:
13. The Parish Council fully support the building of Clubhouse facilities for the Hayfield Community Sports and Football Club on the land off Bank Vale Road, Hayfield.
14. The Parish Council objects to the position of the building as shown on the application considering it too close to dwelling houses
15. However, if this was the only position that the planning department consider acceptable and that permission would be declined if the club house were to be positioned anywhere else on the site then the Parish Council would withdraw their objection.
16. Borough Council: No response to date.

17. Highway Authority: Makes the following comment:
18. On the basis that the site already generates a certain level of traffic associated with the football pitches, which is not set to increase as a direct result of the above proposal, there are no highway objections to the above proposal in principle.
19. The Highway Authority recommends that the access is widened to 5m and the two nethermost spaces are moved to avoid lengthy reversing manoeuvres. There are no objections subject to conditions to require: agreement of construction compound, the access to be modified, limit gradient of access, require parking to be provided and prohibit gates or barriers within 5m of the highway boundary.
20. Natural England: No objection.
21. Sport England: Raise no objection and make the following comment:
22. Given that the proposal would not have a negative effect on usable playing field and would represent a tangible enhancement relative to the existing facilities, Sport England considers that the development would accord with Policy Exception 2 and therefore does not wish to raise an objection to this application.
23. PDNPA Landscape: There are no objections from a landscape point of view. Would like to see the landscape scheme enhance the relationship of the application with Bank Vale Road and the neighbouring housing.
24. PDNPA Ecology: Raise no objection provided that all trees are to be retained on site as proposed. Recommend that the proposal consider wider biodiversity gain such as opportunities for wildflower enhancement.
25. PDNPA Tree Officer: No response to date.

### **Representations**

26. We have received 61 letters of support and 5 letters of objection to date.
27. The reasons for objection are summarised below:
  - The development may attract anti-social behaviour which could harm the residential amenity of nearby properties.
  - Consideration should be given to moving the building away from neighbouring residential properties.
  - The building provides a hall, social area and kitchen. If social events are undertaken in the evening noise and traffic could harm the residential amenity of the area which is exceptionally quiet.
  - Consideration should be given to reducing the size of the building to only provide changing facilities.
  - Insufficient off-street parking is provided especially if both pitches were in use at the same time. Swallow House Lane is already partly congested with residents parking and Bank Vale Road is single track. Off-street parking would lead to severe congestion harming the amenity of neighbouring properties and preventing access for emergency vehicles.
  - Two coach parking spaces are provided but Swallow House Lane and Bank Vale Road are unsuitable for coach access.

28. The reasons for support are summarised below:

- The proposed development would be a great asset to the football club and the community as a whole.
- The building could be used by the community for example by local businesses or for parent and toddler meetings during the day.
- The proposed design is appropriate for the village and the Peak District National Park. The building looks modern while reflecting the local character.
- The proposed site is well related to the village rather than the unspoiled rural land surrounding it. The site is also away from the conservation area and listed buildings.
- The development would not lead to loss of light, privacy or overlooking to the nearest residential property as the building is single storey and there are no windows on the southern elevation.
- Existing parking facilities will be retained and upgraded and are sufficient for two teams plus staff. The majority of users will live in Hayfield and will be able to walk or cycle to the site.
- Impact on highway safety will be mitigated by upgrading the junction with Bank Vale Road.
- The proposed landscaping will be an enhancing on the existing rough grass.
- Appropriate drainage has been provided.
- The development will improve amenity for families and individuals, encourage exercise and fitness and provide employment during construction and use.
- The development is in accordance with policies HC4 and RT1 which support community facilities on the edge of settlements.
- The development will replace the two existing ugly shipping containers currently used for storage.

#### Main Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, CC1, HC4, L1, L2 and L3

Relevant Development Management Plan policies: DMC3, DMC11, DMC12, DMC13, DMC14, DMS7, DMT3 and DMT8

#### National Planning Policy Framework

29. 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.

30. The latest version of the National Planning Policy Framework (NPPF) was published on 19 February 2019. The NPPF is a material consideration and carries particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and policies of the Development Management Policies document 2019. Policies in the Development Plan

provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application.

31. In this case there is no conflict between our development plan policies and the NPPF. Our development plan policies should therefore be afforded full weight in the determination of this application.
32. Paragraph 172 of the NPPF 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. The conservation and enhancement of wildlife and cultural heritage should also be given great weight in National Parks.
33. Paragraph 83 says that planning decisions should enable sustainable leisure developments and community facilities, such as sports venues which respect the character of the countryside. Paragraph 84 says that decisions should recognise that sites to meet community needs may have to be found adjacent to existing settlements. The use of sites that are physically well-related to existing settlements should be encouraged.
34. Paragraphs 91 and 92 say that decisions should aim to achieve healthy, inclusive and safe places that promote social interaction, are safe and accessible and enable and support healthy lifestyles for example through the provision of sports facilities.
35. Paragraph 97 says that existing open space and sports land, including playing fields should not be built on unless the development is for (amongst other things) alternative sports and recreation provision, the benefits of which clearly outweigh the loss of the current or former use.

#### Core strategy policies

36. GSP1 sets out the broad strategy for achieving our objectives having regard to the Sandford Principle. GSP1 also sets out the need for sustainable development and to avoid major development unless it is essential.
37. GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
38. Our conservation policies reflect the approach taken in the NPPF. Policy L3 says that development must conserve and where appropriate enhance cultural heritage assets and their setting and that other than in exceptional circumstances, development will not be permitted where it is likely to cause harm. Policies L1 and L2 require development to conserve or enhance landscape character and biodiversity.
39. HC4. A says that the provision of community facilities within or on the edge of settlements listed in core policy DS1 will be encouraged. Proposals must demonstrate evidence of community need with preference given to the change of use of an existing traditional building. Shared or mixed use with other uses and community facilities will be encouraged.
40. CC1 says that development must be designed in accordance with the energy hierarchy and be designed to maximise reductions in energy and water consumption to mitigate the impacts of climate change.
41. T7 states that 'non-residential parking will be restricted in order to discourage car use, and will be managed to ensure that the location and nature of car and coach parking does not exceed environmental capacity. New non-operational parking will normally be matched by a reduction of related parking spaces elsewhere and wherever possible will be made available for public use.'

### Development management policies

- 42. DMC3 says that where development is acceptable in principle, it will be permitted if its detailed treatment is of a high standard that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage assets. Particular attention will be paid to siting, scale, form, mass, landscape setting and the valued character and appearance of the area.
- 43. Policies DMC11 and DMC12 require applications to include sufficient information to enable an assessment of impact upon designated sites and protected species. Development must conserve and enhance protected sites and species unless there are exceptional circumstances. DMC13 requires sufficient information to enable an assessment on trees to be made.
- 44. DMC14 says that development that presents a risk of pollution or disturbance including soil, air, light, water or noise pollution, or odour that could adversely affect any of the following interests will not be permitted unless adequate control measures are put in place to bring the pollution within acceptable limits
- 45. DMS7. A says that development that would prejudice the continued use of community sports facilities will not be permitted unless (amongst other things) the development is for alternative sports and recreation provision, the need for which clearly outweigh the loss.
- 46. DMT3 and DMT8 require safe access and adequate off-street parking provision.

### **Assessment**

#### Principle

- 47. The development would provide facilities for the existing football pitches on the edge of Hayfield. The application demonstrates clear need for the proposed facilities which would also be made available for use by the local community. The proposals therefore are in principle in accordance with our development strategy and policy HC4. A.
- 48. The site is located in the south west corner of the existing playing fields but would not affect either of the existing pitches. The development therefore would enhance the continued use of the sports facilities in accordance with policy DMS7 and encourage healthy communities in accordance with the NPPF. We note that Sports England raise no objections to the proposals for this reason.
- 49. The proposed development is therefore in accordance with our policies in principle which say that we should encourage shared community facilities in or on the edge of settlements such as Hayfield.
- 50. The main issues therefore are whether the design and siting of the building would conserve the valued characteristics of the National Park and the amenity of nearby neighbouring properties.

