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Peak District National Park Authority

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



Our Values: Care – Enjoy – Pioneer

Our Ref: A.1142/3079

Date: 30 June 2022



NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 8 July 2022**

Time: **10.00 am**

Venue: **Aldern House**

ANDREA McCASKIE
INTERIM CHIEF EXECUTIVE

Link to meeting papers:

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

AGENDA

- 1. Roll call of Members Present, Apologies for Absence and Members' Declarations of Interest**
- 2. Minutes of previous meeting of 10 June 2022** *(Pages 5 - 14)*
- 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. S.73 Application - For the variation of Condition 2 on NP/SM/0621/0598 at Dains Mill, Roach Road, Upper Hulme (NP/SM/0422/0514, ALN)** *(Pages 15 - 24)*
Site Plan
- 6. Full Application - Double garage at the Kyle Building, near to Dains Mill, Upper Hulme (NP/SM/0422/0516, SW)** *(Pages 25 - 34)*
Site Plan
- 7. Full Application - Alteration and conversion of building to a dwelling including retention of front porches - High Peak Harriers, Biggin - (NP/DDD0721/0756, MN)** *(Pages 35 - 42)*
Site Plan
- 8. Full Application - To install a new accessible ramp and steps from the car park into the cycle hire centre and install a new doorway to enhance the flow of the customers through the building. Derwent Bike Hire, Repair and Service Centre, Fairholmes Car Park, Derwent Lane, Bamford. (NP/HPK/0422/0470, DH)** *(Pages 43 - 50)*
Site Plan
- 9. Full Application - Erection of agricultural Building at Hurst Nook Cottage, Derbyshire Level (NP/HPK/0322/0394, AM)** *(Pages 51 - 60)*
Site Plan
- 10. Home Farm, Sheldon - Update on Current Enforcement Issues (AJC)** *(Pages 61 - 64)*
- 11. Monitoring & Enforcement Quarterly Review - July 2022 (A.1533/AJC)** *(Pages 65 - 72)*
- 12. Head of Law Report - Planning Appeals (A1536/AMC)** *(Pages 73 - 74)*

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 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

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

The Authority will make a digital sound recording available after the meeting which will be retained for three years after the date of the meeting. 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 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.

This meeting will take place at Aldern House, Baslow Road, Bakewell, DE45 1AE.

Aldern House is situated on the A619 Bakewell to Baslow Road, the entrance to the drive is opposite the Ambulance Station. Car parking is available. Local Bus services from Bakewell centre and from Chesterfield and Sheffield pick up and set down near Aldern House. Further information on Public transport from surrounding areas can be obtained from Traveline on 0871 200 2233 or on the Traveline website at www.travelineeastmidlands.co.uk Please note that there is no refreshment provision for members of the public before the meeting or during meeting breaks. However, there are cafes, pubs and shops in Bakewell town centre, approximately 15 minutes walk away.

To: Members of Planning Committee:

Chair: Cllr P Brady
Vice Chair: Mr K Smith

Cllr W Armitage	Cllr M Chaplin
Cllr D Chapman	Ms A Harling
Cllr A Hart	Cllr I Huddleston
Cllr A McCloy	Cllr Mrs K Potter
Cllr V Priestley	Cllr D Murphy
Cllr K Richardson	Cllr J Wharmby

Other invited Members: (May speak but not vote)

Prof J Haddock-Fraser	Cllr C Greaves
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Constituent Authorities
Secretary of State for the Environment
Natural England

Peak District National Park Authority

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Web: www.peakdistrict.gov.uk

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



MINUTES

Meeting: **Planning Committee**

Date: Friday 10 June 2022 at 10.00 am

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

Chair: Mr R Helliwell

Present: Mr K Smith, Cllr W Armitage, Cllr P Brady, Cllr M Chaplin, Cllr A Hart, Cllr A McCloy, Cllr Mrs K Potter, Cllr V Priestley and Cllr D Murphy

Apologies for absence: Cllr D Chapman, Ms A Harling, Cllr I Huddlestone, Cllr K Richardson and Cllr J Wharmby.

55/22 ROLL CALL OF MEMBERS PRESENT, APOLOGIES FOR ABSENCE AND MEMBERS' DECLARATIONS OF INTEREST

The Chair welcomed back Cllr Mike Chaplin having been re-appointed as an Authority Member by Sheffield City Council and as a Member of Planning Committee.

Item 7

Cllrs Brady, Hart, Priestley Potter and Mr Smith declared a personal interest as Members of the National Trust.

Mr Helliwell declared a personal and prejudicial interest so would leave this room when this item was discussed.

Item 9

All Members declared an interest as the application site was owned by the Peak District National Park Authority

Item 10

Cllr Brady declared a personal interest as he was acquainted with a family member but had not spoken to them for a number of years.

56/22 MINUTES OF PREVIOUS MEETING OF 13 MAY 2022

The minutes of the last meeting of the Planning Committee held on the 13th May 2022 were approved as a correct record subject to the following amendments:-

Minute 48/22

The final sentence of the body of the minute to have the words “as amended” added so that the wording reads “A motion to approve the application in accordance with the Officer recommendation, as amended was moved and seconded, and a vote was taken and carried”

Condition 8 to replace the word compensation with the word “compensatory” so that it reads “No works shall take place until the compensatory scheme required under a section 106 agreement made pursuant to application NP/O/1221/1393 have been approved and undertaken to an agreed plan and timeframe but for the purposes of this condition this timeframe need not include defect rectification and aftercare”.

57/22 URGENT BUSINESS

There was no urgent business.

58/22 PUBLIC PARTICIPATION

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

59/22 FULL APPLICATION - ERECTION OF A PAIR OF SEMI-DETACHED AFFORDABLE LOCAL NEEDS DWELLINGS AT LAND OFF RECREATION ROAD, TIDESWELL (NP/DDD/0222/0190, AM)

Members had visited the site the previous day.

The Head of Planning introduced the report and informed Members that since the report was published a response had been received from the Authority’s Archaeologist which had been tabled for Members, and although there were no objections to the proposal, the Archaeologist recognised the strip field character of the site, and if Members were minded to approve the application, there were some suggested conditions within the response. The Head of Planning also reported that he had also received an email from the Agent who had expressed the following points

- the application has been subject to amended plans, some of which would be highlighted within the presentation
- one of the properties has now been reduced in size from 97m² to 78m² which has been achieved by the removal of one of the projecting gables
- the Highway Authority have confirmed that they have no objections to the application providing that the development utilises the existing field access, provides a drive way and turning area and parking area for 2 cars for each house
- more evidence has now been received regarding the local connection of the intended first occupiers and this has confirmed that they are in housing need, however the second occupier already owns a property outside the National Park so under the Home Options Scheme, their need is expressed as a lower priority in terms of the availability of affordable homes across the area.

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

- Mrs S Bates, Applicant

Members asked for clarity on the village housing needs and agreed that there was a nationwide need for housing. Members had no objection to one of the houses, but were

concerned that the layout would intrude into the field strip system, so asked for a deferment to allow for more information.

A motion to defer the application so that the Applicants and Officers could work together on the layout, size of the scheme as well as presenting a clearer position regarding housing need evidence was moved and seconded put to the vote and carried

RESOLVED:

That the application be DEFERRED to allow for the Applicants and Officers to work together on the layout and size of the scheme and to better understand the housing need evidence.

60/22 FULL APPLICATION - ERECTION OF AGRICULTURAL BUILDING AT HURST NOOK COTTAGE, DERBYSHIRE LEVEL (NP/HPK/0322/0394, AM)

Members had visited the site the previous day.

The Head of Planning introduced the report.

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

- Mr G Handley, Applicant

Members were concerned that the steepness of the land would mean that the building would be prominent in the landscape, so if Members were minded to approve the application then an extra condition regarding landscaping would be needed. There was also some concern regarding the “cut and fill” access track, and Members asked that more detail was needed to allow for a more informed decision.

A motion to defer the application to allow for more information on the landscaping and access track was moved and seconded, put to the vote and carried.

RESOLVED:

That the application be DEFERRED to allow for more information on the landscaping and access track to be obtained.

61/22 FULL APPLICATION - WORKS TO ENABLE USE OF EXISTING CAMPSITE BARN AS VISITOR RECEPTION WITH ANCILLARY FOOD AND DRINK SALES, (CAMPING BARN RETAINED), AND INSTALLATION OF A WOOD BURNER FLUE, RECESSED GLAZING TO BARN DOORS, GLAZED DOOR TO NORTH ELEVATION, ECOLOGICAL MITIGATION AND ALTERATIONS TO SITE DRAINAGE. UPPER BOOTH FARM CAMPSITE (NP/HPK/1121/1197, KW)

Mr Helliwell left the Chair and the meeting room for this item due to a personal and prejudicial interest. Mr Smith took the Chair.

The Head of Planning introduced the report.

Members noted that some of the concerns expressed by the Parish Council had now been addressed, but asked for a condition making the shop ancillary to the campsite,

and not to be promoted to the wider audience (although it was accepted that this wouldn't stop other people using it) and for a condition to control external lighting.

A condition was also sought to agree details of the flue to reduce the impact on the roof lines and the overall character and appearance of the main barn and a condition that there was to be no new utilities to be introduced unless otherwise prior approved.

A motion to approve the application in accordance with the Officer recommendation subject to additional conditions regarding lighting, flue details, no new utilities to be installed and making the shop ancillary to the campsite, was moved, seconded, put to the vote and carried.

RESOLVED:

That the application be APPROVED subject to the following conditions;

- 1. Commence development within 3 years.**
- 2. Carry out in accordance with specified amended plans.**
- 3 Use of shop to be ancillary to camp site and restricted to the area shown on the approved plans.**
- 4. No new lighting unless otherwise prior approved.**
- 5. The works shall not be carried out other than in complete accordance with the avoidance, mitigation, and compensation work for bats and birds contained in section 6 of the submitted Upper Booth Barn Protected Species Survey by Skyline Ecology, dated October 2021.**
- 6. No commencement of wood burning stoves until details of flue vents approved in writing by the National Park Authority.**
- 7. No new utilities to be installed unless otherwise prior approved.**

The meeting adjourned at 11:15 and reconvened at 11:25

62/22 FULL APPLICATION - RE-LEVELLING AND NEW DRAINAGE TO THE 2 EXISTING SOCCER PITCHES. ADDITIONAL CAR PARKING SPACES AND AMENDMENT TO THE PREVIOUS CONSENTED PAVILION APPLICATION NP/HPK/0320/0284 AT HAYFIELD FOOTBALL AND COMMUNITY SPORTS CLUB AT LAND OFF BANK VALE ROAD, HAYFIELD (NP/HPK/1021/1118, KW)

Mr Helliwell returned to the meeting and resumed the Chair.

Members had visited the site on the previous day.

The Head of Planning introduced the report, and informed Members of a correction to the report at paragraph 66 where the sentences had been repeated. The Head of Planning informed Members that although there had been some objections from the local community regarding flooding issues, it was felt that some of the drainage and flooding issues may not be directly related to the application site, and that detailed

drainage information had been submitted to the Local Authority Drainage Officer who concluded that the proposals were acceptable subject to conditions.

Members considered that this was well thought out scheme and would relieve some of the parking issues on the lane, but asked for a condition limiting the use of the site to overcome neighbourliness and amenity concerns. Members also asked that Condition 20 be reworded to make it clearer and that there was an additional Condition to ensure that bins were kept inside.

A motion to approve the application in accordance with the Officer recommendation subject to an additional condition regarding limiting the use of the site and bins being kept inside and the rewording of Condition 20 was moved, seconded, put to the vote and carried.

RESOLVED:-

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

1. Statutory three year time limit for implementation.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and further info submitted
3. Sample panels for stone walls to be approved
4. Window and door frames to be recessed 100mm from external face of wall
5. Roof to be natural blue slate
6. Roof verges flush mortar pointed with no barge boards or projecting timberwork
7. Obscure glazing to changing room windows on south elevation
8. No external lighting unless a scheme is agreed prior
9. Prior to commencement, a Tree Protection Plan to be submitted and approved and implemented
10. Prior to the commencement of any other operations, site access made wider in accordance with Highway Authority recommendations.
11. The development shall be carried out in accordance with the plan approved by DCC Highways Officer showing the construction compound - HD-2017-SKI_018_8-10-21 (Car Park Area with Compound). The compound shall remain in situ during the entire construction period.
12. Development to be carried out in accordance with protected species report and outside of breeding bird season (March to September).
13. Detailed scheme of ecological enhancement measures to be agreed and implemented before first occupation of the development.
14. New service lines to be underground
15. Air source heat pump to be installed in accordance with details to be approved before the first occupancy of the development hereby approved. Solar photovoltaic panels and battery storage system to be installed in accordance with details to be approved before the first occupancy of the development hereby approved.
16. Electric vehicle charging points and secure cycle storage to be installed in accordance with details to be approved before the first occupancy of the development hereby approved.
17. Shipping containers on site to be removed prior to development being brought into use.
18. Restrict use to assembly and leisure only notwithstanding the Use Class Order.

19. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, have been submitted to and approved in writing by the Local Planning Authority.
20. Prior to commencement of the development, the applicant shall submit for approval details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.
21. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).
22. Landscaping proposals are to be implemented.
23. Prior to works being carried out, further details of car parking surfacing and any hardstanding, and the Trim Trail to be submitted and approved.
24. Bins are kept indoors.

63/22 FULL APPLICATION - TO INSTALL 4 ADDITIONAL PICNIC BENCHES ON TOP OF THE EXISTING 4 FOR ADDITIONAL SEATING USED BY THE CAFE AT MILLERS DALE STATION, UNNAMED ROAD FROM GLEBE FARM TO B6049, MILLERS DALE (NP/HPK/0621/0709, SW)

The Head of Planning introduced the report which was to add an additional 4 picnic benches to the site at Millers Dale Station.

There had been some question as to whether the location of the benches would obstruct the main route of the Monsal Trail but whilst some of the benches were down at the level of the old track, it was considered that they would not cause an obstruction, and would improve the amenities available.

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

RESOLVED:

That the application be APPROVED subject to the following conditions or modifications -

1. Standard time limit
2. The benches hereby permitted shall not be installed other than as shown on the approved plan 'PB03' and in accordance with the submitted specifications.

