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Peak District National Park Authority

Tel: 01629 816200

E-mail: customer.service@peakdistrict.gov.uk

Web: www.peakdistrict.gov.uk

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



Our Values: Care – Enjoy – Pioneer

Our Ref: A.1142/3074

Date: 3 February 2022



NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 11 February 2022**

Time: **10.00 am**

Venue: **Aldern House, Basow Road, Bakewell, DE45 1AE**

SARAH FOWLER
CHIEF EXECUTIVE



Link to meeting papers:

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

AGENDA

- 1. Roll call of Members Present, Apologies for Absence and Members' Declarations of Interest**
- 2. Minutes of previous meeting held on 14th January 2022** *(Pages 5 - 8)*
- 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 - Re-Establishing the Marquis of Granby, providing 21 Open Market Apartments (Use Class C3) with Car Parking and Landscaping, including circa 2.1 acres of Woodland/Grass area at Marquis of Granby, Hathersage Road, Sickleholme, Bamford (NP/HPK/0821/0890, AM)** *(Pages 9 - 42)*
Site Plan
- 6. Full Application - For extension of existing gritstone barn and demolition of redundant agricultural buildings to form one dwelling at Shatton Farm, Shatton Lane, Shatton (NP/HPK/0920/0874, AM)** *(Pages 43 - 54)*
Site Plan
- 7. Full Application - Demolition of agricultural buildings and restoration of fields, conversion of out building to holiday let. Change of use for keeping horses stable and menage riding/arena at Middle Farm, Wheston (NP/DDD/0720/0671 SPW)** *(Pages 55 - 70)*
Site Plan
- 8. Full Application - Proposed Agricultural Building Extensions to Store Fodder and Livestock at Ollerbrook Farm, Edale (NP/HPK/0621/0625, AM)** *(Pages 71 - 80)*
Site Plan
- 9. Householder Application - New build detached single garage at White Edge, The Bent, Curbar (374779.765539/425125.775417 - NP/DDD/1221/1330 JK)** *(Pages 81 - 90)*
Site Plan
- 10. Peak District National Park Authority Development Management Policy DMH1 Practice Note (SW)** *(Pages 91 - 106)*
Appendix 1

Appendix 2

Appendix 3
- 11. Monitoring & Enforcement Quarterly Review - February 2022 (A.1533/AJC)** *(Pages 107 - 110)*

12. Head of Law Report - Planning Appeals (A.1536/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. However as the Coronavirus restrictions ease the Authority is returning to physical meetings but within current social distancing guidance. Therefore meetings of the Authority and its Committees may take place at venues other than its offices at Aldern House, Bakewell. Public participation is still available and anyone wishing to participate at the meeting under the Authority's Public Participation Scheme is required to give notice to the Head of Law 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 816352, email address: democraticandlegalsupport@peakdistrict.gov.uk.

Written Representations

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

Recording of Meetings

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The Authority will make a digital sound recording available after the meeting which will be retained for three years after the date of the meeting. During the period May 2020 to April 2021, due to the Covid-19 pandemic situation, Planning Committee meetings were broadcast via Youtube and these meetings are also retained for three years after the date of the meeting.

General Information for Members of the Public Attending Meetings

In response to the Coronavirus (Covid -19) emergency our head office at Aldern House in Bakewell has been closed. The Authority is returning to physical meetings but within current social distancing guidance. Therefore meetings of the Authority and its Committees may take place at venues other than its offices at Aldern House, Bakewell, the venue for a meeting will be specified on the agenda. Also due to current social distancing guidelines there may be limited spaces available for the public at meetings and priority will be given to those who are participating in the meeting. It is intended that the meetings will be audio broadcast and available live on the Authority's website.

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www.travelineeastmidlands.co.uk

Please note there is no refreshment provision available.

To: Members of Planning Committee:

Chair: Mr R Helliwell
Vice Chair: Mr K Smith

Cllr W Armitage	Cllr P Brady
Cllr D Chapman	Ms A Harling
Cllr A Hart	Cllr I Huddleston
Cllr A McCloy	Cllr Mrs K Potter
Cllr D Murphy	Cllr K Richardson
Cllr S. Saeed	Cllr J Wharmby

Other invited Members: (May speak but not vote)

Mr Z Hamid	Prof J Haddock-Fraser
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Constituent Authorities
Secretary of State for the Environment
Natural England

Peak District National Park Authority
Tel: 01629 816200
 E-mail: customer.service@peakdistrict.gov.uk
 Web: www.peakdistrict.gov.uk
 Aldern House, Baslow Road, Bakewell, Derbyshire. DE45 1AE



MINUTES

Meeting: **Planning Committee**

Date: Friday 14 January 2022 at 10.00 am

Venue: Aldern House, Baslow Road, Bakewell, DE45 1AE

Chair: Mr R Helliwell

Present: Mr K Smith, Cllr P Brady, Cllr D Chapman, Cllr A Hart, Cllr A McCloy, Cllr Mrs K Potter, Cllr D Murphy, Cllr K Richardson and Cllr J Wharmby

Apologies for absence: Cllr W Armitage, Ms A Harling, Cllr I Huddleston, Cllr S. Saeed and Mrs C Waller.

1/22 ROLL CALL OF MEMBERS PRESENT, APOLOGIES FOR ABSENCE AND MEMBERS' DECLARATIONS OF INTEREST

There were no declarations of interest.

2/22 MINUTES OF PREVIOUS MEETING OF 10 DECEMBER 2021

The minutes of the last meeting of the Planning Committee held on 10th December 2021 were approved as a correct record subject to the following amendments:-

Minute Number 125/21:

That the wording be amended to read "that whilst the landowners had advised that they had no intention to remove any trees, the landowners were not willing to enter into the Unilateral Undertaking".

That the wording be amended to read "there was insufficient information regarding access for maintenance and installation for the satellite dish".

3/22 URGENT BUSINESS

There was no urgent business.

4/22 PUBLIC PARTICIPATION

1 member of the public was present to make a representation to the Committee.

- 5/22 FULL APPLICATION - FOR EXTENSION OF EXISTING GRITSTONE BARN AND DEMOLITION OF REDUNDANT AGRICULTURAL BUILDINGS TO FORM ONE DWELLING AT SHATTON FARM, SHATTON LANE, SHATTON (NP/HPK/0920/0874, AM) - ITEM WITHDRAWN**

This Item was withdrawn from the Agenda.

- 6/22 FULL APPLICATION - FOR THE DEMOLITION OF HILLCROFT AND A GARAGE. REPLACEMENT WITH A NEW DWELLING AND DOUBLE GARAGE AT HILLCROFT, SHERWOOD ROAD, TIDESWELL, BUXTON (NP/DDD/1021/1064 SPW)**

Members had visited the site the previous day.

The Planning Officer informed Members of 2 corrections to the report.

Paragraph 56 which read *“we conclude that the proposed development is contrary to the development plan”* and should have read *“we conclude that the proposed development is in accordance with the development plan”*

Paragraph 6, the wording *“The materials for the roofs which are indicated on the plans are natural blue slate and standing seam zinc roofs”* should remove the words “and standing seam zinc roofs” as this was a carryover from a previous report.

Cllr K Richardson joined the meeting at 10.15.

The Planning Officer then went on to introduce the report setting out the reasons for approval as set out in the report.

The following spoke under the Public Participation at meetings scheme:

- Mr Simon Gedye, Agent

The Planning Officer reported that although there was some concern over the massing of the development, it was considered that the proposed development would be an overall enhancement to the street scene, and provide a significant improvement to what was currently there, and that neither the Highway Authority or the Authority's Ecologists had raised any objections to the proposal.

Members noted the positive engagement that had taken place between the applicant and Officers since the application was refused in December 2020, in getting an improved scheme together, to overcome the issues that were raised previously.

Members thanked the Planning Officer and the Architect for the innovative and progressive design and expressed an interest in re-visiting the site once the building had been completed.

A motion to approve the recommendation for approval in accordance with the Officer recommendation was moved, seconded, put to the vote and carried.

RESOLVED:-

To APPROVE the application subject to the following conditions:

1. **The development hereby permitted shall be begun within 3 years from the date of this permission.**
2. **In accordance with submitted plans, as amended in respect of siting of garage.**
3. **Withdraw permitted development rights for extensions, alterations and outbuildings.**
4. **Detailed design conditions, including submission and approval of samples of materials.**
5. **Implement landscape scheme within the first planting seasons following completion or occupation of the development.**
6. **Implement tree protection scheme before development commences.**
7. **Ecology conditions.**
8. **Highway conditions as recommended by Highway Authority.**

7/22 PEAK DISTRICT NATIONAL PARK AUTHORITY CONVERSION OF HISTORIC BUILDINGS SUPPLEMENTARY PLANNING DOCUMENT - CONSULTATION DOCUMENT (SW)

The Policy Planner and Culture Heritage Team Manager attended the Committee to present the final draft of the Conversion of Historic Buildings Supplementary Planning Document (SPD) to Members, subject to any amendments, to adopt as an SPD.

The Policy Planner informed Members that it was not a replacement for the Design Guide but a technical supplement to provide clarification and guidance to deliver Development Management Policy DMC10. An Informal consultation process had already taken place with 19 representations being received and that following the consultation process; a few amendments had been made to the SPD text so the wording was now more aligned to the National Planning Policy Framework (NPPF). The SPD will be published on the Authority Website with the Adoption Statement and the statutory consultees and anyone that made a representation would be notified. There would then be 6 week period for any Judicial Review Challenge from the date of publication.

Members noted that although the document focussed on buildings, it also reflected the need to address the setting of buildings, but Members would like to see something that reflected the wider landscape rather than the immediate setting of buildings, so asked whether the wording of 3.5 in the draft SPD document could be amended to read "A successful building conversion responds appropriately to its surroundings, including the wider landscape".

Officers recorded a range of other comments during the item and Members were asked for any final comments to be sent to the Head of Planning and to the Policy Planner in the next week, so that they could be considered in consultation with the Chair and Vice Chair of Planning Committee.

Members thanked Officers for a first class document which will prove helpful to both agents and applicants, and would be a positive addition to what we have, providing flexibility, whilst at the same time reflecting our policies and the intentions of the NPPF.

A motion to approve the recommendation for approval in accordance with the Officer recommendation was moved, seconded, put to the vote and carried.

RESOLVED

- 1. That the Peak District National Park Authority adopts and publishes the Conversion of Historic Buildings Supplementary Planning Document (SPD) as set out in Appendix 2 of the report.**
- 2. That any final amendments to the SPD be delegated to the Head of Planning Services in consultation with the Chair and Vice Chair of Planning Committee prior to publishing.**

8/22 HEAD OF LAW REPORT - PLANNING APPEALS (A.1536/AMC)

The committee considered the monthly report on planning appeals lodged, withdrawn and decided.

RESOLVED

To note the report.

5. FULL APPLICATION – RE-ESTABLISHING THE MARQUIS OF GRANBY, PROVIDING 21 OPEN MARKET APARTMENTS (USE CLASS C3) WITH CAR PARKING AND LANDSCAPING, INCLUDING CIRCA 2.1 ACRES OF WOODLAND/GRASS AREA AT MARQUIS OF GRANBY, HATHERSAGE ROAD, SICKLEHOLME, BAMFORD (NP/HPK/0821/0890, AM)

APPLICANT: MARQUIS OF GRANBY (PEAK PARK) LTD

Summary

1. The site is located on Hathersage Road, approximately 1.1km south of the centre of Bamford.
2. The application proposes a major housing development comprising 21 open market apartments along with associated car parking and landscaping.
3. The application would not deliver public benefits to justify major development, would not deliver affordable housing to meet local need and would harm the landscape character of the National Park.
4. The application is recommended for refusal.

Site and Surroundings

5. The site is located on Hathersage Road, approximately 1.1km south of St John the Baptist's church in Bamford.
6. The site was formerly occupied by the Marquis of Granby hotel. The former buildings have been demolished as part of works to commence re-development of the site to a hotel.
7. Other works completed on site to date in relation to the development include the erection of a stone wall along part of the boundary to Hathersage Road and excavations in preparation for the development. There are mounds of spoil from the excavations on the east side of the site.
8. There are two access points onto the site from Hathersage Road, located on the west and east sides of the site respectively. The nearest neighbouring properties are Educational Planning Books Ltd and Sickleholme service station.
9. The site is adjacent to the River Derwent at Hathersage site of special scientific interest (SSSI). Parts of the site closest to the river are within flood zones 2 and 3.

Proposal

10. The erection of 21 open market residential apartments (within use class C3) along with car park, landscaping and creation of woodland / grass area on the site.
11. The plans show a mix of 15 x 2 bedroom apartments and 6 x 3 bedroom apartments within a three storey building in the north-west corner of the site.
12. The design of the building comprises four stone built elements with a mixture of pitched and flat roofs. These elements would be linked together with flat roofed sections recessed from the stone walls. The easternmost part of the building has been designed to emulate the main former Marquis building. Additional storage would be provided within a basement level.

13. The buildings would be constructed from nature gritstone with natural slate for the pitched roofs. Windows to the stone buildings would be timber within stone surrounds windows and doors within the linking structures would be aluminium. Full height glazing and balconies would be provided to the rear (south) elevation.
14. The existing access to the east created for as part of the approved hotel re-development is proposed to serve the proposed apartments. The access point to the west boundary would also be retained for use by refuse and emergency vehicles exiting the site along with pedestrian access for disabled people. A 50 space car park would be created to the north of the building with bin stores to the west and north boundary.
15. A communal garden area is proposed to the south of the building, which would be grass with a central pond, pathways and community orchard. An area of 'species rich grass' is proposed around the garden and access drive which would be enclosed by post and rail fencing. In the area beyond to the east of the building additional tree and shrub planting is proposed along with the creation of wildflower meadow and riparian woodland.
16. The scheme proposes the provision of air source heat pumps to provide heating and hot water along with primary and secondary ventilation to minimise energy consumption. The application documents refer to the potential to accommodate solar PV panels on the roof and a ground source heat pump but these are not shown on the submitted plans.

RECOMMENDATION:

That the application be REFUSED for the following reasons

- 1 The development would not be in the public interest and exceptional circumstances do not exist to justify the proposed major housing development. The proposed development is therefore contrary to policies GSP1, GSP2, DS1 and the National Planning Policy Framework.**
- 2 The development does not address local need for affordable housing contrary to policies HC1, DMH6 and the National Planning Policy Framework.**
- 3 The scale, design and character of the development would harm valued landscape character, as identified in the Landscape Strategy and Action Plan. The development is therefore contrary to policies L1, DMC1, DMC3 and the National Planning Policy Framework.**
- 4 Insufficient information has been provided to assess the impact of the development upon protected species and their habitat in and around the site contrary to policies L2, DMC11 and DMC12 and the National Planning Policy Framework.**

Key Issues

17. Whether there is a justification for the proposed major development
18. The impact of the proposed development upon the landscape, biodiversity and cultural heritage of the National Park
19. Whether a housing scheme on this site should deliver local need affordable housing.
20. Whether the development is acceptable in all other respects.

Relevant Planning History

21. 2007: NP/HPK/0506/0454: Planning permission granted conditionally for redevelopment to 35 x 2 bed apartments, 9 x 1 bed apartments, 3 x single rooms with restaurant, bar, meeting room, leisure and service functions within a hotel. Creation of new vehicular and pedestrian access.
22. 2009: NP/HPK/0309/0245: Planning permission granted to vary conditions 2 and 4 to allow variation to letting room layout and revision of plan numbers.
23. 2013: NP/NMA/0113/0078: Non-material amendment to application NP/HPK/0309/0245 – alterations to entrance to site.
24. 2013: NP/NMA/0513/0341: Non-material amendment – change to roof plan to incorporate plant and escape hatch and changes to function entrance and windows to north elevation.
25. 2017: NP/NMA/0309/0245: Non-material amendment to NP/HPK/0309/0245 – conditions 2, 4 and 6. This approved reversion of layout to apartments and single rooms as originally approved by application NP/HPK/0506/0454.
26. 2018: ENQ32958: Pre-application enquiry about 30 apartments and 8 affordable houses.
27. The Officer report concluded that the proposal was major development and explained the policy position set out by the NPPF and the development plan. Acknowledged that the site benefited from an extant planning permission for a hotel, however, this would be given limited weight as a fall-back position as the proposal was for a different development, which must be considered on its own merits and against current planning policies.
28. Significant concerns were raised about the scale and impact of the development (proposed at that time) and the need for the development. The proposed affordable housing would not offset or override this impact. The focus should be to consider what development is appropriate, if any, to achieve conservation and / or enhancement of the site. The primary objective of such a scheme would be effective conservation or enhancement. Then affordable housing should be considered as part of that scheme.

Consultations

29. Bamford Parish Council – Broadly supportive and hopes the application will be approved.
30. *“One aspect of the proposal is unsatisfactory however. The area has a need for affordable housing, yet this application proposes to provide no affordable housing in the mix because, as we understand it, the Authority’s policies do not encourage affordable housing to be created outside of established settlements. But this is a lost opportunity to provide Bamford with a number of affordable homes.*
31. *While we recognise that the policy aims, sensibly, to prevent affordable housing ‘in the middle of nowhere’, this site could hardly be so described. It is right next to Bamford’s only food shop (so is closer to that shop than almost every other home in the parish) and is within a couple of minutes’ walk from a bus terminal and a railway station - so, hardly in the middle of nowhere.*
32. *If there is no way in which PDNPA policies can be interpreted so as to include some affordable housing in this scheme, then so be it. The Parish Council will nevertheless regard this as a poor outcome (on this particular aspect of the scheme).”*

33. Hathersage Parish Council – General comment.

34. *“Councillors support the application on the basis that the site is an eyesore which the Hope Valley community has long been eager to finally see addressed/developed. Councillors note regret for a lost opportunity to include some affordable housing which could have benefited Hope Valley residents”.*

35. Highway Authority – No objection subject to conditions.

36. Borough Council – Object to the proposed development.

37. *“Although the site sits outside the settlement boundary, it is disappointing that no affordable housing is included within the application. Given the sites sustainable location, with easy access to both the bus, train and shop make it ideally situated for affordable housing. The Borough Council strives to deliver more affordable housing both in and out of the National Park which helps communities remain vibrant and thriving.*

38. *The Council worked in partnership with the PDNPA to undertake a parish housing need survey in 2015. The survey identified a need for 23 dwellings, predominately for 1 bed flats with a smaller need for 2 bed houses, 1 bed bungalows and 3 bed houses. Although the survey is over 5 years old, the Council consider this to still be relevant information and can be backed up by further data from the councils housing register. A considerable amount of work was undertaken to identify suitable sites following the 2015 surveys but due to a number of constraints we were not able to progress any to delivery stage.*

39. *There are currently 18 households registered on the Council housing register, who are seeking accommodation in Bamford, of which 8 households would meet the requirements of policy DMH2. It is important to acknowledge that a considerable amount of housing need is ‘hidden’, this was demonstrated in the 2015 housing need survey. The 2015 survey identified 22 households in need, of which only 9 households were registered on Home Options. It is likely that the unmet housing need in Bamford is significantly higher than the 18 households currently registered on Home Options, as this doesn’t not include households whose needs would be met by intermediate housing products such as shared ownership or Discount Market Sale/ Starter Homes. Given that house prices have continued to rise, it is highly probable that more average or lower quartile income families will be priced out of the market.*

40. *The Council would seek to secure a contribution in line with the outcome of the housing need survey 2015, but with regard to more recent data informing the need for rented accommodation. High Peak Borough Council object to the proposed development due to lack of affordable housing.”*

41. Lead Local Flood Authority – No objection subject to conditions.

42. Environment Agency – No objection subject to condition.

43. Emergency Planning Team – No response to date.

44. Natural England – No objection subject to appropriate mitigation being secured.

45. Civil Aviation Authority – No response to date.

46. PDNPA Archaeology – No objection.

47. PDNPA Conservation Officer – Makes the following comments:

48. *“The current proposal for a new scheme to reconstruct part of the Marquis building in a different position to the historic buildings. Further buildings are proposed, linked to this main one that will follow the line of the road, although set back to enable the service road and parking to be located away from the river.*
49. *The scale and massing of the current proposals is less than that of the extant permission, the buildings retain the two end buildings, makes amendments to that in the middle and removes the more extensive buildings.*
50. *The current proposals, whilst moving the building line away from the historic Marquis layout and the road, they do have a slight courtyard form, paying reference to the demolished buildings and their historical development.*
51. *The location and orientation of the proposed buildings are different to those of the historic buildings. The buildings are to be set back from the road and at a differing angle, the applicant says this is to open up the site and the roadside views as illustrated in the supporting information.*
52. *The building proposed is to reconstruct the Hathersage end of the Marquis of Granby using traditional materials and to a similar look of the demolished historic building. The building will be linked to the rest with glazed links and stone building with slate roof. The design proposed appears to include the key details of the historic building, including the hipped roof, chimney stacks and pots, and window surrounds. The adjacent parts use traditional design features such as a string course, stone window surrounds and roofing details.*
53. *The windows themselves will be timber and reflect the large paned windows from the historic photographs submitted. The balcony openings are large and modern openings with full height glazing, they are less sensitive on the main buildings, not the reconstructed element. The balconies are on the private side of the development, however they do have an impact on the character of the development. These details would need to be carefully designed to ensure they are of the quality this prominent site requires.*
54. *The overall design and scale of the buildings proposed appear sensitive to the site and the historic buildings that have unfortunately been demolished, and the quality of the architectural details could be conditioned.”*
55. PDNPA Ecology – Object to application as submitted and makes the following comments:
56. *“The current Ecological Appraisal is poor. The habitat assessment has lumped together the ephemeral/ruderal vegetation and the drainage channels into one category and the habitat is best described as it was in the 2018 Ecological appraisal. I would like to see a full species list and also percentage cover of indicator species included in the information provided.*
57. *Although an Ecological Protection Zone is proposed (with no details given), the development would still encroach onto the watercourse due to the proposals including an outflow structure. Therefore there will be an impact on the river and protected species present. In addition, there is likely to be an indirect impact on these as a result of the development (e.g. increased disturbance/predation on water voles due to the presence of cats and dogs, as well as increased disturbance by people). The Ecological Appraisal makes a number of assumptions regarding the presence of protected species, but not survey works have been carried out to ascertain their presence. Further survey is required to determine the presence of water vole, otter and key riparian bird species using appropriate methods. If they are found to be present then appropriate mitigation*

and compensation measures must be provided with the report. Enhancement measures for these species must also be considered.

58. *The potential for reptiles was flagged previously, but not flagged this time and no mitigation/precautionary measures have been provided.*
59. *My colleague has alerted me to the presence of suitable amphibian habitat on site. I would suggest a terrestrial survey coupled with surveying the deeper drainage channels is required to establish whether great crested newts (GCN) or other amphibians are present on site. Appropriate mitigation, compensation and enhancement measures will be required if GCN or any other amphibians are present on site.*
60. *The development has potential to impact on bats, but no further survey has been carried out. A transect survey, coupled with anabat recordings should be carried out in accordance with BTC guidelines. The survey should concentrate on the river along with any other flight corridors (e.g. hedgerows). Impacts of the development on commuting bats must be considered, especially Myotis species, which are light sensitive.*
61. *Himalayan balsam is known to be present along the river and we also have recent records for Crassula helmsii at this site. A thorough survey for invasive species needs to be carried out. Invasive species found on site need to be mapped and a management plan will be required for any invasive plant species found on the site. Invasive species will also need to be considered during the construction period, ensuring that strict biosecurity measures are put in place during the works to prevent spread around the site and elsewhere. I am particularly concerned about Crassula helmsii, which is very invasive and can even be transported in the tread of shoes. A 5mm fragment of Crassula helmsii is sufficient to cause an invasion in another water body. Its presence is particularly concerning given the proximity to the river and proposals for any SUDs systems at this site. I would recommend that a programme of control for this species is initiated as soon as possible.”*
62. Officer Note: The applicant has submitted a revised ecological appraisal to address the concerns raised by our ecologist. We await further comments from our ecologist, which will be verbally updated at the meeting.
63. PDNPA Landscape – Object to application as submitted and makes the following comments:
 64. *“While it is accepted that the site contains detracting features (such as the mounds and its overall derelict nature), it is not correct to assume that therefore the form of development proposed would necessarily be positive. In terms of susceptibility, due to its visibility from a major road / proximity to junction – I consider that the site has a high susceptibility to the form of change proposed, not low as stated.*
 65. *The landscape and visual appraisal (LVA) identification of landscape receptors is poor – in no way should the overall national character area (NCA) or Derwent Valley landscape character area (LCA) be considered as landscape receptors for the scheme – the scale of these is far too large. While it is probably fair to consider the landscape character type (LCT) as a landscape receptor, the LVA should define a more appropriate scale landscape receptor (between site scale and LCT scale). This has not been carried out, so the findings of the LVA on wider landscape character will not be robust and should effectively be discounted – for example, the finding that Year 15 effects on the LCA / LCTs as ‘negligible beneficial’ does not stand any scrutiny.*

66. *Effects at the construction phase are also not considered within the LVA. In terms of visual effects, the viewpoint selection appears unusual – some viewpoints seem to be sited in areas where the development cannot be seen? The assessment of effects is generally poorly considered and poorly defined within the LVA and I do not therefore consider the supplied LVA to be a robust or accurate assessment of the potential effects of the application scheme.*
67. *In terms of the supplied masterplan, the design objectives and detail of the design are also weak. For example, in terms of scheme design, the relationship of the building frontage to the A6187 is weak and the built form is too prominent. I would prefer to see a stronger ‘landscape buffer’ between the building and the A6187, with parking areas moved to the side (east) of the communal garden area. This can be seen from the photomontages, where the proposed building (while admittedly less prominent than the extant scheme) is a prominent new element which is not well accommodated – a few trees set in amongst extensive areas of parking is not strong enough in this location in my view.*
68. *The design/layout of the communal gardens have the potential to be a positive feature, but no detail of this area is supplied (it simply seems to be ‘lawn’ grading into ‘species rich grassland’?) and is therefore a missed opportunity. Design / concepts for the open spaces on site are also weak - what is the difference in terms of design objectives between ‘species rich grassland’ and ‘wildflower meadow’? What is the purpose of these 2 mixes, how are they to be maintained and what is their long term purpose?*
69. *Is there scope for extending the riparian woodland areas through additional tree planting in addition to the proposed scrub edge? How are the scrub areas going to be maintained – is the intention to allow them to develop into woodland or will they be maintained as a scrub edge?*
70. *While the derelict nature of the application site is not a positive feature, I do not support this application as it stands. While I think that the landscape proposals do not respond adequately to the site and its surroundings, I think the scheme could be accommodated into the landscape to an acceptable degree with some relatively simple but fundamental changes to the landscape layout.”*
71. **Officer Note:** Amended plans have been submitted following the comments from our Landscape Officer. However, our Landscape Officer has commented that these do not address the concerns and therefore that they object to the scheme as submitted.
72. **PDNPA Policy** – Object to the application for the following reasons:
73. *“Policy DS1c sets out that in the countryside outside the Natural Zone, development is acceptable if it secures effective conservation and enhancement and it is clear from para 4.4 of the applicant’s Planning Statement that they are justifying the development on this basis and on Development Management Policy (DMP) policy DMH6: Re-development of previously developed land to dwelling use. However, in both cases conservation and enhancement is key, linking it back to Core Strategy policies GSP1 GSP2 and National Park purposes. The applicant, in their Planning Statement, notes NPPF para 177, that it is a major housing development in a National Park and that exceptional circumstances are required. However, they fail to set out what the exceptional circumstances are to justify the development. They refer to landscape, visual and design improvements and to enhancing the site as a result of the development (which I leave to my landscape and ecology colleagues to comment on) but to no specific exceptional circumstances. Conservation and enhancement is a requirement of all development in the National Park it is not an exceptional circumstance.*

