

# Public Document Pack

**Peak District National Park Authority**

**Tel: 01629 816200**

E-mail: [customer.service@peakdistrict.gov.uk](mailto:customer.service@peakdistrict.gov.uk)

Web: [www.peakdistrict.gov.uk](http://www.peakdistrict.gov.uk)

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



**Our Values: Care – Enjoy – Pioneer**

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Our Ref: A.1142/3379

Date: 4 May 2023



## NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 12 May 2023**

Time: **10.00 am**

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

PHILIP MULLIGAN  
CHIEF EXECUTIVE

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## AGENDA

1. **Apologies for absence, Roll Call of Members Present and Members Declarations of Interest**
2. **Minutes of previous meeting of 21 April 2023** *(Pages 5 - 18)*
3. **Urgent Business**
4. **Public Participation**  
To note any questions or to receive any statements, representations, deputations and petitions which relate to the published reports on Part A of the Agenda.
5. **Full Application - Change of use from domestic garden to camping pod site at Top Riley, Riley Lane, Eyam (NP/DDD/1121/1299, JS) - ITEM WITHDRAWN** *(Pages 19 - 30)*  
Site Plan
6. **Full Application - Extension to dwelling at Pippin Cottage, The Barn, Church Street, Eyam (NP/DDD/0323/0260, WE)** *(Pages 31 - 40)*  
Site Plan
7. **Full Application - Proposed alterations and new awning at Cafe 19 at Spar, Calver Sough, Calver (NP/DDDD1022/1295, WE)** *(Pages 41 - 48)*  
Site Plan
8. **Full Application - Erection of a new garage at Dains Mill, Roach Road, Upper Hulme (NP/SM/1022/1316, DH)** *(Pages 49 - 60)*  
Site Plan
9. **Full Application - Erection of farm worker's dwelling with associated landscaping and ground source heat pump at Fields Farm, Onecote Road, Onecote, (NP/SM/0722/0909, SC)** *(Pages 61 - 72)*  
Site Plan
10. **Head of Law Report - Planning Appeals (A.1536/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**

Since the Coronavirus restrictions have eased the Authority has returned to physical meetings. However, meetings of the Authority and its Committees may still take place at venues other than its offices at Aldern House, Bakewell when necessary. 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](mailto:democraticandlegalsupport@peakdistrict.gov.uk).

### **Written Representations**

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

### **Recording of Meetings**

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

The Authority will make either a visual recording or a digital sound recording of the meeting which will be available after the meeting and this 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**

Since the Coronavirus restrictions have eased the Authority has returned to physical meetings. However, meetings of the Authority and its Committees may still take place at venues other than its offices at Aldern House, Bakewell when necessary, the venue for a meeting will be specified on the agenda. 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 either visually broadcast via YouTube or audio broadcast and the broadcast will be 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. 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](http://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 D Murphy
Cllr Mrs K Potter	Cllr V Priestley
Cllr K Richardson	Dr R Swetnam
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**  
**Tel: 01629 816200**  
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## MINUTES

Meeting: **Planning Committee**

Date: Friday 21 April 2023 at 10.00 am

Venue: Aldern House, Baslow Road, Bakewell

Chair: Cllr P Brady

Present: Mr K Smith, Cllr M Chaplin, Cllr D Chapman, Cllr A Hart, Cllr A McCloy, Cllr D Murphy, Cllr Mrs K Potter, Cllr V Priestley and Cllr K Richardson

Apologies for absence: Cllr W Armitage, Ms A Harling, Cllr I Huddleston, Dr R Swetnam and Cllr J Wharmby.

### **33/23 ROLL CALL OF MEMBERS PRESENT, APOLOGIES FOR ABSENCE AND MEMBERS DECLARATIONS OF INTEREST**

#### Item 8

Cllr Chapman declared that he knew the applicant but they had not discussed the application.

#### Item 9

Cllr Chapman declared that he knew the applicant but they had not discussed the application.

#### Item 10

Cllr Hart declared that he sits on the same Authority as Cllr Health, who was present to make a representation.

#### Items 13-17

All Members stated an interest as the applications were on land owned by the Peak District National Park Authority

#### Items 14 and 15

Cllr Brady and Cllr Potter both stated that Sir Richard Fitzherbert, who was present to make a representation, was known to them, but they had not discussed the applications.

Item 19

Cllr Brady declared that the Agent for the appeal at Thornbridge was known to him but they had not discussed the matter.

**34/23 MINUTES OF PREVIOUS MEETING OF 3 MARCH 2023**

The minutes of the last meeting of the Planning Committee held on the 3<sup>rd</sup> March 2023 were approved as a correct record.

**35/23 URGENT BUSINESS**

There was no urgent business.

**36/23 PUBLIC PARTICIPATION**

12 members of the public were present to make representations to the Committee and 2 had provided statements to be read out by Democratic services.

**37/23 FULL APPLICATION - ERECTION OF CONVENIENCE STORE WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING AT LAND ADJACENT NORTH SIDE OF WHITECROSS ROAD ADJACENT EAST BOUNDARY OF TIDESWELL BUSINESS PARK, TIDESWELL (NP/DDD/1222/1577, JRS)**

Some Members had visited the site the previous day.

The report was presented by the Planning Officer who presented the reasons for approval, he also added that the change to opening times suggested in the conditions by the report author, had not been acceptable to the applicant and upon further consideration had been deemed unnecessary. Therefore condition 6 should be amended to state that the opening hours would be 7am to 10pm throughout the week.

Additionally a condition would be necessary to agree the means of disposal of spoil from the excavation and the final contours.

The following spoke under the public participation at meetings scheme:

- Mark Boyd- Agent

Members expressed some concern over the impact on other shops in Tideswell and the impact on taking business away from the centre of the village, however it was noted that competition is not a material planning consideration. Regarding the impact on the village centre, the Planning Officer advised that no specific report had been received on that issue, rather a balanced judgment had been made regarding the scale of the development and it being a replacement for the existing store which was no longer fit for purpose. It was considered that the benefits would outweigh any slight harm.

Members discussed the orientation of the proposed building, which the Planning Officer advised had been the subject of pre application discussion which had concluded that the proposed orientation would be the most suitable.

The proposed measures relating to Climate Change mitigation were felt to be important by Members. It was requested that the Officers ensure these measures were carried out to meet policy CC1. A ground source heat pump was suggested.

A motion to approve the application in line with Officer recommendation, with the additional condition relating to spoil disposal and contours, and the amended condition regarding opening hours, was proposed and seconded.

Members also suggested the installation of electric vehicle charging points. The Planning Officer advised that the Highways Authority did not consider this necessary as the development was a convenience store, which customers were only expected to visit for a short time, however as Members felt strongly about it, it could be raised with the applicant.

Members queried the ownership of an area of grass verge which the Planning Officer advised was in the ownership of the Highways Authority.

The motion to approve the application was voted on and carried.