64/22 FULL APPLICATION - INSTALLATION OF SHEPHERDS HUT FOR TWO PEOPLE, LOCATED TO THE SIDE OF AN EXISTING SILAGE PIT AT BARKER FIELDS FARM, HORSE LANE, SHELDON (NP/DDD/0222/0194, SC)

The Head of Planning introduced the report and informed Members that although the Parish Council had objected to the proposal based on objections to previous applications and that it would be a precedent as they felt a Shepherd Hut was not in keeping with the local area, the Officers had considered that the development would not have an adverse affect on the area, and was not prominent within the landscape so was acceptable.

The following spoke under the public participation at meeting scheme:

- Mrs C Frost, Applicant

Members asked that Condition 3 be reworded to include track design and the design and colour of the hut. Members asked whether the silage pit was still in use and whether the siting of the Shepherds hut next to the silage pit would have an impact? The Applicant in response, advised Members that the silage pit was still in use but the hut would be approx. 10-15 metres away and would be screened by a wall so wouldn't cause any issues with the hut.

Members agreed that there would be no landscape intrusion and that it was good to see that the tidying of the site would be done.

A motion to approve the application in accordance with the Officer recommendation and subject to the rewording of Condition 3 by introducing track design and hut colouring was moved and seconded, put to the vote and carried.

RESOLVED:

That the application be APPROVED subject to the following conditions:

1. 3 year time limit
2. Submitted plans & details
3. Design & materials including track design and hut colouring
4. Holiday occupancy condition
5. Retain as single planning unit
6. Hut to be sited in approved location only
7. Hut must not be replaced by any other structure or caravan
8. All new service lines to be underground
9. Climate mitigation measures to be implemented
10. Highway matters
11. Control over external lighting

65/22

HOUSEHOLDER APPLICATION - PROPOSED EXTENSION OF DWELLING AT SWALLOW END, ROWSLEY (NP/DDD/0122/0068 MN)

The Head of Planning introduced the report for a proposed extension to the dwelling.

Members noted that there had been an objection to the proposal from Stanton in the Peak Parish Council regarding the massing, but Officers felt that now that the rear extension had been removed from the application, it was now a modest extension, so considered that the application would be subservient to the existing building.

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

RESOLVED:

That the application be APPROVED subject to the following conditions -

- 1. Standard time limit**
- 2. Carry out in accordance with amended plans.**
- 3. Agree details, recess and finish of timber windows and doors**
- 4. New stonework to be natural gritstone to match the existing with roof clad with natural blue slate.**
- 5. Cast metal RWGs painted black and installed on rise and fall brackets directly to the stonework without the use of fascia.**
- 6. The permission explicitly excludes / does not permit the proposed siting of the LPG tank to the north-east section of curtilage included within the amended plans but that is not covered by the application description of development.**

66/22 FULL APPLICATION - PROPOSED EXTENSION TO DWELLING AT THE ORCHARDS, MONSDALE LANE, PARWICH (NP/DDD/0921/0990, SC)

The Head of Planning introduced the report.

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

- Ms L Coyne – Supporter, Statement read out by Democratic Services
- Mr & Mrs Smith – Supporter, Statement read out by Democratic Services
- Mr E Roy & Ms J Millward – Supporter, Statement read out by Democratic Services
- Ms R Ward – on behalf of the Applicant

Members agreed that there could be a solution, so were minded to defer the application to allow the Applicant and Officers to work together, and for the Applicant to provide a Heritage Assessment Statement which would allow a full assessment of impacts upon the buildings heritage significance to be made.

A motion to defer the application so that the Applicant and Officers could work together to explore an improved design that reduced the impacts to the character and appearance of the host dwelling was moved and seconded, put to the vote and carried.

RESOLVED:

That the application be DEFERRED to allow for the Applicant and Officers to work together to find an improved design solution to reduce the impacts on the host building.

67/22 ANNUAL REPORT ON PLANNING APPEALS 2021/2022 (A.1536/AM/BT/KH)

The Head of Planning introduced the report which summarised the work carried out on Planning Appeals over the period 2021/22.

Members noted that the number of appeals dismissed had increased from the previous year, which was a good indicator of the support by the Planning Inspectorate, and that there had been an increase overall in decisions made from the previous years as well.

Members asked how we performed compared to other National Parks? The Head of Planning reported that he had not seen a table showing this information, but that could be looked at. It was agreed that each National Park would have significantly different pressures to each other owing to the very different development pressures and numbers of planning applications received in each area.

Members thanked Officers for the report which was very encouraging considering the number of planning applications the Authority received each year.

RESOLVED:

To note the report.

The meeting ended at 12.45 pm

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5. S.73 APPLICATION FOR THE VARIATION OF CONDITION 2 ON NP/SM/0621/0598 AT DAINS MILL, ROACH ROAD, UPPER HULME (NP/SM/0422/0514, ALN)

APPLICANT: MR MICHAEL JONES

Summary

1. The application is for a new metal balcony at first floor level on the front, south facing elevation of the historic former corn mill building; and for a new post and rail fence to the south of the building.
2. The balcony would cause harm to the significance of the mill as a non-designated heritage asset. The harm is not outweighed by any public benefits.
3. The application is recommended for refusal.

Site and Surroundings

4. The application site is located in open countryside approximately 300m to the north of the hamlet of Upper Hulme. The site is located within the steep sided valley bottom of Back Brook.
5. Dains Mill is a former water-powered corn mill (with separate detached corn drying store). It is a two-storey structure constructed in natural gritstone with a pitched roof and an adjoining waterwheel house. There are also water management features associated with the mill, including a mill pond to the north of the building.
6. A public right of way runs in a north-south orientation along a track between the two buildings.
7. The site lies outside of the Upper Hulme Conservation Area.
8. Planning permission was granted in July 2021 for the conversion of the mill to a single open market dwelling (NP/SM/0422/0514). It is understood that works are now underway. Planning permission was also granted later in June 2021 for the conversion of the drying store (now known as the 'Kyle' building) to a further single open market dwelling (NP/SM/0321/0302).

Proposal

9. This is a section 73 application which seeks to vary condition no.2 on planning permission ref NP/SM/0422/0514. Condition no.2 is the condition that specifies the approved plans and it reads as follows:
10. *'The development hereby permitted shall not be carried out otherwise than in complete accordance with the amended plan no.s L100-P2, L103-P5, L104-P2, L105-P3, L106-P2, L109-P3, L110-P2 and L118-P3 subject to the following conditions or modifications.'*
11. The proposals are to substitute in amended plans that include the erection of a balcony on the front façade of the building at first floor level, together with new fencing along the front (south) boundary of the property.
12. The balcony would measure 7m long by 1.6m deep. It would be supported on three reclaimed metal columns in classical 'Corinthian' style. There would be a black iron balustrade atop the balcony, with vertical uprights and a handrail above.

13. The balcony would be accessed from a first floor doorway, which will serve a bedroom.

RECOMMENDATION:

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

The balcony, by virtue of its position, size and design would cause harm to the significance of Dains Mill, which is a non-designated heritage asset. The harm would not be outweighed by any public benefits. Consequently the proposals are contrary to Core Strategy policies GSP3 and L3, Development Management policies DMC3, DMC5, DMH7 and DMC10 and advice in the Authority's Adopted Supplementary Planning Documents 'Conversion of Historic Buildings' and 'Alterations and Extensions'.

Key Issues

15. Impact on the significance of Dains Mill as a historic water powered corn mill.

History

16. 2004 Restoration of derelict water mill – granted subject to conditions (NP/SM/1203/0923).
17. 2006 Change of use of restored water mill to holiday accommodation - granted subject to conditions (NP/SM/0106/0032).
18. December 2017 – planning permission granted to lift condition 4 on NP/SM/0106/0032 to allow the mill to be occupied as an open market dwelling (NP/SM/1017/1042).
19. June 2021 – planning permission granted for change of use of the adjacent corn drying store (now known as Kyle building) to residential use and holiday let (NP/SM/0321/0302).
20. July 2021 – planning permission granted for change of use of Dains Mill to residential and holiday let with external alterations (NP/SM/0321/0297).
21. October 2021 – pre-application enquiry submitted with regard to erection of stables and double garage (Enq 43987).
22. April 2022 – planning application submitted for erection of stables, fencing and two car parking spaces – yet to be determined (NP/SM/0422/0523).
23. April 2022 – planning application submitted for erection of double garage – yet to be determined (NP/SM/0422/0516).

Consultations

24. **Highway Authority** – no response
25. **District Council** – no response
26. **Parish Council** – no response

- 27. Authority's Conservation Officer** – *'The applications seek to vary condition 2 of the approved Planning permission for the above property relating to the plans for the scheme. In particular, the applicant seeks to retain a large balcony from an earlier scheme that was subsequently amended before approval was granted. A large balcony was initially proposed on the south elevation at first floor level with access from a former loading door to what was originally a Corn Mill. Conservation objected on the grounds that this non- traditional feature would cause harm to the significance and character of this non designated heritage asset.*
- 28. The proposed external balcony will introduce a residential feature that will dominate the south elevation of the building, substantially harming its architectural and historic character, appearance and setting. It will be overtly large and out of proportion given the modest size of the former mill building. Previous comments stand. The proposed cast Iron columns that would support the balcony are brought from another mill in Stockport. This kind of columns were often used in textile mills and this is a corn mill which historically never had cast iron columns which are a feature of the Victorian industrial age to support upper floors carrying heavy loads. The corn mill pre-dates this period and although substantially rebuilt has origins to the C17th as the heritage statement submitted in support of the approved application indicates. The cast iron columns are inappropriate as is the balcony.*
- 29. The applicant has commented on the inability to open the doors inwards on the approved scheme at first floor level and that this is due to floor height difference. Is it possible to cut back the floor internally sufficient to allow a door to open inwards and then provide an internal step to reach the rest of the floor? The floor itself is not original historic fabric, but a later insertion. This should be explored.*
- 30. There is no objection to the post and rail fencing as proposed to the front of the building.'*

Representations

31. Six letters of support have been received raising the following points:
- The development would be of benefit to the local area.
 - The development is reasonable in all respects.
 - The original part of the mill should be maintained.

Main Policies

32. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L3
33. Relevant Local Plan policies: DMC3, DMC5, DMC10, DMH7

National Planning Policy Framework

34. The National Planning Policy Framework (NPPF) was first published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the Local Plan comprises the Authority's Core Strategy 2011 and the Development Management Policies document 2019. Policies in the Local 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 Local Plan and more recent Government guidance in the NPPF.
35. Paragraph 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. Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
37. Paragraph 194 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. It advises that 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.
38. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset (in this case being the Conservation Area), 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. Paragraph 203 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.

Main Development Plan Policies

Core Strategy

40. GSP1, GSP2 - *Securing National Park Purposes and sustainable development & Enhancing the National Park*. These policies jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park's landscape and its natural and heritage assets.

41. GSP3 - *Development Management Principles*. Requires that particular attention is paid to the impact on the character and setting of buildings and that the design is in accord with the Authority's Design Guide and development is appropriate to the character and appearance of the National Park.
42. DS1 - *Development Strategy*. Supports extensions and alterations to dwellinghouse in principle, subject to a satisfactory scale, design and external appearance.
43. L3 - *Cultural Heritage assets or archaeological, architectural, artistic or historic significance*. Explains that development must conserve and where appropriately enhance or reveal the significance of historic assets and their setting. 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 or its setting.

Development Management Policies

44. DMC3 - *Siting, Design, layout and landscaping*. Reiterates, that where developments are acceptable in principle, policy requires that design is to high standards and where possible enhances the natural beauty, quality and visual amenity of the landscape. The siting, mass, scale, height, design, building materials should all be appropriate to the context.
45. DMC5 - *Assessing the impact of development on designated and non-designated heritage assets and their setting*. The policy provides detailed advice relating to proposals affecting heritage assets and their settings, requiring new development to demonstrate how valued features will be conserved, as well as detailing the types and levels of information required to support such proposals.
46. DMC10 – *Conversion of a heritage asset* states (amongst other things) that conversion will be permitted provided that the new use can be accommodated without changes that adversely affect its character.
47. DMH7 - *Extensions and alterations*. States (amongst other things) that extensions and alterations to dwellings will be permitted provided that the proposal does not (i) detract from the character, appearance or amenity of the original building, its setting or neighbouring buildings.
48. Further advice is given with the Authority's recently adopted Supplementary Planning Document (SPD) on the '*Conversion of Historic Buildings*' and also an SPD on '*Alterations and Extensions*'.

Assessment

Principle of Development

49. Policy L3 is clear that development must conserve and where appropriate enhance or reveal the significance of historic assets and their setting. Policy DMH7 allows for alterations to a residential dwelling in principle. The main issue is the impact of the proposed balcony on the character and appearance of the former mill building.
50. Planning permission was granted in 2021 for the conversion of the mill to a residential dwelling as an exception under Core Strategy policy HC1, in order to secure the conservation and enhancement of the building as a historic former corn mill. It is vital therefore that the scheme continues to deliver a conservation benefit. The impacts of the proposed balcony on the significance of the former mill is discussed below.

Impact on the significance of the former mill building

Background

51. When planning permission was sought back in 2021 for the conversion of the mill building to a dwellinghouse, the originally submitted plans showed the construction of a balcony in the same location and of a similar size and design to that currently proposed. We raised concerns about the harmful impact of such a structure on the character and appearance of the building and the plans were subsequently amended to omit it and included instead, a very modest 'Juliet' style balcony (as a safety feature) within the width of the first floor door opening.
52. A balcony was also proposed (and approved) on the rear (north) elevation to provide amenity space and to prevent access to the mill race below. This balcony would appear at ground floor level and would not be prominent due to rising land levels to the rear and it was accepted that safety through fencing of the mill race was necessary.
53. We took the view that both of these structures (the Juliet balcony and the rear ground level balcony) would cause some minor harm to the significance of the heritage asset but that the public benefits of securing a long term sustainable use of the building outweighed this 'less than substantial harm'. The acceptance of the Juliet balcony in particular was very much a compromise as without it the character of the building would have been better conserved.
54. The officer's delegated report at that time also noted that the submitted plans did not show any space set aside for residential curtilage in association with this sizeable 5-bedroomed property. The reports stated '*The area to the north of the building, around the mill pond forms an important part of the setting of the mill and domestication of this whole area would cause unacceptable harm to the character and setting of the mill. We have made several attempts to agree a defined, modest residential curtilage that is drawn tightly up to the building. This is because if insufficient garden space is provided at the design stage it is likely that future owners (especially if the property is used a full time dwelling) will expand their domestic activity into this area in an uncontrolled manner. The applicant seems adamant however that the rear balcony is sufficient to serve the needs of the development.*' Consequently we appended a condition that required that none of the area to the north of the building is to be used as residential curtilage. There is space to the south (front) of the mill building to provide a garden area.