74. *The applicant states in their planning statement, they have a 'fall back' position (NP/HPK/0506/0454) to develop the site as approved for 35 x 2 Bed Apartments, 9 x 1 Bed Apartments, 3 x Single Rooms with Restaurant, Bar, Meeting Room, Leisure and service functions within a hotel. This planning consent was confirmed valid by a QC even though the buildings are no more, and the application has been started on site. This has not been challenged by the Authority and the applicant can pursue this route. I have no objection to the applicant pursuing this route as this is an extant permission, however it is not a comparable use, and should not be used as leverage to gain planning permission for a different end use. This site has historically been used for the purpose for which planning permission was granted.*
75. *The application is for major market housing development in the National Park. The National Planning Policy Framework (NPPF) at paragraph 177 states that applications for major development should be refused other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest, and that this should include an assessment of the need for development. The PDNPA does not have a housing delivery target to deliver market housing as it is a National Park and is exempt from this requirement. Core Strategy Policy GSP1: securing national park purposes and sustainable development states E. In securing national park purposes major development should not take place within the Peak District National Park other than in exceptional circumstances. Major development will only be permitted following rigorous consideration of the criteria in national policy.*
76. *No exceptional circumstances have been demonstrated for the proposed major development and is contrary to policy GSP1 of the Local Plan and NPPF para 177.*
77. *The application is for market housing. It is understood that there is a need for affordable housing in the area and High Peak Borough Council is submitting a formal consultation response to set out the need in Bamford. It is disappointing that no affordable housing has been included as part of the application after discussions with the Authority officers have indicated a need in the area. Whilst the site is outside of Bamford settlement, it is in a highly accessible location, close to the train station, bus stop, and local shop/petrol station. If it is considered that market housing is acceptable in this location then the provision of affordable housing must form part of the consideration process too. The applicant refers to DMH6 as one of the main policies for determining this application. As stated in the DMP for previously developed sites in para 6.104 - If affordable houses are needed in the location, a contribution towards meeting this need should be provided on site.*
78. *It is important in the decision making process that it is understood that this proposal is for a major housing development outside of a named settlement and the Local Plan is silent on the issue of affordable housing in this context. Consequently we look to the NPPF for the policy direction. At the national planning level, the NPPF Para 65 clearly states - where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership. The applicant has failed to submit a scheme that includes affordable housing provision. The proposal is contrary to NPPF para 65 as it fails to provide affordable housing as part of the development scheme.*
79. *It is important to note that the provision of affordable housing is a requirement of any major housing development in accordance with the NPPF and as such the provision of affordable housing as part of a market housing scheme is not an exceptional circumstance to justify the proposal. I would also stress that the expectation is for at least 10% of the total number of homes to be made available for affordable housing, the Authority could ask for more if the need is identified."*

80. Officer Note: PDNPA Policy have made the following additional comment in response to the submission of correspondence from the applicant:
81. *"The applicant argues that sites have been assessed in Bamford for affordable housing as part of a housing need survey (HNS) and therefore they do not need to provide affordable housing on the Marquis of Granby site. My response to this point is a village appraisal of possible sites in Bamford to address the housing need arising from the HNS does not mean the sites assessed were available. The assessment was carried out early 2016 and no site has progressed.*
82. *What is clear and cannot be contested is that providing affordable housing on major development sites is a requirement clearly set out in the NPPF, as I referenced in my previous email.*
83. *It is not the role of the Local Plan to repeat the NPPF. Neither is it the role of the Authority to ignore the NPPF when determining applications for proposals for which the Local Plan is silent on. Being silent on a matter does not imply it was considered at a Local Plan examination and that the Local Plan overruled the policy direction of the NPPF. That would make the Local Plan unsound.*
84. *To approve a major housing scheme without affordable housing (and no forthcoming reasons to demonstrate it is unviable) would not be consistent with national policy.*
85. *Finally, if there was any doubt in the Authority's approach to affordable housing on sites developed for housing (whatever their site size may be), Core Strategy para 12.18 clarifies this by stating.*
86. *Occasionally, new housing (whether newly built or from re-use of an existing building) may be the best way to achieve conservation and enhancement (for example of a valued building) or the treatment of a despoiled site. Sometimes this requires the impetus provided by open market values, but wherever possible and financially viable such developments should add to the stock of affordable housing, either on the site itself or elsewhere in the National Park."*
87. PDNPA Transport Policy – No objection subject to planning conditions to require cycle storage for visitors, provision of electric vehicle charge points and a resident's travel plan.
88. PDNPA Tree Officer – No response to date.

Representations

89. We have received 42 letters of representation to date. Of the total 21 support the application, 10 object to the application and 11 make general comments. The letters are summarised below.

Support

- The site is derelict and detracts from the area.
- The development will enhance the area.
- The design will rebuild the Marquis of Granby to a similar but better design.
- The design incorporates traditional materials and detailing.
- The proposed landscaping scheme will enhance the site.

- The development will enhance biodiversity.
- The development will address the shortage of housing in the National Park in an ideal location.
- The development will incorporate air and ground source heat pumps.
- The development will bring in more residents and boost the local economy.

Object

- Access and egress from the site onto a main road with a 60mph limit – query if this will be traffic light controlled.
- The development does not include any affordable housing.
- There is a lack of affordable housing within the Hope Valley.
- This site is located within a sustainable location and is suitable for affordable housing.
- The proposed housing is likely to be purchased by investors or as holiday lets.
- The development should include a mixture of market and affordable housing to meet the needs of local communities.
- Affordable housing is a requirement of the Local Plan.
- This site is on the edge of Bamford and therefore there is a requirement for the development to provide affordable housing.
- There is a demonstrable need for affordable housing upwards of 50 dwellings in Bamford and Hathersage. No other sites in the vicinity have been identified for affordable housing.
- Even if the site were removed from Bamford the provision of affordable housing should be welcomed.
- The original plans for a hotel would have provided employment and some amenities to the village. It is unlikely that this development will provide anything for the village and not provide any local employment.
- The proposed 50 car parking spaces seems excessive while space for only 6 bicycles is too little.
- The proximity of the development to the river will create a serious safety risk for future residents, particularly children. There should be no direct access to the river from anywhere in the site.
- Surprised that the development does not require a full environmental impact assessment because it adjoins the banks of the river and it is important to ensure that wildlife habitats are not disturbed and that water quality is not adversely affected by the site works and the final design.

General comment

- Careful consideration is needed for increased traffic on an already busy section.

- The development does not include any affordable housing.
- Query if anyone locally could afford the proposed apartments and if the apartments could be bought or let as holiday homes.
- The apartments would not provide employment for local people.
- Raise legal issues about right of way / right of access from the site along the land to the west.
- Query how traffic using the west access will be limited to emergency and refuse vehicles only. How will residents be prevented from using this access?
- Query why the Authority does not have the powers to order that this land be restored.
- Query why the apartment block has to be positioned in this part of the site close to the petrol station and traffic lights. Locating the block more centrally will be more attractive to buyers.
- Request that a planning condition is imposed requiring that habitat for swifts is provided as a universal biodiversity enhancement for urban bird species.
- Raise procedural issues in relation to the application.
- Raise errors in the submitted application and plans.
- The high and steep riverbank poses a risk to persons that would be living, working and visiting the site.
- Upper Hurst Brook flows North to South into the Derwent either within the site or at its Eastern boundary. This is a potential wildlife corridor from the river up to the moorland of Bamford Edge. It does not seem to be mentioned in the Ecological Appraisal or the Landscape and Visual Appraisal documents and this seems to be an omission from the study. The impact of the development may be none or insignificant depending upon the plans for that end of the site but the impact should have been analysed and it would be good to see some statement of future intent for that part of the site such as preventing access from the site during development and subsequently in order to ensure that it remains undisturbed for wildlife.
- Query how it has been established that the public sewers available are adequate for the number of new properties and that the additional use will not create a problem or blockage?
- Query what measures will be put in place to stop residents from parking on the main road?

Main Policies

90. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, L2, L3, CC1, CC5, HC1, T1, T2 and T7
91. Relevant Development Management policies: DMC1, DMC3, DMC4, DMC5, DMC8, DMC11, DMC12, DMC13, DMC14, DMH6, DMT3, DMT8, DMU1 and DMU2.

National Planning Policy Framework

92. The National Planning Policy Framework (NPPF) should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park, the development plan comprises our Core Strategy 2011 and 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. There is no significant conflict between the development plan and the NPPF and therefore our policies should be given full weight in the determination of this application.
93. Paragraph 176 states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'
94. Paragraph 177 states that planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
- a) The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy.
 - b) The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
 - c) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
95. Paragraph 65 states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:
- a) Provides solely for Build to Rent homes;
 - b) Provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
 - c) Is proposed to be development by people who wish to build or commission their own homes; or
 - d) Is exclusively for affordable housing, an entry-level exception site or a rural exception site.
96. Paragraph 78 states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.

97. Paragraph 79 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
98. Paragraph 80 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 building; or
 - e) the design is of exceptional quality, in that it:
 - i. is truly outstanding, 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.
99. Paragraph 113 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
100. Paragraph 119 states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed land (except where this would conflict with other policies in the NPPF).
101. Paragraph 120 a) says that planning decisions should encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside.
102. Paragraph 159 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
103. Paragraph 167 says that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Peak District National Park Core Strategy

- 104. Policy DS1 sets out the Development Strategy for the National Park. DS1.C. sets out the forms of development that are acceptable in principle in the countryside outside of the Natural Zone. There is no scope for the erection of new housing here other than as part of development needed to secure effective conservation and enhancement.
- 105. Policy GSP1 requires all development to be consistent with the National Park's legal purposes and duty. Where there is an irreconcilable conflict between the statutory purposes, the Sandford Principle will be applied and the conservation and enhancement of the National Park will be given priority.
- 106. GSP1. E says that in securing national park purposes major development should not take place other than in exceptional circumstances. Major development will only be permitted following rigorous consideration of the criteria in national policy. GSP1. F says that where a proposal for major development can demonstrate a significant net benefit to the national park, every effort to mitigate potential localised harm and compensate for any residual harm to the area's valued characteristics would be expected to be secured.
- 107. GSP2 says that opportunities for enhancing the national park will be identified and acted upon. Proposals must demonstrate that they offer significant overall net benefit to the natural beauty, wildlife and cultural heritage of the area. They should not undermine the achievement of other core policies.
- 108. 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, impact on living conditions of communities, impact on access and traffic levels and use of sustainable modes of transport.
- 109. L1 says that development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan, and other valued characteristics.
- 110. L2 says that development must conserve or enhance any sites, features or species of biodiversity or geodiversity importance and where appropriate their setting. Other than in exceptional circumstances development will not be permitted where it is likely to have an adverse impact on any sites, features or species of biodiversity or geodiversity importance.

111. L3 says that development must conserve and where appropriate enhance or reveal the significance of archaeological, architectural, artistic or historic assets and their settings, including statutory designations and other heritage assets of international, national, regional or local importance. Other than, in exceptional circumstances development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset.
112. CC1 says that in order to build in resilience to and mitigate the causes of climate change all development must: make the most efficient and sustainable use of land, buildings and natural resources; take account of the energy hierarchy; be directed away from flood risk areas and reduce overall risk from flooding; achieve the highest possible standards of carbon reductions and water efficiency.
113. CC5. C says that development which increases roof and hard surface area must include adequate measures such as Sustainable Drainage Systems to deal with the run-off of surface water. Such measures must not increase the risk of a local water course flooding.
114. HC1 says that provision will not be made for housing solely to meet open market demand. Housing land will not be allocated in the development plan. Exceptionally, new housing can be accepted where:
 - A. It addresses eligible local needs:
 - I. For homes that remain affordable with occupation restricted to local people in perpetuity; or
 - II. For aged persons' assisted accommodation including residential institutions offering care, where adequate care or assistance cannot be provided within the existing housing stock. In such cases, sufficient flexibility will be allowed in determining the local residential qualification to take into account their short term business needs whilst maintaining local residency restrictions for the long term.
 - B. It provides for key workers in agriculture, forestry or other rural enterprises in accordance with core policy HC2.
 - C. In accordance with core policies GSP1 and GSP2:
 - I. It is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings; or
 - II. It is required in order to achieve conservation or enhancement in settlements listed in core policy DS1.

Any scheme proposed under C1 or CII that is able to accommodate more than one dwelling unit, must also address identified eligible local need and be affordable with occupation restricted to local people in perpetuity, unless:

- III. It is not financially viable, although the intention will still be to maximise the proportion of affordable homes within viability constraints; or
- IV. it would provide more affordable homes than are needed in the parish and the adjacent parishes, now and in the near future: in which case (also subject to viability considerations), a financial contribution will be required towards affordable housing needed elsewhere in the National Park.

- 115. T1 aims to reduce the general need to travel within the National Park and encourage sustainable transport. T2. C says that modal shift to sustainable transport will be encouraged. T2. E says that impacts of traffic within environmentally sensitive locations will be minimised. T2. F says that sustainable access for the quiet enjoyment of the National Park, that does not cause harm to the valued characteristics, will be promoted.
- 116. T2. F says that sustainable transport patterns will be sought that complement the development strategy. Travel plans will be used to encourage behavioural change to achieve a reduction in the need to travel, and to change public attitudes toward car usage and public transport, walking and cycling. Travel plans to reduce traffic movements and safeguard transport infrastructure will be required on appropriate new developments and encouraged on existing developments.
- 117. T7. B says that residential parking and operational parking for service and delivery vehicles will be the minimum required for operational purposes, taking into account environmental constraints and future requirements.

Development Management Policies

- 118. DMC1. A says that in countryside beyond the edge of designated settlements any development proposal with a wide scale landscape impact must provide a landscape assessment with reference to the Landscape Strategy and Action Plan. The assessment must be proportionate to the proposed development and clearly 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: the overall strategy for the relevant Landscape Strategy and Action Plan area, any cumulative impact and the effect of the proposal on the landscape.
- 119. Policy DMC3. A says where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place.
- 120. Policy DMC3. B sets out various aspects that particular attention will be paid to including: siting, scale, form, mass, levels, height and orientation, settlement form and character, landscape, details, materials and finishes landscaping, access, utilities and parking, amenity, accessibility and the principles embedded in the design related SPD and the technical guide.
- 121. Policy DMC4. A says that applications should provide sufficient information to allow proper consideration of the relationship between a proposed development and the settlement's historic pattern of development including the relationship of the settlement to local landscape character. The siting of the development should complement and not harm the character of these settlements.
- 122. Policy DMC4. B states that development that is separated from the existing settlement to such a degree that it no longer forms part of the whole, or is likely to result in pressure to infill an intervening gap, will not be permitted.
- 123. Policy DMC5 says that applications for development affecting a heritage asset, including its setting must clearly demonstrate its significance including how any identified features of value will be conserved and where possible enhanced and why the proposed development is desirable or necessary. The supporting evidence must be proportionate to the significance of the asset and proposals likely to affect archaeological and potential archaeological interest should be supported by appropriate information.

124. DMC5. E says that if applicants fail to provide adequate or accurate detailed information the application will be refused. DMC5. F says that development of a non-designated heritage asset will not be permitted if it would result in any harm to, or loss of, the significance, character and appearance of a heritage asset unless the development is considered by the Authority to be acceptable following a balanced judgement that takes into account the significance of the heritage asset.
125. Policy DMC8. A says that applications for development that affects the setting of a conservation area should assess and clearly demonstrate how the character or appearance and significance of the conservation area will be preserved or enhanced in accordance with policy DMC5.
126. Policy DMC11. A says that proposals should aim to achieve net gains to biodiversity or geodiversity as a result of development. In considering whether a proposal conserves and enhances sites, features or species of wildlife, geological or geomorphological importance all reasonable measures must be taken to avoid net loss.
127. DMC11. B says details of appropriate safeguards and enhancement measures for a site, feature or species of nature conservation importance which could be affected by the development must be provided, in line with the Biodiversity Action Plan and any action plan for geodiversity sites, including provision for the beneficial future management of the interests. Development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the impact of a development proposal on a site, feature or species including:
- i. an assessment of the nature conservation importance of the site; and
 - ii. adequate information about the special interests of the site; and
 - iii. an assessment of the direct and indirect effects of the development; and
 - iv. details of any mitigating and/or compensatory measures and details setting out the degree to which net gain in biodiversity has been sought; and
 - v. details of provisions made for the beneficial future management of the nature conservation interests of the site. Where the likely success of these measures is uncertain, development will not be permitted.
128. DMC11. C says that for all sites features and species development proposals must also consider cumulative impacts and the setting of the development in relation to other features of importance, taking into account historic, cultural and other landscape context.
129. DMC12. A says that for Internationally designated or candidate sites, or European Protected Species, the exceptional circumstances where development may be permitted are those where it can be demonstrated that the legislative provisions to protect such sites or species can be fully met.
130. DMC12. B says that for sites, features or species of national importance, exceptional circumstances are where the development is essential for the management of those sites, features or species; or for the conservation and enhancement of the National Park's valued characteristics; or where the benefits of the development at a site clearly outweigh the impacts on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs.

131. DMC12. C says that for all other sites, features and species, development will only be permitted where significant harm can be avoided and the conservation status of the population of the species or habitat concerned is maintained; and the need for, and the benefits of, the development in that location clearly outweigh any adverse effect.
132. Policy DMC13 says that planning applications should provide sufficient information to enable impact on trees, woodlands and other landscape features to be properly considered. Development should incorporate existing trees and hedgerows which positively contribute which should be protected during the course of the development.
133. Policy 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.
134. Policy DMH6 states that re-development of previously developed land for housing will be permitted provided that:
 - i. the development conserves and enhances the valued character of the built environment or landscape on, around or adjacent to the site; and
 - ii. where the land is inside or on the edge of a Core Strategy policy DS1 settlement, and subject to viability, an element of the housing addresses local need for affordable housing potentially including starter home or custom or self-build housing provision.
135. Policy DMT3. B says that development, which includes a new or improved access onto a public highway, will only be permitted where, having regard to the standard, function, nature and use of the road, a safe access that is achievable for all people, can be provided in a way which does not detract from the character and appearance of the locality and where possible enhances it.
136. Policy DMT8. A states that off-street car parking for residential development should be provided unless it can be demonstrated that on-street parking meets highway standards and does not negatively impact on the visual and other amenity of the local community. This should be either within the curtilage of the property or allocated elsewhere. DMT8. C says that the design and number of parking spaces associated with residential development, including any communal residential parking, must respect the valued characteristics of the area.
137. DMU1 says that new or upgraded service infrastructure for new development will be permitted subject to the requirement that full details are provided in the planning application and it: does not adversely affect the valued characteristics of the area; and any new land use does not commence prior to the appropriate delivery of the services.
138. DMU2 A. says that development of utilities infrastructure will not be permitted unless it is to improve or extend the service to the communities and businesses of the National Park, and can be provided without harm to the valued characteristics of the area or to other established uses. Infrastructure and ancillary works or buildings should be located, designed and landscaped to minimise their impact on the built and natural environment, and on any other established activities.
139. DMU2. B says that infrastructure services to new development or improved services to existing uses should be placed underground.

Supplementary planning documents (SPD) and other material considerations

- 140. The adopted climate change and sustainable building SPD provides detailed guidance on construction methods and renewable technologies along with a framework for how development can demonstrate compliance with policy CC1.
- 141. The adopted design guide SPD and supporting building design guide provides detailed guidance on the local building tradition within the National Park and how this should be utilised to inform high quality new design that conserves and enhances the National Park.
- 142. The adopted transport design guide SPD provides detailed guidance on the design of transport infrastructure including access layouts, parking and future technology such as electric vehicle charge points and autonomous vehicles.

Assessment

Principle

- 143. The application proposes the erection of a residential apartment block comprising 21 dwellings along with associated landscaping works and car park. Due to the nature and scale of the development and potential impact upon the National Park, we consider that proposal is major development for the purposes of paragraph 177 of the NPPF and policy GSP1.
- 144. These policies state that within National Parks permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. When considering such applications policy GSP1 says we must make a rigorous assessment of the application in accordance with paragraph 177 of the NPPF.
- 145. The long-standing housing policy within the National Park is that it is not acceptable in principle to provide housing simply to meet market demand. There are no housing targets within the National park and housing development is only acceptable in exceptional circumstances.
- 146. Chapter 12 of the Core Strategy establishes where new housing is acceptable in principle. It firstly directs the majority of new build development to a range of settlements set out in policy DS1 and then describes the more limited scope for development elsewhere in the National Park. Outside of policy DS1 settlements new housing is only acceptable where it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings in accordance with policy HC1. C. II or exceptionally where development and alternative uses are needed to secure effective conservation and enhancement in accordance with policies DS1. C and GSP2.
- 147. We note representations received arguing that the site should be considered within or on the edge of Bamford. There is no defined settlement boundary for Bamford, instead policy DMC4. C is relevant and says that development that is separated from the existing settlement to such a degree that it no longer forms part of the whole, or is likely to result in pressure to infill an intervening gap will not be permitted.
- 148. This site is located approximately 1.1km from the centre of Bamford. To the south of Mill Lane there is a substantial gap of open fields punctuated by industrial buildings, the recreation ground, the caravan site and culminating at Mytham Bridge / Bamford Station. The garage / petrol station lies further beyond with the application site again further away on the far side of Hathersage Road. Given the significant distance and intervening open fields between this site and the centre of Bamford our view is that this site is not within or on the edge of Bamford.

149. The site was formerly occupied by the Marquis of Granby hotel. The former hotel buildings were demolished between 2009 and 2011 following the grant of planning permission for redevelopment of the site for a hotel (see planning history). Works to implement the planning permission have also been carried out including the excavations of part of the site to formation level, completion of the northern roadside boundary wall, works to services and completion of the new layby and access.
150. Construction works subsequently stalled and the general condition of the site has remained largely unchanged over the past ten years. Nevertheless, the planning permission for redevelopment of the site for a hotel has been implemented and remains extant. The site falls within the definition of previously developed land and therefore policy DMH6 is relevant.
151. Policy DMH6 allows housing development on previously developed land in principle. However, paragraph 6.9 of the housing chapter of the Development Management Policies (DMP) states that Core Strategy policy HC1 must be read in conjunction with policy DMH6. Paragraph 6.97 also states that outside of DS1 settlements applications for housing will be assessed against policies DS1 and GSP2.
152. Fundamentally, however, the proposal is for a major housing development in the National Park. Therefore, the first policy test is to determine if there are exceptional circumstances to justify the development and if the development is in the public interest following rigorous examination of the tests in paragraph 177 of the NPPF. If major development is justified then the erection of housing is acceptable in principle if it would deliver conservation and enhancement in accordance with policies DS1, C and GSP2.
153. Therefore, the key issue in assessing the principle of this development is whether there are exceptional circumstances to justify a major housing scheme in the National Park and if the development is in the public interest in accordance with policies GSP1, GSP2, DS1, HC1, DMH6 and paragraph 177 of the NPPF.

Affordable housing

154. We note the consultation response from High Peak Borough Council and representations about the need for affordable housing in the local area and that this site should provide affordable housing. We recognise that while the site is outside of Bamford that compared to many sites in the open countryside, it is in a relatively sustainable location due to its close proximity to Bamford railway station, bus stops and the nearby shop / garage. This is a material consideration particularly in the assessment of whether the site could be appropriate for affordable housing.
155. The latest housing need survey carried out in 2015 for Bamford identified a need for 21 affordable dwellings. Based upon the current housing register the Borough Council advise that the need is now likely to be significantly higher. Hathersage is an adjacent parish and the 2015 survey identified a minimum of 16 households in need of affordable housing.
156. This application proposes open market housing. None of the proposed apartments would be local need affordable housing. The applicant has referred to advice from the former Head of Conservation and Planning that policy DMH6 makes no requirement for affordable housing for sites outside of a DS1 named settlement.
157. Notwithstanding the advice previously given, we must assess the application against policies in the development plan, the NPPF and any other material considerations. We have sought advice from the policy team on this matter (see consultation section of this report).

158. Policy DMH6 does not state a requirement for affordable housing on previously developed sites outside of named settlements. However, the supporting text states that DMH6 must be read in the context of core policies including HC1 and that if affordable housing is needed in the location it should be provided on site.
159. The advice from the policy team is that while DMH6 is silent on the issue of affordable housing on sites outside of named settlements this policy must be applied in the context of our core housing policies and national policies, which are restrictive and focus on providing housing to meet identified local needs. Where new housing may be the best way to achieve conservation and enhancement this may require the impetus of open market values but wherever possible such development should add to the stock of affordable housing.
160. Paragraph 65 of the NPPF also sets a general requirement of a minimum 10% affordable housing on all proposals for major housing development. Taken as a whole, policies do recognise that market housing may be required to achieve conservation and enhancement but wherever possible require developments to provide affordable housing to meet local needs.