**RESOLVED:-**

**To APPROVE the application subject to the following conditions:**

- 1. 3 year commencement.**
- 2. Restrict use to a convenience store within the Use Classes Order.**
- 3. In accordance with submitted plans, subject to detailed design conditions, including use of natural limestone for external walling and boundary walling.**
- 4. Details of any external lighting to be submitted to and agreed by Authority.**
- 5. Carry out agreed landscaping scheme within first planting season following commencement of development.**
- 6. Hours of opening and delivery (not to exceed 7am to 10pm Monday- Sunday).**
- 7. Archaeological watching brief during excavation.**
- 8. Scheme of environmental management measures to be submitted and carried out.**
- 9. Highway conditions.**
- 10. Regulation of disposal of soil and final contours to be agreed.**

**38/23 FULL APPLICATION -CONVERSION OF BARN TO DWELLING TO INCLUDE ASSOCIATED ACCESS, PARKING AND LANDSCAPING WORKS, HOLLOWFORD LANE, CASTLETON, (NP/HPK/0822/1076, JRS)**

The report was presented by the Planning Officer who outlined out the reasons for approval as set out in the report.

The following spoke under the public participation at meetings scheme:

- Caroline McIntyre- Agent

Members asked if it was possible to condition the development so it remained a permanent dwelling rather than potentially being used as a holiday let in the future. Officers advised that this was not possible under current policy but the matter was being considered as part of the Local Plan Review.

Members requested that the size of the roof lights be restricted. The Planning Officer agreed that this could be done via a condition and that further conditions were also required to agree full details of the proposed package treatment plant, the location of any metre boxes, and the retention of the gate posts to the field entrance with the final details of this entrance to be delegated to Officers to agree in consultation with the Chair and Vice Chair, subject to the submission of an amended plan.

A motion to approve the application with an addition to the condition on the roof lights, and additional conditions regarding the package treatment plant, the location of metre boxes, the retention of the gate posts and further details regarding the gate entrance, was proposed, seconded, voted on and carried.

**RESOLVED:**

**To delegate approval of the application to the Head of Planning in consultation with the Chair and Vice Chair, approval to be subject to the following conditions:**

- 1. 3 year commencement**
- 2. Development in complete accordance with amended plans, as revised to omit the hay barn parking proposal and second parking space, subject to the following conditions:**
- 3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) no improvement or other alteration to the external appearance of the buildings shall be carried out and no extensions, porches, ancillary buildings, satellite antenna, solar or photovoltaic panels, gates, fences, walls or other means of boundary enclosure (other than those specifically approved by this application) shall be erected on the site without an application for planning permission having first been made to and approved in writing by the National Park Authority.**
- 4. Any new stonework shall be in natural, reclaimed stone matching the existing stonework in terms of colour, texture, facing, coursing and pointing.**

5. Prior to the installation of any new window or door frames a detailed scheme for the proposed external finish of the window and door frames shall be submitted to and approved in writing by the National Park Authority. All door and window frames shall be recessed from the external face of the stonework to match the existing doors and windows. The window and door frames shall thereafter be finished in accordance with the approved scheme prior to the first occupation of the dwelling and the finish shall be maintained throughout the lifetime of the development hereby approved.
6. The rooflights shall be conservation model rooflights, fitted flush with the roofslope of an appropriate size, to be agreed.
7. Any new or replacement rainwater goods shall match the existing in terms of profile, materials, finish and method of fixing.
8. All pipework, other than rainwater goods, shall be completely internal within the building.
9. Agree details of any external lighting.
10. Carry out landscaping scheme prior to occupation (boundary walling) and planting within first planting season following commencement. Provide sample of surfacing materials.
11. All new service lines to be underground.
12. Provide new access and parking prior to first occupation.
13. Historic Building Recording: No development shall take place until a Written Scheme of Investigation for a programme of historic building recording, the equivalent of a Level 3 building survey, has been submitted to and approved by the local planning authority in writing.
14. Ecology: All Mitigation, Compensation and Enhancement measures to be implemented.
15. Details of the package treatment plan to be submitted and agreed
16. Location of metre boxes to be agreed
17. Gateposts to be retained and full details of the entrance to be agreed subject to the submission of an amended plan, this to be delegated to the Head of Planning in consultation with the Chair and Vice Chair

The meeting adjourned for a short break at 11.10 and reconvened at 11.16

**39/23 FULL APPLICATION - EXTENSION TO AFFORDABLE DWELLING FROM 2 TO 3 BEDROOMS AT 1 NEW EDGE VIEW, UNNAMED ROAD FROM CRESSWELL PART LANE TO MICHLOW LANE, SMALLDALE, BRADWELL (NP/DDD/0123/008, WE)**

The report was introduced by the Planning Officer who outlined the reasons for refusal as set out in the report.

The following spoke under the public participation at meetings scheme:

- James Darwent – Agent, statement read out by Democratic Services

Members queried the assertion in the report that garages should be included in calculations of the floor space in applications for affordable dwellings. The Head of Planning advised that this had been dealt with in a paper that had been taken to a previous committee which had stated that garages should be included if they were integral.

Members felt that they were not bound by this paper which was outside of agreed Local Plan policy and had been noted rather than approved. If there was a concern that the garage might be converted at a later date, Members suggested a condition be put in place to prevent this.

Members acknowledged the applicant's need for larger family accommodation and felt that this provided a good justification for the scheme.

A motion to approve the application, contrary to Officer recommendation was moved, seconded, voted on and carried.

**RESOLVED**

**To APPROVE the application subject to the following conditions:**

- 1. Standard time limit for implementation**
- 2. In accordance with approved plans**
- 3. Garage to be maintained for use as a garage in perpetuity**
- 4. Materials to match existing**
- 5. Minor design details to match existing**

Cllr Hart left the meeting at 14.30

**40/23 SECTION 73 APPLICATION - TO ALTER CONDITION 3 ON PLANNING APPROVAL NP/HPK/0393/035 FOR THE ERECTION OF NEW CAFE AND COFFEE SHOP WITH KITCHEN AND TOILETS TO ALLOW EXTENDED OPENING UNTIL 10PM EVERY EVENING AT NEWFOLD FARM, COOPERS CARAVAN SITE AND CAFE, UNNAMED ROAD FROM STONECROFT TO GRINDSLOW HOUSE, GRINDSBROOK BOOTH, EDALE (NP/HPK/1222/1567, WE)**

This item was brought forward on the agenda as the speaker had arrived.

The report was presented by the Planning Officer who outlined the reasons for approval as set out in the report.

The following spoke under the public participation at meetings scheme

- Morgan Jackson- Applicant

A motion to approve the application was moved.

Members asked if the limitation of the hours of opening of the Eastern Terrace could be enforced. The Planning Officer stated that the Authority was reliant largely on the good management of the owner, however if there were any issues it was likely the Enforcement Team would be informed by neighbours of the property.

The motion was seconded, voted on and carried.

## **RESOLVED**

**To APPROVE the application subject to the following conditions:**

- 1. The development hereby permitted shall be begun within 3 years from the date of this permission.**
- 2. The development shall be carried out in strict accordance with submitted plan '2086(P)22' and specifications subject to the following conditions and modifications.**
- 3. The opening hours for the café shall be restricted to the hours between 08:00 and 22:00.**
- 4. Notwithstanding condition 3, the operating hours for the outside seating located on the eastern side of the café shall be restricted to open between 08:00 and 20:00.**
- 5. There shall be no PA system installed or music played outside of the café building.**
- 6. No external lighting shall be erected within the café site without the prior written consent of the Authority.**
- 7. No external lighting or sound system outside the café.**

41/23

**FULL APPLICATION - MINOR REVISION DESIGN OF BRIDGE MODIFICATION WORKS PREVIOUSLY CONSENTED THROUGH NETWORK RAIL (HOPE VALLEY CAPACITY) ORDER AT SPITTLEHOUSE BRIDGE (BRIDGE MAS/25) NORTH OF A6187 HATHERSAGE ROAD, HATHERSAGE (NP/DDD/0123/0100, JK)**

This item was brought forward on the agenda due to the speaker having arrived.