Analysis

55. A Heritage Assessment submitted with the original planning application explains that the current Dains Mill possibly dates from the early 17th century. The Assessment states that '*Dain's Mill is an example of the older, traditional, type of corn mill which used a waterwheel to power mill stones. As a mill whose fabric dates back to the early 17th century it is one of the oldest such standing structures in Staffordshire.*' It was owned by the Harpur Crewe Estate until the early 1950's. In 1946 the mill was substantially damaged following a violent storm and it then fell into disrepair. In 2004 planning permission was granted for its restoration.
56. A detailed archaeological building assessment carried out before the restoration works in 2004 indicates that the south elevation (where the proposed balcony would be erected) dates from between 1640/80 and 1720/60 and highlights details such as the red sandstone walls, large sandstone quoins and doorway architraves and arched cart entrance. All of these features contribute to the significance of the building. Although parts of the mill have been re-built the report states '*The mill has been rebuilt using the*

original collapsed stonework on site and has been restored with extreme accuracy and authenticity under the direction of the Peak District National Park Authority.'

57. The Authority's SPD on the Conversion of Historic Buildings states that the guiding principle behind any conversion is that the new use should respond to the character, form and function of the building, rather than the building being made to fit the new use. It goes on to say that garden areas or outdoor sitting areas are best accommodated in small walled enclosures where these exist, or where they can be added discreetly without adversely affecting the setting.
58. In this case the proposed external balcony would introduce a residential feature which by virtue of its prominent position, substantial size, and design, would dominate the south elevation of the building, significantly harming its architectural and historic character, appearance and setting. The structure would extend across virtually the full width of this section of the building and would mask and harm the legibility of the stonework and other historic features that are present on the elevation and which are described in the Heritage Assessment.
59. Information submitted with the application states that the cast iron columns that would support the balcony would be brought in from another mill in Stockport. These kind of columns were often used in textile mills. Dains Mill is a corn mill which historically never had cast iron columns. They are a feature of the Victorian industrial age, used to support upper floors carrying heavy loads. This corn mill pre-dates that period as described above. The cast iron columns are therefore wholly inappropriate.
60. As well as the structure itself, the balcony would facilitate the presence of chairs/tables and general domestic activity at an elevated level against this principle and prominent elevation, which again would domesticate and cause harm to the significance of the building.
61. The application comments on the inability to open the doors inwards on the approved scheme at first floor level and that this is due to floor height differences. The application states that this means that the approved Juliet balcony cannot be implemented. Our view is that there are other, less harmful options that could be employed to resolve this issue, including possibly cutting back the floor internally (the floor is not historic), or keeping the door fixed shut (there are several other window openings in the room concerned which can provide any necessary ventilation).
62. The agent states that the second reason the balcony is required is because the Authority has appended a condition that prevents use of the land to the north of the mill as domestic curtilage and that consequently there is insufficient outdoor space for a five-bedroomed dwelling. As outlined above this was a point that arose during the course of the original application less than 12 months ago and the applicant did not see this as an issue at that time. Notwithstanding that, there is space within the surfaced area to the south of the mill (between the building and the line of the proposed post and rail fence), as well as on the rear balcony. Together these provide a relatively modest area, but it is adequate to serve the need of the development. We take this view in the context of the SPD on Conversions which states that *'in some cases it may prove impossible to provide much in the way of garden space'*. Any perceived need for additional outdoor living space is a private benefit that does not outweigh the harm that has been identified above.
63. The second part of the scheme is to erect a post and rail fence to the front (south) of the building, on a line diagonally from the south east corner of one bay of the building, across the front yard to the eastern boundary of the site. The purpose of the fence is presumably to enclose the domestic curtilage and one of the approved parking spaces. Although drystone walls are a more traditional boundary feature in this area, we consider that a

post and rail fence, being a more lightweight structure, would help to maintain the open character of the mill frontage better than a stone wall in this particular case. Subject to a condition that it be stained a dark brown colour the proposed fence would not harm the setting of the mill building.

64. In conclusion the proposed balcony would cause significant harm to the historic and architectural significance of the this former mill building, contrary to policies GSP3, L3, DMC3, DMC5, DMH7 and DMC10 and advice in the Authority's Supplementary Planning Documents. There are no public benefits that would offset or outweigh this harm.

Other Considerations

Impact on Amenity

65. The only neighbouring property is the former drying room (now known as the 'Kyle' building) which sits 23m to the west of the site of the proposed balcony, By virtue of the separation distance, the presence of the intervening bays that form the remainder of Dains Mill and the fact that the balcony would face away from the dwelling concerned, the development would not cause harm to the amenity of the Kyle Building as a result of any overlooking or noise generation.

Conclusion

66. The balcony, by virtue of its position, size and design would cause harm to the significance of Dains Mill, which is a non-designated heritage asset. The harm would not be outweighed by any public benefits. Consequently the proposals are contrary to Core Strategy policies GSP3 and L3, Development Management policies DMC3, DMC5, DMH7 and DMC10 and advice in the Authority's Adopted Supplementary Planning Documents 'Conversion of Historic Buildings' and 'Alterations and Extensions'.

67. Consequently the application is recommended for refusal.

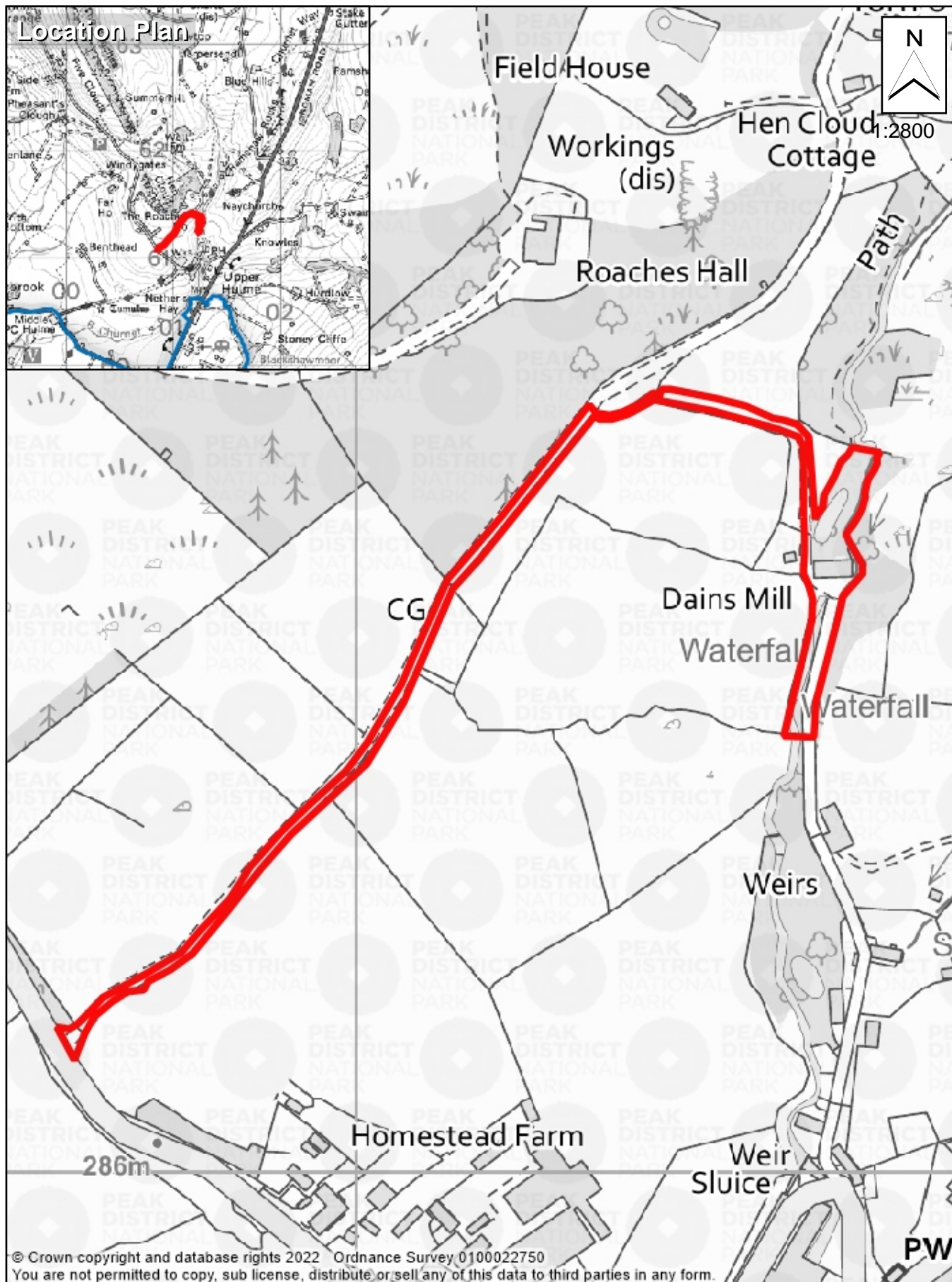
Human Rights

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

List of Background Papers (not previously published)

Nil

Report Author – Andrea Needham, Senior Planner



Committee Date:	08/07/2022	Title: Dains Mill, Roach Road, Upper Hulme	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 5		
Application No:	NP/SM/0422/0514		
Grid Reference:	401246, 361312		

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6. FULL APPLICATION - DOUBLE GARAGE AT THE KYLE BUILDING, NEAR TO DAINS MILL, UPPER HULME, NP/SM/0422/0516, SW

APPLICANT: Mr Michael Jones

Summary

1. The application is for a new garage to the north of the drying store (now known as the Kyle building).
2. The garage would cause harm to the significance of the mill and drying store as non-designated heritage assets by virtue of its dominant size. The harm is not outweighed by any public benefits.
3. The application is recommended for refusal.

Site and Surroundings

4. The application site is located in open countryside approximately 300m to the north of the hamlet of Upper Hulme. The site is located within the steep sided valley bottom of Back Brook.
5. Dains Mill is a former water-powered corn mill (with separate detached corn drying store). It is a two-storey structure constructed in natural gritstone with a pitched roof and an adjoining waterwheel house. There are also water management features associated with the mill, including a mill pond to the north of the building.
6. A public right of way runs in a north-south orientation along a track between the two buildings.
7. The site lies outside of the Upper Hulme Conservation Area.
8. Planning permission was granted in July 2021 for the conversion of the Corn mill to a single open market dwelling (NP/SM/0422/0514). It is understood that works are now underway. Planning permission was also granted later in June 2021 for the conversion of the drying store (now known as the 'Kyle' building) to a further single open market dwelling (NP/SM/0321/0302).

Proposal

9. Erection of double garage

RECOMMENDATION:

That the application be REFUSED for the following reasons

10. **The garage, by virtue of its size, scale and form would cause harm to the significance of the Kyle building (drying barn), which is a non-designated heritage asset. The harm would not be outweighed by any public benefits. Consequently the proposal is contrary to Core Strategy policies GSP1, GSP3 and L3, Development Management policies DMC3, DMC5 and DMH8 and advice in the Authority's Adopted Supplementary Planning Documents 'Design Guide' and 'Building Design Guide'.**

Key Issues

11. Impact on the significance of Dains Mill as a historic water powered corn mill and the Kyle building, its associated drying barn.

History

12. 2004 Restoration of derelict water mill – granted subject to conditions (NP/SM/1203/0923).
13. 2006 Change of use of restored water mill to holiday accommodation - granted subject to conditions (NP/SM/0106/0032).
14. December 2017 – planning permission granted to lift condition 4 on NP/SM/0106/0032 to allow the mill to be occupied as an open market dwelling (NP/SM/1017/1042).
15. June 2021 – planning permission granted for change of use of the adjacent corn drying store (now known as Kyle building) to residential use and holiday let (NP/SM/0321/0302).
16. July 2021 – planning permission granted for change of use of Dains Mill to residential and holiday let with external alterations (NP/SM/0321/0297).
17. October 2021 – pre-application enquiry submitted with regard to erection of stables and double garage (Enq 43987).
18. April 2022 - S.73 application for the variation of Condition 2 on NP/SM/0621/0598 – to be determined at 8th July 2022 Planning Committee.
19. April 2022 – planning application submitted for erection of stables, fencing and two car parking spaces – yet to be determined (NP/SM/0422/0523).

Consultations

20. **Highway Authority** – no response
21. **District Council** – no response
22. **Parish Council** – no response
23. **PDNPA Conservation Officer** - *‘The principle of a garage appears acceptable.*
24. *‘The form and size of the garage would dominate the setting in this location as set against the house on higher ground and the Mill in longer views. A garage is an ancillary building and should be subservient in its form, and size to that of principle buildings.*
25. *As an alternative it is suggested that a smaller single garage may be acceptable as would a garage with a green roof in this location. To reduce impact the garage could have a parapet to the front façade to its roof and the roof could be flat or mono pitch behind the parapet sloping to the rear so that it is set in to the landform behind. This would present a garage of lower impact in terms of its height and plan form and materials to match the house with a door/s as described in the design and access statement would complement the buildings as a group. New stairs and balustrades to its rear may not be appropriate.*
26. *While PDNPA guidance on extensions states at paragraph 3.24 “ Garages should be designed in sympathy with the property they serve, with materials and roof pitches*

reflecting those of the house.” ... It is important for buildings to respond to their context and as such a large gabled roof would not be appropriate in this location and due to the elevation of the land directly next to the house where it is important to keep heights low. The applicant may wish to proceed with a double garage in which case the advice at paragraph 3.26 of the design guide should be followed.