Extant planning permission for a hotel as a fall-back position

161. The application site benefits from an extant planning permission for a hotel. Since planning permission was granted the former hotel buildings have been demolished and the development implemented, but construction works have since stalled. The applicant has stated during previous discussions that the approved hotel is not viable. However, this application makes the case that there is a realistic prospect of the hotel development being carried out and that the erection of the approved hotel development is a fall-back position available to the applicant, which is therefore a material consideration in the determination of the current application.
162. The application refers to the approved hotel scheme as a permission for 'non-permanent residential use'. However, it is clear that the approved scheme is for a hotel and not for residential development.
163. The application also argues that in a number of respects that the proposed housing scheme represents an enhancement in design, scale, landscaping and environmental benefits compared with the approved hotel development.
164. It is not clear what the likelihood of the approved hotel development being completed is. The applicant has previously stated that the hotel scheme is not viable. However, we accept that the planning permission for the hotel remains extant and that it is possible that the applicant or another developer may carry out the development at some point in the future. Therefore, the implemented hotel permission is a material consideration in the assessment of this scheme as a fall-back position.
165. However, the Authority made the decision to approve planning permission for the hotel scheme on its own merits. We took the decision that the redevelopment and expansion of a hotel on this site was acceptable in the context of the historic use of the site and the desire to restore the buildings. We considered that the redevelopment would provide additional visitor accommodation and employment on an important gateway site in the valley and that any additional landscape impact could be mitigated by the design.
166. It therefore does not automatically follow that because redevelopment for a hotel was granted that the site is now acceptable or more acceptable for a major housing development. This application is for a different category of development, which raises materially different planning issues and must be considered now on its own merits.

167. The hotel planning permission remains extant and could be completed at any time. However, there is no justification for the proposed major housing development on the basis that there is an extant permission for a hotel or that the development would in some way avoid or prevent the prospect of the hotel development being completed. Therefore, the fall-back position of a hotel should be given very little weight in the consideration of this application.

Design and landscape impact

168. The former hotel buildings have been completely demolished and the site is beginning to green over behind the stone boundary wall and hedging which runs approximately two thirds along the length of the main road. From the road and in the wider landscape the spoil piles to the east of the site and beyond the hedge are the only obvious indications that development has commenced.
169. Therefore, while the condition of the site is unsatisfactory, any adverse impact upon the amenity of the local area is mostly limited to closer vantage points from the adjacent main road. The current condition of the site has only a very limited adverse impact upon the landscape character of the National Park and any assessment of need for the proposed development as enhancement must be weighed in that context.
170. For the purposes of the Authority's Landscape Character Assessment, the site is located within the Derwent Valley and specifically within the Riverside Meadows landscape character type. This is a flat alluvial river corridor with a meandering river channel, marginal vegetation, seasonally waterlogged alluvial soils, grazing meadows, dense waterside and scattered hedgerow trees, small to medium sized fields and historic mills with races, weirs and ponds.
171. This is mainly an unsettled landscape with occasional farmsteads and some modern development. Historically, settlement would have been restricted on the floodplain due to seasonal flooding, but a series of local water-powered flour mills were built, as at Bakewell and Ashford, in the medieval period. This was supplemented during the Industrial Revolution with large textile mills at Bakewell, Calver and Bamford, although these have now been converted into apartments, modern industry or other uses. Where there is settlement it is usually farmsteads, and buildings are predominantly gritstone with stone slate roofs. In places, there are limestone rubble constructed buildings with blue slate roofs.
172. The landscape around the application site reflects this identified character. The former Marquis hotel was developed historically from a farmhouse and this reflected established landscape character for settlement here. Historically larger settlements have formed outside the meadow away from the river. What further development there has been has been more recent, for example, the houses north of Shatton, along Saltergate Lane and at Mytham Bridge.
173. These inter-war and post war housing developments have ultimately undermined what is now valued landscape character within the National Park and therefore these developments do not provide justification for further development, which could exacerbate this pattern and impact.
174. The proposed development would be of a substantial scale in terms of both the proposed number of units and the height and footprint of the proposed buildings. While the buildings have a smaller footprint than the approved hotel, on its own merits, the development would create a substantial residential apartment block on the site.
175. The scale and character of the development would not reflect valued landscape character, settlement pattern or the historic uses of this site. The proposed buildings

despite the use of local materials and traditional fenestration to the most prominent elevations would have the appearance of a residential apartment block and therefore would be out of place within this part of the National Park because the development would be incompatible with established landscape character contrary to policies L1 and DMC1.

176. The development includes the 'reinstatement' of the Marquis building on the site. This refers to the main three-storey building of the former hotel. The easternmost part of the residential apartments have been designed to reflect this part of the former hotel. The replication of this part of the former hotel is generally welcomed.
177. However, the overall character of the development would be that of a residential apartment block. The easternmost apartment block would have a similar appearance of part of the former Marquis buildings but would be clearly read as one of the blocks at the same height as the others and with full height glazed balconies to the internal facing elevations. While this element of the scheme would be prominent on the approach from the east, it would otherwise not be a dominant feature and read as part of the overall block.
178. Therefore, while the incorporation of elements of the former hotel into the design is generally welcomed, the development would not re-establish the Marquis of Granby other than one part of the proposed building would have the external appearance of part of the former hotel, albeit with some alterations and in a slightly different position on the site.
179. In terms of detailed design, the development would incorporate traditional materials, which is welcomed, and we note the points raised by our Conservation Officer. However, the building has been designed with a very deep plan form with stone elements linked together with recessed glazing. This has the effect of breaking up the block into discrete elements with a strong vertical emphasis and square plan, which does not reflect the local vernacular and contributes to the strong character of blocks of residential apartments.
180. The proposed form and massing does not reflect our design guidance because it does not result in design appropriate within this landscape or reflect the local vernacular either by taking a traditional or contemporary approach but while respecting traditional forms, massing and materials. The application is therefore contrary to policies GSP3 and DMC3 in these respects.
181. The application is supported by a Landscape and Visual Impact Assessment (LVA) as required by policy DMC1. We have consulted our Landscape Officer who considers that the site has a high susceptibility to the proposed development and raises significant issues about how the LVA has been carried out, its conclusions along with providing comments on the proposed landscaping.
182. We recognise that the implementation of landscape works such as the proposed wildflower meadows and tree and hedge planting would have the potential to enhance the character of the site. However, these works would not outweigh or offset the impact of the overall development.
183. Therefore, we disagree with the conclusions of the submitted LVA and consider that the development would have a significant adverse impact upon the character and appearance of the site and upon landscape character from nearby vantage points and from a range of viewpoints in the wider landscape.

Sustainable building and climate change

184. The application is supported by a sustainable construction and energy statement. This proposes a strategy to maximise carbon savings includes highly efficient building fabric, low energy lighting, air source heat pumps for heating and hot water, ground source heat pumps, mechanical ventilation, provision of roof-mounted solar photovoltaics and inclusion of electric vehicle charging.
185. These proposals are welcomed in principle and if implemented would significant reduce energy consumption in accordance with policy CC1. If permission were granted, we would recommend planning conditions requiring the approval of details and then implementation of heat pumps, mechanical ventilation, solar photovoltaics and electric vehicle charging points in accordance with the submitted statement.
186. The statement makes little reference to minimising water consumption, which is an equally important requirement of CC1. The statement rules out grey and rainwater harvesting on the basis that there is 'very limited' space to incorporate this and little in the way of fixtures or fittings that would facilitate such a system. It is unclear what the reference to fixtures or fittings means or what assessment lead to the conclusion on the lack of space.
187. There would appear to be ample space on site for storage tanks and any plant required for either grey water or rainwater storage. The apartments would also appear to have use for such systems to reduce water consumption on site (for example use for flushing toilets, external cleaning or watering communal areas). Therefore, the application does not demonstrate that the development would reduce water consumption and therefore this element of policy CC1 is not met.

Biodiversity

188. The development has the potential to impact upon local biodiversity interest due to its proximity to the River Derwent, which runs just beyond the southern boundary of the site and the associated habitats within the river and on the riverbank. There are also a number of trees and hedges along the river and within the site likely to be of interest or provide habitat. The River Derwent at Hathersage Site of Special Scientific Interest (SSSI) also runs alongside the majority of the site.
189. The application is supported by an ecological appraisal. The site is located some 1.8km from the South Pennine Moors/Peak District Moors Special Area of Conservation (SAC) and Special Protection Area (SPA). Given the distance and scale of the proposals, we agree that the development would not be likely to have any significant impact upon the SAC or SPA.
190. Natural England raise no objection to the proposed development if the Sustainable Drainage System (SuDS) incorporates sediment removal. This SSSI is notified for its active fluvial geomorphology features. Natural England advise that one of the main potential impacts on the fluvial geomorphology of watercourses are increases in fine sediment. We therefore agree with Natural England that if permission were granted a planning condition would be reasonable and necessary to conserve the interest features of the River Derwent SSSI in accordance with policy L2 and DMC11.
191. The submitted ecological appraisal identifies the River Derwent as a potential constraint along with hedgerows and broadleaved woodland at the peripheries of the site. An ecological protection zone is proposed around retained trees and vegetation along the riverbank along with general measures to prevent pollution during construction. The report recommends that these be delivered through an Ecological Construction Method Statement (ECMS).

192. The development would result in the total loss of the the grassland and bare ground on the remainder of the site. However, these are considered to be of limited ecological value and would be enhanced by creation of mixed scrub planting along the woodland corridor, creation of additional native hedgerows along the northern boundary, planting of trees within the site and the creation of a neutral grassland meadow in the remainder of the site as shown on the submitted landscaping scheme.
193. Using Biodiversity Impact Assessment (BIA) calculations the report states that the development would (assuming landscape works are appropriately managed) result in a 91.5% net gain in biodiversity and a 711% net hedgerow gain. This would represent a significant net gain to biodiversity in accordance with policies DMC11 and DMC12.
194. We have consulted our Ecologist on the application and a number of issues have been raised about the lack of protected species surveys to inform the ecological appraisal. Our Ecologist considers that the submitted appraisal is poor because the habitat assessment does not properly describe vegetation and no species list is provided. The report also does not take into account the proposed outflow structure, which would encroach onto the watercourse within the proposed ecological protection zone for the river.
195. Our Ecologist advises that the development will impact upon the river and protected species present directly and indirectly. The submitted ecological appraisal makes a number of assumptions regarding the presence of protected species, but no survey has been carried out to ascertain their presence. Our Ecologist advises that survey is required to determine the presence of water vole, otter and key riparian bird species to inform the development and any mitigation, compensation and enhancement measures.
196. Furthermore, on the wider site, there is the potential for the development to impact upon reptiles, bats and amphibian habitat and therefore appropriate mitigation / surveys are also required to determine their presence. Finally, Himalayan balsam is known to be present along the river and there are recent records for *Crassula helmsii* on this site. This is an invasive species, which is easily transported. A survey for invasive species is therefore required to inform management and control during development.
197. As submitted there are significant concerns about the lack of survey work carried out and therefore that there is insufficient information to assess the potential impact of the development upon protected species contrary to policy L2, DMC11 and DMC12.
198. The applicant's ecologist has responded further and provided an amended ecological assessment. However, no further survey work has been carried out. We have re-consulted our Ecologist and await a further response, which will be updated verbally at the meeting.

Flood risk and drainage

199. The application site falls within Flood Zones 1, 2 and 3. Zones 2 and 3 are at a higher risk of flooding related to the River Derwent. The NPPF and policy CC5 require development to be sited to avoid, where possible, flood risk to people and property and to avoid increasing flood risk elsewhere. Paragraph 167 of the NPPF requires applications to be supported by a site-specific flood risk assessment and development to be sited in areas of lowest flood risk, be designed to be flood resistant and resilient incorporating sustainable drainage systems and safe access and escape routes.

200. A revised flood risk assessment (FRA) has been submitted. The Environment Agency and the Lead Local Flood Authority raise no objection to the development based on the revised FRA subject to conditions related to approval of drainage details and implementation of finished floor levels and flood resilience measures set out in the FRA. Foul sewage would be to the main sewer, which is acceptable.
201. Paragraph 159 of the NPPF states we should avoid inappropriate development in areas at risk of flooding by directing such development away from areas at highest risk. Paragraphs 161 and 162 says we should apply a sequential test to steer new development to areas with the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites for the proposed development in areas with a lower risk of flooding.
202. This application is for a major housing development. There is no provision for market housing in the National Park unless there are exceptional circumstances. There are many sites outside of the National Park where open market housing is allocated and approved which would contribute to the national need for new housing. Therefore, unless there are exceptional circumstances to approve the development new housing on this site would not meet the sequential test.
203. However, if it were accepted that there are exceptional circumstances to justify this major development in accordance with policies then the sequential test would be met because there would be no other sites at a lower risk of flooding where development could achieve the same benefits. The submitted FRA demonstrates that the development would be safe for its lifetime and that subject to conditions to secure appropriate drainage that the development will not increase flood risk elsewhere. Therefore, in these circumstances the development would also meet the exception test set out in paragraphs 163 and 164 of the NPPF.
204. The new buildings have been sited to avoid the parts of the site at a higher risk from flooding from the river (flood zones 2 and 3). Open areas within the site (for example the proposed shared garden and wildflower meadow) do fall within flood zone 2 but there are no proposed change in levels (once the current excavations on site are restored). The application proposes to mitigate risk of overland floodwater by providing a route through the site for floodwater away from the proposed apartments. Finished floor levels have been set taking into account flood risk and flood resilient construction techniques are proposed.
205. The submitted FRA and the Environment Agency both raise the issue of flooding in the event of reservoir failure. This is extremely unlikely provided the reservoirs are appropriately managed and maintained. However, failure of a reservoir has the potential to cause catastrophic damage and would represent a danger to residents and the emergency services. We have consulted the Emergency Planning Team and the meeting will be updated with any response.
206. Therefore, if the proposed major development is considered to be justified and in the public interest, we consider that the development would meet the sequential and exception tests. The development has been sited in areas of lowest flood risk on the site and has been designed to be flood resistant and resilient. The development would incorporate sustainable drainage systems and safe access / escape routes and subject to advice from the Emergency Planning Team, residual risk in the event of reservoir failure could be managed.

Transport and highway safety

207. A transport statement has been submitted to support the application. The transport statement recognises that the site is in a relatively sustainable location and in walking distance of the convenience store at the nearby garage and facilities in Bamford. Nearby settlements within the Hope Valley are also potentially accessible by foot or cycle.
208. The nearest bus stops are located beside the main entrance into the site and at the bus turnaround facility approximately 250m north of the site. Three bus services and two school bus services stop here and destinations served include Sheffield, Bakewell, Castleton, Hathersage, Bradwell, Baslow and Grindleford. Bamford station is located 300m north of the site and provides regular services between Manchester and Sheffield in both directions.
209. The development would utilise the vehicular access created for the approved hotel onto Hathersage Road and seeks to retain an access point at the north-west entrance. The north-west entrance would be used by refuse vehicles, emergency vehicles and occasionally large delivery vehicles. Residents would be prevented from using the north-west entrance and would exclusively use the main entrance to the east.
210. A total of 50 car parking spaces are proposed equating to two spaces per dwelling and eight spaces for visitors. Storage would be provided within the basement for each dwelling which could be utilised for cycles and cycle hoops would be provided outside each entrance for visitors.
211. The report predicts that the development would generate a total of 6 vehicle movements during the morning peak hour (8am to 9am) and 9 movements during the evening peak (5pm to 6pm).
212. We have consulted the Highway Authority and our Transport Officer on the application. The Highway Authority raises no objection subject to standard conditions to require the provision and maintenance of the proposed access and parking arrangements, prevention of gates, access gradients and the approval of a construction method statement. Our Transport Officer also raises no objection but recommends that we ensure that cycle parking and EV charge points are provided and that a travel plan is incorporated.
213. We agree with the Highway Authority that the development would be served by a safe access and that the development would not result in an adverse impact upon the local highway network or traffic levels. We note concern in representations about the retention of the north-west access. We consider that it would be preferable for all vehicles visiting the site to use the main entrance and to be able to turn on site. However, the Highway Authority raise no objection to use of the north-west access as proposed and therefore there would not be strong grounds to require that access be omitted on highway safety grounds.
214. The development would be provided with an appropriate level of parking in accordance with our local standards. The scheme does incorporate cycle parking facilities, which along with EV charge points could be secured by planning conditions. Our policies do require the provision of a travel plan to encourage use of sustainable travel modes and this could be secured by planning condition.
215. Therefore, subject to conditions we consider that the development would be located close to local facilities and residents would have a range of sustainable travel options available. Traffic generated by the development would not harm the local road network or amenity. The development would be served by safe access and adequate parking.

Therefore, there is no objection to the development on the grounds of transport or highway safety.

Other issues

216. Given the distance of the proposed development from neighbours and the layout of the apartments there are no concerns that the development would harm the amenity, security or privacy of any neighbouring property. All occupants of the apartments would also have a sufficient level of amenity and would be provided with a communal garden within the site.
217. Concern has been raised about the proximity of the apartments to the existing book warehouse to the west. Occupants of the nearest apartments would have views over this site but this would not be an unacceptable outlook and therefore the presence of the book warehouse does not constitute a reason to refuse this application.
218. The issue of public safety has been raised in representations in relation to the proximity of the river. The site is adjacent to the river where there is a steep bank down. This would represent a potential danger for residents especially children. However, the edge of the communal gardens is set above the bank with fencing and planting between. The communal gardens would also be overlooked by all the apartments. It would be possible to design a secure boundary here to prevent access to the riverbank and therefore the proximity to the river does not represent reasons for refusal in terms of public safety.
219. Finally, the issue of lack of assessment under the Environmental Impact Assessment (EIA) regulations has been raised. This application was screened by the Planning Manager when it was submitted. It was determined that an EIA is not required because the development does not have a significant impact on the environment due to its characteristics, location and potential impact.
220. It must be noted that the screening of the application is a procedural matter to inform if an EIA is required. The screening opinion does not pre-determine the planning assessment on impact or indicate that the planning application is acceptable or has no impact upon the environment.

Justification for major housing development

221. Paragraph 177 of the NPPF says that permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of three tests which are set out below:
 - a) *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it upon the local economy.*
222. This application proposes market housing. None of the proposed apartments would be restricted to meet eligible local need for affordable housing. As set out in national and local policies, there are no targets for market housing within the National Parks. The long standing policy position is that housing will not be permitted in the National Parks solely to meet the significant demand to live in its sought after environment.
223. The site is located within Bamford parish and adjacent to Hathersage parish where we are aware of a significant unmet need for affordable housing. Sites for affordable housing have been identified within Bamford but none have yet come forward. There has been significant difficulties identifying sites within Hathersage that can accommodate the numbers of needed affordable houses without harming the landscape.

224. Our policies and the NPPF require all applications for housing (including market housing schemes) to provide a mix of housing to meet local need. The application proposes a mixture of 2 and 3 bedroom apartments. There is no evidence within the application that the type and mix of housing needed locally has been identified.
225. The last parish housing need survey in Bamford was undertaken in 2015 and is therefore now out of date (the surveys have a 5 year lifespan). However, High Peak Borough Council advise that the survey is still relevant. The Bamford survey identified a need for 21 dwellings predominately for 1 bedroom flats with a smaller need for 2 bedroom houses, 1 bedroom bungalows and 3 bedroom houses. Based upon the current housing register the Borough Council advise that there is likely now significantly higher need than the 23 dwellings identified in the 2015 survey.
226. The current housing need survey for Hathersage was undertaken in 2016 and is still in date. This identified a minimum of 16 households in need of affordable housing. The need identified is for 2 bedroom houses, 2 bedroom bungalows and a lesser requirement for 3 bedroom houses. The survey concluded that Hathersage has sufficient 1 and 2 bedroom affordable flats.
227. There is no demonstrable need for market housing as an end use. Market housing to meet general need is expected to be delivered outside of the National Park. There is significant evidence of local need for affordable housing; however, the development would not deliver any affordable housing to meet local need. Finally, having regard to the Bamford and Hathersage housing need surveys the proposed housing mix of 2 and 3 bedroom apartments would not improve the housing mix in the local area.
228. The development is primarily justified on the basis of enhancement that would be brought about by the re-establishment of the Marquis of Granby and by biodiversity enhancements on site. The application also argues that the scheme would be an enhancement compared to the approved hotel.
229. The site does benefit from an extant planning permission for a hotel. The Authority approved planning permission for the replacement hotel in the context that this site had historically been used as a hotel and that the development would provide additional tourist accommodation and employment on a gateway site within the heart of the valley. The design of the hotel reflected the historic buildings and the increase in size was accepted as capable of being accommodated within the landscape.
230. This application proposes a different category of development, which must be considered on its own merits on the basis of current policies. The fact that the site benefits from an extant planning permission for a hotel does not provide any compelling justification to approve a major housing development on the site. There is no need to approve the proposed development to prevent the hotel scheme from being completed.
231. The hotel development has stalled following the demolition of the former hotel buildings. From the road and in the wider landscape the spoil piles to the east of the site and beyond the hedge are the only obvious indications that development has commenced. The current condition of the site is unsatisfactory; however, its impact upon the National Park is mostly limited to closer vantage points from the adjacent main road with only a very limited adverse impact upon the landscape character of the National Park. The condition and impact of the site therefore does not justify the proposed major development.
232. The application states that the development would re-establish the Marquis of Granby. This is an issue raised in a number of representations, which indicate that the recreation of the former hotel buildings would be in the public interest.

233. The former hotel would under current planning policies have likely been considered a heritage asset due to its historic, architectural and cultural significance. However, the former hotel has been totally lost. It would not be possible for any development to replace what has been lost; however, we recognise that this site historically has been an important and prominent gateway site within the valley. Therefore, there is benefit for any development on this site to be designed in that context.
234. Part of the proposed apartment block has been designed to reflect the former hotel. However, this element is located in a slightly different position and would be read as one element of a residential apartment block. The character of the development would be materially different to that of the former hotel. The development would therefore not re-establish the Marquis of Granby and the element that would be replicated does not justify the proposed major development.
235. The development would deliver enhancements to biodiversity on site. There are concerns about lack of protected species surveys, however, provided this was resolved it is clear that the layout of the development has the potential to result in significant enhancement to biodiversity if works were implemented and properly maintained. Our policies require an enhancement to biodiversity for all development, however, we recognise that the scale of potential enhancement is significant and goes beyond our normal policy requirement.
236. Turning to potential impacts upon the local economy. Allowing the development would result in some benefit to the local economy during construction and the lifetime of the development. However, these benefits would be limited and capable of being delivered by any housing development and therefore do not represent an exceptional circumstance to approve new housing within the National Park.
237. Development of the site for housing would also prevent any opportunity of the site being re-developed as a hotel. A hotel development (either the approved or a revised scheme) would be likely to result in substantially greater benefits to the local economy as occupants on holiday could be expected to spend significantly more in the local area and the hotel itself would be likely to provide significantly more employment opportunities.
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
238. There is significant scope for the development of market housing outside of the National Park. The expectation of national and local policy is that general housing need should be met outside of the National Parks.
239. The current condition of the site is unsatisfactory but this could be remedied in the short term by re-grading spoil piles so they are less prominent and potentially planting a native hedge along the site boundary. The cost of carrying out these works would be limited. In the longer term, the site benefits from an extant planning permission for a hotel, which could be completed. If the extant hotel scheme is not viable then a revised scheme could be considered.
240. Similarly, the re-building of the former Marquis of Granby could be achieved through the implementation of the extant hotel scheme or potentially a revised scheme.
241. The proposed development would significantly enhance biodiversity on site. It is possible that biodiversity enhancements could be achieved on the existing site, however, it is accepted that this is unlikely. The implementation of the approved hotel scheme would also not achieve the same benefits, as a much larger part of the site would be occupied by the building footprint and car park. A revised hotel scheme could have the potential to achieve biodiversity enhancement.

- c) *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*
242. We have concluded that the development can be accommodated without harm to the nearby SSSI subject to planning conditions. We are however concerned that insufficient survey work has been undertaken to inform the potential impact of the development upon protected species or their habitats.
243. We consider that the development would be an inappropriate design and scale and that the development would have a significant adverse impact upon the character and appearance of the site and upon landscape character from nearby vantage points and from a range of viewpoints in the wider landscape.
244. The development would have no detrimental effect upon existing recreation opportunities within the National Park. However, approval of the proposed development would prevent any opportunity of the site being developed as a hotel.
245. It is likely that any detrimental impacts upon the environment could be moderated through the submission of further survey work and potentially amendments. However, we would need to be provided with this information before we could fully assess the scheme. The detrimental impact upon the landscape identified is fundamentally a result of the scale and design of the development and therefore there is very limited scope to moderate this impact.

Conclusion

246. The site is previously developed land having formerly been occupied by the Marquis of Granby Hotel. Local and national policies make a presumption against major development unless there are exceptional circumstances and the development is demonstrated to be in the public interest. The development is justified by the application on the basis that it is required to enhance the site, re-establish the Marquis of Granby, enhance biodiversity and on the basis that the scheme would have less impact than the extant planning permission for a hotel.
247. For the reasons set out in this report, we conclude that the proposal would not be in the public interest and that exceptional circumstances do not exist to justify the proposed major housing development. The development would result in harm to the landscape character of the National Park and would not respond to local need for affordable housing.
248. The proposed development is therefore contrary to the development plan. Material considerations do not indicate that planning permission should be granted. The application is therefore recommended for refusal.