The report was presented by the Planning Officer who outlined the reasons for approval as set out in the report. He also added that the height of the bridge had been discussed with the agent who had stated that there would be no reduction in height and therefore

the same clearance as under the present bridge, this was also confirmed in the submitted plans.

The following spoke under the public participation at meetings scheme:

- Nick Williams - Objector

Members requested that the height be secured by condition and that no approval should be issued without confirmation and assurance that at no point should the height be less than that of the existing bridge.

Furthermore that the approval of plans be delegated to the Head of Planning to issue following confirmation of the above and for this to be first agreed with the Chair and Vice Chair of the Planning Committee to assure local residents that the height clearance would not be prejudiced by the new bridge deck.

A motion to approve the application with the addition of a condition regarding the height of the bridge was moved, seconded, vote on and carried.

**RESOLVED:**

**To delegate approval of the application to the Head of Planning in consultation with the Chair and Vice Chair approval to be subject to the following conditions:**

- 1. Commence development within 3 years**
- 2. Carry out in accordance with specified approved plans which incorporate amended fence and wingwall capping treatments.**
- 3. Colouring of metal decking to be dark green to BS 12B29 or equivalent RAL**
- 4. Carry out in accordance with existing approved construction method statements and ecological reports.**

**42/23 FULL APPLICATION - TWO STOREY REAR EXTENSION TO AN AGRICULTURAL WORKER'S DWELLING AT VICARAGE BARN, HOLLINSCLOUGH (NP/SM/0223/0121. RD)**

This item was brought forward on the agenda due to the Speakers having arrived.

Some Members had visited site the previous day.

The report was presented by the Planning Officer who outlined the reasons for refusal as set out in the report.

The following spoke under the public participation at meetings scheme:

- Amy Hubble – Supporter
- Cllr Gill Heath - Supporter

Members acknowledged the applicants need for larger accommodation, and that this had to be balanced with National Park purposes, including the landscape and heritage value of the barn.

A concern was raised regarding the view of the property from the wider landscape and that with addition of the extension it would be viewed as a house rather than as a converted barn

A motion to approve the application was proposed and seconded.

Members discussed the lack of accommodation for local farm workers and their families. It was noted that the barn in question had been rebuilt in a style more modern to that of traditional field barns, many of which had extensions to the rear. It was suggested that if the application was approved, a condition could be added to restrict the proposed French style window to a single width opening.

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

#### **RESOLVED**

**To APPROVE the application, contrary to Officer recommendation, subject to the following conditions:**

- 1. Standard time limit for commencement**
- 2. Development in accordance with approved plans**
- 3. Design details to match existing**
- 4. Reduction in width of french door opening to single door.**

#### **43/23 HOUSEHOLDER APPLICATION -SINGLE STOREY EXTENSION AND ALTERATIONS TO EXISTING DWELLING AT THE OLD CHAPEL, HEATHCOTE, HARTINGTON (NP/DDD/0922/1164/PM)**

This item was brought forward on the agenda as the speaker had arrived.

Some Members had visited the site the previous day.

The report was presented by the Planning Officer, who outlined the reasons for refusal as set out in the report.

The following spoke under the public participation at meetings scheme:

- Richard Evans- Agent

Members acknowledged that the proposed extension projected forward and detracted from the principal elevation of the building. Some Members stated that it may be possible for the applicant to find a more sympathetic solution.

A motion to refuse the application was moved, seconded, voted on and carried.

#### **RESOLVED:**

**To REFUSE the application for the following reasons:**

The design and positioning of the proposed extension is not considered to be complementary to the parent building in terms of form and massing nor reflective of the local vernacular building tradition of simple building shapes. The proposal would detract from the existing appearance of the property as a former religious chapel. The proposal would not conserve or enhance the character, appearance, setting or significance of the non designated heritage asset and is contrary to Core Strategy policies GSP1, GSP2, GSP3 and L3 and Development Management policies DMC3, DMC5 and DMH7.

**44/23 FULL APPLICATION - PROPOSED RENOVATION AND CONVERSION OF VACANT BARN/STABLE TO ONE BEDROOM HOLIDAY LET AT BARN AT UPPER YELD ROAD, BAKEWELL (NP/DDD/1022/1333 GB)**

Some members had visited the site the previous day.

The report was presented by the Planning Officer who outlined the reasons for approval as set out in the report.

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

**RESOLVED:**

**To APPROVE the application subject to the following conditions -**

- 1. Standard time limit**
- 2. Carry out in accordance with specified approved plans**
- 3. Agree details, recess and finish of timber windows and doors, including a scheme of obscuring and fixing for hayloft opening**
- 4. The roof shall be clad with stone slate to match the existing**
- 5. Cast metal RWGs painted black and installed on rise and fall brackets directly to the stonework without the use of fascia**
- 6. Use limited self-catered holiday occupation for up to two persons maximum at any one time**

**45/23 FULL APPLICATION - FOR THE INSTALLATION OF A SOLAR POWERED CAR PARK MACHINE AND ASSOCIATED BASE, PEDESTRIAN AREA AND SIGNAGE AT PUBLIC CONVENIENCE AND CAR PARK, ALSTONEFIELD (NP/SM/1122/1439, DH)**

This item was withdrawn from the agenda.

**46/23 FULL APPLICATION - FOR THE INSTALLATION OF A SOLAR POWERED CAR PARK MACHINE AND ASSOCIATED BASE, PEDESTRIAN AREA AND SIGNAGE AT NARLOW LANE CAR PARK, THORPE (NP/DDD/1122/1456, DH)**

Items 14 and 15 were presented and discussed together, but voted on separately.

These items were brought forward on the agenda due to the speakers having arrived.

The report was presented by the Planning Officer who set out the reasons for approval as outlined in the report.

The following spoke under the public participation at meetings scheme:

- Steve Woodall – Objector (statement read out by Sir Richard Fitzherbert)
- Sir Richard Fitzherbert – Objector
- Andrew Bock, Chair of Thorpe Parish Council – Objector (statement read out by Democratic Services)

Members noted that whilst the concerns of the community and of some Members present, were acknowledged, a decision had already been taken by the Authority on the principal of charging at these car parks. However Members hoped that the situation regarding potential dispersal of vehicles outside the car parks as a result of charging, would be monitored and that the Authority would work with partners to minimise this.

A motion to approve the application was moved and seconded.

Members queried why the proposed site for the equipment at Narlow Lane, was in such a prominent location in the car park. It was felt that the equipment could be relocated to a place with less landscape impact, but which could still be easily seen by customers. It was therefore proposed to support the application subject to amendment of the position of the installation within the car park, which was to be negotiated by officers and approved by the Chair and Vice Chair.

A motion to continue the meeting past three hours was moved, seconded, voted on and carried.

A motion to approve the application, subject to the amendment of the precise position of the installation in consultation with Chair and Vice Chair was voted on and carried.