#### Design and impact of development

- 51. The building would be sited in the south west corner of the field and therefore well related to existing built development on the edge of the village. The comments from the Parish Council and representations are noted, however, alternative sites would be away from the edge of the village and would result in a greater impact. We therefore consider that the proposed site is appropriate and will minimise landscape impact.

52. The development would involve a modest increase to the existing parking area. Policy T7 does state that 'non-residential parking will be restricted in order to discourage car use, and will be managed to ensure that the location and nature of car and coach parking does not exceed environmental capacity. New non-operational parking will normally be matched by a reduction of related parking spaces elsewhere and wherever possible will be made available for public use.'

In this case it is not considered practicable to remove or restrict on street parking outside of the site as this would have an unacceptable impact on residential amenity. The use of the car park will be related in scale and volume by the activity taking place on the site. The impact of the increase in parking area would be limited because the car park would not extend significantly into the open fields, it would not exceed environmental capacity. The proposed landscaping and surfacing materials would also represent an enhancement over the existing car park. The removal of the existing storage containers from the land would also enhance the visual appearance of the site. The benefits of extending the parking provision as proposed would be acceptable and these material considerations as set out overcome the policy aim not to increase non-operational parking in this case.

53. The proposed building would be single storey and built from natural gritstone and blue slate. We have sought amended plans to the roof structure and to reduce the overall length of the building. The amended plans show a shorter building with better roof proportions and narrow gables. The front gable element should be narrowed so that it is brought in proportion with the doors. The design of the building as amended generally has an appropriate form, materials and fenestration in accordance with our design guidance.
54. The proposed solar panels and air source heat pump would be to the rear of the building which would minimise their impact on the street scene and the wider landscape.
55. The site is well away from any designated sites and on rough grassland. The development will not have an adverse impact upon designated sites. A tree survey has been carried out and all existing trees will be retained on site and protected during construction other than a semi-mature self-set Goat Willow and a young self-set Common Ash adjacent to the access.
56. A protected species survey has been carried out and concludes that the development will not have any adverse impact on designated sites, on site habitats, bats, birds or reptiles. The trees to be removed are considered to have negligible habitat value. The report recommends that works should be undertaken outside of the bird breeding season and that a precautionary approach should be taken to reptiles. Enhancement measures are recommended, including the installation of a minimum of two bat boxes, two bird boxes and the creation of hibernacula for common reptiles. Wildflower meadow planting and native planting more generally is proposed which is welcomed.
57. The building would be single storey and a sufficient distance from the nearest neighbouring property. We therefore consider that the development would not result in any significant loss of light or be overbearing. The loss of a view is not a material planning consideration. Provided that the two bathroom windows on the south elevation are obscurely glazed we do not consider that the development would lead to any loss of privacy.
58. Concern has been raised about the impact of increase activity including vehicle movements and noise from the building, particularly if the development was to be used by other community groups. The site is an established sports field and the development would primarily provide facilities for these existing facilities. The development may give rise to additional vehicle movements, especially if the development is utilised by other groups during the week. However, a significant number of visitors would be likely to walk or cycle to the site and we do not consider that additional vehicle movements would be harmful to the amenity of neighbouring properties.

59. Use of the proposed development could give rise to noise particularly if used by other community groups and in the evenings. However, the proposed facilities are modest in size and are an appropriate use in a residential area. We consider the development to be a sufficient distance away from neighbouring properties such that noise and other disturbance arising from its use would not harm the residential amenity of neighbouring properties.
60. If permission is granted we would recommend a planning condition to restrict the use of the building for assembly and leisure facilities only. This is required because the proposed development would fall under Use Class E and other uses under use class E include shops, financial and professional services, premises for the sale of food and drink (but not hot food takeaway or pubs/bars), business and light industry and non-residential institutions such as health services.
61. The development is only acceptable in principle because it would provide enhanced sports facilities and therefore unrestricted change of use to a range of other uses would not be in accordance with our development plan and may give rise to additional impact to neighbouring properties.
62. Therefore subject to conditions to secure design details, landscaping, ecological enhancement, tree protection measures and the removal of the existing containers the development would conserve the valued characteristics of the National Park and the amenity of neighbouring properties in accordance with policies GSP3, L1, L2 and DMC3.

#### Climate change and sustainable building

63. The design integrates solar photovoltaic panels and battery storage to the rear of the building which will significantly reduce the electricity requirements from the grid. Furthermore an air source heat pump is proposed to the rear of the building which will reduce energy consumption from heating the building.
64. Low water consumption devices and appliances will be utilised along with low power consumption L.E.D lighting. Water butts would be fitted to downpipes. The building would also be designed to maximise insulation. Two electric vehicle charge points and secure cycle storage would be provided on site.
65. The proposed development full integrates energy and water conservation methods and has been designed in accordance with the energy hierarchy in accordance with policy CC1. If permission is granted we would recommend conditions to ensure that the proposed solar panels, air source heat pump, water butts, EV charging points and cycle storage is implemented.

#### Other issues

66. The application proposes to extend the existing car park but the proposed spaces would be in accordance with our minimum and maximum parking standards and policy DMT8. We note the concerns raised in regard to the potential impact of additional off-street parking but agree with the Highway Authority that the proposed off-street parking is an acceptable level bearing in mind that a significant number of visitors would be likely to arrive on foot or by bicycle.
67. The proposed widening of the access would not be harmful provided that the walls are rebuilt as shown on the submitted plans. The widened access would be an improvement from a highway safety perspective and if granted conditions should be imposed to ensure that the access is modified and parking provided in accordance with the proposed plans. Bins would be stored within the building which is welcomed.



## **Conclusion**

- 68. Subject to conditions, the proposed development would provide community sports facilities and conserve the valued characteristics of the National Park in accordance with policies GSP3, DS1, HC4, GSP3 and DMS7.
- 69. The development would incorporate appropriate climate change mitigation measures and not harm the amenity of neighbouring properties or highway safety.
- 70. Therefore having taken into account all matters raised we consider that subject to conditions the development is in accordance with the development plan. There are no other material considerations that indicate that permission should be refused. The application is therefore recommended for approval subject to conditions.