27. *The applicant is advised to amend the plans in the light of the above advice.*
28. *Dains Mill was substantially repaired and restored in 2006 however it retains much original fabric and plan form and as such in its restored state it is considered to have high significance as a non- designated heritage asset. The garage would be located within the setting of the mill building and associated corn drying house and if built as proposed would result in harm to the setting due to the size, height and dominance of the garage in its setting.*
29. *The landscape setting of the mill and house including the pond, water course and surrounding lands are significant for the contribution they make to the surroundings in which the asset is experienced. In the light of this and the impact the garage would have in the proposed form and bearing in mind that a more appropriately designed garage could be achieved the harm appears to outweigh the benefit. While no public benefit has been identified it is apparent that the garage will facilitate the restored buildings in their holiday let use however notwithstanding this and due to the above reasons the plans would not meet national policy requirement of a balanced approach or local policy requirements as set out in DMC5.’*

Representations

30. The PDNPA has received seven letters of support for the planning application raising the following points.
- The proposal would benefit the area
 - The development is reasonable in all aspects
 - The design has been given careful consideration in respect of choice of materials and can only improve and enhance the site.
 - The Dains Mill is an important feature in the hamlet and bringing it into residential use is important for the sustainability of the village. The buildings will not impact on the enjoyment of the land. The garage provides motivation for the track to be maintained. It also reduces the likelihood of vehicles being parked at the top of the drive which is more likely to spoil the environment and view.

Main Policies

31. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L3
32. Relevant Local Plan policies: DMC3, DMC5, DMH8, DMH7

National Planning Policy Framework

33. The National Planning Policy Framework (NPPF) was published in 2012 and a revised NPPF was published in July 2021. The document is a material consideration and carries particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and the Development Management Policies document 2019. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.
34. Paragraph 176 of the NPPF states that *'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in all these areas, and should be given great weight in National Parks and the Broads.'*
35. Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
36. Paragraph 194 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. It advises that 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.
37. Paragraph 203 states that 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.

Main Development Plan Policies

Core Strategy

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

40. L3 - *Cultural Heritage assets or archaeological, architectural, artistic or historic significance*. Explains that development must conserve and where appropriately enhance or reveal the significance of historic assets and their setting. 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 or its setting.
41. DS1 - *Development Strategy*. Supports extensions and alterations to dwellinghouse in principle, subject to a satisfactory scale, design and external appearance.

Development Management Policies

42. DMC3 - *Siting, Design, layout and landscaping*. Reiterates, that where developments are acceptable in principle, policy requires that design is to high standards and where possible enhances the natural beauty, quality and visual amenity of the landscape. The siting, mass, scale, height, design, building materials should all be appropriate to the context.
43. DMC5 - *Assessing the impact of development on designated and non-designated heritage assets and their setting*. The policy provides detailed advice relating to proposals affecting heritage assets and their settings, requiring new development to demonstrate how valued features will be conserved, as well as detailing the types and levels of information required to support such proposals.
44. DMH8 – *New outbuildings and alterations and extensions to existing outbuildings in the curtilage of dwelling houses*. The policy states that ‘New outbuildings will be permitted provided 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, valued landscape character.’

Design Guide SPD – Garages

45. Para 7.14: These need to be designed and built in sympathy with the properties they serve. Materials and roof: pitch should generally match those of the parent building. If attached to the building, the new garage should be clearly subordinate. A separate garage building is however often the better solution particularly where more than one garage is needed. Here it is best to relate the form to that of traditional outbuildings, the nearest example being the cart shed, with its openings on the building's long axis beneath the front eaves. Another approach is to minimise the garage's obtrusiveness even further by considering an underground solution.

Building Design Guide SPD – Garages

46. Wherever possible, a double garage should have two single width openings with a central visible pier and visible lintels. Or provide a non-building – where the form of the garage is deliberately played down and ‘lost’ behind walls and planting. This is one of the very few approaches where a flat-roofed solution is appropriate.

Assessment

Principle of Development

47. Policy L3 is clear that development must conserve and where appropriate enhance or reveal the significance of historic assets and their setting. And Policy DMH8 supports the

provision of outbuildings providing they, through their scale, mass, form and design, conserve or enhance the immediate dwelling and curtilage and any valued characteristics of the built environment and/or surrounding landscape.

48. The main issue is whether the development is considered by the Authority to be acceptable following a balanced judgement that takes into account the significance of the non designated heritage assets.

Background

49. Planning permission was granted in 2021 for the conversion of the mill and the drying barn to residential dwellings or holiday accommodation as an exception under Core Strategy policy HC1, in order to secure the conservation and enhancement of the buildings as a historic former corn mill and drying barn.
50. Planning permission was refused (NP/SM/0321/0302) for an extension to the Kyle building to house a garage. The applicant then considered locating a garage to the southeast of Dains Mill, but a Slope Stability Desk Study Report has advised against it (submitted as part of this application).

Design and Appearance

51. The garage is proposed to be built into the land sloping upwards to the north west of the Kyle building.
52. The garage measures 6m x 5.1m (internally), 2.4m to the eaves and 5.1m to the ridge. Two rooflights are inserted to the rear roof elevation and a small window at high level in each of the gable ends. A rainbutt is located adjacent to the southern elevation. Continuous domestic double garage doors are located on the Eastern elevation.
53. A small garage to accommodate 2 cars would need to be 5.5m wide to comfortably get in and out of a car. However, there are no British standards and no legal minimum requirement.

Impact on the significance and setting of the former mill building and drying barn

54. The principle of a garage in the location proposed is acceptable. However, the size, scale and form are considered to have an adverse impact on the setting and significance of the Kyle building and the setting of the group of buildings as a whole.
55. The proposed site plan shows the footprint of the garage in comparison to the footprint of the Kyle building, demonstrating that it is not a subservient building to the non designated heritage asset.
56. The proposed streetscene shows how the garage would sit alongside the Kyle building. The streetscene shows the size, scale and massing of the proposed garage has a significant impact on the significance of the Kyle building. It appears dominating and overbearing by virtue of its size, which has resulted in a expansive roof reaching up to the eaves height of the Kyle building that is exacerbated by the location of the garage on higher ground. A garage of this size, scale and form has a detrimental impact on the significance and setting of the non designated heritage asset.
57. In addition to the size and scale of the garage, it's form depicts a residential garage more akin to a village location. This domesticated design is not in keeping with the historic industrial function of the Corn mill and drying barn. A much smaller and more subservient building of simple form would be more in keeping in this location.

Amenity Impact

58. The only neighbouring property is Dains Mill which sits to the southeast of the Kyle building. By virtue of the separation distance, the presence of the garage would not cause harm to the amenity of Dains Mill as a result of noise generation.

Conclusion

59. The Authority is required to take a balanced judgement towards the public benefits of the development and the impact on the significance of the non designated heritage asset. It is considered that whilst the principle of a garage in this location is acceptable, the harm to the significance of the Kyle building by virtue of the size, scale and form of the garage does not outweigh the impact on the significance and setting of the non designated heritage asset.

Human Rights

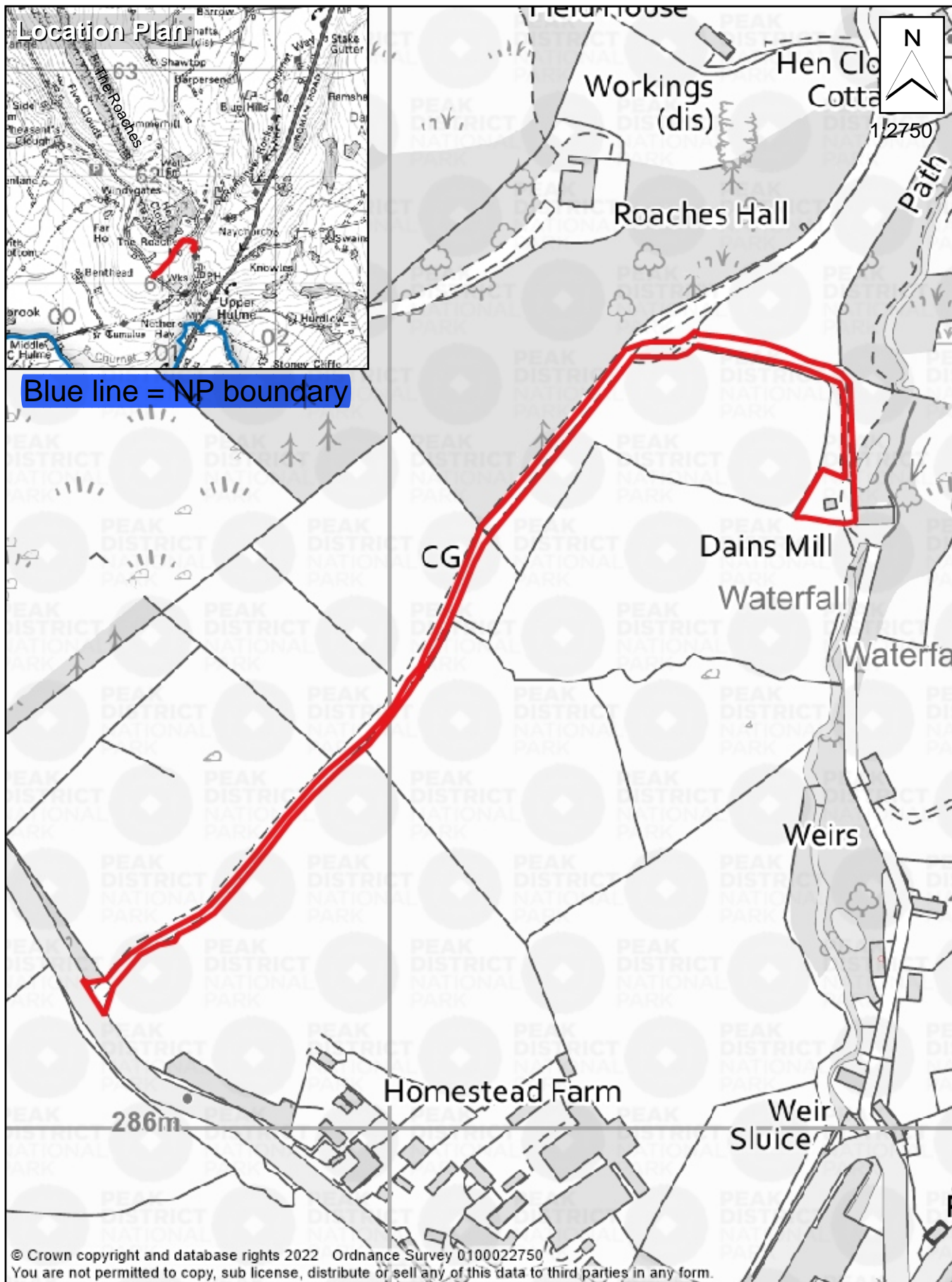
60. Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

61. Nil

Report author: Sarah Welsh

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Committee Date: 08/07/2022
Item Number: Item 6
Application No: NP/SM/0422/0516
Grid Reference: 401083, 361288

Title: Dains Mill, Roach Road, Upper Hulme



**PEAK
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7. FULL APPLICATION - ALTERATION AND CONVERSION OF BUILDING TO A DWELLING INCLUDING RETENTION OF FRONT PORCHES - HIGH PEAK HARRIERS, BIGGIN – (NP/DDD/0721/0756, MN)

APPLICANT: DR DALLAS BURSTON

Summary

1. The application site is a semi-detached property in mixed use as a C3 dwelling and B1 office, located in the village of Biggin. The proposals involve alteration and extension of the property, and change of use to a C3 dwelling only.
2. For the reasons set out in the body of this report the loss of the office use is considered acceptable and, as amended, the design and appearance of the proposals have been found to conserve the character and appearance of the built environment and wider landscape, and to accord with planning policy in other regards.
3. The application is therefore recommended for conditional approval.

Site and Surroundings

4. The application site comprises of a two storey property.
5. The property lies within Biggin village, to the north of Main Road. The dwelling is set at 90 degrees to the road and has a gravelled parking and amenity area to the west (front) and south, with lawn to the rear (east).
6. Vehicular access is from Main Road to the west of the property.
7. The site adjoins buildings known as Peakside, and Harriers Cottage to the eastern side.
8. The property faces towards further residential dwellings to the west, the closest of which is approximately 20m from the application building.
9. Biggin Depot and a former barn building lying further to the north and north west.
10. The dwelling is sited outside of any designated Conservation Area.

Proposal

11. To make alterations to the appearance of the building, including alterations and replacement of windows, doors, and external materials, and to construct a porch to the principle elevation. The works have already been carried out and so this part of the proposal is retrospective. Two porches were originally proposed and have already been constructed. The application now proposes retaining only one.
12. To change the use of the building from a mixed use as a C3 dwelling and B1 office to a C3 dwelling only.

RECOMMENDATION

13. **That the application is APPROVED subject to the following conditions:**
 - 1) **In accordance with amended plans**
 - 2) **Removal of porch in accordance with amended plans within 3 months**

3) Removal of drystone wall that projects from the west elevation and that runs east to west and subdivides the frontage of the building within 3 months

Key Issues

14. The principle of loss of the office space
15. Impact of the development on the appearance of the built environment.

Relevant Planning History

16. 2021 – Planning application submitted for change of use of High Peak Harriers to 2No. holiday lets and extensions to form front porches. Withdrawn prior to determination.
17. 2021 – Planning permission granted for two storey rear extension and porch at Harriers Cottage.
18. 2018 – Planning permission granted for two storey rear extension and porch at Harriers Cottage.
19. 2015 – Lawful Development Certificate refused for use of part of the High Peak Harriers (the same part as subject of the current application) as a single dwelling house falling into use class C3. The application was refused on the grounds that the applicant's evidence was not sufficiently clear or precise to demonstrate that there had been a change of use of the application site to a single dwellinghouse for a period of four years prior to the date of the application. The Authority concluded that on the balance of probability the property was in a mixed use as a commercial office and dwellinghouse, due to prior business occupation of it.