## **RESOLVED**

**To delegate approval of the application to the Head of Planning in consultation with the Chair and Vice Chair the approval to be subject to the following conditions:**

1. **Statutory time limit**
2. **The development to be in accordance with the submitted specifications received 18/11/2022, and the amended site plan received 14/12/2022**

47/23

**FULL APPLICATION - FOR THE INSTALLATION OF A SOLAR POWERED CAR PARK MACHINE AND ASSOCIATED BASE, PEDESTRIAN AREA AND SIGNAGE AT THORPE STATION CAR PARK, THORPE (NP/DDD/1122/1474, DH)**

This item was presented and discussed at the same time as Item 14.

A motion to approve the application was moved, seconded, voted on and carried.

## **RESOLVED**

**To APPROVE the application subject to the following conditions:**

1. **Statutory time limit**

2. **The development to be in accordance with the submitted specifications received 18/11/2022, and the amended site plan received 14/12/2022**

**The meeting adjourned for lunch at 13.13 and reconvened at 13.35**

**48/23 FULL APPLICATION - FOR THE INSTALLATION OF A SOLAR POWERED CAR PARK MACHINE AND ASSOCIATED BASE, PEDESTRIAN AREA AND SIGNAGE AT BLORE PASTURES CAR PARK, BLORE ROAD, BLORE (NP/SM/1122/1475, DH)**

The report was presented by the Planning Officer who outlined the reasons for approval as set out in the report.

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

**RESOLVED**

**To APPROVE the application subject to the following conditions:**

1. **Statutory time limit**
2. **The development to be in accordance with the submitted specifications received 22/11/2022 and amended plans received 12/01/2023**

**49/23 FULL APPLICATION - FOR INSTALLATION OF SOLAR POWERED CAR PARK MACHINE AND ASSOCIATED BASE, PEDESTRIAN AREA AND SIGNAGE AT DENNIS KNOLL CAR PARK, HOLLIN BANK ROAD, STANAGE, HATHERSAGE (NP/DDD/1222/1558 - EJ)**

The report was presented by the Planning Officer who outlined the reasons for approval as set out in the report.

He also responded to comments which had been received from the Parish Council as follows:

- The site plan was inaccurate, so any approval should be subject to the agreement of an amended site plan.
- A request that car parking charges be extended to the full length of the plantation, however as this was not part of the application, this would be fed back to the applicant.
- A request that the machine is set on a stone rather than a concrete plinth and that the grass banking is moved around it. This could be dealt with as an additional condition.

Members were concerned that it would not be clear where the charging area ended. The Planning Officer advised that this would require signage and this would be raised with the applicant.

A motion to approve the application with the additional condition regarding the base of the machine, was moved, seconded, put to the vote and carried.

**RESOLVED**

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To **APPROVE** the application subject to the following conditions:

1. **Statutory time limit**
2. **In accordance with submitted amended plans (including site plan)**
3. **Approval of details for a stone plinth and grass banking**
4. **Agreed plan for signage**

**50/23 MONITORING & ENFORCEMENT ANNUAL REVIEW - APRIL 2023 (A1533/AJC)**

This item was brought forward on the agenda as the Speakers had arrived.

The report was presented by the Monitoring and Enforcement Team Manager who highlighted the successful enforcement action which had been taken by the Authority at Bonsall Moor and that that an Enforcement Notice had been issued at the Derwentwater Arms, in Calver.

The following spoke under the public participation at meetings scheme with regard to case reference 22/0040 – Land at Cressbrook Dale

- John Butler
- Jane Money
- Roger Savery

With regards to the recent Enforcement Notice issued at Cressbrook Dale, the Officer explained that the caravan had not been included in the notice as it was not a building operation and its use had not been definitely established. A further notice could be served if it became necessary.

Members requested that an update on outstanding enforcement notices and cases be provided in the next quarterly report, and thereafter in the annual report.

A motion to endorse the actions taken was moved, seconded, voted on and carried.

**RESOLVED:**

**To endorse the actions taken.**

**51/23 HEAD OF LAW REPORT - PLANNING APPEALS**

**RESOLVED:**

**The report was noted.**

The meeting ended at 1.55 pm

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## **5. FULL APPLICATION - CHANGE OF USE FROM DOMESTIC GARDEN TO CAMPING POD SITE, AT TOP RILEY, RILEY LANE, EYAM (NP/DDD/1121/1299, JS)**

**APPLICANT: MR M BELIVANIS**

### **Summary**

1. The application seeks full planning permission for the siting of eight glamping pods. It is considered that the erection of eight pods, with self-contained facilities, would be contrary to Core Strategy policy RT3 and DM policy DMR1, by virtue of the number of pods, and their scale and nature. In addition to this the development would result in a significant increase in the vehicular use of Riley Lane, which is an important part of the local public rights of way network and, as such, would cause harm to the quiet enjoyment of that network by existing users. The application is therefore recommended for refusal.

### **Site and Surroundings**

2. Top Riley is located at the eastern end of Riley Lane, to the east of Eyam. It sits in a relatively elevated location at the junction of the valley above Eyam/Stoney Middleton and the main Derwent valley, above Grindleford and Stoke. The areas below the site are relatively well-wooded, whilst the areas above and to the west are more open. The application site is to the east of the house, at lower level, in a small field bordered by mature trees and drystone walls.
3. In addition to the main house, the applicant's ownership includes three holiday cottages (granted by virtue of a lawful development certificate, see planning history below), a camping barn, laundry/office/store and areas of grassland and woodland (19 acres in total). Riley Lane is part of the wider footpath and bridleway network, and gives access to the Riley Graves and to two other properties. The Eyam walk is a well-used visitor trail which also passes along Riley Lane and through the woodland below the site.
4. The site is outside Eyam Conservation Area and none of the buildings are listed. Pretty Wood, which lies to the south is protected by Tree Preservation Order (TPO).

### **Proposal**

5. The application is for the siting of eight glamping pods around the perimeter of the field, in two lines of four. No hard surfacing is proposed as the site is well drained and the pods can be located on the existing ground surface. The pods will have an overall "footprint" of 7 metres (6 metres plus a one metre porch area) by 3 metres and a height of 2.5 metres. They would have timber walls, a metal roof, and uPVC double doors in one end and a window in the other. Internally there would be a double bed, room for a single day bed, a mini kitchenette and a shower and WC cubicle. Drainage will be to a new septic tank or package treatment plant. The pods will be occupied for holiday purposes.
6. The application is accompanied by a Planning Statement, and, following the response of the Highway Authority, a plan with photographs has been submitted showing passes places at various locations along Riley Lane. A Tree schedule showing the location and species of all trees on the site has been submitted in response to an officer request. This says that all development would be well beyond the root protection zones of any trees.
7. The Planning Statement explains that "*the applicants are seeking to diversify in line with the guidance in the National Park Authority's publication "Farming in Protected Landscapes" (FiPL) to secure additional income to maintain the land they own and occupy. The holding includes 6 acres of woodland (Pretty Wood) which has not been managed over recent decades. The applicants have sought the advice of the NPA's arboriculture officer who has advised on steps to introduce light to the woodland floor to encourage new growth and encourage ecological diversity. However, this takes resources and funding.*

*This aligns with the guidance in the FiPL relating to "Climate Outcomes", "Nature Outcomes" and "Place Outcomes" directives. The Eyam Walk which passes through the wood generates significant visitor numbers and so it makes sense to provide accommodation on this historic route and allow people to visit this part of the National Park, providing the funds to manage and increase wildlife habitat in the woodland, and grasslands (flower meadows etc) whilst increasing a greater area of species-rich habitat. This will provide an additional opportunity for people to explore, enjoy and understand the landscape whilst enabling the applicants to establish a small holding, potentially becoming a sustainable farmland business that supports the local economy".*