## **Human Rights**

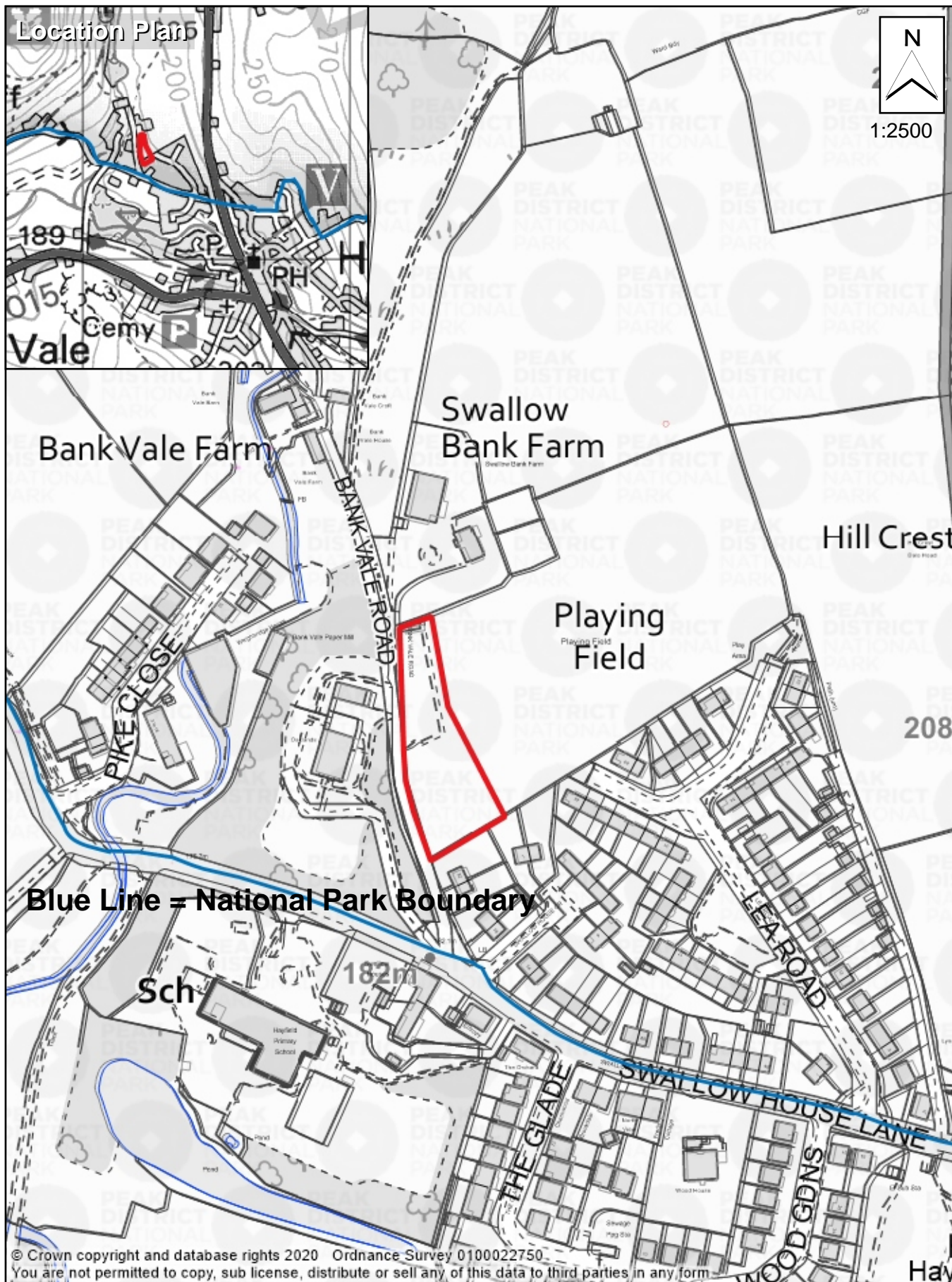
- 71. Any human rights issues have been considered and addressed in the preparation of this report.

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

None

**Report Author:** Adam Maxwell, Senior Planner

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Committee Date: 6th November 2020  
Item Number:  
Application No: NP/HPK/0320/0284  
Grid Reference: 403335, 387553

**Title:** Hayfield Football Club



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**10. FULL APPLICATION – CONSTRUCTION OF A TIMBER FRAMED PORCH BETWEEN THE HOUSE AND THE BARNS, HAYES FARM, CUCKOOSTONE ROAD, REAPSMOOR, LONGNOR (NP/SM/0420/0373 TM)**

**APPLICANT:    PEAK DISTRICT NATIONAL PARK AUTHORITY**

**Summary**

1. The application seeks permission to erect a single storey timber framed porch which will act as a link between the host dwelling and barn. Having considered the potential impact on the character and appearance of the host dwelling and the privacy and amenity of neighbouring dwellings and the wider locality the impacts of the proposed development are acceptable and the application is recommended for approval.

**Site and Surroundings**

2. Hayes Farm is a traditional two storey farmhouse constructed from gritstone, with timber framed sash windows under a Staffordshire Blue slate roof. The Farm holding is made up of a farmhouse which is attached to a stone barn via a mono pitched stone store room. There are a variety of agricultural outbuilding constructed from a mixture of stone with Stafford blue tiles and steel framed cow sheds.
3. The site is located in open countryside on the Warslow Estate which is 2km north of Warslow village. The nearest neighbouring property is Hayes Cottage located 0.5km to the south.
4. There is several Public Rights of Ways (PRoWs) near Hayes Farm including a track 40m to the south and a public footpath that runs northwards located 80m to the east.

**Proposal**

5. The applicant seeks full planning permission single storey porch which will act as a link between the host dwelling and barn. The proposed porch would be of a lightweight design and be constructed from timber under a felted flat roof.
6. During the application, discussions with the applicant have taken place regarding the initial lean-to design which had a slate roof. This design was a too solid and did not harmonise with the traditional style of the host dwelling and traditional parapet walling. It would also result in the loss of visual separation between the two buildings.
7. We recommended a lightweight glazed design which would allow the original wall to be seen through the glazing. Amended plans were submitted taking into account these recommendations.

**RECOMMENDATION**

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

- **3 year implementation period.**
- **The development shall not be carried out other than in complete accordance with the specified amended plans.**
- **All timber shall be painted a dark recessive colour.**
- **Climate change mitigation measures to be implemented**

### **Key Issues**

8. The key issue for this application is whether the proposed single storey porch would be of an appropriate design which would conserve the character, appearance and amenity of the property, neighbouring properties and the special qualities of the National Park.

### **Relevant Planning History**

9. PE\2019\ENQ\38056: We provided the following advice in respect of a proposed link extension: *“From details provided in the enquiry your proposal to create a solid porch which will be a infill in-between what appears to be the dwelling and an attached outbuilding. In principle there is no objection to creating an internal space there, however, a solid form may result in the loss of visual separation between the two buildings which at present is clearly defined and only visually joined by a parapet wall which leads into a store.*

*Therefore, a lightweight glass / frame structure may be a way forward as it would allow the internal space required but still allow a clear distinction between the two buildings.”*

### **Consultations**

10. Derbyshire County Council (Highways): No highway comments
11. Derbyshire Dales District Council: No response to date
12. Parish Council: Support – No response to date
13. PDNPA (Archaeology): No archaeological comments

### **Representations**

14. During the consultation period, the Authority has not received any letters of objection.

### **Main Policies**

15. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1
16. Relevant Development Management Plan policies: DMC3, DMH7

### **National Planning Policy Framework**

17. The National Planning Policy Framework (NPPF) replaced a significant proportion of central government planning policy with immediate effect when first published in 2012. The latest version of the NPPF was published on 19 February 2019. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and policies of the Development Management Policies document 2019. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.
18. 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.'*

#### Main Development Plan policies

19. Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GPS1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
20. Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
21. DS1 - Development Strategy. Supports extension/alterations in principle subject to satisfactory scale and design.
22. Policy L1 identifies that development must conserve and enhance valued landscape character as identified in the Landscape Strategy and Action Plan and other valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone.

#### Development Management Policies

23. DMC3 sets out that where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage assets. Particular attention will be paid to siting, scale, form, mass, landscape setting and the valued character and appearance of the area.
24. DMH7 states that extensions and alterations to dwellings will be permitted provided that the proposal does not detract from the character, appearance or amenity of the original building, its setting or neighbouring buildings.

#### Supplementary Planning Guidance

25. The Authority's Design Guide and Detailed Design Guide for Extensions and Alterations Supplementary Planning Documents give advice that is relevant to the consideration of this application.
26. Chapter 3 of the Alterations and Extensions Detailed Design Guide states that there are three main factors to consider, massing, materials and detailing and style. It states that all extensions should harmonise with the parent building, respecting the dominance of the original building and being subordinate to it. The original character of the property should not be destroyed when providing additional development.

#### Assessment

##### Design and Landscape Impacts

27. The key issues are whether the proposal would conserve the character and appearance of

the building and the special qualities of the National Park or would harm the amenities of nearby neighbouring properties.

28. The amended scheme proposes a flat roofed porch which would create a link between the dwelling and stone store. The extension would protrude 3.65m by 3.95m in length and would be constructed from timber with a felted flat roof. The front elevation including the door would be fully glazed to allow the parapet wall and other original features would still be visible.
29. During the course of the application, amended plans have been submitted to ensure the proposal accords with our adopted design guide. A flat roof is proposed, which is not normally a traditional feature in the Peak District. However, the adopted Design Guide makes it clear that flat roofs can be an acceptable solution when forming a link between two existing buildings, as is the case here. The flat roof is a better solution than a pitched roof in this instance as it allows for a very simple and lightweight structure.
30. The lightweight glass/frame structure allows the additional porch space, without losing the clear distinction between the two buildings. The porch would be screened by the agricultural buildings opposite and would be slightly visible from the footpath which is located 80m to the east.
31. The amended scheme closely follows the advice in our adopted design guidance for link extensions. This allows the original dwelling and the stone barn to remain the dominant features, with the porch forming a very subsidiary addition.
32. Subject to conditions, the proposal is considered acceptable in scale, design and use of materials, in accordance with policies DMC3 and DMH7 in these respects.