Consultations

20. **Derbyshire County Council - Highways** – In principle, the Highway Authority has no objection to the proposal subject to the applicant demonstrates by swept path assessment that the site has adequate areas available for parking/turning. Furthermore, information about refuse collection points should be shown on a revised plan.
21. **Derbyshire Dales District Council** – No response at time of writing.
22. **Hartington Nether Quarter Parish Council** – Hartington Nether Quarter PC members object to this proposal, by majority decision. The property has begun to be developed without formal planning and a window has been put in place where there previously was no window. Photographic evidence confirms this, therefore, contrary to information within the proposal documentation, the property will not retain its traditional form.

Representations

23. None received at time of writing.

Main Policies

24. Core Strategy policies: GSP1, GSP2, GSP3, DS1, CC1
25. Development Management policies: DMC3, DMH7, DME4

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

National planning policy framework

28. The National Planning Policy Framework (NPPF) was first published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the Local Plan comprises the Authority's Core Strategy 2011 and the Development Management Policies document 2019. Policies in the Local 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 Local Plan and more recent Government guidance in the NPPF.
29. Paragraph 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.'

Local Plan

30. Core Strategy policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GSP1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
31. Core Strategy policy GSP2 states, amongst other things, that when development is permitted, a design will be sought that respects the character of the area.
32. Core Strategy 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. Core Strategy policy DS1 details the development strategy for the National Park, and permits extensions to dwellings in principle.
34. Core Strategy policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.

35. Development Management Policy DMC3 requires development to be of a high standard that respects, protects, and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place. It also provides further detailed criteria to assess design and landscaping, as well as requiring development to conserve the amenity of other properties.
36. Policy DME4 addresses the change of use of non-safeguarded, unoccupied or under-occupied employment sites in Core Strategy policy DS1 settlements – of which Bakewell is one. It states that this will be permitted provided that the site or building(s) have been marketed to the Authority's satisfaction for a continuous period of 12 months prior to the date of the planning application, in line with the requirements of this Plan, and the Authority agrees that there is no business need for the retention of them.
37. Policy DMH7 A addresses extensions and alterations, permitting these provided that the proposal does not:
- i. detract from the character, appearance or amenity of the original building, its setting or neighbouring buildings; or
 - ii. dominate the original dwelling particularly where it is a designated or non-designated cultural heritage asset; or
 - iii. amount to the creation of a separate independent dwelling; or
 - iv. create an adverse effect on, or lead to undesirable changes to, the landscape or any other valued characteristic; or
 - v. in the case of houses permitted under policy DMH1, exceed 10% of the floorspace or take the floorspace of the house above 97m².

Assessment

Principle of the development

38. In relation to the proposed cessation of the office use, the building was previously occupied in association with a haulage business that previously operated from the site. The office space was occupied at ground floor with residential space above, based on the conclusions of the unsuccessful 2015 lawful development application for occupation of the building as a C3 dwelling. The property has stood empty for approximately 10 years since being occupied for that purpose, by the agents account. Without a lawful intervening use it remains in a mixed office/dwelling use however.
39. Policy DME4 requires 12 months of marketing of the property and for the Authority to be satisfied that there is no business need for its retention before it can be supported for a change of use away from office space. We are advised that the property has been previously advertised with no interest shown, although not for the 12 months immediately preceding this application. We have been provided with no evidence of advertisement.
40. However, it is significant that the building is a single planning unit in a mixed use, and cannot be sold or let as two separate units. That significantly limits the market for prospective purchasers or tenants. It is also a sizeable property; further limiting its appeal to most purchasers who may be seeking an office space attached to their dwelling. Its rural location further narrows those whom it may appeal to as a business premises given its scale.
41. It is also of note that, whilst objecting to the proposal on other grounds, the Parish Council raised no concern regarding the proposed full residential use of the building.
42. Overall, it is concluded that whilst the property has not been marketed in accordance with policy DME4, there are other material circumstances that satisfy officers that there is no business need for its retention – namely the period for which it has been vacant, the mixed use and scale of the planning unit combined with its location.

43. There is therefore no objection to the change of use in principle.

Design and appearance

44. Prior to the unauthorized remodeling of the building it was a rendered property, with large windows of modern appearance and varying proportions and fenestration.

45. The works undertaken have re-faced the building with natural stone, altered window openings, added coped gables to the roof, and added two porches to the front of the building.

46. The introduction of the two mirrored porches to the same elevation of a single property was concluded to result in an unsatisfactory appearance, and the plans have been amended to show only one of these now to be retained.

47. In other regards, the works have broadly achieved enhancement of the building's appearance. The stonework has been carried out sympathetically and using appropriate materials, and to the front and rear elevations window sizes and proportions much more closely follow those of traditional local dwellings.

48. To the road-facing gable the previous large first floor window has been remodeled, somewhat reducing its impact. Regrettably, a second such window has also been added at ground floor however. The gable is now heavily windowed, which is uncharacteristic of local dwellings.

49. In the context of the other alterations made to the property's appearance though, the overall balance is one of enhancement, subject to one of the porches being removed as is proposed.

50. Changes have also been carried out to enclosure around the building, with walls and gates now enclosing parking areas to the front of the house. Having previously opened only on to a wide yard area, this definition of the property's boundary has resulted in a minor enhancement to the appearance of the site.

51. The exception to this is a dividing wall projecting from the centre of the front wall of the property, which splits the curtilage and parking area in two. As a single dwelling, this is both unnecessary and incongruous. If permission is granted it is recommended that this be omitted by condition.

52. Overall, and subject to conditions securing the removal of the porch and section of boundary wall, the development as amended would enhance the appearance of the built environment and accord with the requirements of policy DMC3.

Amenity

53. The relationship of the property to neighbouring dwellings would be unchanged by the proposals.

54. The removal of the unrestricted office use may reduce some traffic movements and low level disturbance that may occur if that use was to re-commence, although it is not anticipated such activity would be unacceptable in a residential area.

55. The rear garden of the development immediately abuts the dwelling of Harriers Cottage on its northern edge; both properties are in the applicants control however, and this is an existing situation in any case, rather than one created by the proposed development.

56. Overall, the development complies with policy DMC3 in regards to amenity.

Highway considerations

57. The highway authority have advised that the applicant should demonstrate by swept path assessment that the site has adequate areas available for parking/turning, and that information about refuse collection should be provided.
58. However, the site has an established use for both office and residential occupation. The parking and traffic impacts of this are greater than those associated with a single dwelling as now proposed, and are currently uncontrolled. It is therefore concluded that these additional details are not reasonably required to make the development acceptable in planning terms.

Climate change mitigation

59. A sustainability statement has been provided outlining the measures carried out as part of the conversion works.
60. The measures have involved insulating the property to above building regulation standards through wall, floor, and roof insulation, and insulated glazing.
61. Given that the property already existed as a dwelling in part these measures will significantly improve its energy efficiency for such occupation, and are therefore considered sufficient to meet the requirements of policy CC1.

Conclusion

62. Whilst the development proposal does not strictly comply with policy DME4 in relation to the marketing of the property we are satisfied that the circumstances of the site mean that there is no longer a need for the existing office use.
63. Subject to conditions the development would conserve the character and appearance of the built environment and landscape, according with planning policies GSP3, DMC3, and DMH7.
64. Other material considerations that would indicate planning permission should be granted for the development as a whole.
65. Accordingly, the application is recommended for approval subject to conditions.

Human Rights

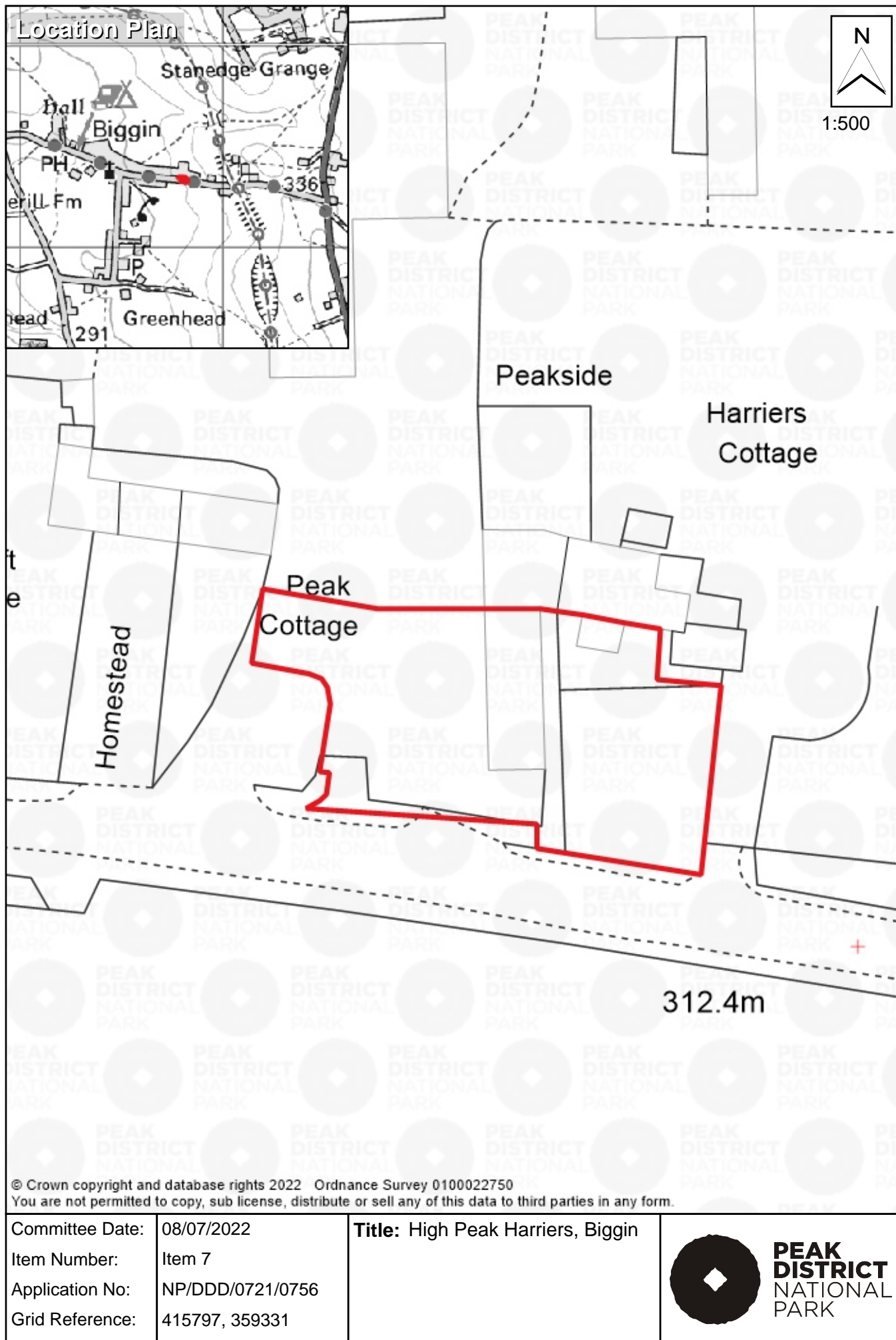
66. None arising.

List of Background Papers (not previously published)

67. None

Report Author and Job Title

68. Mark Nuttall, Interim South Area Manager



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8. FULL APPLICATION – TO INSTALL A NEW ACCESSIBLE RAMP AND STEPS FROM THE CAR PARK INTO THE CYCLE HIRE CENTRE AND INSTALL A NEW DOORWAY TO ENHANCE THE FLOW OF THE CUSTOMERS THROUGH THE BUILDING AT DERWENT BIKE HIRE, REPAIR AND SERVICE CENTRE, FAIRHOLMES CAR PARK, DERWENT LANE, BAMFORD. (NP/HPK/0422/0470, DH)

APPLICANT: PEAK DISTRICT NATIONAL PARK AUTHORITY

Summary

1. Derwent Bike Hire, Repair and Service Centre is situated within Fairholmes car park, by Ladybower Reservoir in the Upper Derwent Valley, approximately 425m south of Derwent Dam.
2. The bike hire building is to the north side of the Fairholmes complex of car and coach parking. The Fairholmes Visitor Centre building is located 20m to the north-east.
3. The bike hire building is a simple rectangular single storey gritstone structure with a pitched roof clad with concrete tiles inset with three rooflights. The single entrance door is off-centre in the west facing principal elevation, a small window is to the north side of the door, and a further window is in the north gable.

Proposal

4. The provision of an accessible ramp to the main entrance into the building with flanking wall and handrails together with the insertion of a new pedestrian door in the south gable to act as an exit door for all with the aim of improving circulation within the building.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

1. Statutory 3 year time period for commencement of development.
2. That the development shall be in complete accordance with the submitted plans, received by the Authority 5 April 2022.
3. The retaining wall including the ‘millstones’ forming the wheels of the cycle motive embedded in the wall along with the steps shall be constructed from natural gritstone.
4. The handrails shall be painted a matt black and shall be permanently so maintained.
5. The new door shall be provided with a natural gritstone lintel.
6. The new door shall be recessed a minimum of 100mm from the external face of the wall.

Key Issues

5. The impact of the proposal upon the character and appearance of the site and its setting;

History

6. 1985 – The erection of a permanent cycle hire building (the cycle hire was previously operated out of a timber building) was granted unconditionally under application reference NP/HPK/1284/0504
7. 2019 – A pre-application advice request, enquiry reference 35034 related to a new signage scheme for the Authority's cycle hire sites.

Consultations

8. Derbyshire County Council (Highway Authority): No objections.
9. High Peak Borough Council: No response to date.
10. Derwent & Hope Woodlands Parish Council: No response to date.

Representations

11. During the consultation period, the Authority has not received any formal representations regarding the proposed development.

Main Policies

Wider Policy Context

12. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales:

- Conserve and enhance the natural beauty, wildlife and cultural heritage
- Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public

13. When national parks carry out these purposes they also have the duty to:

Seek to foster the economic and social well-being of local communities within the national parks

National Planning Policy Framework

14. The National Planning Policy Framework (NPPF) replaced a significant proportion of central government planning policy with immediate effect. A revised NPPF was published 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 policies in the Peak District National Park Development Management Policies document 2019. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.