## **RECOMMENDATION:**

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

- 1. The proposal is considered to be unacceptable by virtue of the number, scale and nature of the pods. As such the proposal is in conflict with Core Strategy policy RT3 and DM policy DMR1.**
- 2. The proposal would be contrary to Core Strategy policy T6 and DM policy DMT5 *Development affecting a public right of way* as it would increase vehicular traffic on the public right of way network serving the site, to the detriment of the quiet enjoyment of the route by walkers and riders.**

## **Key Issues**

- The principle of development
- Impact on the landscape character and special qualities of the National Park
- Highways Impacts, including impact on existing users of the public rights of way

## **History**

8. The following applications relate to Top Riley:
  - NP/DDD/0519/0543: Certificate of Lawfulness for existing development granted, confirming that the existing three holiday cottages were not constructed in accordance with the 2004 appeal decision and that the use of the barn for three holiday accommodation units, the associated external works, external seating areas, use of the adjacent building for laundry/store/office, water tank and associated car park were lawful.
  - 2004: Appeal allowed for conversion of barn to two holiday cottages.
  - June 2003: Revised scheme for conversion of barn to two holiday cottages – refused
  - April 2003: Conversion of barn to two holiday cottages – refused

## **Consultations**

9. Highway Authority (key points extracted as follows): *"The Public Right of Way (PROW) 34 passes across the blue line boundary at the eastern side of Riley Lane and provides access to PROW 28. The Highway Authority provided their initial comments dated 30th December 2021 and raised concerns on the intensification in the use of Riley Lane due to this proposal. Riley Lane is an adopted single-track road without passing places which forms a junction with a Classified Road B6521. The Highway Authority recommended checking the feasibility of installing passing places on Riley Lane in the interest of road safety for all road users, including PROW.*

*In response to the DCC comments, the applicant proposed 10 informal passing points, as demonstrated in Drawing No R.B.22.01. As Riley Lane is an adopted road up to 70m before private access track to the site, the detailed design needs to be agreed upon by Section 278 Agreement*

*In addition, the applicant will need to consult with the relevant refuse collection department to ascertain details of what will be acceptable to them in terms of the number of collection location of bins. Subject to the proposed details being modified where necessary in accordance with the above comments, and if your Authority is minded to approve the application, the following conditions being included in any consent:*

- The proposed site, the subject of the application, shall not be occupied until the proposed passing places on Riley Lane as demonstrated on Drawing No R.B.22.01 have been constructed*
- Before any other operations are commenced, a construction method statement shall be submitted to and be approved in writing by the Local Planning Authority.*
- Throughout the period of the development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud or other extraneous material on the public highway.*
- The site, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawing 'Drawing No R.B.22.01' for the parking (of 8 vehicles) and manoeuvring of visitors, service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.*
- Before the commencement of any operations on site, a scheme for the disposal of highway surface water via a positive gravity-fed system, discharging to an outfall on public sewer, highway drain or watercourse, shall be submitted to and approved by the Local Planning Authority."*

10. District Council: No response.

11. Eyam Parish Council: *"While the Council has no objection to the introduction of camping pods at the site, the consequential increase in vehicular traffic on Riley Lane was felt to be problematic, given the inadequacy of the lane and its lack of passing places."*

12. PDNPA Tree Officer: On one side the woodland is protected by TPO, but all the site area including the trees is not protected. Does not raise any objections but makes the following requests:

- It would be helpful to have a plan with the RPA's visible as this would then give a true plan where the pods would be installed.
- There are no plans/drawings of proposed trench works for electricity supply to each pod.
- There are no plans/drawings for the proposed surface/grey water pipe work construction including main drain or soakaway.
- There are no details of materials to be used in the proposed construction of the pads for the pods and pathways.

## **Representations**

13. We have received eight representations, with three objecting to the application and five supporting.

14. The objections raise the following points:

- Access to the three properties that use this lane is already difficult and dangerous especially in the dark and/or when there are hundreds of schoolchildren visiting the Riley Graves on foot. The access road is unsuitable for any increase of vehicular use. As is noted in the application it is currently heavily used by walkers, cyclists, dog walkers and horse riders as well as agricultural traffic. Several large groups of school children may visit the graves in a single day. There are very limited areas where cars can pull off to allow a car or rider to pass. The road is perfectly adequate for the use of a one family household for which it was designed, but the addition of 3 holiday cottages has significantly increased the traffic. In light of the Highways

suggestion that passing places could be made on the applicants land - he doesn't own any of it. This is not just a question of passing places - which are difficult anyway, but also a question of how the existing frail surface tarmac which has not been renewed since 2002, could cope with increased traffic.

- The water supply, from Ladywash Mine, only just manages to furnish the 4 properties connected, and already in the summer-time thirsty animals drinking from troughs reduces our water pressure significantly

15. Those supporting the application raise the following points:

- Families need now, more than ever, to be able to explore the countryside both for their physical and mental wellbeing, then being accommodated in these pods. They would be a brilliant, affordable, outside and exciting base to discover this magical area and also bring much needed financial and tourist benefits to the village of Eyam. will help ease congestion around the current location, and benefit disabled shoppers. The increased range will also give locals more options.
- We support the application for change of use. We have often required short term holiday accommodation for friends and family visiting and this site would be perfect for that. It will be lovely to see a family business that supports other local business too with some eco conscious/ glamping tourists.
- We have four businesses based in Eyam and rely on tourists and most importantly Accommodation so visitors can use our outlets and day and night. Always a positive when I see applications like this happen in Eyam , a real positive for the village businesses.

### **Main Policies**

16. Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, DS1, L1, RT3, T6, CC1.

17. Relevant Development Management policies: DMC3, DMR4, DMT3, DMT8.

### **National Planning Policy Framework**

18. 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.

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

### **Peak District National Park Core Strategy**

20. 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.

21. Policy GSP2: *Enhancing the National Park* states that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon. Proposals intended to enhance the National Park will need to demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area. Development in settlements necessary for the treatment, removal or relocation of nonconforming uses to an acceptable site, or which would enhance the valued characteristics of the National Park will be permitted.

22. 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.

23. Policy GSP4 says that to aid the achievement of its spatial outcomes, the National Park Authority will consider the contribution that a development can make directly and/or to its setting, including, where consistent with government guidance, using planning conditions and planning obligations.

24. Policy DS1 sets out the Development Strategy for the National Park. DS1.C. sets out the forms of development that are acceptable in principle in the countryside outside of the Natural Zone. There is no scope for the erection of new housing here other than as part of development needed to secure effective conservation and enhancement.

25. Policy L1 says that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.

26. Policy RT3 states that small touring camping and caravan sites and backpack camping sites will be permitted, particularly in areas where there are few existing sites, provided that they are well screened, have appropriate access to the road network, and do not adversely affect living conditions

27. Policy T6 sets the strategic principles for the safeguarding of routes for walking, cycling and horse riding, ensuring that the Rights of Way network is protected from development.

28. 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.