Human Rights

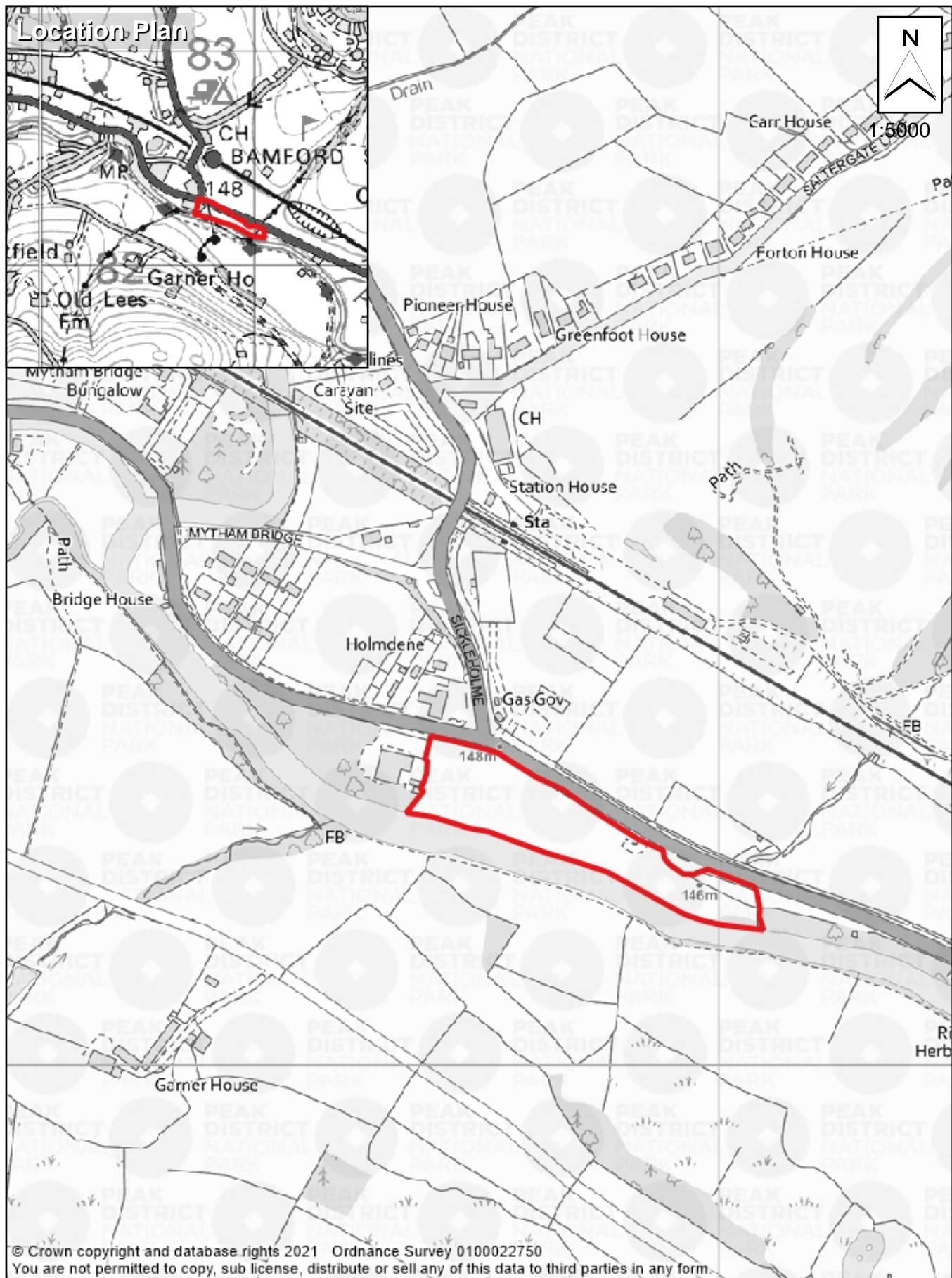
249. Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

250. Nil

Report Author: Adam Maxwell, Senior Planner

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Committee Date: 11th February 2022
 Item Number: Item 5
 Application No: NP/HPK/0821/0890
 Grid Reference: 420692, 382283

Title: Marquis of Granby,
 providing 21 Open Market
 Apartments



**PEAK
 DISTRICT
 NATIONAL
 PARK**

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6. FULL APPLICATION - FOR EXTENSION OF EXISTING GRISTONE BARN AND DEMOLITION OF REDUNDANT AGRICULTURAL BUILDINGS TO FORM ONE DWELLING AT SHATTON FARM, SHATTON LANE, SHATTON (NP/HPK/0920/0874, AM)

APPLICANT: MR RICHARD BRUCE

Summary

1. Nether Shatton Farm is located at the south-western end of Shatton.
2. The proposal is for the extension of the existing stone barn and demolition of redundant agricultural buildings to form a single market dwelling.
3. The development would harm the character and appearance of the existing barn, the site and its surroundings and would harm the setting of the Grade II listed Nether Cottage
4. The application is recommended for refusal.

Site and Surroundings

5. Nether Shatton Farm is situated at the south-western end of the hamlet of Shatton, south of Bamford and the A6187. The eastern end of the hamlet is a relatively suburban development of 20th century houses. The historic core of the hamlet is a more traditional cluster of buildings at its south-western end. Shatton Lane runs through Shatton, running past the application site and eventually continuing onto Shatton Edge.
6. The application site is on the eastern side of Shatton Lane as it rises up the southern slope of the valley side, at the southernmost edge of the settlement. It includes a range of modern and traditional agricultural buildings which are now redundant. The site contains a traditional gritstone barn, with a gritstone roof, situated on the roadside frontage with a post-war agricultural building immediately to the rear of this building.
7. The traditional barn was re-built following the grant of planning permission for conversion in 2013. The re-building of the barn with extensions to create a market dwelling was granted planning permission in 2016. Since the 2016 permission was granted separate operations have taken place to raise the eaves and ridge height of the barn and alter an opening in the southern gable. This work appears to have been undertaken in 2018 and does not benefit from planning permission.
8. The approved development includes the demolition of the non-traditional agricultural sheds on the site and the erection of a new extension to the side of the barn which would be partially dug into the ground levels to the south of the barn and the erection of a detached garage.
9. There are neighbouring residential properties to the west and north. The property to the north 'Nether Cottage' is Grade II listed (named Shatton Cottage on the listing description).

Proposal

10. Redevelopment of Shatton Farm to form one market dwelling.
11. The plans show that the existing modern agricultural buildings would be demolished and the ground level to the rear of the stone barn lowered to facilitate the construction of extensions. The work undertaken to raise the roof of the barn would be retained and the barn converted.

12. The stone barn would provide a hallway, W.C, kitchen and dining space at ground floor and a single bedroom at first floor. A second staircase within the barn would provide access to a further mezzanine.
13. A two storey 'L' shaped extension is proposed to the rear of the stone barn, connected to it by a single storey glazed link. The extension would provide a hallway and lounge at ground floor and four bedrooms at first floor with one shared bathroom and two en-suite bathrooms.
14. Two parking areas are proposed one to the south of the site and one to the east with two access points from the north and south of the stone barn. The stone barn and extensions would form a courtyard garden area with lawn beyond up to the adjoining fields.

RECOMMENDATION:

That the application be REFUSED for the following reason:

1. **The proposed development would harm the character and appearance of the existing barn, the site and its surroundings and would harm the setting of the Grade II listed Nether Cottage contrary to Core Strategy policies GSP1, GSP2, GSP3, L3 and HC1; Development Management policies DMC3, DMC5, DMC7 and DMC10; the Authority's adopted design guide Supplementary Planning Document and the National Planning Policy Framework.**

Key Issues

15. Whether the proposed development is acceptable in principle.
16. The impact of the proposed development.

Relevant Planning History

17. 2013: NP/HPK/0113/0072: Planning permission granted conditionally for change of use of barn to dwelling, demolition of redundant agricultural buildings and erection of garage, store and earth covered residential extension.
18. ENQ: 23500: Pre-application advice in regard to amendments to the above scheme. At the site visit Officers became aware that the traditional barn had been re-built and therefore the 2013 permission had not been (and now could not be) implemented.
19. Enforcement 15/0061: Relating to demolition and re-build of barn.
20. 2016: NP/HPK/1115/1115: Planning permission granted conditionally for change of use and extension of a reconstructed barn to dwelling, demolition of redundant agricultural buildings and erection of garage and store (part retrospective).
21. 2019: NP/HPK/0519/0456: Redevelopment of Shatton Farm to form one dwelling. This will entail the extension of the existing gritstone barn and the demolition of the redundant agricultural buildings. Planning permission refused for the following reasons:
 1. *The proposed development would harm the character and appearance of the site and its surroundings and would harm the setting of the Grade II listed Nether Cottage contrary to Core Strategy policies GSP1, GSP2, GSP3, L3 and HC1; Development Management policies DMC3, DMC5, DMC7 and DMC10; the Authority's adopted design guide Supplementary Planning Document and the National Planning Policy Framework.*

2. *The proposed development would result in overlooking from occupants of the dwelling towards the neighbouring property Nether Cottage. This would result in a significant loss of privacy to habitable rooms and the garden of Nether Cottage which would harm the privacy and amenity of occupants contrary to Core Strategy policy GSP3 and Development Management policy DMC3.*
3. *Insufficient information has been submitted with the application to demonstrate that the proposed development would achieve the highest possible standards of carbon reductions and water efficiency in order to mitigate the causes of climate change contrary to Core Strategy Policy CC1 the Authority's adopted Supplementary Planning Document 'Climate Change and Sustainable Building' and the National Planning Policy Framework.*

Consultations

22. Highway Authority – Make the following comments.
23. *"It is not clear from the proposals whether the existing southern vehicular access is proposed to be modified. From the proposed site plan (0304.002 Ref F) it is clear that some modification would be required to access all the parking spaces, with this also likely to require relocation of an existing 'Restricted Byway Ahead' sign. This current application also removes space within the site for vehicles to manoeuvre.*
24. *Emerging visibility from the sites existing accesses are extremely limited, primarily by the barn to be converted. However, the application proposals appear to completely remove the existing agricultural buildings within the site apart from the ones to be converted. The Highway Authority is therefore satisfied that the application constitutes the complete removal of any agricultural activity from the site and this is considered to be an equitable exchange of traffic generation for the proposed single dwelling.*
25. *It is appreciated that passing vehicle speeds and volumes are low on the fronting public highway due to Shatton Lane's general layout and the sites remote location. However it is recommended that the northern access be closed as part of the proposals. Similarly, in view of the limited visibility it is recommended that space be provided within the site to enable vehicles to manoeuvre within the site, so as to both enter and exit in forward gear. With the applicant being in control of sufficient land to provide manoeuvring space within the site.*
26. *Based on the above, it is considered the risk of danger to highway users would be no greater than at present. Before making my formal recommendations I would be obliged if you could ask the applicant to revise the proposal in view of the above comments and in the meantime please hold the application in abeyance until revised plans have been submitted.*
27. *You may wish to ask the applicant to address the above comments and submit a revised drawing which I will be happy to comment upon in due course. Alternatively, provided that you are satisfied that a satisfactory layout can be controlled by conditions, there are no highway objections to the proposal from the highway point of view, subject to conditions being included in any consent granted in the interests of highway safety."*
28. Borough Council – No response to date.
29. Parish Meeting – No response to date.

Representations

30. No letters of representation received to date.

Main Policies

- 31. Relevant Core Strategy policies: GSP1, GSP2, GSP3, CC1, DS1, L1, L3 and HC1
- 32. Relevant Development Management policies: DMC1, DMC3, DMC5, DMC7, DMC10, DMT3 and DMT8

National Planning Policy Framework

- 33. In the National Park the development plan comprises the Authority's Core Strategy 2011 and the Development Management policies (2019). These policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. The development plan is up-to-date and therefore is afforded full weight in decision making.
- 34. Para 79. Of the NPPF states that planning decision should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker, the development would represent the optimal viable use of a heritage asset, would re-use redundant or disused buildings and enhance its setting, involve the subdivision of an existing dwelling or where the design is of exceptional quality.
- 35. Para 176. Of the NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.
- 36. Para 194. Of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 37. Para 195. 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 199. 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.
- 39. Para 200. 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: grade II listed buildings, or grade II registered parks or gardens, should be exceptional.

40. Para 202. 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.
41. Para 203. Of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Core Strategy Policies

42. Policy DS1 sets the development strategy and says that in the country side conversion or change of use for housing is acceptable in principle.
43. 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).
44. 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.
45. Policy CC1 requires development to make the most efficient and sustainable use of land, buildings and natural resources. CC1 D. and E. require development to achieve the highest possible standards of carbon reductions and water efficiency.
46. 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. Policy L3 requires development to conserve or where possible enhance the cultural heritage of the National Park.
47. Policy HC1 says that provision will not be made for housing solely to meet open market demand. New housing can be accepted where it would meet eligible local need for affordable housing, provides for key rural workers or is required to achieve conservation and or enhancement of valued vernacular or listed buildings.

Development Management Policies

48. Policy DMC3 says that where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place. DMC3 B. sets out various criteria which will be taken into account.

49. Policy DMC5 says that planning applications for development affecting a heritage asset, including its setting must clearly demonstrate its significance including how any identified features of value will be conserved and where possible enhanced and why the proposed development and related works are desirable or necessary. DMC E. says that if applicants fail to provide adequate or accurate detailed information to show the effect of the development on the significance, character and appearance of the heritage asset and its setting, the application will be refused.
50. Policy DMC5 says that planning applications for development affecting a Listed Building and/or its setting should be determined in accordance with policy DMC5 and clearly demonstrate how their significance will be preserved and why the proposed development and related works are desirable or necessary.
51. Policy DMC10 A. says that the conversion of a heritage asset will be permitted provided that:
- i. it can accommodate the new use without changes that adversely affect its character (such changes include enlargement, subdivision or other alterations to form and mass, inappropriate new window openings or doorways and major rebuilding); and
 - ii. the building is capable of conversion, the extent of which would not compromise the significance and character of the building; and
 - iii. the changes brought about by the new use, and any associated infrastructure (such as access and services), conserves or enhances the heritage significance of the asset, its setting (in accordance with policy DMC5), any valued landscape character, and any valued built environment; and
 - iv. the new use of the building or any curtilage created would not be visually intrusive in its landscape or have an adverse impact on tranquillity, dark skies or other valued characteristics.
52. Policy DMC10 B. says proposals under Core Strategy policy HC1CI will only be permitted where:
- i. the building is a designated heritage asset; or
 - ii. based on the evidence, the National Park Authority has identified the building as a non-designated heritage asset; and
 - iii. it can be demonstrated that conversion to a market dwelling is required in order to achieve the conservation and, where appropriate, the enhancement of the significance of the heritage asset and the contribution of its setting.
53. Policies DMT3 and DTM8 require safe access and adequate parking to be provided for development.

Adopted supplementary planning documents

54. The Authority adopted design guide is relevant as is the Authority's adopted supplementary planning guidance on climate change and sustainable building.

Assessment

Principle of the development

55. The proposal is for the re-development of the site to create a market dwelling. The site is located on the edge of Shatton which is not a named settlement (policy DS1), therefore our policies would only support the development if it was demonstrated to be required to achieve conservation and / or enhancement of a heritage asset (policies HC1 and DMC10).
56. The property is not listed, a scheduled monument or within a conservation area and therefore is not a designated heritage asset. A heritage statement has not been submitted with the application to assess the significance of the site or buildings or its relationship with and setting of the nearby grade II listed Nether Cottage. This is contrary to the requirements of policy DMC5.
57. The roof height of the barn has been raised without planning permission and this application seeks the retention of the enlarged barn along with the re-development of the remainder of the site.
58. The 2016 planning permission represents a material fall-back position because it has been implemented and remains extant. The 2016 permission allows for retention of the stone barn (in its original lower configuration) along with extensions to create a market dwelling. In determining the 2016 application, we concluded that despite being re-built, the stone barn remained important for the street scene and for the setting of the adjacent grade II listed Nether Cottage. We therefore concluded that the 2016 development remained necessary to achieve the conservation of the site and its surroundings.
59. The current application is not supported by a heritage statement (other than in relation to the fields around the site) but does include a design and access statement and the submitted drawings and visuals do allow an assessment of the impact of the development to be made. Therefore, the lack of a heritage statement contrary to policy DMC5 is not a reason to refuse the application, taking into account our previous decisions on the site.
60. Therefore, the key issue is the impact of the development, or in other words whether the development is required to achieve the conservation or enhancement of the stone barn and the impact upon the surrounding area, including the setting of the grade II listed Nether Cottage.

Impact of development

61. The proposed design approach for the stone barn differs to that approved by the 2016 scheme. The original barn was re-built but the 2016 scheme to retain the re-built barn was nevertheless approved on the basis that the overall proportions, form, height, materials and external appearance of the barn closely reflected the original structure and this was considered an important element of the significance of the barn.
62. Since the approval of the 2016 scheme the barn has been further altered without the benefit of planning permission. The eaves and ridge height of the barn have been increased. This application seeks to retain these alterations to the roof of the barn as part of the scheme along with an alteration to the opening in the southern gable.
63. The proposed increase in the eaves and ridge height of the barn and changes to the opening in the southern gable are noticeable and significantly change the overall proportions and scale of the building. The proposed increase in eaves and ridge height of the building has unnecessarily eroded the architectural and historic significance of the building.
64. The application again proposes to demolish the modern agricultural buildings, and this is welcomed in principle but in itself does not offer any benefit over and above the 2016 scheme.

65. The development would include significant lowering of ground levels to the rear of the stone barn. The application states that this is to remove 'built up ground', however it is not clear that this is the case. Land to the south and east of the site is rising and the levels at the site generally meet up with the surrounding natural levels. While elements of the modern farm buildings are built up, there is no clear indication that the ground levels more generally are built up or that lowering the levels would restore natural levels.
66. Lowering the ground levels would in fact appear to result in significant changes at the rear of the site between the proposed levels and the existing adjacent field levels, which would necessitate a steep bund or a retaining wall. The submitted plans do not indicate how the transition between the site and the adjacent fields or changes in level would be treated.
67. A substantial amount of spoil would be removed to facilitate the proposed change in levels and the application proposes to deposit this material in the fields to the east of the site. These fields appear to retain a natural level gently sloping down to the northern boundary. It is unclear what type or volume of material would be deposited here and what impact this would have upon the topography of the fields. However, given the existing topography it is considered likely that development associated with depositing spoil could create obvious changes to the landform and potentially harm the landscape of the National Park.
68. The application proposes extensions to the stone barn to provide the majority of the proposed residential accommodation. The design approach and location of the proposed extensions are significantly different to those approved in 2016 and more similar to the scheme, which was refused planning permission in 2019. We have significant concerns about the scale of the extensions, their visual impact, design and impact upon the historic relationship of the site with Nether Cottage and its setting.
69. The proposed extensions would form a substantial two storey 'L' shape range to the rear of the barn, which in terms of volume and footprint would be significantly larger than the existing stone barn. The proposed extensions would be visually prominent from the lane and from the public footpath adjacent to the site and affect the setting of Nether Cottage.
70. The formation of an 'L' shape range would also erode the historic relationship between the site and the adjacent Nether Cottage by introducing a range of buildings that do not relate well to the historic functional relationship between the two sites and by introducing a new built form that would erode that character.
71. The form and character of the proposed extensions would also introduce domestic window and door fenestration which would be alien in character to both the stone barn and the adjacent Nether Cottage.
72. The footprint of the extensions is similar to that approved in 2016; however, the design of the extensions approved in 2016 take advantage of the ground levels of the site by taking a 'non-building' approach for the majority of the extensions. This effectively hid the mass and volume of the extensions leaving the stone barn to remain the dominant building on the site and without affecting or eroding the historic functional relationship with Nether Cottage.
73. The 2016 scheme therefore would have a much less significant visual and landscape impact compared to the proposed development.

74. We therefore consider that the proposed development would be of an inappropriate scale, siting and design and would harm the stone barn and the site and the setting of Nether Cottage. The proposed development would result in the replacement of one inappropriate form of development (the existing dilapidated agricultural buildings) with another. The scheme would also harm the existing barn by raising its height and altering its traditional form and massing.
75. Therefore, the development would not achieve the conservation or enhancement of the building or its setting and is contrary to our housing and conservation policies.
76. There are no objections in principle to an alternative scheme of extensions, however it is critical that any scheme retains the stone barn as the dominant building and conserves its historic relationship with Nether Cottage and its setting.
77. There is no evidence that the current proposals are the only means of creating a market dwelling on this site or achieving the enhancement that would result from the demolition of the dilapidated agricultural buildings.

Impact upon amenity of neighbouring properties

78. The nearest residential property to the site is Nether Cottage (the grade II listed property described as Shatton Cottage). This property is located to the northern boundary of the site and the principal elevation of that property faces south towards the application site. Nether Cottage is set at a lower level than the application site with its access, parking area and front garden located between the cottage and the application site.
79. The proposed extensions would face towards Nether Cottage at a distance of 18m. The elevation facing towards Nether Cottage would be blank other than the ground floor glazed link and two roof lights. Given the relatively blank fenestration of this elevation, there are no concerns that occupants of the development would overlook Nether Cottage. Given the orientation and facing distance there are also no concerns that the development would result in any significant loss of daylight, sunlight or be overbearing.
80. The proposals would therefore not harm the amenity, security or privacy of any neighbouring property.

Other issues

81. The scheme would retain both access points and proposes to create a third access point into the fields to the south of the site. The 2016 scheme proposed to close the southernmost access with a new stone wall and retained the northern access point, which continued into the fields.
82. The Highway Authority raise no objection to retaining the southern access if there is sufficient space within the site for vehicles to park and turn. The Highway Authority do however recommend that if the southern access is to be retained that the northern access is permanently closed.
83. Therefore, there is no objection in principle to retention of either the northern or the southern access if the other is closed. This has been discussed with the agent but the most recent drawings retain both access points.
84. We consider that the highway issues can be resolved in principle with the imposition of planning conditions to specify alterations and agreement / implementation of vehicular access along with other conditions recommended by the Highway Authority. Therefore, we agree with the Highway Authority that in principle the development would not harm highway safety and be in accordance with DMT3 and DMT8 in this respect.

85. There is no evidence to indicate that the development would impact upon protected species bearing in mind that the stone barn has been recently re-built. Therefore if permission was granted similar conditions would be recommended as previously in respects of avoiding the breeding bird season and incorporating habitat enhancements.
86. The amended plans show that the scheme would incorporate a ground source heat pump, solar photovoltaic panels and electric vehicle charge points. The application also proposes to retain spoil on site where appropriate.
87. The proposed heat pump, solar panels and charge points are welcomed as these would reduce energy consumption related to heating, hot water and electricity and significantly reduce carbon emissions and mitigate the impacts of climate change. We also welcome charge points as a means of encouraging and providing infrastructure to accelerate the uptake of electric vehicles. The retention of spoil on site is acceptable in principle if spoil does not harm the landscape or the environment.
88. The details also indicate that groundwater and rainwater harvesting would be utilised as part of a grey water system. This is welcomed in principle if full details were approved and implemented.

Conclusion

89. The proposed development would harm the character and appearance of the site and its surroundings and would harm the setting of the Grade II listed Nether Cottage contrary to Core Strategy policies GSP1, GSP2, GSP3, L3 and HC1; Development Management policies DMC3, DMC5, DMC7 and DMC10; the Authority's adopted design guide Supplementary Planning Document and the National Planning Policy Framework.
90. The proposed development would not harm amenity, highway safety or the biodiversity of the National Park; however, these issues do not offset or outweigh the other impacts of the development. The proposal is considered to be contrary to the development plan and having taken into account all other material considerations accordingly the application is recommended for refusal.

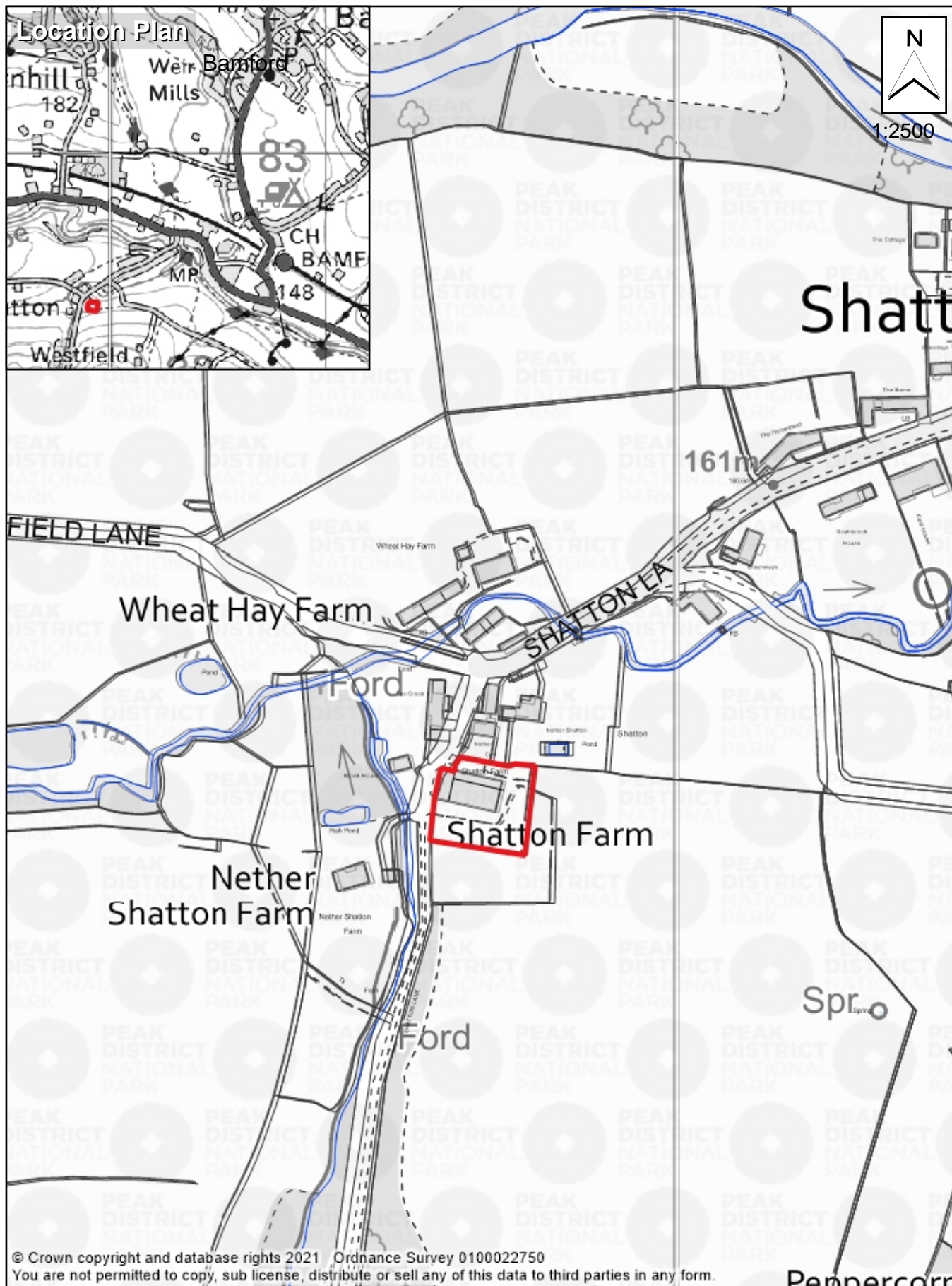
Human Rights


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

List of Background Papers (not previously published)

92. Nil

Report Author: Adam Maxwell, Senior Planner



Committee Date:	11th February 2022	Title: Shatton Farm, Shatton Lane, Shatton	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 6		
Application No:	NP/HPK/0920/0874		
Grid Reference:	419907, 382292		

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7. FULL APPLICATION - DEMOLITION OF AGRICULTURAL BUILDINGS AND RESTORATION OF FIELDS, CONVERSION OF OUTBUILDING TO HOLIDAY LET. CHANGE OF USE FOR KEEPING HORSES STABLE AND MANEGE RIDING/ARENA AT MIDDLE FARM, WHESTON. (NP/DDD/0720/0671 SPW)

APPLICANT: CHRISTIAN BATEMAN

Summary

1. As submitted the proposal was major development contrary to both national and local policy, it also raised local objection (as well as an equal amount of support).
2. The scheme has been amended by the applicant to remove the contentions parts and those parts which did not comply with planning policy.
3. The amended scheme now proposes a holiday let; a private stable and riding arena; and demolition of some agricultural buildings and restoration of that land to grass.
4. Subject to conditions the amended scheme will provide an enhancement through demolition of the agricultural buildings to the character and appearance of the area including the Conservation Area and the setting of listed buildings and is recommended for approval

Site and Surroundings

5. Middle Farm fronts onto the southern side of Wheston Bank, the main road through the hamlet of Wheston which is not a named settlement in the Development Plan (DS1). Therefore for the purposes of applying policy the development is considered to be a countryside location. Wheston itself comprises a grouping of farms in a linear development pattern and sits within the limestone plateau landscape.
6. The farmhouse lies gable to the road at the north-eastern corner of the site with a large range of modern agricultural buildings lying to the west and which also front the main road. Some are understood to be leased to another party for rearing calves. To the rear there is a hard surfaced area previously used for silage storage and is where we have recently learned the proposed riding arena has been constructed.
7. On the south-eastern boundary there is an unauthorised stable building of recent construction finished in dark profiled sheeting. There has been some changes in levels around the stable to build up and create a level area around the building, with a retaining wall which is faced with limestone and topped with a post and rail fence.
8. During the officer's site visit there appeared to be a mobile café vehicle operating from where the submitted plans proposed a café - now omitted in the amended scheme. Signs had also been erected in the highway verge in relation to the café.
9. There is a footpath running adjacent to the south-eastern boundary of the application site. Wheston Bank, the main road through the hamlet lies to the front and a track/unmade road to the side and rear (which carries the Pennine bridleway). The site is widely open to public view from immediate and distant vantage points.
10. The site lies within Wheston Conservation Area. Nearby listed buildings include Upper Farm which is immediately opposite the site (20m), Wheston Hall and its boundary walls which are next to the site to the North West (approx. 50m to the listed buildings) with the Pennine way between. Middle Farm itself is listed on our historic building and sites record (HBSMR) as a partially extant 19th century farmstead.