15. Paragraph 176 of the NPPF states that ‘great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in all these areas, and should be given great weight in National Parks and the Broads.’
16. Part 6 – Building a strong, competitive economy. Paragraph 84 of the NPPF states that local planning authorities should enable: (a) the sustainable growth and expansion of all types of business in rural areas; and (c) sustainable rural tourism and leisure developments; and (d) the retention and development of accessible local services and community facilities.
17. Part 8 – Promoting healthy and safe communities. This part of the NPPF relates to planning policies aiming to promote social interaction, and enabling and supporting healthy lifestyles. Paragraph 92 states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which (b) are safe and accessible; and (c) enable and support healthy lifestyles. Paragraph 93 relates to providing social, recreational and cultural facilities and services, and states that planning policies and decisions should (b) support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community; and (d) ensure that established facilities and services are able to develop and modernise.
18. Part 9 – Promoting sustainable transport. Paragraph 104 (c) states that opportunities to promote walking, cycling and public transport use should be identified and pursued

Peak District National Park Core Strategy

19. GSP1 & GSP2 - *Securing National Park Purposes and sustainable development & Enhancing the National Park*. These policies set out the broad strategy for achieving the National Park’s objectives, and jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park’s landscape and its natural and heritage
20. GSP3 - Development Management Principles. GSP3 states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
21. CC1 – Climate change mitigation and adaptation. CC1 requires all development to make the most efficient and sustainable use of land, buildings and natural resources to achieve the highest possible standards of carbon reductions
22. DS1 - Development Strategy. This sets out what forms of development are acceptable in principle. DS1(C) specifically states that development for recreation and tourism is acceptable
23. E2 - Businesses in the Countryside. E2 (D) states that proposals relating to existing businesses need to be considered carefully in terms of their impact on the appearance and character of landscapes.

24. L1 - Landscape character and valued characteristics. This policy states that all 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.
25. RT1 – Recreation, environmental education and interpretation. This is supportive of development which encourages recreation and enjoyment of the National Park. RT1 (A) specifically says that opportunities for access by sustainable means will be encouraged.

Local Plan Development Management Policies

26. DM1 – *The presumption of sustainable development in the context of National Park purposes.* These being (i) to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park; and (ii) to promote opportunities for the understanding and enjoyment of the valued characteristics of the National Park.
27. DMC3 - *Siting, Design, layout and landscaping.* DMC3 states that where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place.

Assessment

Principle

28. The National Planning Policy Framework (NPPF) is supportive of development which meets the needs of the area, contribute to building a strong, responsive and competitive rural economy. The NPPF supports development which creates employment opportunities and supports sustainable rural tourism and leisure developments in appropriate locations and which respect the character of the area.
29. As noted in the Authority's policies, development for recreation and tourism and the expansion of an existing business are acceptable in principle provided it can be accommodated without harm to the valued characteristics of the area and amenity.

Design Considerations

30. The proposed alterations to the existing building are small scale and proportionate to the size of the existing. They would have minimal impact on the site, the immediate surrounding area, or the wider landscape.
31. In terms of the design and materials of the ramped access, the retaining wall is constructed from natural sandstone with flat stone coping. Two 'millstones' are proposed to be embedded in the wall with black metal bars fixed to the wall to create a bike symbol. These are proposed to be in artificial stone which would be out of keeping with the natural stone in the rest of the wall and in the building as well as not being in accordance with the policy requirement for all development to be of a high standard of design and use of materials. Accordingly a condition is suggested in the event of an approval that these be in natural stone. The surfacing of the ramp would be tarmac as existing to match the building it will be seen against, steps would be provided at the other end which also need to be clarified to be constructed in natural stone. A simple black painted handrail would be fixed to the building and wall.

32. The new door opening in the south gable would become the new exit for all users in order to improve the current circulation through the building. This opening would be fitted with a stone lintel and the door would be glazed timber door to allow customers to see into the building and match the existing. The tarmac immediately in front of the new door would be graded to provide an accessible exit.
33. The proposals are modest in scale and would be designed and constructed to match the main building. The development is therefore considered to be acceptable as it would allow the site to be used to its best potential by all and would not have an adverse impact on the character and appearance of the existing building, the site or the wider setting. The proposal is therefore in line with policies GSP3, DS1, E2, HC5, RT1, DMC3 and DMS3, and national policy.

Amenity Impacts

34. The development would not extend the business or intensify the use, however, it would benefit the business in that it would provide a better arrangement to the existing in allowing egress which is separate from the access. More importantly, it would enable disabled access to the building, providing a clear public benefit and thereby serving the National Parks statutory purposes as required by policy DM1 (ii)
35. Due to the location of the existing building within the car parking complex at Fairholmes there would not be any negative impact on the residential amenities of any neighbouring properties, the nearest of which is a considerable distance away. Nor would there be any effect on the wider landscape due to the building being sited in a hollow in the land and the site being well screened by mature trees. The character and existing use of the site would not change. It is therefore considered that the proposal complies with the requirements of the NPPF, and policies GSP1, 2, 3, E2, L1, DM1 and DMC3.
36. The ramped access does not impact on any parking provision at the site and does not protrude so much that the existing pedestrian access around it is lost.

Conclusion

37. The proposed development would improve the existing use, providing a clear public benefit. The alterations will match the character and appearance of the building in terms of use of materials and design and would have minimal impact on the site, will not be visually intrusive, and will have no impact on the wider landscape setting. The proposals do not give rise to any amenity issues.
38. The application is therefore recommended for conditional approval.

Human Rights

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

List of Background Papers (not previously published)


40. Nil

Report Author and Job Title

41. Denise Hunt – Planning Assistant – North Area

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Committee Date:	08/07/2022	Title: Derwent Bike Hire Centre, Fairholmes Car Park, Bamford	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 8		
Application No:	NP/HPK/0422/0470		
Grid Reference:	417215, 389354		

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9. FULL APPLICATION – ERECTION OF AGRICULTURAL BUILDING AT HURST NOOK COTTAGE, DERBYSHIRE LEVEL (NP/HPK/0322/0394, AM)

APPLICANT: MR GORDON HANDLEY

Summary

1. This application was deferred from June Committee at the request of members for further information which has been incorporated into this report along with plans and site context photographs which will be incorporated into the officer presentation at the meeting.
2. The site is located in open countryside on Derbyshire Level, south-west of Glossop.
3. The application proposes the erection of an agricultural building and track. Works have been undertaken outside this application site area between the road and the field gate which will be followed up separately.
4. The application demonstrates that the building and track are required for agriculture. The proposed building and track would not harm the valued characteristics of the National Park.
5. The application is recommended for approval, subject to conditions.

Site and Surroundings

6. The site is located in open countryside on Derbyshire Level, south west of Glossop. The site is within agricultural fields to the north and north west of the applicants house Hurst Nook Cottage.
7. The site and adjoining fields are open pasture bounded by drystone walling. The fields slope down away from Derbyshire Level. The nearest neighbouring properties are Hurst Nook Croft and Hurst Nook Farm to the south of the site.
8. There is an existing field access to the site. Construction works appear to have recently taken place and are underway on site including alterations to the access and construction of a track through the field. These works appear to be unauthorised but are outside the application site area and will be followed up by officers separately to the current application.

Proposal

9. The erection of an agricultural building and construction of a track to the existing field access to Derbyshire Level. As stated above the works to the access including alterations to ground levels, erection of retaining wall and fencing recently taken place fall outside the scope of this application.
10. The agricultural building would be sited in the field to the north west of Hurst Nook Cottage adjacent to an existing stable. The building would measure 11m by 5m, 3.5m to eaves and 4.7m to ridge. The walls would be clad with tanalised timber cladding and the roof clad with dark brown coloured sheeting.
11. The proposed access track would run across the field to the north to the building from the existing field gate (the position of which has not been affected by the works to the access itself) to terminate with a turning area within the field and immediately north of the gable end of the proposed building. Amended plans show the track would be formed using 'cut and fill' on the sloping ground and would now comprise two wheel runs

surfaced with natural gritstone chippings either side of a grass strip. Plans also indicate new tree planting to break up the outline of the new building and screen the proposed turning area.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions

- 1. Statutory time limit.**
- 2. In accordance with specified amended plans subject to the following conditions and/or modifications;**
- 3. Tanalised timber boarding for the walls to be left untreated to weather naturally.**
- 4 Sheeting to the roof colour finish (slate brown).**
- 5 Track to be surfaced with natural gritstone and with grass central strip specified to be min 1m wide and permanently so maintained.**
- 6 No external lighting to be installed other than in accordance with a detailed scheme that shall first have been approved in writing by the National Park Authority.**
- 7 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 the use of the building hereby approved shall be restricted to agriculture only (as defined in section 336 of the Town and Country Planning Act 1990) and for no other purpose including any change of use otherwise permitted within the Order.**
- 8 When the building hereby approved 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 original condition.**
- 9 Submit and agree precise details of tree planting scheme and carry out within winter 2022/3 planting season or first available planting season following the layout of the turning area.**

Key Issues

- Whether there is an agricultural justification for the proposed development.
- The visual and landscape impact of the proposed building and track.

Relevant Planning History

12. 2021: NP/HPK/1121/1240: Planning application for erection of agricultural building withdrawn prior to determination.
13. The above application proposed the agricultural building adjacent to the field access. Officers advised that this site was unacceptable because the building would be sited away from the group of existing buildings in a prominent location adjacent to the highway. Officers therefore advised that the building be re-sited with a traditional gritstone track from the field access. The current application has been submitted following Officer advice.

Consultations

14. Parish Council – Object to the application for the following reasons.

- The hillside to the west of Derbyshire Level is prominent in views from Shirebrook and Brownhill. Hurst Nook Cottage and the adjacent farm and related buildings have seen a range of developments which have steadily encroached on the hillside at the edge of the National Park.
- The application should be refused on the grounds of its effect on the amenity of the area. The access road is particularly prominent. It is of a scale and type inappropriate in a rural location and a prominent position in a National Park.
- The access Road which forms a dangerous entry onto Derbyshire Level, also removes the informal layby there, which is an important local amenity for walkers and others.
- If permission were granted a condition should be included preventing the conversion of the barn to other uses.

15. Highway Authority – No objection.

16. District Council – No response to date.

Representations

17. None to date.

Main Policies

18. Relevant Core Strategy policies: GSP1, DS1, CC1, L1 and L2

19. Relevant Development Management policies: DMC3 and DME1

National Planning Policy Framework

20. 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 prevailing policies in the development plan and the NPPF and our policies should be given full weight in the determination of this application.

21. Para 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

22. Policy DS1 sets out the Development Strategy for the National Park. Agricultural development is acceptable in principle in the open countryside outside of the natural zone.

23. 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.
24. 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.
25. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources, taking into account the energy hierarchy and achieving the highest possible standards of carbon reductions and water efficiency.
26. Policies L1 and L2 require development to conserve and where possible enhance the landscape and biodiversity of the National Park. Development which has a harmful impact should not be approved unless there are exceptional circumstances.

Development Management Policies

27. 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.
28. 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.
29. Policy DME1 is directly relevant and says:
 - A. New agricultural and forestry buildings, structures and associated working spaces or other development will be permitted provided that it is demonstrated to the Authority's satisfaction, that the building at the scale proposed is functionally required for that purpose from information provided by the applicant on all the relevant criteria:
 - (i) location and size of farm or forestry holding;
 - (ii) type of agriculture or forestry practiced on the farm or forestry holding;
 - (iii) intended use and size of proposed building;
 - (iv) intended location and appearance of proposed building;
 - (v) stocking type, numbers and density per hectare;
 - (vi) area covered by crops, including any timber crop;
 - (vii) existing buildings, uses and why these are unable to cope with existing or perceived demand;
 - (viii) dimensions and layout;
 - (ix) predicted building requirements by type of stock/crop/other usage; and
 - (x) contribution to the Authority's objectives, e.g. conservation of valued landscape character as established in the Landscape Strategy and Action Plan, including winter housing to protect landscape.

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

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

Assessment

Principle of the development

- 30. Policy DS1 allows for agricultural development in principle. Policy DME1 is directly relevant and requires applications to provide information to demonstrate that the proposed development is functionally required. If development is justified then DME1 B. requires buildings to be well sited, not require obtrusive tracks, respect the design, scale and mass of existing buildings and building traditions and avoid harm to the valued characteristics of the area.
- 31. Agricultural development is accepted in principle reflecting the role of farming in managing the landscape of the National Park. Nevertheless, modern farm buildings can have a significant landscape impact and therefore our policies require applications to provide sufficient justification for development bearing in mind our statutory duty of conserving landscape and scenic beauty. Where development is justified care is required for design and siting.

Agricultural justification

- 32. The application is supported by a planning statement which includes an agricultural justification required by policy DME1. A. The agricultural holding is relatively small extending to just over 2Ha on which the applicant currently farms 60 sheep. There are currently no agricultural buildings on the land and the applicant intends that the proposed building would be primarily used for storage of agricultural machinery, fodder and to accommodate livestock when required.
- 33. The appraisal does demonstrate that while the holding and agricultural business is modest there is a functional requirement for a small building primarily to store equipment and fodder.
- 34. If permission were granted, we would recommend planning conditions to require that the building is demolished and removed when no longer required for agriculture in accordance with policy DMC1. C. We would also recommend a planning condition be imposed to remove permitted development rights for change of the use, bearing in mind that that the building is only acceptable in principle for agricultural purposes.
- 35. The design of the building is simple and reflects the functional need for storage of machinery and fodder and would also be suitable for accommodating livestock when required. Therefore, we consider that the application does demonstrate that the proposed building is functionally required for agricultural purposes in accordance with policy DME1. A.