#### Development Management Policies

29. The most relevant development management policies are DMC3, DMR1, DMT3 and DMT5.

29. Policy DMC3 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.

30. Policy DMR1 *Touring camping and caravan sites* states:

*A. The development of a new touring camping or touring caravan site, or small extension to an existing site will not be permitted unless its scale, location, access, landscape setting*

*and impact upon neighbouring uses are acceptable, and it does not dominate its surroundings.*

*B. Shopping, catering or sport and leisure facilities at camping and caravan sites will be permitted provided that they accord with the requirements of Part A and there is no significant adverse effect on the vitality and viability of existing facilities in surrounding communities.*

*C. Exceptionally, the development of structures may be permitted where these are small, simple, wooden pod structures in woodland locations with minimal landscape impact, or a single shepherd's hut where this can be located close to the facilities of a farmstead without harm to the natural or historic landscape*

31. Policy DMT3 sets out that development will only be permitted where a safe access that is achievable for all people can be provided in a way that does not detract from the character and appearance of the locality.

32. DMT5 *Development affecting a public right of way*, Part C says:

*“C. Development that would increase vehicular traffic on footpaths, bridleways or byways open to all traffic to the detriment of their enjoyment by walkers and riders will not be permitted unless there are overriding social, economic or environmental conservation benefits arising from the proposal.”*

## **Assessment**

### **Principle of proposed development**

33. The proposed camping pods would be permanent timber structures which would be placed on the ground within an open area to the south-east of the building group at Top Riley. The pods would measure 7 metres by 3 metres, 2.5 metres high, with timber walls, a metal roof, and uPVC double doors in one end and a window in the other. Internally there would be a double bed, room for a single day bed, a mini kitchenette and a shower and WC cubicle. They would be permanent structures, with their own facilities. The character and potential impacts of the proposed pods would therefore be more comparable to siting chalets or lodges. Policy RT3(B) specifically states that static caravans, chalets or lodges will not be permitted. The supporting text says that, exceptionally, static caravans, chalets or lodges may be acceptable in locations where they are not intrusive in the landscape. RT3 therefore makes a general presumption against this type of development unless it is proposed in locations where it would not be intrusive in the landscape. Policy DMR1 provides further criteria, permitting small, simple, wooden pod structures in principle where they are located in woodland settings and have acceptable landscape impacts.

34. The supporting text to DMR1 is important so it is quoted in full below:

*“5.20 Core Strategy policy RT3 is clear that static caravans, chalets and lodges are not acceptable features in the National Park. The open character of large parts of landscape particularly in the White Peak and Dark Peak mean that the non-traditional and permanent presence of such forms of accommodation is incompatible with the conservation purpose of the National Park. There is however a growing range of alternative forms of accommodation such as camping pods, yurts, shepherd's huts etc. which have come onto the market in response to a demand for greater quality and comfort. For clarity, the National Park Authority considers all such forms of accommodation to have the same potential for adverse landscape impact and therefore they will be determined against Core Strategy policy RT3B.*

*5.21 There may be exceptional circumstances where some structures may be acceptable. For example, experience has highlighted that wooden pod structures with no associated development can provide a sensitive, low key form of accommodation particularly in woodland settings where the scope for landscape harm is negligible. Such solutions can*

*help to support the local economy by extending the tourism season. Similarly the traditionally styled shepherd's hut accommodation can also provide an alternative form of provision with very minimal landscape impact but can only be justified as exceptional if only one hut is installed on any one agricultural holding. Such development should be used to support farm diversification and as such should also be assessed against the requirements of policy DME2. Policy DMR1 then requires that such development is located close to an existing farmstead where existing access, parking arrangements and facilities can be utilised".*

35. In an appeal against the refusal of an application for similar pods on a site in Bakewell, the Inspector dealt with this point as follows:

*"It is clear to me that Policy RT3 favours the location of such camping sites to farmsteads, particularly where this assists in farm diversification and where existing buildings can provide access to facilities needed for the campsite. The text that supports the policy mentions that small and simple structures with communal facilities be provided. I appreciate that the pods have a low arched form, and would not be as large as a chalet or static caravan. However, the proposal does feature many of the elements of such structures in that the pods would have a separate living and bedroom, bathroom and kitchenette as well as a decking, and a requirement to have adequate drainage. As a result, the proposal is situated in an inappropriate location and are not simple structures which would be contrary to Policy RT3 of the CS" (Core Strategy).*

36. This issue has been pointed out to the applicant and his agent, but the applicant is unwilling to reduce the size and facilities in the wooden pods. If the principle of camping pods in this location is considered to be acceptable, there would have to be a smaller number of pods and the pods themselves would need to be smaller, with no internal facilities, similar to tents, rather than caravans in this respect. This is the approach that was adopted at North Lees campsite, near Hathersage. Any toilet, washing and amenity facilities could be in one of the existing buildings in the group at Top Riley. Consequently, it is considered that the application is unacceptable by virtue of the number, size and design of the pods, contrary to policy RT3 and DMR1.

37. The Planning Officer has also raised concerns about the description of the development, which describes the application site as domestic garden, but it is more likely that it is outside the curtilage of the property as it still has an agricultural character, albeit with a more "managed" appearance as it may have been used by the adjacent holiday accommodation. If the applicant considers this to be residential curtilage, they should submit a planning application for change of use or provide evidence that it has been used as residential curtilage for a period in excess of 10 years. However, this is not considered to be a significant issue in the determination of this application because the development is contrary to policy whether the site is agricultural land, residential curtilage or some other hybrid use.

### Landscape Impacts

38. The application site is in a relatively elevated position on a hillside above the Eyam-Grindleford road (now closed) and above the Calver-Grindleford road. However, it is enclosed by woodlands on the downslope sides and there is rising land, up to the building group at Top Riley above the site, to the west. As a result, the site is well screened from public views in the wider landscape. There are well-used public rights of way close to the site, to the south and east, but these are at a lower level so there is little likelihood of the pods being visible – any views would be in winter, through the trees, and relatively restricted. One of the adjacent woodlands, Pretty Wood, is protected by a TPO. Consequently, there are no landscape objections to the proposal.

### Highway Issues:

39. Access to the proposed development would be via Riley Lane, which leaves the public highway at the eastern end of Eyam, close to where the road to Grindleford has been closed

for many years due to subsidence. The lane, which is tarmacked for most of its length also serves two other properties and is a well-used bridleway and footpath, with the Riley Graves roughly half way up the lane to Top Riley. This is on the Eyam Walk, a history trail around the parish of Eyam. The Planning Statement says that visitor parking for 8 cars will be provided at the entrance to Top Riley and that traffic movements will be minimal as monitoring of the movements of visitor using the existing holiday accommodation over recent years has shown that they are unlikely to use their vehicles other than on arrival and at departure. It states that most visitors walk from their door and abandon the use of their vehicle for the duration of their stay. From the parking area, a no-vehicle track will give pedestrian access only to the pods. This track will be lightly surfaced with compacted stone around the perimeter adjacent to the wall.

40. The Highway Authority initially raised concerns about the use of the Lane to serve the development. However, the applicant provided details of passing places at 10 points along Riley Lane and this has addressed the Highway Authority's concerns. These are not additional passing places, but existing locations along the lane where the applicant has shown that two vehicles can pass each other. A series of photographs have been submitted showing two vehicles passing at each of these points. Although some appear to be tight and could encroach onto the verge, they have satisfied the Highway Authority's concerns. The Highway Authority now has no objections subject to conditions, although if Members are minded to approve the application, some of these would require amendment because, as worded, they are not appropriate to this development.