11. The site is within the White Peak Landscape character area within the landscape character type Limestone village farmlands.

Proposal

12. The amended proposal comprises a number of elements which include the retention of the stable building and horse riding arena, demolition of an agricultural building and silage clamp with restoration of the land to fields and the conversion with extension and alterations of an outbuilding to a holiday let.
13. The new stable part of this application is retrospective. It is clad with metal sheets to its roof and walls and has a mono pitch roof and sits on a raised platform.
14. The conversion relates to the small stone an outbuilding beside the house to form a one bed holiday let. Externally this includes replacing the mono pitched corrugated roof with a dual pitched roof in natural blue slate, and inserting windows, doors and rooflights. The accommodation would be approximately 24m² providing all the facilities for independent occupation with a rectangular garden area proposed at the rear extending into the adjacent field strip and demarcated with a drystone wall.
15. The demolition of the modern portal frame agricultural buildings has already commenced with one demolished. The land formerly occupied by the demolished buildings is shown returned to pasture for grazing.
16. The riding arena replaces an existing external agricultural storage area. This requires some re-profiling of the land and the amended plans now include level information to show this. There are no details of the proposed surface. A 1.3m post and wire fence is shown bounding the riding arena.
17. The drawings also show the extent of the change of use of the land for the keeping of the horses.
18. The plans also show indicative new tree planting mainly around the perimeter of the farmstead.
19. For clarity the former proposals to convert the agricultural buildings to business uses, storage and a new café as well as a motorhome campsite have all been omitted from the amended plans and the development description revised to suit.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions -

- 1. Standard time limit**
- 2. Carry out in accordance with specified amended approved plans.**
- 3. Holiday let conversion of the existing building, no rebuilding.**
- 4. Holiday let to have standard short let holiday let restriction and be ancillary and within the same planning unit as 'Middle Farm house'.**
- 5. Remove permitted development rights from the holiday let**
- 6. Agree details, recess and finish of timber windows and doors (for holiday let)**

- 7 New stonework shall be natural limestone laid to match the existing with holiday let roof clad with natural blue slate.**
- 8 Cast metal RWGs painted black and installed on rise and fall brackets directly to the stonework without the use of fascia (for holiday let).**
- 9 Agree details of Conservation type rooflight fitted flush with the roofslope. (for Holiday let).**
- 10 Remove permitted development rights for means of enclosure and no jumps (except within the riding arena).**
- 11 No external lighting/flood lighting on/for the riding arena.**
- 12 Submit and agree scheme of lighting for the site including stables.**
- 13 Limit the change of use for the keeping of horses to the area outlined in red on the approved plan '117/E'.**
- 14 Submit details of surfacing material for riding arena.**
- 15 Submit details landscaping scheme for the riding arena.**
- 16 Omit fences to the perimeter of the riding arena and replace with limestone drystone wall or a post and rail fence with mixed hedge outside.**
- 17 The horse riding arena to be ancillary to and remain within the same planning unit as Middle Farm, for private use of the occupants only.**
- 18 Limit stable for keeping of up to 3 horses only.**
- 19 Submit details of spoil and waste removal from the demolition of the buildings and removal of the silage yard shall be permanently removed from the site and land in ownership.**
- 20 Notwithstanding what is shown on the approved plans, no approval is hereby granted for any outdoor amenity space for the holiday otherwise than in accordance with an amended scheme to be agreed showing space relocated within the bounds of the farmstead.**
- 21 Footnote: re permission not providing any change of use of the existing agricultural buildings, or associated access and yard areas.**

Key Issues

20. Is the proposal major development?
21. Impact on the character and appearance of the area including the conservation area and the setting of the nearby listed buildings?
22. Amenity or highways issues?

History

23. March 2021 Without prejudice to the current planning application planning and enforcement officers together have advised that removal of an unsafe agricultural building was acceptable although at the applicants risk as the application which included this had not yet been determined.

24. There is an open enforcement case on the site in relation to the erection of stables without planning permission and the unauthorised use for storage of caravans, also earth movements and landscaping have been added to this file. Reports have also been received about a café operating from the premises.
25. Enquiry 37909 – February 2020 pre application advice – Advice was provided that demolition of much of the agricultural building stock and replacing these with a 42 pitch caravan motorhome site with additional 4 log cabins and ancillary facilities as well as a single holiday let was major development, contrary to development plan policy and the NPPF and unlikely to be acceptable.
26. NP/DDD/1209/1084 Planning permission granted for steel framed agricultural building. Planning conditions require its removal when it is no longer required for the purposes of agriculture.
27. WED/1292/589 Planning permission granted for muck midden.
28. NP/WED/590/229 Planning permission granted for extension to dwelling.
29. NP/WED/1089/603 Erection of cattle building
30. Earlier history not relevant to the application, so not listed here.

Consultations

Derbyshire County Council Highways

31. *In the amended proposal, it is noted that B1 uses, café, and the proposal for caravan pitches have been omitted.*
32. *Wheston Bank varies in width at some locations, and along with the other surrounding highways, the width appears sub-standard for two-way traffic without having any passing places and an increase in two-way traffic on these highways could cause severe impacts to the free flow of traffic, particularly in the presence of PROW routes currently used by cyclists and walkers. Therefore, reviewing the amended proposal, the Highway Authority is satisfied that traffic generation from the site would not be as significant as compared to the previous proposal. However, clarification is needed for retaining existing buildings at the site.*
33. *In terms of parking associated with proposed horses and riding arena, further information is required, and parking for this business needs to be shown on a revised plan.*
34. *On site turning is recommended on classified roads (Wheston Bank) to enable vehicles to enter and exit the site in a forward gear, and for the largest vehicle expected at this site, the turning to be demonstrated by a swept path assessment. A revised drawing to this effect is submitted for review.*
35. *A revised drawing incorporating the above comments and additional information as requested in this response be submitted before the Highway Authority would be able to provide further comments on this proposal.*
36. Wheston Parish Meeting – No response to date.
37. Derbyshire Dales District Council – No response to date.

38. Peak District National Park Authority Rangers – No objections. Recommend advisory footnote re footpaths which are unaffected by the development.
39. Peak District National Park Authority Archaeologist
40. *“Middle Farm, Wheston is a historic farmstead recorded in the Peak District National Park Authority’s Historic Buildings, Sites and Monuments Record.*
41. *The farmstead was greatly altered and expanded over the 20th century, and the core of the historic farmstead is only represented by the linear farmhouse range and the small outbuilding to its east.*
42. *Below ground archaeology*
43. *I agree with the conclusion of the heritage statement with respect to the archaeological interest of the site; the site is located within a landscape of high archaeological interest for human activity from prehistory onwards, and is located within the historic core of the medieval village of Wheston.*
44. *However, the development of the farmstead over the 20th century and extent of modern disturbance resulting from this is extensive, and the proposed development is entirely confined to within the existing development footprint.*
45. *Therefore it is unlikely that any archaeological remains or features will be affected by the proposed development, and there no concerns from a belowground archaeological perspective.*
46. *Stone outbuilding*
47. *The small stone built outbuilding is proposed for conversion to a holiday let. The heritage statement assesses this building as being of local significance, and to the bottom end of that scale i.e. this is a building with very little heritage value. Historic maps indicate that the building was added to the farmstead in the late 19th century, and it is built of traditional limestone.*
48. *It is heavily altered, with modern roof, modern window and door opening. It so altered that its original form, function and role with the farmstead is not clear.*
49. *The heritage statement asserts that it is highly likely that the building once had a pitched roof, rather than the mono-pitched roof it presently has, but no evidence for this is presented.*
50. *It is not clear whether the inside of this building retains any evidence, fixture or fittings that may help understand its origin and development, but the as existing plans suggest that it already has modern stud walling, toilet and both fittings internally. This suggests that the interior of the building has little interest, and that any interest lies in its external appearance.*
51. *The very little heritage value that this building has lies in its materials, its form and massing and in its place within the historic planform of the farmstead.*
52. *The proposed conversion requires 4 new windows and new door arrangements on 2 elevations as well as 2 rooflights in this very small structure, this along with the change to a pitched roof will change the character of the building and leave very little of the buildings current external form and appearance.*

53. *My concern is that the building is so altered, and possesses so little intrinsic heritage value, that I question whether it is worthy of conversion to a holiday let under policy DMC10.*

54. *And if it is considered to have enough interest and significance to be worthy of conversion, then shouldn't the conversion conserve the current form, interest and character of the building and not change it to such a degree?*

55. *Landscaping*

The proposed development seeks to reduce the extent of modern development of the site, demolishing a number of buildings, reinstating some areas of field and rebuilding a drystone wall boundary that is of historic interest. These are beneficial to the historic landscape character of the area and can be considered an enhancement to the character of the site.

56. *Conservation Area and Setting of Listed Buildings*

57. *A key heritage consideration for the proposed development is the effect on the Conservation Area and on the setting of the adjacent listed buildings."*

58. Peak District National Park Authority Built Environment

59. *The proposals are within Wheston Conservation Area and is opposite Upper House Farm, two Grade II listed buildings, there are other listed buildings close to the site.*

60. *Traditional Outbuilding*

61. *"At the front of the site there is a small outbuilding that has been identified in the Heritage Statement as a traditional building that has local significance. The building has been altered and currently has a mono-pitch roof with a modern domestic opening on the south east elevation (this has been added since the google maps images were collected). The proposal includes replacement of the recent domestic opening (on the most prominent elevation) with French doors, this elevation was blank. It is also proposed to create several new window openings on three elevations. These new openings would affect the character and appearance of the building, changing it from a small plain outbuilding to one with a significant number of domestic openings. The roadside elevation will remain blank.*

62. *The proposal is to convert to a small holiday let, being open plan apart from the small bathroom. There is no detail of the internal features of the building within the Heritage Statement, the existing plan shows the current layout with a low brick wall and stud partition for a toilet. The existing plan form will be significantly altered, however as the interior has not been described or photographed an informed view cannot be made.*

63. *It is proposed to change the existing roof to a pitched roof, the Heritage Statement identified that this was the likely roof form. The roof will have two rooflights inserted on the south east elevation, this is the prominent elevation within the Conservation Area and therefore not in line with the Design Guide. Rooflights are also domestic features, this is a traditional agricultural building so rooflights are not generally an appropriate feature. The Heritage Statement provides no evidence for the pitched roof other than "was most likely its original roof form". It is questionable whether the building fits within the policy for conversion as it may not be of sufficient historic or architectural merit to warrant its conversion, although the Heritage Statement does describe it as "a heritage asset of local significance, although at the bottom end of that scale." The large number of new openings does not fit with the conversion principles outlined in the Design Guide, the character of the building itself is not shaping the conversion. The external character of the building will be extensively altered by the conversion proposed.*

64. Associated with the holiday let a small courtyard garden is proposed to the south east of the building, this is currently an agricultural area, this would create a domestic curtilage to the building that is on the prominent elevation which would affect the character and appearance of the building and the conservation area.
65. Farmyard and demolished buildings (Note – comments edited to amended scheme only)
66. The fields surrounding Middle Farm (south of the road) are identified within the conservation area appraisal as of important open space, buildings 5, 6 and 7 are within, and remain in this important open space. The removal of some of the large agricultural buildings will reinstate some of this important open space, returning it to a grass covering would contribute to the important open space.
67. The southern part of the site is to have building 8 removed and returned to grass/field, this is a positive contribution to the conservation area and reinstatement of important open space. Overall, whilst some building removal will enhance the conservation area, the current proposals will have a negative impact on the character and appearance of the conservation area.”
68. Peak District National Park Authority Landscape Architect. (Note – Comments edited to amended scheme only)
69. “The application site is located within the ‘Limestone Village Farmlands’ LCT in the White Peak LCA. It is also located within the Wheston Conservation Area. It is not located in the Natural Zone. The site is currently a large ‘mass’ of a number of agricultural buildings and structures – the removal and re-purposing of these has the potential to improve the site and its setting. The application includes tree planting – however, as defined this does not offer enough screening and setting enhancement. However, provision of adequate landscaping could be conditioned.
70. Is lighting proposed as part of the application? This would potentially have adverse effects on landscape character and adverse visual effects. Again, this could be conditioned. What is the landscape treatment for the NW site corner (adjacent to units 5 and 6)? Some existing trees are on site in this location (despite the application stating that ‘no trees or hedges are on the proposed development site’) - these should be retained and protected. Additional planting should also be proposed here. This needs to be defined, but could be conditioned. The DAS states that ‘lines of trees will be planted at the boundary of the site to provide comprehensive visual screening’. I am not of the opinion that the planting as shown will achieve this (see attached mark-up comments). All trees need to be planted at an adequate size (standards as a minimum) and be adequately protected.
71. The LVA is generally weak and doesn’t consider issues of vehicle movement and changes to landscape character or likely visual effects as a result of the use of the site changing from a farm to business units / touring caravan pitches. The LVA significantly under-represents the sensitivity of both the LCT and the Wheston Conservation Area.
72. Summary
73. Other elements of the scheme may be considered positive – although a condition will be required to address issues of the adequacy of landscaping (marked up plan provided on the file).”

Representations

74. 20 representations have been received there are 10 in support and 10 in objection.

75. Objection is raised on the following grounds – (Note – Comments edited to amended scheme only(whenever clear))

- The sustainability of the proposed development in this location.
- Contrary to policy the proposal would result in the total loss of agricultural business from the site.
- Significant adverse impact on the landscape and community.
- Significant adverse impact on the tranquillity of the area.
- Highways issues, including safety and access.
- The rural location would necessitate all visitors and workers travelling to the site by private vehicles.
- Would harm the character of the conservation area and the hamlet.
- Ecological and Environmental issues and considerations.
- Local wildlife would be disturbed by the increase in activity at the site. And the application lacks any survey work to establish if protected species would be affected.
- Contrary to planning policy and guidance.
- The proposal is unneighbourly.
- Concern over lighting.
- Concern over impact on operation of neighbouring agricultural business.
- Won't provide local employment.
- Screening will take 20 – 30 years to establish.

76. Support is raised on the following grounds –

- Need for a campsite within walking distance of Tideswell
- Will bring business to the area at a time when holidaying will be in this country.
- Whetton has developed with extensions added to family homes, improvements to redundant stone buildings and the introduction of holiday lets, this proposal will be no different.
- Will reinvigorate deteriorated, fallen buildings and introduce a thoughtfully designed use of the farm and will improve Whetton aesthetically, enhancing the conservation area.
- Will boost the local economy.
- There are laybys on the lanes used to approach the site, so concerns about access are not accepted.
- The scheme includes pasture restoration and landscaping
- Local Employment

77. Officers note that the representations have been made in relation to the scheme as submitted. Most of the comments raised relate to the previous scheme, whilst we did undertake a full reconsultation it has not generated any revised representations. So the representations need to be considered insofar as they remain relevant to the amended scheme and development description.

Main Policies

Relevant Core Strategy policies: DS1, GSP1, GSP2, GSP3, GSP4, L1, L2, L3, RT1, RT2, RT3, T1, T3, T6, T7.

Relevant Development Management policies: DM1, DMC1, DMC3, DMC4, DMC5, DMC7, DMC8, DMC10, DMC14, DMR1, DMR2, DMR3, DMR4, DMT3, DMT5, DMT6, DMT8.

National Planning Policy Framework

78. The National Planning Policy Framework (NPPF) was revised in July 2021. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and the Development Management Policies 2019. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and Government guidance in the NPPF.
79. Para 176 of the NPPF states that 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'
80. Para 177 explains that when considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
- (a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - (b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Core Strategy

81. 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.
82. Policy GSP2 says that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon, and opportunities will be taken to enhance the National Park by the treatment or removal of undesirable features or buildings.
83. 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.
84. Policy L1 requires that development must conserve and enhance valued landscape Character, as identified in the Landscape Strategy and Action Plan and other valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.

85. L3 deals with heritage assets including Conservation Areas, the setting of listed buildings and Scheduled Monuments and requires that development must conserve and where appropriate enhance or reveal the significance of the heritage assets and their settings. Other than in exceptional circumstances development is not permitted that is likely harm the significance of a heritage asset.

86. RT2: Hotels, bed and breakfast and self-catering accommodation

Proposals for hotels, bed and breakfast and self-catering accommodation must conform to the following principles:

- A. The change of use of a traditional building of historic or vernacular merit to serviced or self-catering holiday accommodation will be permitted, except where it would create unacceptable landscape impact in open countryside. The change of use of entire farmsteads to holiday accommodation will not be permitted.
B. Appropriate minor developments which extend or make quality improvements to existing holiday accommodation will be permitted.
C. New build holiday accommodation will not be permitted, except for a new hotel in Bakewell

Development management policies

87. The development management policies require a high standard of design (DMC3), they require a heritage assets significance to be identified and conserved or enhanced (DMC5), development that harmed the setting of a listed building would not be permitted (DMC7), and development needs to conserve and enhance the character and appearance and setting of a Conservation Area (DMC8). DMC3 also protects the amenity of the area and neighbouring properties.

88. DMC10 Conversion of a heritage asset

A. Conversion of a heritage asset will be permitted provided that:
(i) it can accommodate the new use without changes that adversely affect its character (such changes include enlargement, subdivision or other alterations to form and mass, inappropriate new window openings or doorways and major rebuilding); and
(ii) the building is capable of conversion, the extent of which would not compromise the significance and character of the building; and (iii) the changes brought about by the new use, and any associated infrastructure (such as access and services), conserves or enhances the heritage significance of the asset, its setting (in accordance with policy DMC5), any valued landscape character, and any valued built environment; and (iv) the new use of the building or any curtilage created would not be visually intrusive in its landscape or have an adverse impact on tranquillity, dark skies or other valued characteristics

89. DMR3 Holiday occupancy of self-catering accommodation.

Outside settlements listed in Core Strategy policy DS1:

A. Where self-catering accommodation is acceptable, its use will be restricted to no more than 28 days per calendar year by any one person.

90. DMR4 Facilities for keeping and riding horses

Facilities for keeping and riding horses will be permitted provided that the development:
(i) is specifically designed to accommodate horses; and (ii) is constructed of a scale or design, utilising materials that are appropriate to the function of the building; and (iii) is located adjacent to existing buildings or groups of buildings; and (iv) does not alter the valued landscape character by changing the landform or in any other way have an adverse impact on its character and appearance; and (v) is not likely to cause road safety problems; and (vi) in the case of commercial stables/riding centres, has good access from the strategic and secondary road networks and to an adequate bridleway

network that can accommodate the increased activity without harming the valued characteristics of the area or their enjoyment by others.

Assessment

91. Principle

92. As submitted the proposal was for a substantial mixed use major development. We wrote to the applicant explaining that the location is not a sustainable location and the impact of the development on its surroundings would be at odds with its quiet out of (DS1) designated settlement location in the hamlet of Wheston and adversely affect the valued characteristics of the area.
93. The scheme would have failed the national and local tests for major development. However it has since been revised with amended plans and a new development description. Although the site area remains the same, the scale of the development is much reduced.
94. The amended scheme essentially removes most of the locally contentious elements of the proposal and what we are left with is a site which is classed as major development solely by virtue of the size of the site area. However it is not considered to be major development for the purposes of the NPPF or the Development Plan as we are left with demolition of a few agricultural buildings and restoration to pasture, a domestic stable and riding arena, use of defined land for the keeping of horses and a conversion of an outbuilding to a small holiday let. The issues in relation to major development in a National Park and its location not being sustainable are therefore overcome by the amended scheme which now proposes a scale and type of development which is suitable for its out of designated settlement location.
95. The principle of each proposal in the amended scheme is now supported by policies in the development plan. The main issues are now the impact of the siting, design and layout of each element upon the site and its setting and is assessed below in detail and considered as a whole.

Holiday let

96. The building being converted is a stone shed of little heritage significance. It is however a traditional building within the Conservation Area. It is therefore considered to be worthy of conversion to a holiday let, provided the character of the building can be conserved and enhanced.
97. This scheme would replace the mono-pitched roof with a dual pitched roof clad with natural blue slate so its form and general appearance would be improved.
98. The amended plans reduce the size of the opening in the gable and remove a window and reduce the size of the doorway. This will help the building retain its solid robust appearance, rather than appearing overtly domestic as per the submitted scheme.
99. Whilst this simple traditional building is considered to be of sufficient age to be worthy of conversion to a holiday let, its not considered to be a heritage asset of enough character or significance to warrant conversion to a dwelling to meet policy HC1, it would also be too small for permanent occupation and sited too close to the main dwelling. In accordance with RT2 and DMR3 and standard short let holiday occupancy restriction will be required by planning condition in any approval.
100. In addition permitted development rights for alterations and extensions and outbuilding will need to be removed which could otherwise harm the simple character of the building and therefore also its setting.

101. Of most concern however is the proposed walled amenity space for the holiday let which extends outside the strongly defined farmstead to subdivide part of the adjacent historic strip field. This would cause visual and landscape harm to the setting of the historic farmstead and the Conservation Area as a result of this prominent intrusion. We acknowledge that the proximity of the holiday let to the main farmhouse does not lend itself to the provision of adjacent outdoor space however there is no reason why an area of outdoor area sited close by within the farmstead close to the stable building could not be provided. In this instance whilst not as convenient this would overcome the landscape impact objection which is otherwise considered significant enough to warrant refusal of the proposed holiday let. A condition is therefore proposed to omit this in favour of an amended location to be agreed within the farmstead.
102. The holiday let will operate in close proximity to the existing dwelling and share access and circulation space, essentially it operates as part of Middle Farm and therefore will need to be retained within the same planning unit and ancillary to Middle Farm. This can be achieved by the suggested planning condition.

Demolition of the agricultural buildings

103. Whilst these buildings are within the Conservation Area they are elements which detract from it so removal of the buildings and restoration to pasture offers an enhancement to the character and appearance of the Conservation Area and raises no amenity issues.

The stables

104. The stable building exists so this part of the application is retrospective. In its edge of farmstead setting the finish is considered to be acceptable. Where the land has been built up the retaining wall is finished appropriately with natural limestone and this helps soften its impact.
105. External lighting to the stable could create an adverse impact on the landscape so a planning condition is necessary to ensure there is no external lighting other than in accordance with an agreed scheme. With this there would be no amenity issues.

Riding arena

106. There are significant earthworks related to the proposed riding arena and earthworks underway on site in relation to demolition of a building. The proposed levels of the arena do not raise any significant issues and to date we have had reports that the riding arena has been constructed on site at the applicants own risk.
107. The Pennine bridleway runs directly behind the site at a slightly higher level. The surface and boundary treatments are therefore going to be open to public view at close quarters as well as distant views.
108. The surface should be a dark finish, and there are various products available to achieve this so a planning condition can ensure that this is achieved. At present the sand surface in situ is not appropriate as it will stand out inappropriately in the landscape.
109. The arena is also shown on the plans with a post and wire boundary, however, on site a post and rail fence has been installed. A limestone drystone wall would be preferable, in this landscape setting. However with appropriate hedge planting outside the post and rail fence to screen this type of inappropriate fencing it can be accepted. A planning condition is therefore suggested to require submission of detailed landscaping to include a mixed hedge to the riding arenas perimeter.

Highway Considerations

- 110. The highway Authority raised significant concerns about the more extensive scheme originally submitted.
- 111. Although they still have questions on the amended scheme in relation to the nature of the equestrian use, Officers have clarified with the applicant that the horse related use is just personal use for 2-3 horses. Officers therefore do not consider that this part of the proposal gives rise to any significant highways implications.
- 112. We note there is adequate parking for the holiday let as it would have 1 dedicated space for the 1 bedroomed holiday let. The proposal is therefore considered to be in accordance with the policies of the development plan insofar as they relate to highways.

Heritage assets and the Conservation Area

- 113. In accordance with DMC5 a heritage statement has been submitted in support of the proposal. This is required as the site is within a Conservation Area, and includes conversion of traditional buildings on a site with an HBSMR record. At pre-application stage officers suggested that such a heritage statement could help to inform the restoration of eroded strip field systems. Also there are a lot of earth works proposed for the riding arena and restoration of the fields following demolition of the buildings.
- 114. With the amended scheme the area of most concern in relation to heritage assets is formation of the yard area to provide the outside amenity space for the holiday let. This is of concern as it is in part of a strip field system and as discussed above its omission by the suggested condition is considered essential to conserve the valued landscape character.
- 115. With the omission of the holiday garden area from the filed strip there are no adverse impacts on the setting of nearby listed buildings or the Conservation Area will benefit from an enhancement via new holiday let roof form and material as well as the removal of the steel portal frame agricultural buildings.
- 116. There have been some detailed concerns raised by our Conservation Officer in relation to the conversion to holiday let. However the amended plans now propose a scheme which would better retain the building simple and robust appearance.
- 117. We therefore do not consider that there would be an adverse impact on the significance of the heritage assets at or off the site or the character and appearance of the Conservation Area.