Impact of development

36. The proposed building would be sited adjacent to the existing group of buildings formed by the existing dwelling, its garden, outbuildings and stable. The siting of the building follows Officer advice given previously. The concerns raised by the Parish Council are noted, however, the proposed site would minimise the additional visual impact of the building by ensuring that it is sited close to the existing building group. The building would therefore be read as part of the group rather than an isolated new structure and minimise visual and landscape impact. It would also only require a minimal amount of cut and fill in equal amounts to a maximum change of 400mm.
37. The proposed site would be located away from existing mature trees on site so that any adverse impacts on trees and protected species can be ruled out. The fields are improved grassland and therefore the development would not harm any designated habitat or protected species.
38. The building would be a modest size with a pitched roof. The buildings on site and in the local area are traditional design with slate roofs. Modern agricultural buildings are generally not built from traditional materials but are designed with pitched roofs. The proposed design would be an acceptable subject to planning conditions to secure the colour and finishes of the proposed external materials and doors. Therefore, the building is in accordance with policy DME1.B (iii).
39. Concerns about the impact of the works to the access and new track are understood. These works appear to have commenced without planning permission. We are concerned about some of the works to the access, particularly the new timber fence and timber clad retaining wall, however, these works fall outside of the scope of this planning application and will be dealt with as separate matter.
40. The track is part of this planning application and is required to facilitate siting the building adjacent to the building group due to ground levels and poor access at Hurst Nook Cottage itself. Works to construct the track have commenced and currently ground works and spoil piles along the track length are prominent in the landscape. However, the proposed track when completed would have a relatively short length and logical route to the proposed building.
41. Additional plans have been submitted at a larger scale since the June Committee meeting to better illustrate how the track would be constructed using 'cut and fill' to minimise changes to ground levels. The change in level halfway down the track to form the track surface would be a narrow area of 400mm deep with a larger area of 500mm fill which would transition down the slope to meet natural field level over a distance of 2m. Nearer to the gateway the submitted photograph shows the transition back to the natural slope level would be over a longer section.
42. The section through the proposed turning area and driveway down beside the building would require a maximum cut for the drive of 500mm into the top side of the bank and where the turning area was sited, a maximum fill is needed of around 650-700mm. This fill area would be tapered back to existing ground levels from the edge of the turning space over a 4.5m length down the slope to the natural field level (7m overall fill width up to drive and transition point where the cut into the slope begins). Officers are satisfied that the changes in slope can be accommodated successfully on this hillside without landscape harm and photographs from the agent since the last meeting demonstrate the minimal visual impact of even the partially constructed track.

43. The track would have a traditional gritstone surface and once completed would weather to a traditional 'cart track' which would have a very limited visual and landscape impact and reflect other tracks within the local area. The agent has taken on-board the suggestion to accelerate this traditional final appearance with the addition from the start of a grassed strip down the centre line. A condition is therefore suggested to achieve this at an appropriate 1m min width to best mitigate the landscape impact.
44. In addition the plans now show new tree planting immediately below the building and the edge of the turning area which would further mitigate the visual impact of the building and the turning area. A small grouping of trees here on the edge of the building group would be appropriate in landscape terms. No detail of precise species are shown but a condition is suggested to agree the details. Therefore, despite the concerns from the Parish Council, on balance, the proposed building and track are considered to be acceptable. If permission were granted planning conditions would be recommended to ensure that the track is constructed as proposed with a gritstone surface and grassed central strip 1m wide.
45. External floodlighting would be a further landscape concern in such an exposed hillside location and therefore a condition is suggested to prevent any external lighting other than in accordance with details that may be agreed in advance by the Authority.

Other Issues

46. The development would utilise an existing field access. Concern is raised about loss of a layby, however, this development would not affect the layby. The proposal does not affect the position of the existing field access and we agree with the Highway Authority that the proposal does not raise any highway safety issues given the proposed agricultural use.
47. Given the position of the proposed building and track and distance to neighbouring properties, there are no concerns that the development would harm the amenity, privacy or security of any neighbouring property.
48. Given the type and size of the building proposed there are limited opportunities to limit energy and water use. The application proposes to install water butts and we welcome the proposed use of sustainably sourced timber. In the context of the scheme the proposals are acceptable and in accordance with policy CC1.

Conclusion

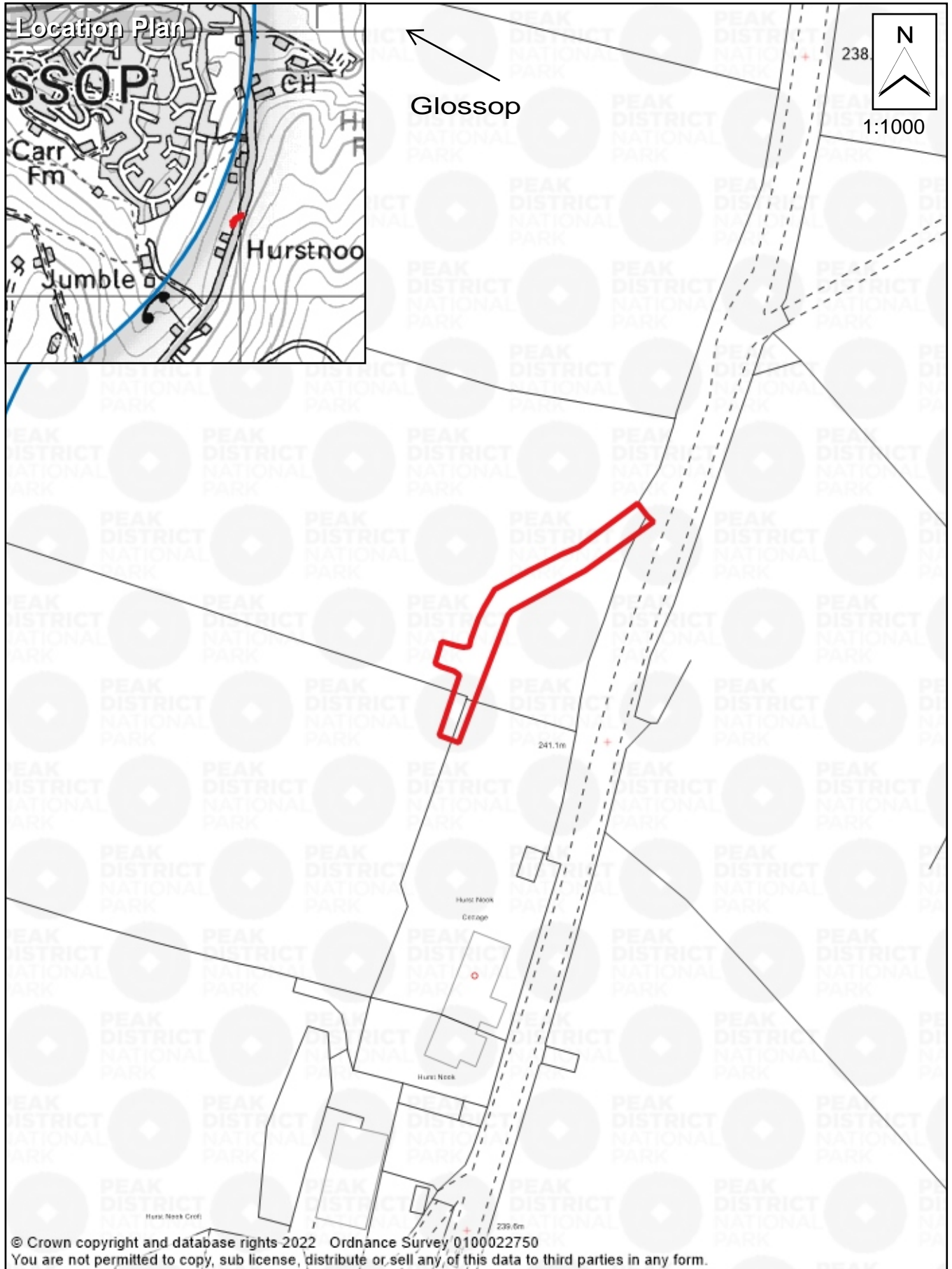
49. The application does demonstrate that the proposed building is functionally required for agricultural purposes in accordance with Core Strategy policy DS1 and Development Management policy DME1 A.
50. The proposed building and amended track details are acceptable subject to the above mentioned conditions to control the proposed construction, materials, finishes and landscaping. The proposals are therefore in accordance with policy DME1 B. The development would not harm highway safety or the amenity of neighbouring properties.
51. Therefore, having taken into account all material considerations, including matters raised in representations we consider that the development is in accordance with the development plan. The application is therefore recommended for approval, subject to conditions.


Human Rights

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

List of Background Papers (not previously published)

53. Nil
54. Report Author: John Keeley – Area Planning Manager



Committee Date:	8th July 2022	Title: Hurst Nook Cottage, Derbyshire Level	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 9		
Application No:	NP/HPK/0322/0394		
Grid Reference:	404963, 393214		

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10. HOME FARM, SHELDON – UPDATE ON CURRENT ENFORCEMENT ISSUES (AJC)

Introduction

This report provides a summary of the position in relation to recent allegations received by the Authority that development is apparently taking place without planning permission. As the Authority's investigations are ongoing it would not be appropriate to provide details of the investigations in a public report.

Sheldon is a quiet upland village and is typical of a White Peak village which grew as a result of its position close to industrious lead mines. Standing at 1,000 feet above sea level, Sheldon mainly comprises of farmhouses and cottages dating from the 18th century when mining was at its height.

Home Farm is situated on the north side of Main Street, near the eastern limits of Sheldon. The principal building is a two-storey former barn which runs parallel with the road and was converted to a dwelling in the 1980s. Since 2009 it has been operating as a guest house. To the north (rear), is the former farm yard and a number of former agricultural buildings. One of these is a traditional single-storey stone building situated a short distance to the north-west of the guest house and immediately adjacent to the western boundary of the property. The other buildings are relatively modern and constructed of non-traditional materials, including concrete block, timber and sheeting. A number of other former agricultural buildings, also of non-traditional design and materials, have been demolished in the last few years. To the east of the buildings and former farm yard is an area of associated agricultural land extending to approximately 5 hectares. It is understood that the buildings and land have not been in active agricultural use, other than for the occasional grazing of sheep, for many years. The buildings and one of the fields to the east are included within Sheldon Conservation Area. The field in question is identified in the Conservation Area Appraisal and Local Plan policies map as an important open space, contributing to the character and appearance of the area.

Immediately to the south-east and west of the buildings, and on the opposite side of Main Street, are residential dwellings and to the north-west is St Michaels and All Angels Church, a grade II listed building. The area of land to the north of the former farm yard is used as a public recreation ground with a belt of mature trees between the two.

There is a lengthy history of planning applications and enforcement action at the property. Where considered relevant and necessary, this is referred to below.

Current Issues

(a) Building works immediately to the rear of the guest house

In 2014, a Temporary Stop Notice (TSN) was issued in relation to excavation works immediately to the north (rear) of the main building. Works ceased and no further action was taken by the Authority until 2020, when it became apparent that much more extensive excavations had started and that construction works, consisting of the laying of a concrete base and construction of blockwork walls, had commenced. In September 2020, a TSN was issued requiring the immediate cessation of these works and works subsequently ceased.

In October 2020 an Enforcement Notice was issued against the partially completed works. This alleged the carrying out of engineering operations, consisting of the excavation of the land, and the carrying out of building operations, consisting of the construction of foundations and the erection of walls. A Stop Notice, in the same terms as the TSN issued in September, was served concurrently

with the Enforcement Notice. In May 2021, an appeal against the Enforcement Notice was dismissed. As a result of the appeal decision, the Enforcement Notice required the demolition of the foundations and partially constructed walls by 24 August 2021 and the backfilling and reinstatement of the excavated ground by 24 October 2021. We made a site visit in October 2021, which revealed that no progress had been made on complying with the Enforcement Notice.

In March 2022, the Authority received reports of further construction works taking place in this location. These are subject of ongoing investigation.

A planning application in respect to this area of the site was received in March 2022 but has failed to be validated despite efforts by the Authority to resolve the outstanding matters.

(b) Works to the east of the buildings, including construction of a track

In 2008, the Authority took enforcement action with regard to the partial construction of a track on the agricultural land to the east of the guest house and other buildings. The track was surfaced with stone and ran from a pre-existing field gate on Main Street in a roughly northerly direction for a distance of approximately 270 metres. A TSN was issued, followed by an Enforcement Notice and Stop Notice. The Enforcement Notice, which required the removal of the track, and associated materials, and restoration of the land was upheld on appeal and eventually complied with in 2010.

In April 2021, officers received reports of works taking place on the land involving use of a JCB. A site visit revealed the apparent construction of a track in the same location as in 2008, with the grass and a layer of top soil removed and stone surfacing being laid. The landowner was contacted and a number of further site inspections were made. By October 2021 works appeared to have ceased with the stone surfacing laid to a point approximately 70 metres north of Main Street then turning west to provide access to the rear of the guest house. However, the strip of land from which the top layer of grass and soil had been removed extended a further 170 metres or so to the north. Grass and other vegetation had begun to grow through the surfaced section and although this section could be viewed at close range from the gateway on Main Street it was largely hidden from the road to the east by a belt of trees that had been planted in 2009.

In March 2022, the Authority received reports of further groundworks taking place. A site visit revealed that a relatively small triangular area of land to the west of the surfaced track had been levelled and a small hole dug immediately to the east of the track. The owner was contacted in writing and asked for what purpose the works were being carried out. The owner has not provided this information and reports of further works have been received, including the installation of septic tanks and laying of road planings (or similar material) on the land. These are subject of ongoing investigation.

(c) Works to the 'Long Barn'

This is one of the former agricultural buildings which is situated to the north of the guest house and immediately next to the western property boundary. It is a single-storey building constructed of concrete block with a sheeted roof which measures approximately 38 metres long by 9 metres wide. The owner has carried out a number of alterations since 2019, including the cladding of the exterior walls with stone, insertion of external doors and windows, upgrading of the roof sheeting and various internal works, including the laying of floors and the installation of partition walls and ceilings, plumbing, electrics, fitted kitchen units and sanitaryware.

Although the alterations that have been carried out are indicative of an intended change of use to residential purposes, we have no evidence that an actual change of use has occurred. The internal works do not require planning permission in themselves, although some of the external works,

including the stone cladding, replacement roof sheeting and insertion of new window/door openings would need consent. The owner has not provided clear information about the intended use of the building but he has been advised that a change of use to a use for residential purposes, for example, would require planning permission.