#### Amenity Impacts

33. Outlook, amenity, privacy and daylight are fundamental considerations when altering or extending a property.
34. The nearest neighbouring property is Hayes Cottage located 0.5km to the south. It is therefore considered that the scale and nature of the works proposed and the separation distances between the site and the neighbouring properties would not result in any harm to the amenity of occupiers and users of any nearby property. The proposal is considered to accord with policy DMC3 in this respect.

#### Climate Change Mitigation

35. 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. A climate change mitigation has been discussed and the following proposed:
  - Locally sourced material along with a locally awarded contractor to reduce our carbon footprint.
  - Where possible we will reuse materials and aim for minimal waste disposal.
  - The rainwater will be captured into the existing surface water drainage which is disposed of using the existing soakaway.
  - All new lighting will be LED's.
  - Glazing will be double glazed and the roof material will be insulated bitumen flat roof system.

Given the scale of development proposed these measures are considered sufficient to



comply with policy CC1.

### **Conclusion**

36. In conclusion, the proposed porch is considered of an appropriate scale, design and materials that reflects and harmonises with the type and appearance of the main dwelling and its setting within the wider area. There would be no adverse effect on nearby residential amenity. Consequently, the scheme accords with Development Plan Policies and adopted Design Guidance, therefore recommended for approval.

### **Human Rights**

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

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

None

**Report Author:** Teresa MacMillan, Planning Assistant

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Committee Date: 6th November 2020  
Item Number:  
Application No: NP/SM/0420/0373  
Grid Reference: 408221, 360198

**Title:** Hayes Farm, Longnor



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## **11. ADOPTION OF PEAK DISTRICT NATIONAL PARK AUTHORITY RESIDENTIAL ANNEXES SUPPLEMENTARY PLANNING DOCUMENT (IF)**

### **Purpose of the Report**

1. To seek Committee approval to adopt the Residential Annexes Supplementary Planning Document (SPD)

### **RECOMMENDATION:**

1. **That the Peak District National Park Authority adopts and publishes the Residential Annexes SPD.**
2. **That any final amendments to the SPD resulting from this Committee be delegated to the Director of Conservation and Planning in consultation with the Chair and Vice Chair of Planning Committee prior to publishing**

### **Background and Proposals**

2. The Authority undertook a research project was undertaken to investigate the Authority's use of Section 106 Agreements. The report was titled, 'The Use of Section 106 Agreements by the Peak District National Park Authority', and it was presented to Planning Committee Members on Friday 12th January 2018.
3. The research revealed inconsistencies in the application of policies dealing with ancillary residential accommodation. It advised that a guidance note, and training of officers and possibly Members should be considered. It advised that a standard condition should be agreed with the Authority's Legal Team for these types of development.
4. The majority of 2018 and the early part of 2019 was taken up with the consultation, modifications, Examination in Public, and subsequent adoption of the Development Management Policies Part 2 of the Local Plan at the 24th May Planning Committee in 2019. Since then, work has been undertaken to fulfil the outcomes of the 'Section 106 Agreements' report in respect of residential annexes.
5. It was originally intended to produce a guidance note for Development Management Planning Officers and Members. However this was upgraded to an SPD after colleagues in both Development Management and Enforcement & Monitoring recommended the value of such a document for both local residents and planning agents.
6. This SPD has undergone a number of revisions following comments received from internal departments such as Development Management, Monitoring & Enforcement and Legal; the Local Plan Review Steering Group; the Director of Conservation & Planning, the Head of Policy & Communities, and the Head of Development Management.

### **Consultations**

7. PDNPA Development Management Teams, Monitoring and Enforcement Team, Legal Service, Director Of Conservation and Planning, Head of Policy and Communities, Head of Development Management
8. The external consultation was conducted in Spring 2020. The Authority consulted 54 planning agents, as well as statutory consultees and Parish and Town Councils.

## **Representations**

9. The consultation drew responses from four Parish Councils and one town council, (Bonsall, Calver, Holme, Langsett, and Bakewell); four organisations (Country Land and Business Association, Environment Agency, United Utilities and Historic England); and one planning agent (Allan Newby)
10. There was mixed views on the tone of the document and the language used. Some requested more clarity and simplicity and some accepted the need for more detailed precision given the intended users. This document has been prepared to provide clarity, but this subject requires precision of language and terminology, which means it may not be easily accessible to the non-planner. We consider this inevitable and necessary if the SPD is to have value for those applying for this type of development and planners determining the applications.
11. There were a few suggestions for links to other sources of information, which were felt to be important to reflect the respondents' area of interest or responsibility. In general we felt this was helpful information but unnecessary to include in the SPD, given the coverage of the issue in the Local Plan itself. We acknowledge however that there might be a place for this in our more general guidance to planning applicants. The exception is the link to Historic England site which we feel is appropriate given the large number of designated and non-designated heritage assets that may be subject to proposals for residential annexes.
12. We agree with comments that cultural heritage assets can prove difficult to convert to ancillary accommodation, and that applying all of the policy criteria relating to conversion may on occasions be counterproductive to achieving the optimum outcome for heritage assets. We propose to amend the SPD to reflect the need for flexibility of policy application in order to better enable the optimum planning outcome for buildings that have cultural heritage significance. This won't mean that policy criteria are automatically relaxed for every application but it gives planners the flexibility necessary to do this in exceptional circumstances.
13. We also agree that proposals are assessed in terms of impact on valued landscape character and valued cultural heritage and that this would be clearer to assess than impact on the "wider landscape setting", which was the suggested term. We have defined valued character in the Landscape Strategy and we have the Farmstead heritage Assessment work as well as Conservation Area appraisals to draw on. If we use these in making our decisions and ask others to use them in preparing their applications it should help bring more consistency to our decision making.
14. The proposed revisions to text are shown as tracked changes in the complete SPD at Appendix A. They are highlighted bold, red and underlined.

## **Main Policies**

15. Relevant Development Management Policies:

- DMH5: Ancillary dwellings in the curtilages of existing dwellings by conversion or new build
- DMH7: Extensions and alterations
- DMH8: New outbuildings and alterations and extensions to existing outbuildings in the curtilage of a dwellinghouse
- DMH11: Section 106 Agreements

#### 16. National Planning Policy Framework (NPPF)

It is considered that this SPD will provide greater consistency between the NPPF and Local Plan policies by clarifying the way that residential annexes can be achieved within the National Park.

### **Conclusion**

17. The Supplementary Planning Document (SPD) has been prepared in accordance with the statutory requirements for preparation of SPDs and with the suggested amendments is considered ready to adopt.

### **Human Rights**

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

### **Appendices**

19. Appendix A Final Residential Annexes SPD

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

Consultation responses database.

Report Author: Ian Fullilove, Policy Planner

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**Appendix A Final Residential Annexes**  
**Supplementary Planning Document**

**October 2020**

Published February 2020©

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This document can be made available in large copy print, audio recording or languages other than English. If you require the document in one of these formats please contact: Brian Taylor, Head of Policy and Communities, Peak District National Park Authority at the address above, Tel: (01629) 816303, or email: [brian.taylor@peakdistrict.gov.uk](mailto:brian.taylor@peakdistrict.gov.uk).