Biodiversity

- 118. The representations raised an issue with a lack of a protected species/habitat surveys to support the proposal. We note however that the buildings being demolished and the outbuilding being converted have sheet roofs which are unsuitable for bats and therefore the proposal insofar as it relates to those building does not require a protected species survey to be undertaken.
- 119. We appreciate the concern related to wildlife corridors and the potential impacts of the development. Planning conditions are suggested to ensure there is no external light associated with the riding arena and carefully controlled for the stables. In all other respects the demolition of the buildings and restoration to pasture is unlikely to have any negative impacts on biodiversity in comparison to the existing building and silage clamp. In contrast the scheme if approved would bring about new pasture and tree and hedge planting which would bring about modest enhancement to the site in terms of its offer to the biodiversity of the area.

Amenity

120. The amended scheme will not harm the amenity of the site or neighbouring properties. Planning conditions already mentioned which limit the use of the stables and riding arena to personal use for 2-3 horses and control external lighting will ensure the amenity and visual amenity of the area is conserved.

Landscape

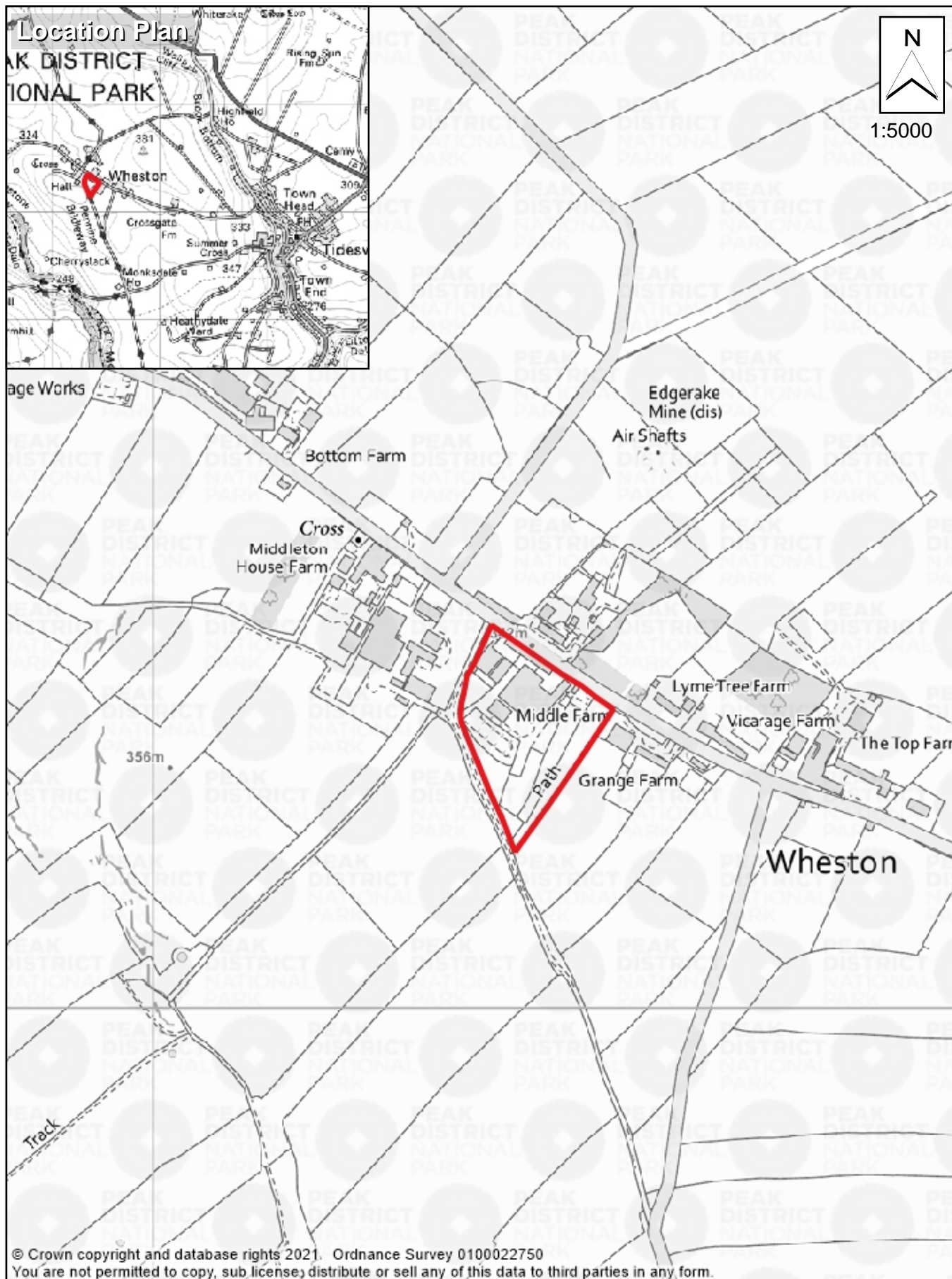
121. There is a Landscape and Visual Impact Assessment (LVIA) submitted to support the proposal. Our Landscape Architect has commented on this and whilst this raised some concerns and suggestions for planting most of the concern was in relation to parts of the proposal which have been dropped since the amended plans were submitted and development description amended.
122. Subsequently the Landscape Architect has advised the remaining parts of the scheme are positive in terms of their impact on the landscape.
123. In conclusion we consider that the amended scheme with the conditions already suggested in this report will not harm the landscape, and is therefore in accordance with the policies of the development plan and the NPPF.

Conclusion

124. This amended scheme with revised development description has removed the contentious elements of the earlier submission and will provide an enhancement of the site by converting a traditional outbuilding, demolishing portal frame agricultural buildings, and replacing a silage storage yard with a riding arena
125. With the above suggested planning conditions the proposals will enhance the character and appearance of the site and its Conservation Area setting including the setting of the nearby listed buildings and is therefore in accordance with the policies of the development plan and the NPPF

Human Rights

126. Any human rights issues have been considered and addressed in the preparation of this report.
127. List of Background Papers (not previously published) Nil
128. Planning Officer – Steven Wigglesworth, Planner



Committee Date: 11th February 2022
Item Number: Item 7
Application No: NP/DDD/0720/0671
Grid Reference: 413380, 376296

Title: Middle Farm, Wheston



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8. FULL APPLICATION – PROPOSED AGRICULTURAL BUILDING EXTENSIONS TO STORE FODDER AND LIVESTOCK AT OLLERBROOK FARM, EDALE (NP/HPK/0621/0625, AM)

APPLICANT: MR R WAINWRIGHT

Summary

1. The site is located 500m east of Edale and within the Conservation Area.
2. The property is a working farm and the application proposes extensions to an existing portal frame agricultural building.
3. The application would conserve the landscape and the Conservation Area and the proposed extensions are justified for the purposes of agriculture.
4. The application is recommended for approval, subject to conditions.

Site and Surroundings

5. Ollerbrook Farm is located 500m east of Edale and within the Conservation Area.
6. The farmstead consists of the Grade II listed farmhouse, a range of traditional barns and modern portal framed agricultural buildings.
7. The site is located to the west of the farmstead at a portal framed agricultural building recently constructed following the grant of planning permission in 2020.
8. The farm forms part of Ollerbrook Booth and the nearest neighbouring properties are Ollerbrook Cottage and Middle Ollerbrook House to the east of the farmstead.

Proposal

9. The extension of the recently erected agricultural building.
10. The plans show two extensions. The first would be to eastern gable, extending by 9.15m and matching the width and height of the existing building. The front (south) elevation would be clad with Yorkshire boarding above stone clad concrete panels to match the existing building. The rear (north) elevation would be partially dug into the existing ground level and would be clad with slate blue coloured profile steel sheeting to match the existing building.
11. The second extension would be to the rear. This would be a 'lean-to' extension partially dug into the existing ground level and clad with slate blue coloured profile steel sheeting to match the rear elevation of the building. The roof of both extensions would be clad with slate blue coloured fibre cement sheeting to match the existing building.
12. The front (south) roof slope of both the existing building and proposed extension would be fitted with a solar photovoltaic array comprising 114 panels and with an intended output of around 57kW. The specification submitted shows a black solar panel with black frames.
13. The plans also show some amendments to the building compared to the approved scheme. These include the use of steel sheeting for the rear and side elevation instead of Yorkshire boarding, alterations to the opening size in the east elevation and additional rooflights to the rear elevation.

RECOMMENDATION:

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

- 1 Statutory three year time limit.
- 2 The development shall be carried out in accordance with specified amended plans and specification.
- 3 No development shall commence until the root protection areas around all retained trees have been fenced off. No storage of plant, materials or spoil shall take place within the fenced area at any time and the fencing shall remain in place until all construction works are completed (including external landscape works).
- 4 New tree planting shall be carried out within three months form the date of this permission. New drystone walling shall be completed before the completion or first use of the extensions hereby approved.
- 5 The new drystone wall shall be natural gritstone to match the construction and height of the existing drystone wall to be demolished.
- 6 The sheeting for the roof and walls at the time of erection be factory colour-coated to BS 5252 Ref. No. 18B29 (slate blue) and thereafter the sheets shall not be repainted or replaced other than that colour without the prior written approval of the National Park Authority.
- 7 The south elevation external walls shall be clad in treated Yorkshire boarding and shall be permanently so maintained.
- 8 The concrete panels to the south elevation external walls shall be clad with natural gritstone to match the existing building.
- 9 The solar panels shall be installed before the completion or first use of the extensions hereby approved.
- 10 The development hereby permitted shall not be used for the keeping of pigs or poultry at any time.
- 11 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, (or any order revoking and re-enacting that order) the building hereby permitted shall not be used for any other purpose other than for purposes related directly to agriculture as defined by s.336 of the Town and Country Planning Act 1990, and subject to the restriction in Condition 10 above.
- 12 When the building hereby permitted is no longer required for the purposes of agriculture it shall be dismantled, removed from the site and the site shall be restored to its former levels and condition as a grassed paddock.

Key Issues

14. The impact of the proposed extensions upon the landscape and the Edale Conservation Area.

Relevant Planning History

15. 2014: Planning permission granted conditionally for conversion of barn to bunkhouse accommodation.
16. 2014: Prior notification accepted for lean-to extension to agricultural building.
17. 2016: Planning permission granted for agricultural building to house livestock and to store fodder and implements.
18. 2019: Planning permission granted for agricultural building to house livestock and to store fodder and implements.

Consultations

19. Edale Parish Council – Object to the application for the following reasons:
 20. *“The existing building which has only recently been built (and not yet finished) already has high visual impact on the area when viewed from the hills above. The Parish Council believe that the proposed extensions to this building will increase the visual impact out of proportion with other buildings in the immediate area and the rest of the parish. They do not feel that the scale of this building is appropriate to the site.*
 21. *The design specifies limestone facing to the south side wall. This is not in-keeping within an exclusively gritstone area.*
 22. *The design also appears to cross the boundary of an existing dry stone wall. If this is the case the Parish Council would object to the removal of any existing walls.”*
23. Highway Authority – No objection.
24. Borough Council – No response to date.
25. PDNPA Archaeology – No objection.

Representations

26. No representations have been received to date.

Main Policies

27. Relevant Core Strategy policies: GSP1, GSP3, DS1, L1, L3 and CC1
28. Relevant Development Management policies: DMC3, DMC5, DMC7, DMC8 and DME1

National Planning Policy Framework

29. The National Planning Policy Framework (NPPF) should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park, the development plan comprises our Core Strategy 2011 and 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. There is no significant conflict between the development plan and the NPPF and therefore our policies should be given full weight in the determination of this application.

30. Paragraph 176 states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'

Peak District National Park Core Strategy

31. Policy DS1 sets out the Development Strategy for the National Park. Agricultural and forestry development is acceptable in principle in the open countryside outside of the natural zone.
32. Policy GSP1 requires all development to be consistent with the National Park's legal purposes and duty. Where there is an irreconcilable conflict between the statutory purposes, the Sandford Principle will be applied and the conservation and enhancement of the National Park will be given priority.
33. 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, impact on living conditions of communities, impact on access and traffic levels and use of sustainable modes of transport.
34. L1 says that development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan, and other valued characteristics.
35. L3 says that development must conserve and where appropriate enhance or reveal the significance of archaeological, architectural, artistic or historic assets and their settings, including statutory designations and other heritage assets of international, national, regional or local importance. Other than, in exceptional circumstances development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset.
36. CC1 says that in order to build in resilience to and mitigate the causes of climate change all development must: make the most efficient and sustainable use of land, buildings and natural resources; take account of the energy hierarchy; be directed away from flood risk areas and reduce overall risk from flooding; achieve the highest possible standards of carbon reductions and water efficiency.

Development Management Policies

37. Policy DMC3. A says where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place.
38. Policy DMC3. B sets out various aspects that particular attention will be paid to including: siting, scale, form, mass, levels, height and orientation, settlement form and character, landscape, details, materials and finishes landscaping, access, utilities and parking, amenity, accessibility and the principles embedded in the design related SPD and the technical guide.

39. Policy DMC5 says that applications for development affecting a heritage asset, including its setting must clearly demonstrate its significance including how any identified features of value will be conserved and where possible enhanced and why the proposed development is desirable or necessary. The supporting evidence must be proportionate to the significance of the asset and proposals likely to affect archaeological and potential archaeological interest should be supported by appropriate information.
40. Policy DMC7 and DMC8. A together say that applications for development that affects a listed building or a conservation area should assess and clearly demonstrate how the character or appearance and significance of the conservation area will be preserved or enhanced in accordance with policy DMC5.
41. Policy DME1 says that new agricultural buildings will be permitted provided that the building is demonstrated to be functionally required. New buildings must be located close to the farmstead or main group of farm buildings and relate well to existing buildings, trees, walls and other landscape features, not be in isolated locations requiring obtrusive access tracks and avoid adverse impacts upon the area's valued characteristics including important local views.

Supplementary planning documents (SPD) and other material considerations

42. The adopted climate change and sustainable building SPD provides detailed guidance on construction methods and renewable technologies along with a framework for how development can demonstrate compliance with policy CC1.

Assessment

Principle

43. Policies DS1 and DME1 allow for agricultural development in principle in the open countryside.
44. This is an established farm holding extending to 76.9 Ha (190 acres) on which the applicant rears cattle, sheep and produces fodder. The proposed extensions are required to provide a covered area for handling livestock and additional space to house livestock and store fodder.
45. The proposed extensions are therefore functionally required for agricultural purposes in accordance with DME1. A. The key issue therefore is the impact of the proposed extensions upon the landscape and Conservation Area.

Design and landscape impact

46. The proposed extensions would be to a recently constructed portal frame building. The existing building was granted planning permission in 2020. In assessing the planning application, we concluded that while the building would be visible in the wider landscape it would be viewed in the context of the existing farm. Therefore, permission was granted subject to conditions to control materials, finishes and tree planting. It is noted that the Parish Council supported the planning application for the existing building.
47. Nevertheless, concerns have been raised about the impact of the existing building and the additional impact of the proposed extensions. The existing building is visible in the wider landscape particularly from the footpath network that runs through and around the farm and from higher vantage points around the valley. The building projects out westwards further than the existing buildings but is read as part of the group.

48. The solar panels approved to the south facing roof of the existing building have not yet been installed pending the outcome of this application, which proposes a larger array across the extended roof. Additional tree planting to the west of the building has also not yet been carried out; the applicant has informed us that it will be carried out this planting season.
49. Concerns about the existing building are noted, however, this application proposes extensions, which must be considered on their own merit.
50. The proposed extension to the eastern gable would match the height and materials of the existing building and would extend the building towards the existing group rather than into the countryside. The mass of this extension would be seen behind or in front of existing buildings in the group and therefore not result in an adverse visual or landscape impact.
51. The additional solar photovoltaic panels to the southern roof elevation are welcomed in principle, as these will generate additional electricity mitigating the impacts of climate change. The array would be well sited on the southern facing roof and the panels and frames would be black resulting in very little visual impact compared to the existing sheet roof.
52. The proposed rear 'lean-to' extension would be lower than the existing building and therefore the only additional visual impact would be the creation of a larger roofslope viewed from the north. The fibre cement sheet roof to the existing building is new and therefore quite reflective in the landscape, however, the surface would dull over time, as would the extension to the roof of the proposed extension.
53. The proposed rear extension would require the demolition of an existing drystone wall to the rear of the building. However, this wall is already largely demolished and there is no objection to the amended landscaping scheme, which proposes to use the materials to build a new drystone wall to the rear of the proposed lean-to. If permission were granted, we would recommend a planning condition to agree tree protection fencing similar to the previous scheme but also to protect trees from works to erect the new drystone wall.
54. The proposed additional roof lights to the rear elevation (both taking into account the additional roof lights on the main roof and the new extension) would increase visual impact but on balance are considered to be acceptable especially taking into account that the roof lights would compensate for a lack of light from the front roof (which will be covered in solar panels).
55. Therefore, subject to conditions to control the proposed materials, solar panels and landscaping we conclude that the proposed extensions would not have a harmful impact upon the landscape, Conservation Area or setting of the Grade II listed farmhouse and therefore that the development is in accordance with policies L1, L3, DMC3, DMC5, DMC7, DMC8 and DME1.

Other issues

56. Given the distance of the proposed development from neighbours and the context of the existing farm there are no concerns that the development would harm the amenity, security or privacy of any neighbouring property. We would however recommend that the planning condition imposed on the original permission prohibiting keeping pigs or poultry within the building be repeated to prevent potential harm to amenity from odour.
57. The application would not impact upon existing access or parking arrangements and we agree with the Highway Authority that there are no objections on the ground of highway safety.

58. The development would not directly affect the nearby footpath network. There may be some disruption to the use of the adjacent public footpath running along the track to the south of the proposal; however, this will be short term. If permission is granted a footnote would be added to advise the applicant about any permissions that may be required to temporarily obstruct and divert any right of way, should that prove necessary.

Conclusion

59. The application proposes extensions to a recently constructed agricultural building on an established farm. Concerns are raised about the impact of the existing building and the proposed extensions, however, on balance, the proposed extensions are acceptable and would not harm the landscape, Conservation Area or the setting of the Grade II listed farmhouse subject to planning conditions to control design details and landscaping.
60. This type of development is only permitted in principle where there is an agricultural justification. Therefore if permission were granted planning conditions would be recommended to ensure that the building is retained for agriculture throughout its lifetime and that the building is removed and land restored when it is no longer required in accordance with policy DMC1. C.
61. The proposed development is therefore in accordance with the development plan. Material considerations do not indicate that planning permission should be refused. The application is therefore recommended for approval, subject to conditions.

Human Rights

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

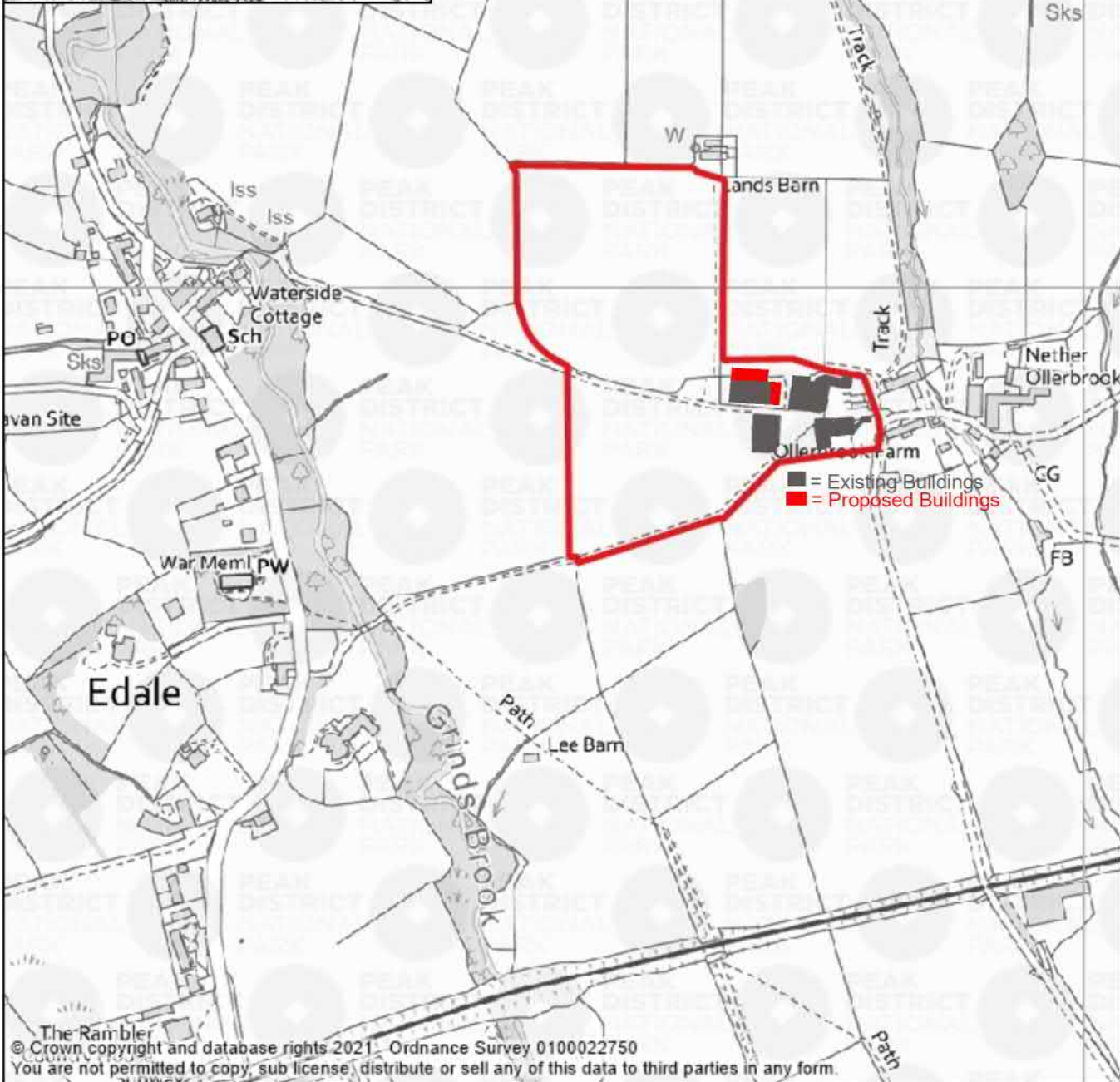
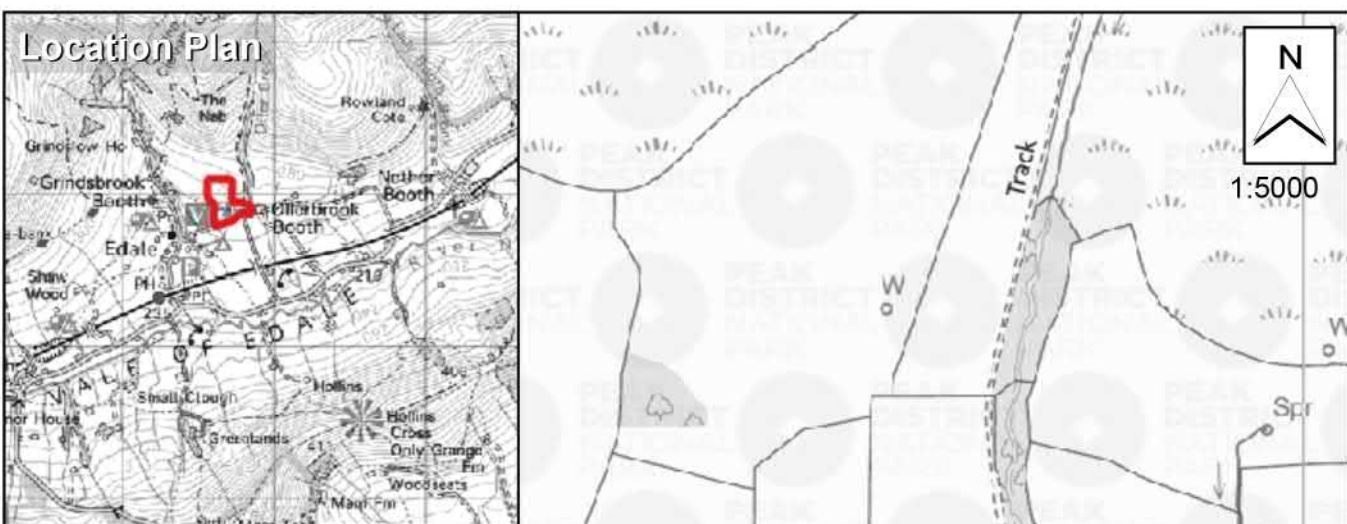
List of Background Papers (not previously published)


63. Nil

Report Author: Adam Maxwell, Senior Planner

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Location Plan



Committee Date:	11th February 2022	Title: Ollerbrook Farm, Edale	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 8		
Application No:	NP/HPK/0621/0625		
Grid Reference:	412826, 385897		

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9. HOUSEHOLDER APPLICATION - NEW BUILD DETACHED SINGLE GARAGE AT WHITE EDGE, THE BENT, CURBAR (374779.765539/425125.775417 - NP/DDD/1221/1330 JK)

APPLICANT: Mr Chris Simm

Summary

1. Proposed is a single garage sited in the frontage of this remodelled dwelling and constructed of natural stone and blue slate to match the house.
2. The garage would be of an appropriate scale, massing and detailed design to blend with the character and appearance of the new house and the local building tradition, as well as conserve the setting and significance of the adjacent Conservation Area.
3. There are no concerns about over-development of the plot given the modest scale nor would there be any adverse impacts upon neighbouring amenity.
4. The proposed parking and access arrangements are supported by the Highway Authority.
5. This application is brought to Committee because the views of the Parish Council are contrary to the Officer recommendation of approval.

Site and surroundings

6. White Edge is situated within Curbar village and was a former bungalow with attached garage to the front elevation. It is currently nearing completion of building works which will see the building remodelled with extensions and alterations, including demolition of the former garage, to form a two storey house.
7. It is located near the heart of the village on the east side of The Bent, some 30m north of the crossroads formed with The Green and Pinfold Hill. The house is set back from The Bent up a short drive and sits between other residential dwellings, the closest being 'The Croft' to the north, and 'Windrush' to the south.
8. There is a small terraced area to the front of the house at the top of the driveway with the main garden area lying to the rear. The current garage to the former bungalow sits immediately in front of the house but is due for demolition as part of the approved scheme. It remains on site for the time being as it is currently being used as a builders store and workshop in connection with the remodelling works.
9. The application site lies just outside the boundary of the Conservation Area which runs down the east side of the Bent across the property frontage and then turns up the side of The Green to exclude both White Edge and the adjoining modern properties.
10. The property lying across The Bent from White Edge, 'The Mullions', is a Grade II Listed building. There is a further listed building, Springfield Cottage, on the corner of The Bent and Pinfold Hill.