#### Impact on Bridleway and footpath users:

41. Although the Highway Authority now has no objection on highway safety grounds, based on the availability of passing places along Riley Lane, Officers have strong concerns about the increase in the level of traffic using the lane and the impact this could have on the public's enjoyment of that lane, which is a popular bridleway and footpath.

42. The addition of eight camping pods to the existing visitor accommodation at Top Riley would result in a significant increase in the vehicular use of the lane. There are currently three holiday cottages, a camping barn, and the existing house, so the proposed pods would create a significant holiday complex for a relatively remote location such as this. Although the Planning Statement suggest that visitors do not use their cars once they arrive, this is not guaranteed and the level of use would inevitably be much greater than it is at present. Given the popularity of the existing lane, as a bridleway and footpath and the main route to the Riley graves, which are one of the best known sites related to the Eyam Plague. The increased vehicular movements arising from the development would result in conflict with existing users, harming their quiet enjoyment of this part of the National Park, contrary to Development Plan policy T6 and to the requirement of the Framework to protect tranquillity in an area which is valued for its recreational and amenity value.

#### Impact on residential amenity

43. The nearest neighbouring properties are lower down Riley Lane, several hundred metres from the application site, which is on a slope below Top Riley, facing away from Eyam. As a result there would be no overlooking or disturbance to neighbours directly associated with the occupation of the pods, although the use of the Lane itself would cause the issues set out in the previous paragraphs, affecting the neighbours in that respect. However, in terms of more direct impacts, the proposal accords with policies GSP3 and DMC3.

#### Climate Change and Carbon Reduction Measures:

44. No measures are specifically proposed in the application, but the Planning Statement says that low energy lighting (LED) will be used throughout, propane gas used for cooking and heating water, and electric heating will be used within the pods. It adds that due to the superior thermal qualities of the pods, very little energy will be used for heating purposes.

## **Conclusion**

45. The proposed site is considered to be unacceptable on the grounds that the proposed development does not constitute small and simple structures, and that they are more akin to chalets or static caravans. As noted above, if the principle of camping pods in this location is considered to be acceptable, there would have to be a smaller number of pods and the pods themselves would need to be smaller, with no internal facilities, similar to tents, rather than caravans in this respect.

46. However, the current application is considered to be unacceptable by virtue of the scale and nature of the development and its impact on the quiet enjoyment of the area, particularly when taken together with the existing holiday accommodation. As such the proposal is in conflict with policies RT3, DMR1, T6 and DMT8.

## **Human Rights**

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

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

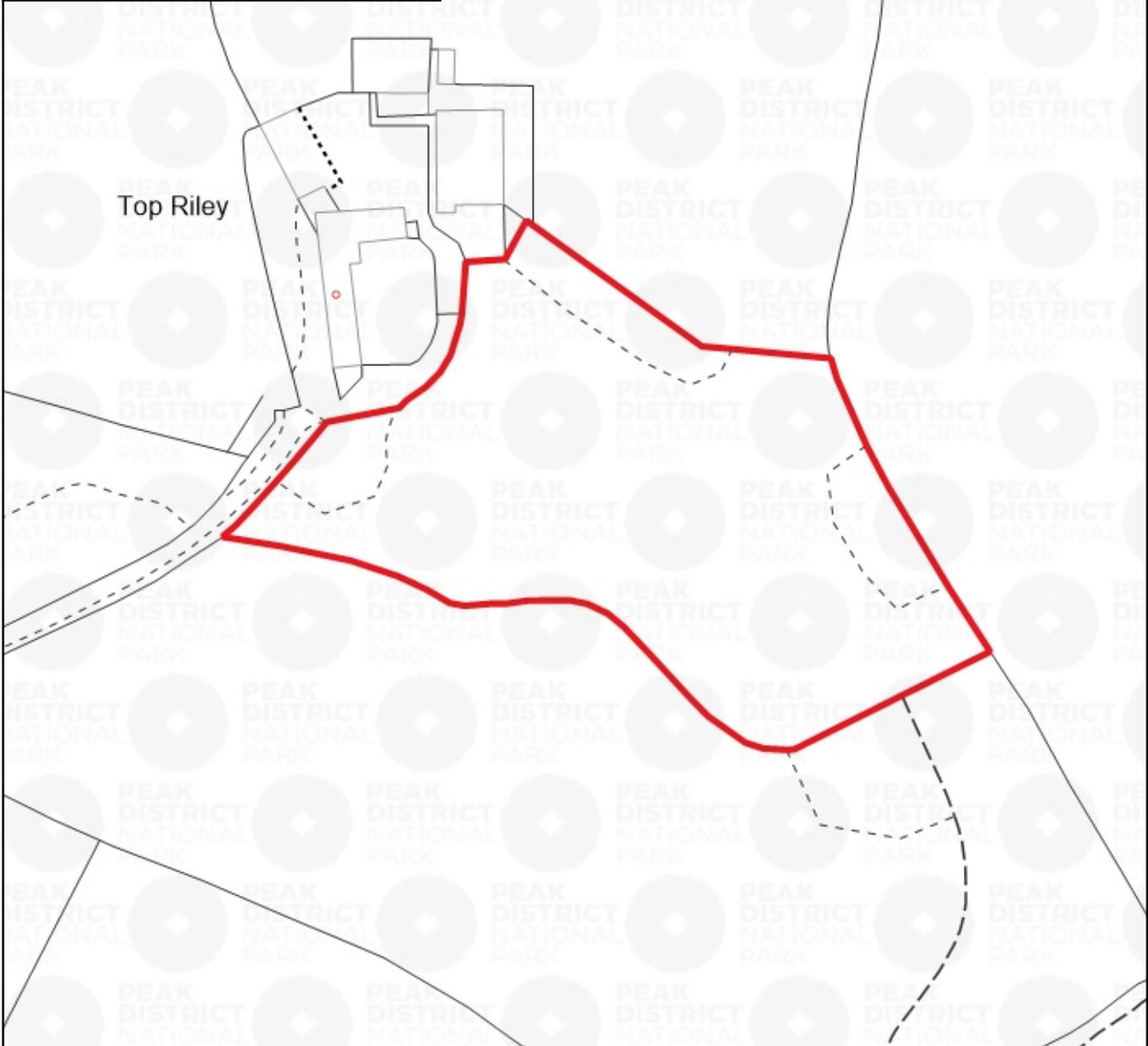
48. Nil

49. Report Author: John Scott

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Committee Date: 12/05/2023  
 Item Number: Item 5  
 Application No: NP/DDD/1121/1299  
 Grid Reference: 423152, 376414

**Title:** Top Riley, Riley Lane, Eyam



**PEAK  
DISTRICT  
NATIONAL  
PARK**

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## **6. FULL APPLICATION – EXTENSION TO DWELLING AT PIPPIN COTTAGE, THE BARN, CHURCH STREET, EYAM (NP/DDD/0323/0260, WE)**

**APPLICANT: HANNAH BENNETT**

### **Summary**

1. This application seeks consent for a single-storey side extension to a converted barn in residential use. The property received its original consent for conversion in 1992; however, the approved scheme of conversion included a large lean-to extension to the south (front) elevation of the barn. A subsequent application was submitted in 2004 which proposed to construct the extension on the north (rear) elevation of the barn. This was considered to represent a substantial enhancement to the originally approved scheme, and as part granting consent, the landowner entered into a Section 106 agreement rescinding the permission granted by the 1992 application. The approved conversion stipulated that the barn remain ancillary to Pippin Cottage; however, an application was approved in 2022 which removed the condition requiring it to remain ancillary. It is therefore an open-market dwellinghouse.
2. The proposed extension would be located off eastern gable of the barn. The extension would feature a pitched roof which runs in line with the roof-pitch of the existing property, and would be linked to the main barn through a small flat-roofed porch. It is considered that the scale and form of the proposed development would erode the historic and agricultural characteristic of the barn through the addition of an extension which would confuse the utilitarian form of the building and its agricultural characteristics.