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## 1. Introduction

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

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

## 2. Terminology

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

### ‘Planning Unit’

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

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

### ‘Primary Use’

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

### ‘Ancillary’ and ‘Incidental’ Uses

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

#### Ancillary Use

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

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

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

### Incidental Use

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

## 'Residential Curtilage' and 'Garden'

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

- 2.16 In respect of outbuildings erected under Class E of the General Permitted Development Order<sup>5</sup> and the change of use of buildings under Section 55 of the Town & Country Planning Act 1990, the building must be located within the '*residential curtilage*' of the dwellinghouse. This is not the same as '*garden*'.
- 2.17 '*Residential curtilage*' is the boundary of a private garden or the extent of the land surrounding premises normally defined on the ground by some physical features. This is usually quite easy to determine. However, particularly in rural areas and areas of sporadic or low density housing development, there may be difficulties in determining the residential curtilage if parts are detached, if there is no physical definition at all, or if there are adjoining paddocks or small fields.
- 2.18 To fall within the '*curtilage*' of a building the Courts have held that:
- the land should serve the purpose of the building in some reasonably necessary or useful manner<sup>6</sup>;
  - there must be an intimate association with the building<sup>7</sup>;
  - it is a small area forming part and parcel with the house or building which it contained or to which it was attached<sup>8</sup>; and
  - it is a small area about a building, it must be intimately associated with the building, and the size of the area of ground is a matter of fact and degree.<sup>9</sup>
- 2.19 Farmhouses present a particular problem when it comes to defining '*residential curtilage*' as the farmyard and buildings can be used for both residential and farm related uses (e.g. the parking of vehicles, storage, drying of clothes etc.) and the garden area can sometimes not be formally defined. However the GPDO excludes any dwelling or garden from the definition of agricultural land and therefore the curtilage of a farmhouse should be considered as narrowly as for any other dwelling.
- 2.20 '*Garden*' on the other hand relates to the use of a piece of land. In most cases, particularly in built up areas, the garden associated with a dwellinghouse will usually be contained within the '*residential curtilage*'. However this is not always true. For example if a property has subsequently used the surrounding land as their garden the dwellinghouse would have a large '*garden*' but only a small part of it would comprise the '*residential curtilage*'.
- 2.21 To recap, '*residential curtilage*' is not the same as '*garden*' and therefore the terms are not interchangeable:
- '*Residential curtilage*' defines an area of land in relation to a dwelling.
  - '*Garden*' relates to the use of the land.

<sup>5</sup> Town and Country Planning (General Permitted Development) (England) Order 2015  
[http://www.legislation.gov.uk/uksi/2015/596/pdfs/uksi\\_20150596\\_en.pdf](http://www.legislation.gov.uk/uksi/2015/596/pdfs/uksi_20150596_en.pdf)

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

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

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

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

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

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

#### Not Development

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

- 3.2 If there is an existing outbuilding within the residential curtilage of a dwellinghouse and the building is already lawfully '*residential*' in use (e.g. incidental), a change of use to an ancillary '*residential*' use is not deemed to be development under Section 55 of the Town & Country Planning Act 1990 (the Planning Act).<sup>10</sup>
- 3.3 Section 55<sup>11</sup>(2)(d) of the Act states:
- 'The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land:*
- (d) the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such'.*
- 3.4 Contrary to the definition of '*incidental*' that the Courts have ruled in respect of Class E of the GPDO (i.e. no primary/ancillary living accommodation) the Courts have interpreted the use of '*incidental*' more generously in respect of Section 55 of the Act.
- 3.5 They have determined that the creation of an annex via the change of use of an existing outbuilding used for incidental purposes and located within the curtilage of a dwellinghouse would not comprise development (providing it doesn't result in the creation of a separate planning unit) as it would still fall within the primary use as a dwellinghouse.
- 3.6 In *Rambridge v SSE & E Herts DC (1997)*<sup>12</sup> the QC stated:
- 'Miss Leven...rightly concedes that planning permission is not required for change of use from incidental residential use to primary residential use [annex]...if the owner really did build the building for a purpose which was incidental and if he or his successor later had a change of mind and wished to make a change of use to primary residential use [an annex] [this would be acceptable].'*
- 3.7 In *Uttlesford DC v SSE & White (1992)*<sup>13</sup> the QC concluded that if an existing building within the residential curtilage of the dwellinghouse was occupied by a family member it would not comprise a material change of use as it would not create a separate planning unit:
- 'So long as the planning unit remained in single family occupation, no material change of use was involved'.*

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

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

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

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



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

### Siting of a Caravan within a Residential Curtilage

- 3.9 Case Law has established that the stationing of a caravan within the curtilage of a dwellinghouse does not comprise a material change of use for planning purposes; it would comply with Section 55(1) of the Planning Act.
- 3.10 Whether the caravan can then be used as ancillary accommodation without requiring planning permission turns primarily on how the caravan is to be used and by whom.

## Permitted Development

### Extension to an Existing Dwellinghouse

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

### Class E of the GPDO (2015)

- 3.12 The erection of a detached outbuilding within the residential curtilage of a dwellinghouse under Schedule 2, Part 1, Class E of the GPDO can only contain uses that are *'required for a purpose incidental to the enjoyment of the dwellinghouse'*.
- 3.13 In respect of the GPDO, the phrase *'incidental to the enjoyment of the dwellinghouse'* has been given a restrictive interpretation by the Courts. This is supported by the

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

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

<sup>16</sup> Town and Country Planning (General Permitted Development) (England) Order 2015  
[http://www.legislation.gov.uk/uksi/2015/596/pdfs/uksi\\_20150596\\_en.pdf](http://www.legislation.gov.uk/uksi/2015/596/pdfs/uksi_20150596_en.pdf)

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

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

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

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

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

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

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

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

<sup>17</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/606669/1704\\_05\\_Householder\\_Technical\\_Guidance\\_-\\_April\\_2017\\_FINAL.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/606669/1704_05_Householder_Technical_Guidance_-_April_2017_FINAL.pdf)

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

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

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

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

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

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

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

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

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

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

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

## Planning Permission

- 3.23 Planning permission would be required if:

- a new detached building erected within the residential curtilage of a dwellinghouse would contain primary living accommodation such as a living room, bedroom, bathroom or kitchen; or

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

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

## Holiday Accommodation

- 3.24 It is not unusual within the National Park for property owners to provide holiday accommodation within their residential curtilage or planning unit; whether as self-catering accommodation or as a B&B.
- 3.25 A residential annex is similar to holiday accommodation in respect of the accommodation it would contain, however Use Class C3 does not allow for the occupation of part of a dwellinghouse as self-contained accommodation by someone who is not related to, or employed by, the occupiers of the main dwellinghouse.
- 3.26 Bed & Breakfast (B&B) accommodation can fall within Use Class C3(a) if only a small proportion of the dwellinghouse is rented out as guest accommodation, the primary use of the property remains as a single dwellinghouse and the guests share the dwelling's other facilities (e.g. living room, dining room, bathroom etc). The B&B use must be low key (usually no more than two bedrooms, depending on the overall size of the dwellinghouse) so that a material change of use does not occur. There is no legal or statutory definition of B&B accommodation and therefore it is a matter of '*fact and degree*' whether planning permission is required for such a use.
- 3.27 If the main dwelling is occupied by the family and an outbuilding or part of the main dwellinghouse is rented out as self-contained holiday accommodation, planning permission will be required. This is because the self-catering holiday accommodation would be considered a dwelling in its own right, independent of the main dwellinghouse as:
- the occupants of the accommodation would not be related to the occupants of the main dwellinghouse;
  - the accommodation would have all the facilities for day-to-day living;

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

- the occupants of the self-catering accommodation would not have a degree of dependence/functional connection with the main dwellinghouse; and
- a new planning unit would have been created.

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

## In All Cases

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

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

## 4. Relevant Planning Policies

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

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

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

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

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

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

- 4.5 Part B of policy DMH5 relates to the creation of a new build ancillary residential building.
- 4.6 Part B does not restrict the new building to be erected within the dwellinghouse's residential curtilage. Instead the building must be:
- (i) located within the existing building group; and
  - (vii) contained within a single planning unit by condition.