Proposal

11. A detached single garage constructed from gritstone walling under a blue slate roof to match the house. It would be sited in the frontage but away to one side of the house up alongside the southern boundary wall and set partly into the rising ground.

12. This siting would be opposite the blank gable end of Windrush, the adjoining house to the south. The garage is oriented with the gable end and its garage door opening facing down the drive toward The Bent.
13. Plans show the garage door would be a light grey powder coated aluminium garage door with horizontal panels. A further painted hardwood pedestrian door would be on the north side facing the drive.
14. Two other parking spaces are shown alongside the garage.

RECOMMENDATION:

15. That the application be APPROVED subject to the following conditions;

- 1. Commence development within three years.**
- 2. Carry out in accordance with specified approved plans**
- 3. Maintain garage space throughout lifetime of dwelling for the parking of a vehicle.**
- 4. Materials to match the main house.**
- 5. Minor detailed design conditions;**
 - **Recess garage door 100mm.**
 - **Vertically ribbed or fluted garage door.**
 - **Dark painted or coated (e.g. a darker anthracite colour rather than the light grey specified on the submitted plans).**

Key Issues

16. The impact of the development on the character and appearance of the new house, the streetscene, the local landscape, nearby listed buildings and the Curbar Conservation Area.
17. The impact of the development on neighbouring amenity.

Relevant Planning History

18. Jan 2021 – Approval to remodel and extend existing bungalow to form house at White Edge ref NP/DDD/0920/0844. Note: the approval included demolition of the existing garage attached to the front of the bungalow and facing down the drive.
19. May 2021 – Discharge of conditions application NP/DIS/0421/0406 re conditions 3 – Landscaping (Not discharged), 4 – Stonework (approved) and 5 – Sample roof slate (approved).
20. May 2021 – S73 Application No NP/DDD/0421/0473 submitted for the removal or variation of condition 2 (i) on NP/DDD/0920/0844 – subsequent appeal submitted against non-determination by the Authority - undecided.
21. Sept 2021 – Discharge of conditions application ref NP/DIS/0721/0731 approved re conditions 4 - revised stonework (agreed), 6 -window design (agreed) and 7 - finish on windows and doors (agreed) on NP/DDD/0920/0844.

22. Sept 2021 – Approval of S73 application ref NP/DDD/0321/0339 for the removal of condition 16 – Bat fly space in loft, and the variation of condition 3 - Landscaping, 4 – stone sample, 5 – slate sample on NP/DDD/0920/0844.

Consultations

23. Highway Authority - No objections.

24. Curbar Parish Council - Object – for the following summarised reasoning;

- The original application NP/DDD/0920/0844 stated that the removal of the garage at the front of the property would increase the set back of the property's frontage by 5.2m. As a result, the visual prominence of the house is reduced significantly when approached from The Bent." This application negates all the benefits of having removing the original garage.
- The demolition of the existing garage was used as part of the justification for such a large house on this site, when comparing the scale, mass and footprint of the original bungalow and garage with that of the new house. The addition of a garage now increases still further the size of the development leading to an over development of the site.
- The new garage projects further forward towards the Bent by several metres than that of the original garage: this projection detracts from the view of the front of the new house from the Bent and undermines the original approval.
- Since planning permission NP/DDD/0920/0844 was originally granted, there have been several applications to vary that permission contrary to the advice previously given by the planning Authority.

Representations

25. Two letters of support and one letter of objection has been received which are summarised below.

26. The objection raises the following grounds;

- Removing the garage was used as a reason why permission should be granted to build such a large and overbearing two-storey house compared to the original single storey building. This important point should not now be forgotten. Otherwise, this argument, used to support the planning application for the development, should neither have been put forward nor accepted.
- The garage, which projects towards The Bent, hinders the entrance to the site and detracts from the view from The Bent.
- The Planning Decision Notice condition 7 states that there must be adequate space for vehicles to park and turn clear of the highway. I question whether, once the garage was built, ample space would exist for this purpose, in any case condition 7 should be retained.

27. The two letters of support make the following points;

- It would be reasonable to expect a dwelling of this size to have a garage where space allows.

- The use of gritstone and slate would complement the new home
- The location to the side of the plot prevents the garage from being prominent when viewing the site from the highway.
- The location does not appear to have any impact on the neighbours.
- There is ample room to park and turn on site with the new garage in situ
- Don't see any impact to others as it is set back from the road.
- It appears to be well congealed by vegetation and of low visual impact to others.

Main Policies

28. National Planning Policy Framework

29. The National Planning Policy Framework (NPPF) has been revised (2021). The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In particular Paragraph 176 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.

30. Peak District National Park Core Strategy

31. 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.
32. 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.
33. 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.

34. Development Management Policies

35. Policy DM1 outlines that development proposals will be assessed in the context of the presumption in favour of sustainable development outlined in the National Planning Policy Framework and the Peak Districts purpose to conserve the valued characteristics of the National Park. Applications that accord with the policies in the Development Plan will be approved without unnecessary delay, unless material considerations indicate otherwise.

36. Policy DMC1 adds that any proposals must take into account the respective landscape strategy and action plans for each character area in the Peak District (which includes the White Peak).
37. Policy DMC3 requires that proposals are mindful of siting, design, layout and landscaping. Particular attention will be paid to the scale, form and orientation to existing buildings, including impact on open spaces and the wider landscape setting. Impacts to flood risk, water conservation and sustainable drainage are incorporated into this.
38. Policy DMC8 indicates that development in Conservation Areas must preserve and enhance the Conservation Area setting, taking account of the effects of development to its setting and character. Applicants should be mindful of the appearance and materials chosen. Tree felling will not be permitted without agreement.
39. Policy DMH8 supports new outbuilding and extensions and alterations to existing outbuildings in principle provided that their mass, form, and appearance conserves or enhances the immediate dwelling and curtilage, any valued characteristics of the adjacent built environment and/or the landscape, including Listed Building status and setting, Conservation Area character, important open space, valued landscape character. The use of the build should not have a detrimental impact on residential amenity.
40. Policy DMT8 requires residential off-street parking to be required as part of the development. The design and number of parking spaces associated with residential development, including any communal residential parking, must respect the valued characteristics of the area, particularly in Conservation Areas.

Assessment

41. There are no objections to the principle of a new garage as our policies permit new outbuildings in the curtilage to serve a dwelling. This is provided that the scale, mass, form, and design of the new building conserves or enhances the immediate dwelling and curtilage, any valued characteristics of the adjacent built environment and/or the landscape, including Listed Building status and setting, Conservation Area character, important open space and valued landscape character.

Scale, layout and design considerations

42. The single garage would be 4m wide by 6.5m long and 2.5m to eaves and around 3.6m to the ridge. Although sited in front of the house it would be located to the side of the plot and at a slightly lower level. It is of an appropriate scale and orientation with the gable and main garage entrance door facing the road. It would therefore be seen as a subservient outbuilding to the house which would remain visible to the side and behind the garage from the limited street views.
43. There are therefore no concerns about the siting, scale or massing of the garage and the detailed design and construction materials would match the main house. The proposal would therefore respect the local building tradition and thus conserve the house and its setting along with the valued characteristics of the local area to accord with policy DMH8.

Impact upon the neighbouring Conservation Area, adjacent Listed Buildings and the wider landscape.

44. The garage is set back from the Conservation Area boundary which runs along the street frontage at this point to exclude this modern development. The garage would appear in those limited views as a modest subservient outbuilding to the new house. Being

constructed from natural materials and having a design which strongly reflects the character of traditional outbuildings within the village and wider built environment we conclude that the garage would conserve the setting and significance of the Conservation Area.

45. The siting of the garage within the heart of the village, sandwiched between existing housing development bounded by mature hedging and trees, means that the garage would not have any impact upon the wider landscape. Indeed the main views are limited to a short section of The Bent and from the garden of the adjacent dwelling to the south.
46. The concerns of the Parish Council and the immediate neighbour to the north are noted however we do not consider the garage negates the improvements gained from the removal of the former much larger garage which dominated the frontage of the bungalow. This replacement is much smaller in scale and can be satisfactorily accommodated on the site. Being set back some 10m from the street will mean it will not be an intrusive addition to the development and would not amount to overdevelopment of the plot. Overall the development would still represent substantial enhancement over the former bungalow and garage development.
47. Neither would approving a garage now undermine in any way the justification for the scale of the house which was considered appropriate in scale, location and design on its own merits in relation to the siting and the scale of the plot. There is more than adequate room for the garage without impinging upon the setting of the house or the other parking spaces on the driveway, and we note the Highway Authority are happy with the parking arrangements.
48. For the above reasons the new garage would be well screened and a sufficient distance back from the nearest listed buildings to have a neutral impact and thus conserve their setting. It is further considered that the replacement garage would not undermine the enhancement to the local setting soon to be gained from the forthcoming removal of the present unsightly garage structure.

49. Amenity Impacts

50. The garage would be sited on the side boundary opposite the blank gable wall of the neighbouring house, Windrush. It is noted that the neighbours here have not raised any concerns. It would be a modest building and we conclude that the scale and siting would have an acceptable impact on the neighbours' amenity and would still afford views from the street past the garage to the new house.
51. The property to the north, The Croft would not be affected as this sits some distance back behind a tall evergreen boundary hedge. Irrespective of the hedge the scale and siting would mean it would have no adverse impact upon this or any other neighbouring properties.

52. Highways Impacts

53. The single garage proposal would replace the former larger garage which previously served the property.
54. With no alterations to the access and ample parking available on the site, the decrease in scale, massing and the footprint of the garage, mean that the proposal would have a neutral impact on highway safety and parking. It is noted that the Highway Authority have no objections to the proposal.

Human Rights

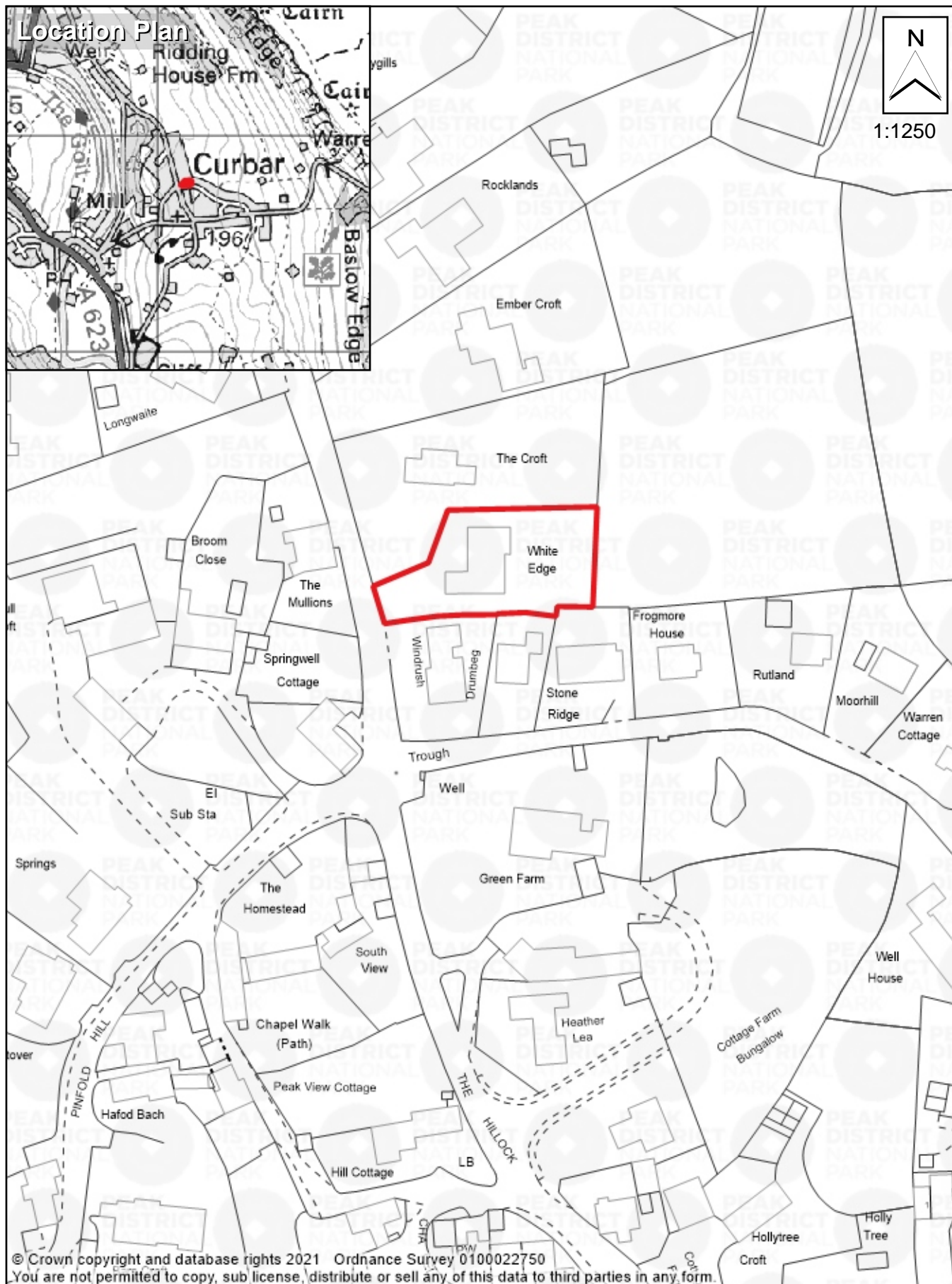
55. Any human rights issues have been considered and addressed in the preparation of this report.

56. List of Background Papers (not previously published)

57. Nil

58. Report Author – John Keeley.

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Committee Date: 11th February 2022
 Item Number: Item 9
 Application No: NP/DDD/1221/1330
 Grid Reference: 425123, 374781

Title: White Edge, The Bent, Curbar



**PEAK
DISTRICT
NATIONAL
PARK**

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10. PEAK DISTRICT NATIONAL PARK AUTHORITY DEVELOPMENT MANAGEMENT POLICY DMH1 PRACTICE NOTE (SW)

1. Purpose of Report

1.1 To approve the Development Management Policy (DMP) DMH1 Practice Note which sets out the flexible approach to space standards in relation to applications for affordable dwellings by those seeking to meet their own housing need.

RECOMMENDATION

That the Committee approves the use of the DMP Policy DMH1 Practice Note.

2. Key Issues

2.1 DMP Policy DMH1 sets maximum gross internal floor areas (in relation to the number of bed spaces) for affordable housing permitted under Core Strategy policy HC1. A report on the use of Policy DMH1 was presented to Planning Committee on 16th April 2021. The report set out:

- the broad purpose of policy DMH1 (to secure a range of properties of different sizes that are available for the local community in perpetuity, including smaller properties that are more likely to be affordable for local residents)
- that use of DMH1 is being challenged and questioned by members
- the mechanisms that could be used to provide greater clarity for officers and members when using DMH1 to determine planning applications.

2.2 Members were advised that the following mechanisms could provide clarity regarding the use of Policy DMH1:

- Practice Note
- Supplementary Planning Document
- Cover the issue comprehensively at plan review
- Ensure policy planners are consulted on planning applications

2.3 It was agreed that officers should prepare a Practice Note in consultation with the Local Plan Review Steering Group and interested members. Practice Notes are informal documents that provide additional guidance to ensure a consistent approach towards policy implementation. The DMH1 Practice Note is in Appendix 1. A description of the process used to produce the Practice Note is in Section 5.

2.4 The space standards as set out in Policy DMH1 are:

Number of bed spaces	Maximum Gross Internal Floor Area (m2)
One person	39
Two persons	58
Three persons	70
Four persons	84
Five persons	97

2.5 The Practice Note states that different size thresholds can be applied in the circumstances outlined below.

- Properties for individual people will continue to be subject to a maximum allowance of 39m². In cases where flexibility is required based on personal circumstances, or in locations where for reasons relating to valued landscape character or the style and traditions of the locality, and a 2-storey house is most appropriate, individuals can apply for homes up to a maximum of 58m².
- Couples or two people forming a household together can apply for homes up to 70m².
- Families or people forming a household together of 3 or more, can apply for homes up to 97m².

2.6 Members may wish to consider whether to also ‘convert’ the Practice Note into a Supplementary Planning Document. Practice Notes and Supplementary Planning Documents (SPDs) are both material considerations in decision-making but SPDs can be given greater weight than Practice Notes due to the statutory process of consultation.

3. History

3.1 Size restrictions on affordable dwellings were introduced in the Local Plan 2001 to ensure they would remain more affordable, in perpetuity, for local people in housing need.

3.2 The Local Plan (2001) was followed by the Affordable Housing Supplementary Planning Guidance (SPG) (2003). This set out limits for extensions to affordable dwellings, and the requirement for a legal agreement to secure local connection.

3.3 It became accepted practice for all dwellings to be permitted at the maximum size threshold, irrespective of identified need. Consequently the size of properties built did not respond to a range needs (including for smaller houses) for the community in perpetuity.

3.4 The Core Strategy (2011) (CS) and the Development Management Policies (2019) (DMP) superseded the Local Plan (2001) and the Affordable Housing SPG (2003). To address the issue of affordability and identified need, the DMP introduced policy DMH1 to establish a clear connection between identified need and the size of the property required to fulfil that need. By doing so it aims to secure properties for local people that range in size, including smaller properties that are more likely to be affordable.

3.5 Policy DMH1 is now well embedded in decision making and in 2021 three appeals for affordable housing to meet individual’s¹ needs were dismissed on the grounds that the size of the affordable dwelling was more than the identified need². This is clear evidence that the policy is working effectively at appeal. Inspectors are supportive of the purpose and intent of policy DMH1.

¹ For clarity, an individual’s need is a term used to refer to the household as a whole.

² NP/DDD/1020/0941 Appeal ref APP/M9496/W/21/3277640

NP/DDD/1220/1217 Appeal ref APP/M9496/W/21/3277313

NP/DDD/0221/0150 Appeal ref APP/M9496/W/21/3275813

3.6 The Practice Note will ensure that decision-making, both for delegated and committee decisions, on applications from individuals seeking to meet their own housing need, is consistent and robust.

3.7 DMP paragraphs 6.46-6.48 identify affordable housing built by individuals to meet their own need as 'intermediate housing'. This is a level of affordability between truly affordable (social rented) and market housing. This type of affordable housing has less stringent occupation requirements attached to it. After the first 3 years of occupation they can be sold to people with a local connection but not in housing need. With regards to this type of affordable housing the DMP para 6.48 states,

“... greater flexibility will be afforded in terms of the size requirement up to the maximum of 97m² in accordance with policy DMH1.”

3.8 So whilst the size of house is still controlled in line with need there is scope to be more flexible with 'intermediate housing' (the level between truly affordable and market housing). It is the interpretation of flexibility that requires further guidance through the practice note.

4. Practice Note

4.1 At Planning Committee on Friday 16 April 2021, members agreed that a Practice Note should be prepared for DMP Policy DMH 1 because greater clarity was needed with regard to the interpretation of this policy, specifically with regard to the degree of flexibility that could be applied to the floor space requirements of new affordable housing built by individuals to address their own identified need.

4.2 At an extraordinary meeting of the Local Plan Review Steering Group on 21st November 2021³, officers recommended and members agreed to the level of flexibility that should be used to interpret paras 6.46-6.48 of the DMP in relation to affordable housing built by individuals to meet their own need.

4.3 A draft Practice Note was prepared by officers based on the outcome of the meeting and members were consulted on this draft 9th December – 4th January 2022. Comments received are in Appendix 2. An officer response to the comments is in Appendix 3.

4.4 The Practice Note has been amended to address members' comments. Any suggested changes or comments that have not been incorporated in the draft Practice Note are addressed in the officer response.

5. Main Policies

5.1 Relevant Core Strategy Policies:

- HC1: New Housing

Development Management Policies:

- DMH1: New Affordable Housing

³ In addition to the appointed members, Patrick Brady attended and David Chapman was invited but did not attend.

National Planning Policy Framework (NPPF)

5.2 The practice note provides informal guidance on the level of flexibility the Authority will apply to the standards set out in policy DMH1 for affordable dwellings built by individuals meeting their own need as referenced in DMP para 6.46.

5.3 Policy DMH1 provides further detail to the overarching Core Strategy policy HC1. Both policy HC1 and DMH1 align with NPPF para 78 which states,

“In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.”

6. Human Rights

6.1 It is not considered that the Policy DMH1 Practice Note will raise any human rights issues, as it simply provides informal guidance on applying policy DMH1 contained in the DMP.

7. Sustainability

7.1 The Policy DMH1 Practice Note provides further guidance to DMP policy DMH1: New Affordable Housing, which was subject to a Sustainability Appraisal as part of the Local Plan development process.

7.2 It is for the reasons set out above that neither a Sustainability Appraisal nor a Strategic Environmental Assessment is required to be undertaken for the Policy DMH1 Practice Note.

8 List of Appendices

- 1) Policy DMH1 Practice Note
- 2) Member representations
- 3) Officer response to member representations

Development Management Practice Note

Policy DMH1: New affordable housing



1. Introduction

- 1.1. This practice note sets out how Development Management Policies (DMP) policy DMH1 should be applied when considering applications for **new houses by individuals¹ seeking to meet their own housing needs.**
- 1.2. The practice note focuses on this particular type of affordable housing as evidence demonstrates that individuals or 2 people forming a household together have consistently sought properties of the maximum size allowed by policy DMH1 (97m²), which is greater than the size of property permitted for their identified need.
- 1.3. DMP Para 6.48 states that the Authority will be flexible in its application of policy DMH1 for people addressing their own need. This practice note provides guidance on how to apply this flexibility in a consistent manner so that applicants are able to meet their identified need and the housing built is more likely to remain affordable in perpetuity, so addressing the long-term needs of the community in accordance with strategic policy and national guidance.
- 1.4. A report to Planning Committee on the 16th April 2021² set out the background to policy DMH1, the purpose of floorspace size thresholds and issues regarding the clarity and intent of policy and consequent effect on decision-making.
- 1.5. Recent planning Appeal decisions³ have supported the Authority's approach; that through policy DMH1 size of affordable housing is restricted to the applicant's current need. Inspectors' decisions have also referenced DMP Policy DMH7 which allows extensions to affordable dwellings should an applicant's circumstances change.
- 1.6. At Planning Committee (16th April 2021) members agreed to officer recommendations to hold a special meeting of the Local Plan Review Steering Group⁴ in order to discuss these issues and agree a pragmatic solution in advance of any changes to policy that could be brought about through the formal plan review. This was held on 3rd November 2021⁵ and this Practice Note sets out the agreed approach.

¹ For clarity 'individuals' is a term used to refer to the household as a whole.

² [Planning Committee 18 November 2005 Item 6.1 \(peakdistrict.gov.uk\)](#)

³ NP/DDD/1020/0941 Appeal ref APP/M9496/W/21/3277640

NP/DDD/1220/1217 Appeal ref APP/M9496/W/21/3277313

NP/DDD/0221/0150 Appeal ref APP/M9496/W/21/3275813

⁴ Members attending the meeting were Patrick Brady, Janet Haddock-Fraser, Robert Helliwell, Ken Smith and Yvonne Witter.

⁵ Minutes of this meeting are available on request.

2. Background

- 2.1. The National Parks Vision and Circular (2010)⁶ acknowledge the need for affordable housing in National Parks. Paragraph 79 of the Circular states:

*‘The Government expects the Authorities to maintain a focus on affordable housing and to work with local authorities and other agencies to ensure that the needs of local communities in the Parks are met **and that affordable housing remains so in the longer term** (our emphasis).’*

- 2.2. The National Planning Policy Framework (2021)⁷, also acknowledges the need for affordable housing in rural areas. Para 78, states:

*‘Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet **identified local needs** (our emphasis).’*

- 2.3. In accordance with national guidance, Core Strategy Policy HC1 makes provision for new housing that addresses eligible local need and remains affordable. Restricting size and occupancy are the planning tools that help properties to remain affordable in perpetuity. DMP policy DMH1 restricts size to the identified need of the applicant and policy DMH2 restricts occupancy to those who have lived in the National Park for 10 years.

- 2.4. The size of affordable housing is controlled in line with the applicants housing need. Over time this creates a stock of homes that are more affordable and therefore more likely to meet a community’s needs, as explained in DMP para 6.45. Some flexibility towards this is set out in paragraph 6.48 of the DMP, which states that where individuals are building affordable housing to meet their own need,

‘greater flexibility will be afforded in terms of the size requirement up to the maximum of 97m² in accordance with policy DMH1’.

- 2.5. The purpose of the policy is not to predict the future need of the applicant, but to address their current need. DMP policy DMH7 allows for extensions to a property to cater for changes in circumstances.

3. Implementation of Policy DMH1

Number of bed spaces	Maximum Gross Internal Floor Area (m ²)
One person	39
Two persons	58
Three persons	70
Four persons	84
Five persons	97

⁶ [National Parks Circular \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

⁷ [National Planning Policy Framework \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

- 3.1. DMP policy DMH1 requires any new build housing to be within the following size thresholds⁸:
- 3.2. To ensure consistency in applying policy DMH1, and to avoid compromising its purpose and intent, increased size thresholds can be applied in the circumstances set out in para 3.3 below.
- 3.3. In all situations, the development shall address eligible local need in accordance with Core Strategy policy HC1 and DMP policy DMH2.
- Properties for individual people will continue to be subject to a maximum allowance of 39m². In cases where flexibility is required based on personal circumstances, or in locations where for reasons relating to valued landscape character or the style and traditions of the locality, and a 2-storey house is most appropriate, individuals can apply for homes up to a maximum of 58m².
 - Couples or two people forming a household together can apply for homes up to 70m².
 - Families or people forming a household together of 3 or more, can apply for homes up to 97m².
- 3.4. DMP para 6.52 addresses the circumstances in which a property exceeding 97m² may be justified.
- 3.5. The flexibility in space standards provided in para 3.3 ensures new affordable housing reflects what is needed in the locality in accordance with DMP para 6.45, the National Parks Vision and Circular and the NPPF as set out in Section 2 above.