Recent Investigation

The Head of Planning and Monitoring and Enforcement Team Manager attended a pre-arranged site meeting with the owner and a relative on 14 June 2022. In advance of the meeting we had requested access to the whole site in order to obtain information about the three matters referred to above. However, on arriving at the site the owner informed us that he was not willing to allow access. However, the owner's relative offered to provide information, including photographs and/or video footage, to the Authority. Officers advised the owner and his relative that whilst this may provide the information necessary for us to assess the works and come to a conclusion about whether any breaches of planning control had occurred, the Authority retained the right, and was still committed to gathering any relevant information for itself. It is noted that not all changes or works amount to development requiring planning permission (for example where permitted under the General Permitted Development Order).

Following the site meeting, the owner's relative was sent a written request to provide the information as offered by the end of June. Officers will update the Planning Committee on the assessment of any information received and any decisions made regarding the next steps in the investigation and appropriate actions.

Recommendation

That this case be appropriately prioritised by the Monitoring and Enforcement Team Manager in accordance with the Local Enforcement Plan, and taking account of site investigations, guidance on taking court action and any other relevant guidance.

Report Author: Andrew Cook, Monitoring and Enforcement Team Manager

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11. MONITORING & ENFORCEMENT QUARTERLY REVIEW – JULY 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 (April – June 2022).
2. When the Annual Monitoring and Enforcement Review was considered at the Planning Committee on 8 April 2022 it was resolved (Minute 41/22) that a quarterly report be provided in 3 months' time when members of the public could make representations under the Public Participation Scheme on one particular case (Home Farm, Sheldon), as well as a list of any cases that were still outstanding after a long period of time and a list of enforcement notices that should have been complied with. A summary of the current enforcement issues at Home Farm, Sheldon has been provided in a separate report to this committee. A summary of the other information requested is included in this quarterly review.
3. 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.
4. 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.
5. 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

6. Notices issued

21/0085 New Vincent Farm Parsley Hay	Change of use of land to use for siting of camping pods, provision of hardstandings and access track	EN issued 26 May 2022 – Effect Date 30 June 2022
20/0101 Land North of West Side Farm, Alstonefield Road, Hulme End	Change of use of land to camping and caravan site with associated infrastructure	EN issued 26 May 2022 – Effect Date 1 July 2022

7. Breaches resolved

20/0053 Alber House Wheston Bank Tideswell	Dwelling not built in accordance with planning permission (Refs: NP/DDD/0616/0520 & NP/DDD/0618/0501)	Retrospective planning permission granted
20/0133 Lower Peaslows Farm Chapel-En-Le-Frith	Creation of track and alteration to access	Retrospective planning permission granted
20/0137 3 Wheatlands Lane Baslow	Change of use of dwelling to commercial holiday let	Use ceased/not evident
21/0093 Crosslow Farm Foolow Road Eyam	Breach of conditions 4 (hours of opening),5 (maximum of 10 covers) & 6 (ancillary and restricted to applicant and two other employees) re planning permission NP/DDD/0613/0520 – extension to dwelling to form conservatory area to provide premises for commercial dining	Retrospective planning permission granted for variation of conditions
21/0042 Spar Whites Of Calver Kingsgate Calver	Unauthorised advertisements	Advertisements removed
18/0182 Calver Sough Nurseries Limited Hassop Road Calver	Unauthorised advertisements	Advertisements removed
22/0027 The Old Coach House The Stones Castleton	Use as part of dwelling as three holiday lets in breach of planning permission NP/HPK/0617/0658 – change of use of part of dwelling to two ancillary holiday lets	Now in use as two holiday lets as approved
21/0105 Newfold Farm Edale	Erection of reception building and construction of track	Retrospective planning permission granted

20/0093 Mountain View Far Hill Bradwell	Erection of fence	Fence removed
18/0055 Peak District Holiday Barn Wardlow Mires Tideswell	Use for weddings and alterations to former agricultural building	Appears to be immune from enforcement action
20/0142 Charlies Bistro Hollingworth House Church Street Baslow	Erection of building	Building removed
20/0045 Land Parcel 3910 Adjacent Stafford Close How Lane Castleton	Change of use to showground	Use ceased
20/0129 Moorfield Farm Derbyshire Level Glossop	Construction of walls and groundworks	Planning permission granted

Workload and performance

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 first quarter of the year (April – June) we resolved 13 breaches so we are not currently on track to achieve our target.
9. The number of breaches outstanding has remained almost static, decreasing by just one case over the quarter, and currently stands at 626 cases.
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, 67% of enquiries were dealt with within 30 working days, which is below our performance target, although an improvement on the figure of 61% for the previous quarter. The number of enquiries outstanding has increased significantly in the latest quarter, from 193 to 264. This is because one of the Monitoring and Enforcement roles, with responsibility for investigating enquiries in the southern part of the National Park, has been vacant for almost the whole of the relevant period. The vacancy was filled on 27 June so once the new employee has settled in to the role and received relevant training we would expect the number of outstanding enquiries to start reducing although this will inevitably also lead to an increase in new breaches being discovered.

	Received	Resolved	Outstanding
Enquiries	130 (134)	54 (88)	264 (193)
Breaches	12 (25)	13 (22)	626 (627)

11. Enforcement Notices Not Complied With

12. Alongside the guidance in our Local Enforcement Plan and our commitment to investigating the enquiries and breaches noted above, the following list also provides the context for the management and prioritisation of the workload and resourcing required by the Monitoring and Enforcement Team and any input and support required by others such as the Legal and Democratic Services Team.

File Ref.	Address	Summary of Alleged Breach
20/0101	LAND NORTH OF WEST SIDE FARM, ALSTONEFIELD ROAD, HULME END	Change of use of land to camping and caravan site with associated infrastructure
21/0085	NEW VINCENT FARM, PARSLEY HAY	Change of use of land to use for siting of camping pods, provision of hardstandings and access track
21/0034	THORNBRIDGE HALL, BASLOW ROAD, ASHFORD IN THE WATER DE45 1NZ	Construction of driveways, car park and café (appeal pending)
15/0028	THE STONE YARD, STANEDGE ROAD, BAKEWELL	Use for the importation, processing and sale of stone
16/0163	FIVE ACRES FIELDS, EDGE TOP ROAD, LONGNOR SK17 0RA	Erection of a Building, used for storage, as a workshop and for welfare
16/0163	FIVE ACRES FIELDS, EDGE TOP ROAD, LONGNOR	Section 215 Notice – condition of land adversely affecting amenity
19/0218	HOME FARM, MAIN STREET, SHELDON DE45 1QS	Carrying out of engineering operations, consisting of the excavation of the land; and carrying out of building operations, consisting of the construction of foundations and the erection of walls.
17/0042	LAND NEAR COOMBES TOR, TO THE WEST OF COWN EDGE FARM,	The erection of two masts, and associated telecommunications apparatus

	GLOSSOP	
19/0217	WITHAMLEY HOUSE FARM, HOAR STONES ROAD, SHEFFIELD S6 6HY	Engineering operations comprising the ongoing formation of an artificial, man-made platform feature
17/0134	BMMX TRACK, BLAKEMERE LANE, IBLE, GRANGE MILL DE4 4HT	Change of use of the Land to use for motocross scrambling (appeal pending)
16/0118	BRACKENBURN, RIDDINGS LANE, CURBAR, CALVER, HOPE VALLEY	Construction of gates and abutting gateposts and brown stain finish to window frames in breach of conditions
17/0075	LAND KNOWN AS ONE ACRE WOOD, NEAR HEYBARN FARM, GLOSSOP ROAD, LITTLE HAYFIELD	Building operations comprising the construction of a dwelling
19/0189	LAND ADJACENT TO BLACK HARRY HOUSE, MAIN ROAD, WARDLOW, BUXTON SK17 8RP	Building operations comprising the erection of a dwellinghouse
14/0583	BOTTLE CROFT, MAIN STREET, CHELMORTON, BUXTON SK17 9SH	Retention of temporary dwelling in breach of condition
19/0197	WHITE FIELD FARM, WHITEFIELD LANE, FLAGG, BUXTON SK17 9UL	Siting of caravans, including construction of building and track. Construction of hardstanding, siting of containers and field shelters
19/0162	QUARRY NEAR BRINK FARM, BAKESTONEDALE ROAD, POTT SHRIGLEY	Deposit of waste
17/0095	FIELD TO THE EAST OF THE TRACK/ROAD EAST OF BIG MARNSHAW HEAD AND NORTH OF LITTLE MARNSHAW HEAD, KNOWN AS BLUE TRUST FARM SK17 0QR	Erection of a building, excavation of the Land and installation of a piped water supply and excavation and re-profiling of the Land
16/0022	LAND NORTH OF	Erection of a building

	MAIN ROAD, TADDINGTON	
15/0036	FIELD OPPOSITE GRAYLING, HOPE ROAD, EDALE, HOPE VALLEY S33 7ZE	Change of use of the Land to a mixed use comprising agriculture and the siting of a static caravan used for human habitation
17/0044	WOODSEATS FARM, WINDY BANK, BRADFIELD DALE, SHEFFIELD S6 6LE	Excavation and re-profiling of the Land and demolition of retaining structures; construction of hardstanding and tracks; building operations comprising the erection of lighting and CCTV columns; extension to listed building; installation of drainage
15/0057	LAND AT MICKLEDEN EDGE, MIDHOPE MOOR, BRADFIELD	Engineering operations to form a track
18/0062	CARTLEDGE/RUSH Y FLAT, BRADFIELD MOORS, GRID REF: 2113 9238	Engineering operations to form a track
17/0064	LAND HOLDING ASSOCIATED WITH THE HALL, KING STERNDALE, SK17 9SF	Change of use of Land and buildings to a mixed use of agricultural contractors business, equestrian livery yard and equestrian uses. Change of use for the importation, deposit and storage of waste materials.
10/0189	FOXHOLES FARM, TOP OF MILL LEE ROAD, LOW BRADFIELD	Change of use of the Land to a mixed use comprising agriculture, use as a single dwellinghouse, holiday accommodation and as a venue for wedding events and other events
10/0177	HURSTNOOK FARM COTTAGE, DERBYSHIRE LEVEL, GLOSSOP, DERBYSHIRE SK13 7PR	Extensions to dwelling
12/0113	THE BARN, MIXON MINES, ONECOTE	Cladding existing building and extension to existing building to create new building; erection of a portal framed building
13/0051	LAND NORTH EAST OF HOLLY HOUSE FARM, FLAGG	Siting of static caravan on the land to provide residential accommodation, and siting of touring caravan on the land
15/0083	MAYNESTONE FARM, HAYFIELD ROAD, CHINLEY, HIGH PEAK SK23 6AL	Extension to dwelling
07/0042	HURDLOW GRANGE FARM, HURDLOW,	Erection of a lean-to building and a timber carport; change of use of the Land to a mixed use comprising

	BUXTON SK17 9QN	agriculture, storage and the siting of a static caravan for human habitation
12/0040	WIGTWIZZLE BARN, BOLSTERSTONE, SHEFFIELD S36 4ZA	Erection of a building.
11/0222	LAND OFF STANEDGE ROAD, BAKEWELL	Erection of a building; change of use of land to use for storage purposes
11/0154	LAND NORTH OF LAPWING HALL FARM, MEERBROOK	Erection of timber dwelling and associated residential use of land
08/0021	LAND OFF SMITH LANE, RAINOW	Erection of a building
08/0063	BEECH CROFT, SHELDON, BAKEWELL, DERBYSHIRE DE45 1QS	Erection of a chimney stack on the Building.
08/0104	FERNHILL COTTAGE, RONKSLEY LANE, HOLLOW MEADOWS, SHEFFIELD	Engineering operations, comprising the excavation of stone, soil and other materials on the land and alterations to the profile of the land; and building operations, comprising the construction of a concrete base and erection of walls.
04/0098	LAND WEST OF CROSSGATES FARM, WHESTON, TIDESWELL, BUXTON	Engineering operation to form an area of hardstanding

12. Outstanding Enforcement Cases By Date Created

Pre-2013	51
2013	26
2014	34
2015	25
2016	35
2017	49
2018	78
2019	107
2020	71
2021	60
2022	30

Report Author: Andrew Cook, Monitoring and Enforcement Team Manager

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/SM/0621/0611 3286479	Riding Arena at The Old School House, Elkstones	Written Representations	Delegated
NP/S/1020/0943 3290740	Change of use from traditional barn to holiday let at Crawshaw Farm, Ughill, Bradfield	Written Representations	Delegated
NP/DDD/1221/1407 3299321	Replacement of existing garage and storage shed with a new limestone garage at Railway Cottage, Hurdlow	Householder	Delegated

2. **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/0821/0927 3289152	Rear single storey extension at Far View, The Miers, Birchover	Householder	Dismissed	Delegated
The Inspector considered that the proposal was not well designed and would not respect the character and appearance of the host dwelling or its immediate surroundings. The appeal was dismissed.				
NP/HPK/0620/051 3288046	Use of property as an independent dwelling at Stanley Barn, Chunal	Written Representations	Dismissed	Delegated
The Inspector considered that the result in a new open market house which would be of benefit to the applicant but would make no provision towards meeting identified needs for affordable housing, so would fail to comply with policy HC1. The appeal was dismissed.				
NP/DDD/0919/0987 3276927	Change of use from grassland to a caravan park extension for 21 pitches at Broughton Caravan Park, Calver	Written Representations	Dismissed	Delegated
The Inspector considered that the extension would not comply with local policies and would be contrary to CS Policy RT3, and would also have an adverse effect on the character and appearance of the Peak National Park as well as the setting of the Conservation Area. The appeal was dismissed.				

NP/CEC/1120/1043 3286424	Installation of steps at St Michaels Church, Wincle	Written Representations	Dismissed	Delegated
The Inspector considered that the proposal would introduce a significant and prominent structure. The considerable bulk, modern design and use of materials for the steps along with the associated railings and balustrades, would be seen as an unexpected an incongruous feature awkwardly straddling the traditional boundary wall between two historic buildings. The appeal was dismissed.				
NP/DDD/1220/1144 3288960	Creation of parking area for dwelling from agricultural field at Hillcrest, Stanedge Road, Bakewell	Written Representations	Dismissed	Committee
The Inspector considered that the proposal would create a significant incursion into part of the field that would detract from its undeveloped character, and would also harm the character and appearance of the Conservation Area. The appeal was dismissed.				

3. **RECOMMENDATION:**

To note the report.