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

- 4.7 Policy DMH5 is not explicit in respect of the conversion of existing buildings (that aren't heritage assets<sup>25</sup>) that are located outside a residential curtilage but within the same planning unit or group of buildings as the dwellinghouse.
- 4.8 The opening sentence to Part B states: '*Where no buildings are suitable for conversion, a new build ancillary dwelling unit will be permitted...*' Therefore before a new building can be deemed acceptable under Part B, consideration must first be given to whether

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

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

there are any existing buildings within the planning unit that could be converted into a residential annex.

- 4.9 This is reinforced by the supporting text to DMP policy DMH5 at paragraph 6.87, that states, *'it is generally preferable to re-use existing buildings rather than build new, but new ancillary buildings for residential use may be the only option'*.
- 4.10 Where it is proposed to convert such a building, the application should be considered against paragraph 5.1 of this SPD, as well as DMP policy DMC3 Siting, Design, Layout and Landscaping, and any other relevant Development Plan policies.

### Conversion of a Heritage Asset

- 4.11** If the building comprises a heritage asset, its conversion will be assessed against DMP policies DMC5 and DMC10, and if the building is Listed, DMP policy DMC7. **Further guidance is available at the Historic England Website<sup>26</sup>**

### DMP Policy DMH7 – Extensions and Alterations

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

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

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

### Appendix A of this SPD

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

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<sup>26</sup> <https://historicengland.org.uk/images-books/publications/gpa4-enabling-development-heritage-assets/>





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

- 5.1 DMP policy DMH5 outlines the criteria ancillary residential accommodation development must meet in order for it to be acceptable. The following paragraph outlines these requirements but also includes those criteria that have been established through Case Law.
- 5.2 In determining a planning application for ancillary residential accommodation (either by conversion or new build), the Authority will expect the proposed development to:
- be subordinate in scale to the main dwellinghouse **in the case of new development** ;
  - share a vehicular access with the main dwellinghouse;
  - be in the same ownership as the main dwellinghouse;
  - share utilities with the main dwellinghouse;
  - be located within the residential curtilage or building group associated with the main dwellinghouse as well as within the same planning unit (see DMP policy DMH5);
  - be sited so as not to have a detrimental impact **on valued landscape character and/or cultural heritage significance as defined in the Landscape Strategy, Conservation Area appraisals, and Farmstead Heritage Assessments or as determined by the Authority in line with Historic England guidance for buildings not currently recognised as heritage assets.** wider landscape setting or neighbouring amenity;
  - have a functional connection/degree of dependence with the main dwellinghouse (e.g. the occupant should be a dependent relative of the residents of the main dwellinghouse or be employed at the main dwelling as an au pair, servant, nanny etc.);
  - contain a level and scale of accommodation that can be justified for its intended occupants;
  - have no boundary demarcation or sub-division of the garden areas between the main dwellinghouse and the annex;
  - conserve and enhance the heritage significance/setting of the existing building/building group/main dwellinghouse/Conservation Area/Listed Building, where applicable;
  - comply with the Authority's design standards; and
  - maintain adequate space within the planning unit to contain the required level of car parking (as determined by the Authority's Parking Standards<sup>27</sup>) and for amenity purposes.

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<sup>27</sup> Appendix 9 of the Development Management Policies DPD (May 2019)  
[https://www.peakdistrict.gov.uk/\\_data/assets/pdf\\_file/0008/1574621/Webpage-Final-Branded-DMP-Doc-Copy.pdf](https://www.peakdistrict.gov.uk/_data/assets/pdf_file/0008/1574621/Webpage-Final-Branded-DMP-Doc-Copy.pdf)

- 5.3 Planning applications should always be accompanied by supporting information clearly setting out the justification for the proposed development, including who the intended occupant(s) of the ancillary residential annex will be.
- 5.4 If more than one bedroom is proposed within the ancillary residential accommodation, clear justification must be provided as to why each bedroom is required. For example, in many farmsteads, the traditional outbuildings are quite large, and often larger than the farmhouse. Although it is sometimes possible to leave part of a barn unconverted, the subdivision of a building to ensure that the ancillary dwelling remains subordinate, or only has a single bedroom may harm the character of the building.

## 6. Section 106 Agreements and Planning Conditions

- 6.1 The National Park Vision and Circular<sup>28</sup> states that *'the Government recognises that the Parks are not suitable locations for unrestricted housing' and 'the expectation is that new housing will be focused on meeting affordable housing requirements'*. The National Park Authority therefore has a housing policy that strictly controls new housing (Core Strategy policy HC1: New Housing).
- 6.2 The National Park Authority is supportive of ancillary residential accommodation through DMP policy DMH5, but we are concerned that these buildings could become independent self-contained dwellinghouses (in conflict with Core Strategy policy HC1) if they are not appropriately controlled. Therefore in most cases, an anti-severance condition or legal agreement is imposed on ancillary residential accommodation.
- 6.3 DMP policy DMH11 (F) outlines when a legal agreement should be applied to ancillary accommodation, as well as the means by which such a legal agreement can be removed, if desired. (It should be clarified that whilst DMP policy DMH11 refers solely to legal agreements, the tests for removing an occupancy restriction also relate to those secured by planning condition, as indicated by paragraphs 6.78, 6.84, 6.87 of the DMP's supporting text).

### Planning Condition and Legal Agreement Tests

- 6.4 National planning policy on planning conditions and Section 106 Agreements is set out within Chapter 4 of the NPPF (2019)<sup>29</sup>. It outlines that Planning Officers need to consider different tests when deciding whether to attach a planning condition or a legal agreement to a grant of planning permission.
- 6.5 Paragraph 55 of the NPPF (2019) states that *'planning conditions should be kept to a minimum and only imposed where they are:*
- *necessary;*
  - *relevant to planning and to the development to be permitted;*
  - *enforceable;*
  - *precise; and*
  - *reasonable in all other respects.'*
- 6.6 Paragraph 56 of the NPPF (2019) states that *'planning obligations must only be sought where they meet all of the following tests:*
- *necessary to make the development acceptable in planning terms;*
  - *directly related to the development; and*

<sup>28</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/221086/pb13387-vision-circular2010.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/221086/pb13387-vision-circular2010.pdf)  
paragraphs 78 and 79

<sup>29</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf)

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

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

- 6.7 In the majority of cases, it is likely that the Authority will include a condition to tie the new ancillary accommodation to the existing dwellinghouse in order to prevent its subdivision and use as an independent dwelling. However there may be times when a condition is not necessary (e.g. when the additional accommodation is provided as an extension to the existing dwellinghouse).
- 6.8 There may also be circumstances when the use of a Section 106 Agreement, rather than a condition, will be necessary and appropriate.
- 6.9 Paragraph 54 of the NPPF (2019) states that legal agreements *'should only be used where it is not possible to address unacceptable impacts through a planning condition'* and therefore the Authority will justify why a Section 106 Agreement is required, with reference to the three tests (outlined above).
- 6.10 In some scenarios it will be easy for Planning Officers to determine whether to attach a planning condition or a legal agreement to a grant of planning permission, or whether it isn't necessary to attach either. However there will be times when a level of judgement will need to be applied. In these instances consideration will be given to such questions as:
- How close is the proposed accommodation to the existing dwellinghouse?
  - Is the building located within the residential curtilage of the existing dwellinghouse?
  - Is the building located within the planning unit of the existing dwellinghouse?
  - What accommodation will be provided? Does it provide all the day-to-day facilities usually found within an independent dwellinghouse and, if so, are they of a scale that is commensurate with the ancillary nature of the use?
  - How big is the building relative to the size of the existing dwellinghouse?
  - Who will occupy/use the accommodation?
  - What is the functional link to the existing dwellinghouse (i.e. will the occupants of the annex have a degree of dependence on the existing dwellinghouse for their day-to-day needs)?
  - Could the accommodation be easily split from the dwellinghouse at a future date and create a self-contained dwellinghouse, contrary to Core Strategy policy HC1 (i.e. could it have its own garden, access/shared access)?
  - What is the risk of independent occupation (i.e. could a condition be easily breached without the Local Planning Authority knowing)?
- 6.11 Appendix B of this SPD outlines a variety of development scenarios involving ancillary residential dwellings and incidental buildings and states whether the Authority is likely to impose a planning condition or a Section 106 Agreement, or if neither is required. (It should be noted that these are guidelines only. There may be times when the Authority

deviates from these guidelines due to the particular circumstances of the planning application).