⁸ These size thresholds are based on [Technical housing standards – nationally described space standard \(publishing.service.gov.uk\)](https://www.gov.uk/publishing.service.gov.uk/technical-housing-standards)

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Development Management Practice Note: DMH1: New Affordable Housing consultation.

Member Comments

NB. The detailed comments below are from Mr Patrick Brady. Other members' comments were received and addressed by minor amendments to the Practice Note, so are not listed. Paragraph numbers in the body of the text refer to paragraph numbers in the consultation draft Practice Note, appended at the end of this document.

PART 1: THE DRAFT OF THE PRACTICE NOTE

1. Status

The status of the document should be clearly stated. Is it merely interpretive or is it something else? What weight should be placed upon it and what is the justification for this?

Is this to be a public document? Will it be used in planning appeals?

2. Purpose

The Practice Note says it applies to applications by individuals seeking to meet their **own** housing needs. For the avoidance of doubt, does it apply to private individuals building for others, such as the rented properties in Litton Dale or School lane, Taddington? A clear statement is needed as to why categories of dwelling, incl. social housing, are dealt with differently.

3. Consultation

If there is a need for a practice note, it would arise because the wording of Policy DMH1 and the explanation of it in the note fails to make clear what officers say it was intended to mean. The officer interpretation has come as a surprise to a number of people. The Practice Note itself is so much more flexible than previous advice given to the Planning Committee that there is clearly scope for interpretation. Para 1.2 emphasises fairness and transparency. It would be right and proper to consult publicly on what is being proposed.

4. Other comments on the Introduction

1.2 "**some** dwellings are more likely to remain affordable..."

1.3 Especially if this is to be a public document it should be stand-alone and complete in itself.

1.4 This is not true. The decision to refer the matter to the Local Plan Group was taken by officers even though the subject is outside the Local Plan Group's remit, as has already been made clear to officers.

5. Policy DMH1

The wording in the policy (or its explanation) that links the size of house to need, as envisaged in 3.2 should be clearly stated at the outset so that the document is complete in itself - and also so that thinking can be clearly directed. (see also PART 2 below)

6. Comments on "Background"

2.2 If DMH1 really does do that, set out the precise wording and **in its context**.

2.3 This is misleading. 6.48 applies when **already built** houses are sold on and takes no account of DMH7.

2.4 The purpose of the policy as described here does not appear anywhere within the approved policy documents. Moreover, no reference is made to the overarching objective of thriving and sustainable communities - which the previously quoted National Parks Circular strongly promotes.

The reference to Policy DMH7 is **very misleading**. An extra 3.9 or even 7 sq.m will not in any way meet the needs of a growing family. Indeed, should the officers' new policy be proceeded with, it should be a clear part of the practice note that all applicants are made aware of DMH7 and warned that they will be unable to extend their property in any meaningful way.

7. Implementation of Policy DMHC1

For comments on the merits/legality of the new policy, see PART 2 below. Working on the basis that the new policy is what the Practice Note claims it to be:

- a) First bullet point: 39 sq.m. presumably
- b) The flexibility, especially for families, is to be welcomed. However, there is no explanation or rationale given as to why it is flexible at the upper size range (which is more vulnerable to higher valuations) and so inflexible at the bottom end.
- c) What does "Single people should still satisfy a house size restriction" mean?
- d) Once new criteria are introduced, the way they are to be used and interpreted becomes crucial. No indication is given as to what might be deemed "personal circumstances" nor as to why they could be taken into consideration for single people, but not, eg couples. Who is making these judgements?
- e) Would personal circumstances include, for example, home working?
- f) What is a couple or a family of three? Do they have to be living together or can they have an intention to do so? Would it include a brother and sister, for example, or a mother and daughter? Would "three" include an unborn baby? Etc
- g) What will be the role of the local housing authority in this in the future? Is it just to assess whether a need exists, or something more than that? This should be clear.
- h) How does this relate to Paras 12.19 of the Core Strategy and 6.25 of the DMP (NB: PART 2 below)?

Para 3.4: It is not clear what this is trying to say, but it appears to be a repeat of the point in relation to 2.4 above, in which case the same comments apply.

PART 2: LEGAL AND POLICY CONSIDERATIONS

8. Central Issue

The first issue is not about merit of the officers' new policy but whether either the Core Strategy or the Development Management Policies require or enable the Authority to refuse a planning application on the grounds that a house that is within any of the limits of DMH1 is nonetheless too big.

To enable that to happen, the policy has to be clear and unambiguous, but Officers have relied upon the wording in Para 6.48 which, in its proper context, is set out in Appendix 1.

The wording used in Para 6.48, **does not apply here but clearly refers to what happens once a more affordable house has been built and is being sold on to new owners.**

This has been pointed out before. (What needs to be asked is what “In these cases greater flexibility will be afforded in terms of the size requirement up to the maximum of 97m2 in accordance with policy DMH1” is intended to mean, because that could be interpreted, even on the officers’ own arguments, as meaning size related to need is not an issue.)

In fact, the reason that Policy DMH1 **could/does not say** that house size must be limited to the immediate needs of the applicant or first intended occupier because Paras 12.19 of the Core Strategy and 6.25 of the DMP both acknowledge the role of the private housebuilder building for a **general need** in the area.

Under the Core Strategy in particular, private developers only have to take into account a variety of house size and type if they build **three or more** houses. This arrangement has continued for nine years without officers raising issues. Even after the DMP was introduced in 2019, house size was never raised as an issue until approx. one year ago.

(It is assumed that all this has suddenly arisen because one or two “more affordable” houses have been sold for a price above the assumed maximum of £250K for an affordable house - a value that in the present market is increasingly unreal. In at least one such case the s106 agreement did not allow the National Park Authority to challenge the valuations that caused concern, which is not a reason for introducing the new policy.)

The situation seems to be that, in an area where a recent housing needs survey has been undertaken, the private developer can build two houses to meet “the needs of the area” but a private individual in the same area can only build to the size dictated by the Practice Note. That needs justification.

9. Policy Considerations

a) Some background

In June 2019 there had been applications for approx. 24 privately built/converted affordable dwellings **of which only one** had been recommended for approval by Officers. **Twenty** out of twenty four were approved by the Committee (figures sent to officers at the time and not challenged).

Since then, officers are known to have approved two more.

Last year, applications for seven private affordable houses came before the Committee **all** recommended for refusal. The Committee has approved **five** of those houses.

b) Implications

There are two clear conclusions from this:

- A very different approach by members from officers, which suggests a certain dysfunctionality in the organisation;
- The very real discouragement any young applicant (they are almost invariably young) has to face even to get a planning permission. What is not known is how many young people are dissuaded from proceeding at pre-application advice level.

With rare exceptions, Officer advice to refuse has usually been site based, eg landscape etc. The different approach taken by members seems to be that they see affordable housing provision as essential not just for individuals but for the health and population profile of the community at large and of the National Park. They also recognise that alternatives do not exist under present policy. It is arguable that none of the applications so far implemented has harmed National Park interests and, in some cases, they can be argued to have enhanced them.

c) Merit

The new policy as envisaged by the Practice Note will only have one effect. A rudimentary understanding of human nature says that few if any people at a young age would overcome the discouragement and spend the time, money and effort of building a one or two bedroom house in the knowledge that they may in two/three years time have a partner and children and, under DMH Policy 7, they could never meaningfully extend to provide for what most of them hope will be their growing family.

There will be no new “variety” of housing types and sizes and no new single person dwellings. Particularly, if (as should be the case) applicants are warned of the effects of Policy DMH7, new houses will **not** be built. The policy’s only effects will be to discourage investment in privately owned affordable housing (contrary to Government advice) and to force more and young people away from villages because in reality there are no other choices (Taddington has recently lost a family to Buxton because they were not able to extend their house). This has been what members of the authority have been anxious to avoid over a long period of time.

The message from the Practice Note seems clear: “get her pregnant or get pregnant and then you can have the house you reasonably need for a stable and constructive life in the village where you belong.” Is that really what this National Park Authority is about?

As an aside, it should be asked whether, and if so how many, 39 sq.m affordable houses have been built in the private and social sector anywhere in the park in recent times. Neither of the large social housing developments in Bakewell or Tideswell offer such accommodation.

Appendix 1

Extract from the Development Management Policies: DMH1

6.46 Homes built by individuals to meet their own need are classified as intermediate houses (between pure affordable rent and shared ownership prices and unencumbered open market rent and sale prices) because they can be sold on or rented by the first owner and occupant after a period of three years to persons who are not in housing need provided the persons satisfy the local connection criteria.

6.47 The requirement for the first occupant to live in the property for three years is intended to encourage only those in genuine housing need to apply for new housing. The period is seen as long enough to enable genuine need to be met but not so long that it would unfairly restrict the owner’s ability to move in the event that their circumstances change. The Section 106 Agreement allows for a move within three years in the event of unforeseen circumstances. The requirement for the first occupant to live in the property for a minimum of three years was established through the Supplementary Planning Guidance titled ‘Meeting the local need for affordable housing in the Peak District National Park’, which was adopted

in July 2003. The requirement has become accepted practice in applying the Section 106 Agreement.

6.48 The **ongoing** value of **these** houses will be higher because of the less stringent occupancy conditions, but the size of the housing will nevertheless be controlled in line with the **original** applicant's housing need. In **these** cases greater flexibility will be afforded in terms of the size requirement up to the maximum of 97m² in accordance with policy DMH1.

Appendix 2: Consultation Draft of Practice Note

1. Introduction

- 1.1. This practice note sets out how Development Management Policies (DMP) Policy DMH1 should be applied when considering applications for **new houses by individuals seeking to meet their own housing needs**.
- 1.2. This practice note aims to ensure a fair and transparent approach to the consideration of such planning applications so that applicants are able to meet their needs, and dwellings are more likely to remain affordable in perpetuity, in accordance with strategic policy and national guidance.
- 1.3. A report to Planning Committee on the 16th April 2021¹ set out the background to policy DMH1, the purpose of floorspace size thresholds and issues arising with regard to the clarity and intent of policy and consequent effect on decision-making.
- 1.4. In accordance with the recommendations of this Committee, a special meeting of the Local Plan Review Steering Group² was convened in order to discuss these issues and agree a pragmatic solution in advance of any changes to policy that could be brought about through the formal plan review.

2. Background

- 2.1. The NPPF and the National Parks Vision and Circular (2010) acknowledge the need for affordable housing in National Parks. Paragraph 79 of the Circular states:

‘The Government expects the Authorities to maintain a focus on affordable housing and to work with local authorities and other agencies to ensure that the needs of local communities in the Parks are met *and that affordable housing remains so in the longer term.*’

- 2.2. In accordance with national guidance, Core Strategy Policy HC1 makes provision for new housing that addresses eligible local need and remains affordable. Restricting size and occupancy can help properties to remain more affordable. DMP policy DMH1 restricts size to what is needed by the applicant and policy DMH2 restricts occupancy to those who have lived in the National Park for 10 years.
- 2.3. The size of houses is controlled in line with the applicants housing need. However it is acknowledged that flexibility may be necessary, for example in cases where changing needs can be anticipated or expected. Paragraph 6.48 of the DMP states that where individuals are building affordable housing to need their own need,

¹ [Planning Committee 18 November 2005 Item 6.1 \(peakdistrict.gov.uk\)](https://www.peakdistrict.gov.uk/planning/18-november-2005-item-6.1)

² Members attending the meeting were Patrick Brady, Janet Haddock-Fraser, Robert Helliwell, Ken Smith and Yvonne Witter.

‘greater flexibility will be afforded in terms of the size requirement up to the maximum of 97m² in accordance with policy DMH1’.

- 2.4. However, the purpose of the policy is not to predict the future need of the applicant, but to address their current need. Policy DMH7 allows for extensions to a property to cater for changes in circumstances.

3. Implementation of Policy DMHC1

- 3.1. Policy DMH1 requires any new build housing to be within the following size thresholds:

Number of bed spaces	Maximum Gross Internal Floor Area (m2)
One person	39
Two persons	58
Three persons	70
Four persons	84
Five persons	97

- 3.2. To address the need for flexibility without compromising the purpose and intent of the policy, different size thresholds can be applied in the circumstances outlined below. In all situations, the development shall address eligible local need in accordance with Core Strategy policy HC1 and DMP DMH2.

- Single people should still satisfy a house size restriction of 39sqm. In cases where flexibility is required based on personal circumstances, or in locations where for reasons relating to valued landscape character or the style and traditions of the locality, a 2-storey house is most appropriate, single people can apply for homes up to a maximum of 58sqm.
- Couples can apply for homes up to 70sqm.
- Families of 3 or more can apply for homes up to 97sqm.

- 3.3. DMP para 6.52 addresses the circumstances in which a property exceeding 97sqm may be justified.

- 3.4. In cases where additional floorspace is required to address individual circumstances that are a material consideration and which cannot be met by the above thresholds, policy DMH7 which allows for extensions to affordable houses up to a total maximum floor area of 97sqm can be considered as a material consideration in the decision making process.

DMH1 consultation with members: officer response

- 1.1 The practice note is a public document setting out an agreed Authority position to interpreting Development Management Policy (DMP) DMH1. It is to be used as a tool at pre-application stage or when negotiating a planning application to ensure the most appropriate outcome is reached in applying a consistent approach to the delivery of policy DMH1. It is not new local plan policy or supplementary planning guidance. It can be referred to as a material consideration but it would only attract little weight when determining planning applications or at appeal. Members could approve this practice note and then seek to adopt it as an SPD, subject to formal consultation.
- 1.2 Officers recommended Planning Committee members defer the matter to the Local Plan Steering Group and this was agreed to at Planning Committee on 16th April 2021.
- 1.3 The approach set out in the practice note is focused on households meeting their own identified housing need with reference to available evidence (DMP 6.23 and 6.24).
- 1.4 It is acknowledged in the DMP that this type of affordable housing is classed as intermediate housing because these properties can be sold on or rented after 3 years by the first owner and occupant to people who are not in housing need but who satisfy the local connection criteria. The ongoing value of these properties will be higher than that provided by registered social housing providers but para 6.48 of the DMP maintains that the size of these properties will be determined by the original applicant's household housing need with some scope for flexibility up to a maximum of 97m².
- 1.5 Households meeting their own identified housing need have recently been challenging the size constraints set out in policy DMH1 at planning application stage and subsequently at appeal. Applicants are proposing local needs affordable housing of a size greater than their identified need. Three planning appeals determined in 2021 supported the Authority's approach in policy DMH1 to restricting the size of an affordable house in line with the applicant's identified need.¹
- 1.6 The practice note does not apply to social housing or developers building affordable housing. Households building affordable housing to meet their own identified needs have less stringent occupancy requirements attached and it is acknowledged in the DMP that this type of intermediate housing may be afforded some flexibility in their size. No such flexibility is referred to in the DMP for other types of affordable housing.
- 1.7 Policy DMH1 sets maximum space standards to limit the size and, as a direct consequence, the affordability of affordable housing. These standards ensure affordable housing is of a size that reflects the need in the local community and the value remains affordable in perpetuity. The space standards are derived from the Technical housing standards – nationally described space standard². Officers are not relying on DMP para 6.48 but on the policy itself which states 'housing will be permitted provided that: need and size criteria are met' (DMP 2019, policy DMH1).
- 1.8 The purpose of the Practice Note is to provide an acceptable level of flexibility without compromising the purpose of the policy. A recent Inspector's Decision³ stated,

¹ NP/DDD/1020/0941 Appeal ref APP/M9496/W/21/3277640

NP/DDD/1220/1217 Appeal ref APP/M9496/W/21/3277313

NP/DDD/0221/0150 Appeal ref APP/M9496/W/21/3275813

² [Technical housing standards – nationally described space standard \(publishing.service.gov.uk\)](https://www.gov.uk/government/publications/technical-housing-standards)

³ APP/M9496/W/21/3275813 Land adjacent to the Sports Field, Taddington, Derbyshire SK17 9TZ

'The limit on sizes set by the policy is not an opportunity to instantly go to the maximum allowable, and the possibility that the applicant could start a family in the future is not a justifiable reason to propose the maximum size, as it is just that, a possibility.'

- 1.7 By setting out what flexibility is acceptable it removes the need for the applicant to submit justification for a property up to that size (with the exception of that which is based on landscape/heritage character). Applications for affordable dwellings above the sizes set out in the practice note will need strong justification for why they should be approved. It is not the purpose of the Practice Note to set out what these material considerations are. It is for the applicant to set out what they consider the material considerations to be and for the Authority to assess them on their own merit.
- 1.8 The support given to the Authority at appeal to resist proposals for affordable housing up to the maximum of 97m² which fail to demonstrate a clear housing need, demonstrates policy DMH1 can be effectively applied to restrict affordable housing to an applicant's identified need. All reasons for refusal included reference to policy DMH1, which links size to need. The DMP specifically aims to go further than Core Strategy Policy HC1 on this point to correct a trend that has been evidenced.
- 1.9 With regards to the on sale of this type of affordable housing, DMP para 6.48 acknowledges that value is more difficult to control in intermediate housing and so maintaining control on size will remain important. In these cases we envisaged scope for greater flexibility up to 97m² and the flexibility referred to is what the practice note now aims to clarify.
- 1.10 The flexibility referred to in DMP para 6.48 is to support genuine identified need. It is acknowledged that the interpretation of DMP policy DMH1 by officers has not been consistent with the purpose or intent of the policy when it was introduced in 2019. The need for a more consistent approach to the interpretation of the policy is a recent development in response to applicants' persistence in applying for the maximum sized property allowance, regardless of need evidenced. This has led to more refusals than anticipated, however applicants have been resubmitting planning applications to greater reflect their identified need, which in turn is improving the variety of property size available in the locality. Officers now hope that clarifying where flexibility lies will lead to a greater number of approvals.
- 1.11 Private developers meeting a local need (DMP para 6.25) are required to demonstrate there is a genuine need through a housing needs survey. DMP para 6.23 states that the evidence should justify the size and type proposed. Again, need and size are linked.
- 1.12 Whilst members may see affordable housing as essential for the health and population profile of the community at large and of the National Park, this is the National Park's duty. National Park purposes to conserve and enhance the natural beauty, wildlife and cultural heritage are given greater weight in law and in planning in accordance with the Sandford Principle. Appeal decisions have cited impact on landscape and heritage, which demonstrates support for these as reasons for refusal.
- 1.13 It is important that applicants understand the intent of the policy, which is to provide a range of house sizes to meet the needs of the local community, and are aware of the limitations to the size of property the policy imposes and any subsequent extensions. We will review our current procedures in giving advice on affordable housing to ensure this is clear from the outset.
- 1.14 As part of the Local Plan Review, DMP policy DMH1 will be reviewed. We will look at the application of the policy in respect to individuals applying for affordable housing, in particular the frequency of applications for properties up to a maximum of 39m².

11. MONITORING & ENFORCEMENT QUARTERLY REVIEW – FEBRUARY 2022 (A.1533/AJC)

Introduction

1. This report provides a summary of the work carried out by the Monitoring & Enforcement Team over the last quarter (October – December 2021).
2. Most breaches of planning control are resolved voluntarily or through negotiation without resorting to formal enforcement action. Where formal action is considered necessary, the Head of Planning and Head of Law have joint delegated powers to authorise such action whereas authority not to take formal action is delegated to the Head of Planning, the Monitoring & Enforcement Manager and Area Planning Managers.
3. We have a duty to investigate alleged breaches of planning control, but enforcement action is discretionary and must only be taken where it is 'expedient' to do so, having regard to planning policies in the development plan and any other material considerations. This means that the breach must be causing harm to the appearance of the landscape, conservation interests, public amenity or highway safety, for example. Formal action must also be proportionate with the breach of planning control and in the public interest.
4. The NPPF states that Local Planning Authorities (LPAs) should consider publishing a Local Enforcement Plan to manage enforcement proactively, in a way that is appropriate to their area. In March 2014 we published our Local Enforcement Plan, which sets out what breaches of planning control are, how potential breaches can be brought to our attention, what matters may or may not be investigated and our priorities action. It also outlines the tools that are available to the Authority to resolve any breaches. It is available on the Authority's website.

RECOMMENDATION:

That the report be noted.

Summary of Activity

5. Notices issued

There have been no formal notices issued in this quarter.

6. Breaches resolved

20/0071 Hollowcowhey Farm Bank Lane Rainow	Conversion of barn into self-catering holiday accommodation	Retrospective planning permission granted
16/0148 Cow Close Farm Hathersage	Creation of track	Immune from enforcement action
20/0051 Bull In The Thorn Flagg	Installation of camping pods, static caravan and mobile ablutions unit in breach of conditions on NP/DDD/0319/0256 (temporary change of use to campsite)	Camping pods etc removed – enforcement notice complied with

10/0030 Hallfield Farm Strawberry Lee Lane Sheffield	Extension of domestic curtilage, erection of lighting, CCTV cameras and gateposts.	Immune from enforcement action
18/0031 Higher Fold Farm Rowarth	Construction of two dormer windows	Immune from enforcement action
19/0147 Ivy Cottage Stonelow Eastmoor Chesterfield	Construction of pond	Retrospective planning permission granted
20/0038 Land North Of Bradshaw Lane Foolow	Non-compliance with approved plans for NP/DDD/1117/1147 (erection of detached workshop and storage building)	Use ceased
21/0091 The Showground Agricultural Way Bakewell	Use of land as caravan site	Use ceased
18/0091 Charlotte Cottage Charlotte Lane Bradwell	Erection of porch	Porch removed – enforcement notice complied with
11/0096 Studio House Bagshaw Hill Bakewell	Listed building - Demolition of internal wall	Reinstatement carried out in accordance with LBC NP/DDD/0413/0280
21/0111 The Cottage Hill Farm Butterton Moor Lower Elkstones Leek	Listed building – rooflights not in accordance with approved plans for NP/SM/0595/058 (alterations and refurbishment of cottage)	Amended rooflight design approved
21/0113 Rear of September Cottage Main Street Biggin	Erection of two buildings	Duplicate record
18/0163 The Coach House Bank Vale Road Hayfield	Erection of porch	Porch removed

20/0124 Change of use of pub to dwelling
Snake Pass Inn
Snake Road
Bamford

Retrospective planning
permission granted

21/0098 Erection of building
Mountain View
Highgate Road
Hayfield

Permitted development

Workload and performance

7. Members will be aware from previous quarterly reports that the team has had a number of vacancies over the last two years and that there have been difficulties in filling those vacancies. This has led to significant challenges in progressing casework which have been exacerbated by the restrictions in place due to the pandemic. Despite this our overall performance in meeting our targets has been good. I am also now pleased to report that we have recently filled most of the vacant posts. On 4 November 2021, Sally Gill started as a part-time Monitoring and Enforcement Officer and is job-sharing with Rosie Olle, dealing with enquiries and other casework in the northern half of the National Park. Also, on 6 December 2021, Robin Gledhill joined us as a full-time Monitoring and Enforcement Officer dealing with casework in the southern half of the National Park. Finally, Tom Shiels, who until the end of last year was managing the south area planning team, is now working for 2 days per week as a Senior Monitoring and Enforcement Officer, partially filling a post that has been vacant since June 2021. Tom is handling casework in the southern half of the Park.
8. The table below provides an overview of the Monitoring & Enforcement Team's caseload and performance in the latest quarter. The figures in brackets are for the previous quarter. Our main performance target is to resolve 150 breaches of planning control each year. In the latest quarter (October – December 2021) we resolved 15 breaches which means that so far this year we have resolved a total of 103 breaches.
9. The number of breaches outstanding increased by 3 over the quarter and currently stands at 623 cases. At the end of September 2020, the number was 670 so overall the last year has seen a significant reduction in the outstanding caseload.
10. For enquiries, we have a performance target of dealing with 80% of enquiries within 30 working days. This involves carrying out an investigation (usually including a site visit) and coming to a conclusion on whether there is a breach of planning control. In the latest quarter, just 36% of enquiries were dealt with within 30 working days, which is clearly well below our performance target. However, this is due to filling long-term vacancies, as referred to above, and the resulting clearance of a backlog of older enquiries. We would expect our performance to improve as the backlog is reduced.

	Received	Resolved	Outstanding
Enquiries	74 (101)	76 (95)	146 (148)
Breaches	18 (18)	15 (28)	623 (620)

Andrew Cook, Monitoring & Enforcement Team Manager, 3 February 2022

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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.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
NP/DDD/0820/0753 3287372	Retrospective application for change of use from agricultural lane to a caravan site at Greencroft Farm, Weaddow Lane, Middleton by Youlgreave	Written Representations	Committee
NP/S/0321/0377 2186440	Garage and machinery store at Rivelin House Farm, Rivelin, Sheffield	Householder	Delegated
NP/DDD/0221/0219 3286390	Building over garage, rear extension, roof windows, works to garden and boundaries at High Roding, Coggers Lane, Hathersgale	Householder	Delegated
NP/DDD/0521/0500 3288306	First floor extension, and new replacement windows and doors at Cliff Cottage, Main Street, Elton	Householder	Delegated

2. **APPEALS WITHDRAWN**

There have been no appeals withdrawn during this month.

3. **APPEALS DECIDED**

The following appeals have been decided during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
NP/DDD/0321/0308 3282054	Alterations and extension to dwelling at East View, Coombs Road, Bakewell	Householder	Dismissed	Delegated
The Inspector considered that the design of the proposed development would represent an incongruous feature that would fail to preserve or enhance the character and appearance of both the host dwelling and the conservation area. The appeal was dismissed.				
NP/SM/0521/0530 3281263	New detached garage at Rose Cottage, Back Lane, Calton	Householder	Dismissed	Delegated

The Inspector considered that the proposal would be a prominent feature in an area that had very little development, and would not respect the pattern of development, nor preserve or enhance the valued characteristics of the conservation area. The appeal was dismissed.

NP/DDD/0521/0593 3283171	Two storey and single storey extensions to side. Single storey extension to rear at Brookfield, Brookfield Lane, Bakewell	Householder	Allowed	Delegated
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The Inspector considered that the proposal would not harm the character and appearance of either the host dwelling or the Peak District National Park, and found no conflict with policies GSP1, GSP2, GSP3 and DS1 of the Core Strategy of DMC3 and DMH7 of the Development Management Policies. The appeal was allowed.

NP/DDD/0421/0407 3282110	Single storey porch extension at Clough View House, Main Road, Wensley	Householder	Dismissed	Delegated
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The Inspector considered that the proposal would have conflicted with GSP1, GSP2, GSP3, DS1 and L1 of the Core Strategy and DMC3 and DMH7 of the Development Management Policies. The proposal would also detract from the character and appearance of the property and the Peak District National Park. The appeal was dismissed.

4. **RECOMMENDATION:**

To note the report.