## 7. Standard Condition

- 7.1 Circular 11/95: *'The Use of conditions in planning permission'*<sup>30</sup> was revoked on 6<sup>th</sup> March 2014 and replaced by the Planning Practice Guidance. However Annex A to the Circular, *'Suggested Models of Acceptable Conditions for Use in Appropriate Circumstances'* was not revoked and is still relevant today.
- 7.2 Annex A of the Circular recommends the use of a model condition for *'granny annexes'* that is quite succinct:

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

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

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


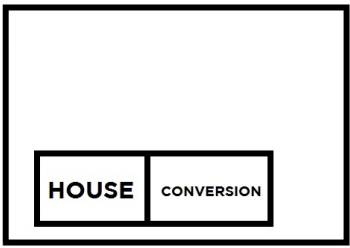
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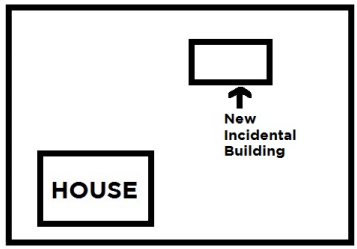
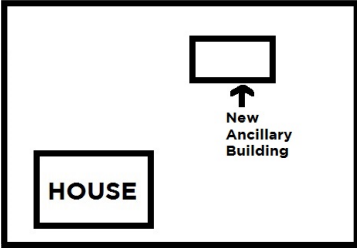
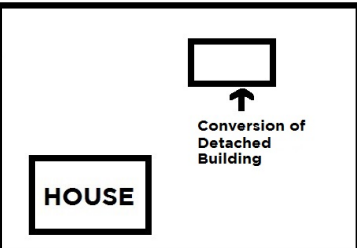
<sup>30</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7715/324923.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7715/324923.pdf)

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

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

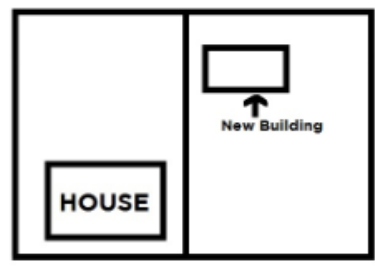
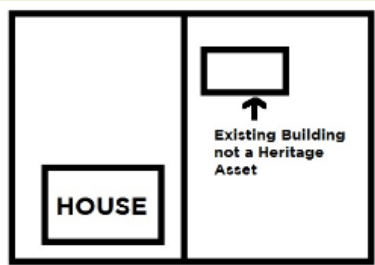
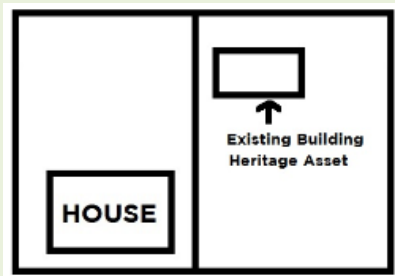
### Within the Residential Curtilage

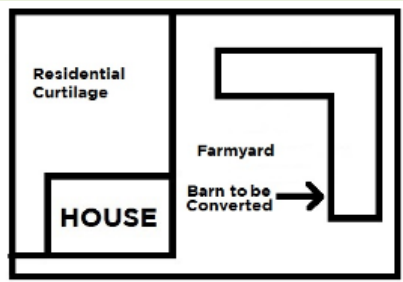
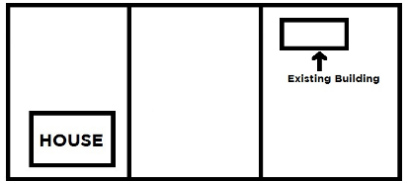
SCENARIO	POLICIES
 <p>The diagram shows a large rectangle representing the residential curtilage. Inside, at the bottom left, is a smaller rectangle labeled 'HOUSE'. To its right is another smaller rectangle labeled 'EXTENSION'.</p>	<ol style="list-style-type: none"> <li><b>Ancillary/Incidental use as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

 <p>The diagram shows a rectangular area representing a residential curtilage. Inside, there is a box labeled 'HOUSE' in the bottom left corner. In the top right corner, there is a smaller box. An upward-pointing arrow is positioned between the house and this smaller box, with the text 'New Incidental Building' written next to the arrow.</p>	<p><b>4. Incidental use in a new detached building located within the residential curtilage:</b></p> <ul style="list-style-type: none"> <li>DMP policy DMH8(A): New outbuildings and alterations and extensions to existing outbuildings in the curtilage of dwellinghouses.</li> </ul>
SCENARIO	POLICIES
 <p>The diagram shows a rectangular area representing a residential curtilage. Inside, there is a box labeled 'HOUSE' in the bottom left corner. In the top right corner, there is a smaller box. An upward-pointing arrow is positioned between the house and this smaller box, with the text 'New Ancillary Building' written next to the arrow.</p>	<p><b>5. Ancillary use in a new detached building located within the residential curtilage:</b></p> <ul style="list-style-type: none"> <li>DMP policy DMH5(B): Ancillary dwellings in the curtilages of existing dwellings by conversion or new build, providing there are no other existing buildings that are suitable for conversion.</li> </ul>
 <p>The diagram shows a rectangular area representing a residential curtilage. Inside, there is a box labeled 'HOUSE' in the bottom left corner. In the top right corner, there is a smaller box. An upward-pointing arrow is positioned between the house and this smaller box, with the text 'Conversion of Detached Building' written next to the arrow.</p>	<p><b>6. Ancillary use through the conversion of an existing building located within the residential curtilage:</b></p> <ul style="list-style-type: none"> <li>DMP policy DMH5(A): Ancillary dwellings in the curtilages of existing dwellings by conversion or new build.</li> <li>If any alterations are proposed, then also DMP policy DMH7: Extensions and alterations.</li> <li>If the building is a heritage asset: DMP policies DMC5 and DMC10 apply and if it is a Listed Building, DMP policy DMC7 also applies.</li> </ul>

## Outside the Residential Curtilage



SCENARIO	POLICIES
 <p>The diagram shows a rectangular area divided into two sections. The left section contains a smaller rectangle labeled 'HOUSE'. The right section contains a smaller rectangle labeled 'New Building' with an upward-pointing arrow below it. The 'New Building' is located outside the residential curtilage of the house.</p>	<p><b>1. New building for an ancillary/incidental use located outside the residential curtilage but not within a building group:</b></p> <ul style="list-style-type: none"> <li>The proposed building would be contrary to DMP policies DMH5(B) and DMH8(A) as the building would be outside the residential curtilage and not within a building group. The application would be refused.</li> </ul>
 <p>The diagram shows a rectangular area divided into two sections. The left section contains a smaller rectangle labeled 'HOUSE'. The right section contains a smaller rectangle labeled 'Existing Building not a Heritage Asset' with an upward-pointing arrow below it. The 'Existing Building' is located outside the residential curtilage of the house.</p>	<p><b>2. Conversion of a building (not a heritage asset) located outside the residential curtilage, building group and planning unit, to an ancillary use:</b></p> <ul style="list-style-type: none"> <li>An ancillary use in these circumstances would be tantamount to a new dwellinghouse and therefore would be refused.</li> <li>Conversion to other uses could be sought in exceptional circumstances (see DMP paragraphs 3.107 &amp; 3.110).</li> </ul>
SCENARIO	POLICIES
 <p>The diagram shows a rectangular area divided into two sections. The left section contains a smaller rectangle labeled 'HOUSE'. The right section contains a smaller rectangle labeled 'Existing Building Heritage Asset' with an upward-pointing arrow below it. The 'Existing Building' is located outside the residential curtilage of the house.</p>	<p><b>3. Conversion of a heritage asset located outside the residential curtilage and building group but within the same planning unit, to an ancillary/incidental use:</b></p> <ul style="list-style-type: none"> <li>The acceptability of the proposal would be dependent on the siting of the building relative to the dwellinghouse and the functional connection between the two. The more remote the building is from the dwellinghouse, the less likely it would be acceptable as an ancillary/incidental use.</li> <li>As the building is a heritage asset, other uses could be explored (e.g. a holiday let, open-market dwelling etc). DMP policies DMC5 and DMC10 would apply and if it is a Listed Building, also DMP policy DMC7.</li> </ul>


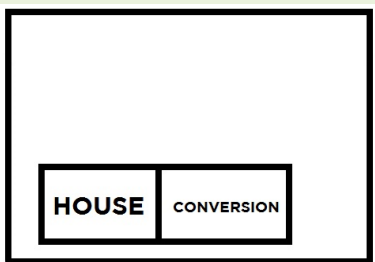
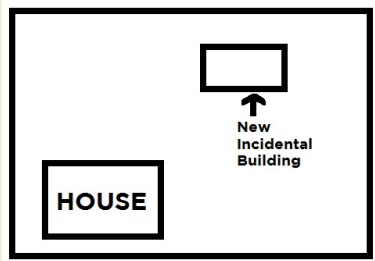
	<p><b>4. Conversion of a building located within a group of buildings and within the same planning unit as the dwellinghouse, to an ancillary/incidental use:</b></p> <ul style="list-style-type: none"> <li>• If the building is a heritage asset, then DMP policies DMC5 and DMC10 apply and if it is Listed,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

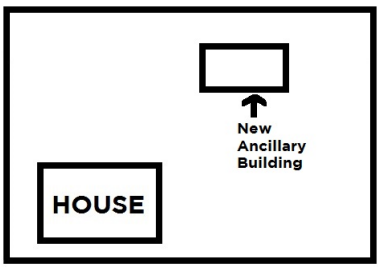
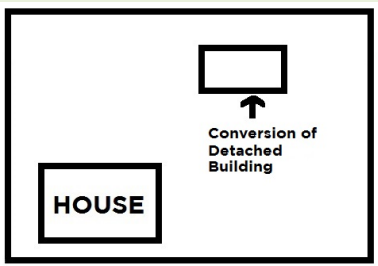
## Appendix B: Section 106 Agreement or Condition?

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

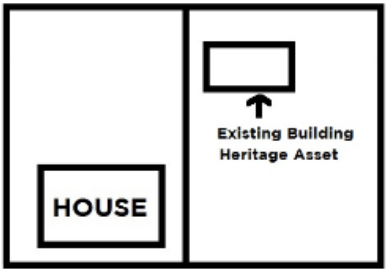
Please note that in some cases, it may be expedient for us to deviate from this advice due to the particular circumstances of a site/application and therefore these scenarios should only be treated as a guide.

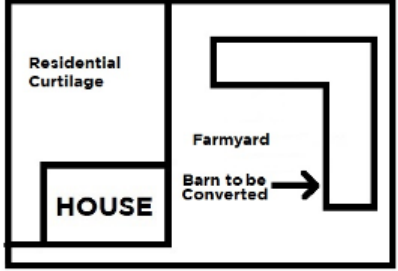
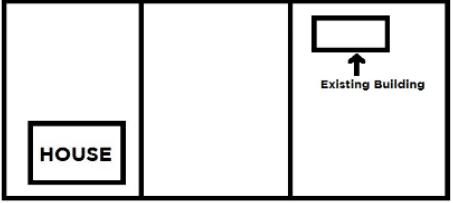
### Within the Residential Curtilage

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

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

## Outside the Residential Curtilage

SCENARIO	CONDITION OR SECTION 106 AGREEMENT?
 <p>The diagram shows a rectangular area divided into two sections. The left section contains a box labeled 'HOUSE'. The right section contains a smaller box. An arrow points from the text 'Existing Building Heritage Asset' below to this smaller box.</p>	<p><b>1. Conversion of a heritage asset located outside the residential curtilage and building group but within the same planning unit, to an ancillary/ incidental use:</b></p> <ul style="list-style-type: none"> <li>It would depend on the proximity of the heritage asset from the existing dwellinghouse whether a Condition or a Section 106 Agreement is required (see paragraph 6.10).</li> </ul>
	<p><b>2. Conversion of a building located outside the residential curtilage but within a group of buildings and the same planning unit as the dwellinghouse, to an ancillary/incidental use</b></p>

	<ul style="list-style-type: none"> <li>The majority of applications should use a Condition but there may be times when a Section 106 Agreement is required (see paragraph 6.10).</li> </ul>
SCENARIO	CONDITION OR SECTION 106 AGREEMENT?
	<p><b>3. Conversion of an existing building (not a heritage asset) located outside the residential curtilage/ building group but within the planning unit of the dwellinghouse, to an ancillary/incidental use. The building is sited away from the dwellinghouse (in this example, separated by a field):</b></p> <ul style="list-style-type: none"> <li>It would depend on the proximity of the building from the existing dwellinghouse whether a Condition or a Section 106 Agreement is required (see paragraph 6.10).</li> </ul>

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

### 1. **APPEALS LODGED**

The following appeals have been lodged during this month.

<b><u>Reference</u></b>	<b><u>Details</u></b>	<b><u>Method of Appeal</u></b>	<b><u>Committee/ Delegated</u></b>
NP/DDD/1219/1280 3258600	Ground mount solar PV array at Blakelow Farm, Winster	Written Representations	Delegated
NP/DDD/0420/0309 3256035	Proposed erection of double garage and store at Star House, Main Street, Taddington	Householder	Delegated
NP/DDD/1018/0995 3258506	Demolish an unsafe general purpose farm building and replace it with one for the same at White Rake Cottage, Tideswell Moor, Tideswell	Written Representations	Delegated

### 2. **APPEALS DECIDED**

The following appeals have been decided during this month.

<b><u>Reference</u></b>	<b><u>Details</u></b>	<b><u>Method of Appeal</u></b>	<b><u>Decision</u></b>	<b><u>Committee/ Delegated</u></b>
ENF 16/0118 3254516	Construction of a gate and abutting gateposts and the finish of timber window frames at Brackenburn, Riddings Lane, Curbar	Written Representations	Dismissed – Enf Notice Upheld	Delegated

The Inspector considered that the gateposts and gate were at odds with the traditional appearance of the dwelling and its rural setting, and that the wood stain also detracted from the character and appearance of the dwelling. The Inspector upheld the Enforcement Notice and refused the appeal.

ENF 19/0189 3250579	Construction of local affordable needs dwelling on land adjacent to Black Harry House, Main Street, Wardlow	Written Representations	Dismissed – Enf Notice Upheld	Delegated
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The Inspector considered that the property dimensions and its positioning was not that was agreed on the original planning permission, and had an unacceptable shading effect on Black Harry House and garden which caused an unacceptable harm to the living conditions of the occupiers. The Inspector considered that it was not excessive to require the demolition of the dwelling and the removal of all the resulting materials, as no lesser steps would remedy the breach of planning control that had occurred. The Inspector upheld the enforcement notice with a variation of 8 months from 6 months to comply with the notice.

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NP/HPK/0120/0035 3254950	Replace existing one storey extension with a two storey extension and a detached garage to the side at Snake Cottage, Snake Road, Bamford	Householder	Dismissed	Delegated
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The Inspector considered that the proposed extension would appear awkward and disjointed and would not be in keeping with the host dwelling. As a result the proposal would fail to respect the character and appearance of the building, and its significance of a non-designated heritage asset. The Inspector also considered that the proposal would not have an acceptable impact on the functioning and safety of the highway network, despite the appellant willing to improving the visibility though various methods. The appeal was therefore dismissed.

**4. RECOMMENDATION:**

**To note the report.**