### **Site and Surroundings**

3. The development site is The Barn, a converted outbuilding in residential use. It is located near the centre of Eyam, directly north of Pippin Cottage, the property the barn was previously linked to. To the west and north of the development site is the Glebe Park development, and to the north-east is open agricultural land. The property sits on a relatively large plot measuring approximately 0.15ha. It is within the Eyam conservation area.
4. The property is constructed from gritstone blocks, with tooled gritstone lintels and sills. The roof is clad in natural slate. The property's primary façade is its southern elevation. This elevation features small slit windows on the first floor, a small window on the ground floor and the historic barn opening with timber lintel and glazed framing. The eastern and western gables feature minimal openings, including small windows, hayloft openings and a pedestrian door. The rear of the property has been heavily altered, as permitted under application ref NP/DDD/0904/0988. It features a lean-to which spans the whole rear elevation of the barn constructed out of matching materials.
5. The nearest residential property is Pippin Cottage which is approximately 11m south of the barn. The development site faces onto the rear elevation of Pippin Cottage.

### **Proposal**

6. This application seeks consent for the construction of a single-storey side extension off the eastern gable of the property.
7. The proposed extension measures 3.6m by 3.6m, with a 1.5m flat-roof porch connecting the extension property to the property. The roof-pitch of the proposed

extension would roughly be in line with the eaves of the main barn.

8. The extension would feature a set of French doors on its principal elevation. The connecting porch would feature a glazed single door. It is the intention of the porch to be seen as a glazed link when viewed from the south, whilst the northern wall of the porch would be stone.
9. The property would be constructed from matching materials to the host property, including gritstone masonry, gritstone lintels, and a natural blue-slate roof.

### **RECOMMENDATION:**

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

1. **The proposed development would harm the character and appearance of The Barn through the siting of a side extension which would erode the utilitarian form of the structure. The proposed glazed detailing of the porch and set of French doors on the principal elevation of the extension would introduce a domestic feature onto the historic and agricultural structure. By virtue of the proposed form, siting, and detailing, it is considered that the proposed development would harm the historic and agricultural character of The Barn. It is therefore contrary to policies DMC3, and DMC7, in addition to the Extensions and Alterations SPG and the National Planning Policy Framework.**

### **Key Issues**

- Principle of development;
- Design and impact on the character and appearance of The Barn;
- Impact on Eyam conservation area;
- Amenity.

### **History**

10. 1992 – Conversion of barn into ancillary accommodation tied to Pippin Cottage. This application proposed an extension to a front projecting lean-to on the principal elevation of the property. Granted conditionally.
11. 2004 – Conversion and extension of barn to form dwelling. Granted conditionally
12. 2015 – Removal of condition 2 of planning approval NP/WED/0192/021 to allow converted barn as an independent dwelling. Application withdrawn.
13. 2021 – Single-storey extension to dwelling. Application withdrawn.
14. 2022 – Removal of condition 2 on NP/DDD/0904/0988 to allow property to be occupied as independent dwelling. Granted conditionally.

### **Consultations**

15. Derbyshire County Council Highways Authority – No highway safety objections subject to no loss of parking.

### **Representations**

16. The application received 6 representations. Two representations raised no objection,

with the remaining 4 supporting the application.

17. The letters of support raised the following comments:

- The proposed development is modest in scale and would not dominate the original property;
- The proposed extension would allow the property to retain its character;
- The proposed extension would have a minimal impact on the setting of the property;
- The link would allow the property to retain its integrity;
- No impact on neighbouring properties;
- Carefully designed to minimise impact;
- All letters of support outlined that the applicant is an active member of the Eyam community who has been involved in many community events;
- Outlined that the development site is a workplace as well as well as home;
- Stated that the extension would allow a local family to remain in the village;
- The applicant's sculpture garden is a prominent feature in Eyam, in addition to the wider area which brings tourists as well as revenue into Eyam.

### **National Planning Policy Framework (NPPF)**

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

19. The National Planning Policy Framework (NPPF) has been revised (2021). This replaces the previous document (2019) with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In particular Paragraph 174 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.

20. In the National Park, the development plan comprises the Authority's Core Strategy 2011 and the Development Management Policies (DMP), adopted May 2019. These Development Plan Policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. In this case, it is considered there are no significant conflicts between prevailing policies in the Development Plan and government guidance in the NPPF.

### **Main Development Plan Policies**

#### **Core Strategy**

21. 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.

22. 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.
23. DS1 - *Development Strategy*. Sets out that most new development will be directed into named settlements. Taddington is a named settlement.
24. L1 - *Landscape character and valued characteristics*. Seeks to ensure that all development conserves and enhances valued landscape character and sites, features and species of biodiversity importance.
25. L3 – Cultural heritage assets. Seeks to ensure all development conserves and where appropriate enhances the significance of any heritage assets. In this case the Bradwell Conservation area is the relevant heritage asset.
26. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.

#### Development Management Policies

27. DMC3 - Siting, Design, layout and landscaping. Reiterates, that where developments are acceptable in principle, Policy requires that design is to high standards and where possible enhances the natural beauty, quality and visual amenity of the landscape. The siting, mass, scale, height, design, building materials should all be appropriate to the context. Accessibility of the development should also be a key consideration.
28. Policy DMC5 states that Planning applications for development affecting a heritage asset, including its setting must clearly demonstrate: (i) its significance including how any identified features of value will be conserved and where possible enhanced; and (ii) why the proposed development and related works are desirable or necessary. Policy DMC8 states that applications for development in a Conservation Area, or for development that affects its setting or important views into, out of, across or through the area, should assess and clearly demonstrate how the character or appearance and significance of the Conservation Area will be preserved or enhanced.
29. Policy DMH7 deals with extensions and alterations to dwellings. It states 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; or (ii) dominate the original dwelling particularly where it is a designated or non- designated 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.
30. Policy DMC8 requires applications for development in a Conservation Area to assess and clearly demonstrate how the character or appearance and significance of a Conservation Area will be preserved or enhanced.

## Supplementary Planning Documents

31. Additional Guidance PDNP Design Guide paragraphs proceeding 7.8 deal with extensions to existing properties. This outlines that extensions should be subordinate to the main dwelling in terms of size and massing and therefore an appropriate extension will depend on the original property. This outlines detail surrounding the solid to void ratio. The Alterations and Extensions SPD goes into more detail, outlining again about an appropriate size and massing to allow the existing property to remain dominant. It outlines that the preferred option is for materials to match that of the existing building avoiding introducing any 'new' materials to the building.

## Assessment

### Principle of Development

32. As established in Policy DS1 in the Core Strategy (2011) and DMH7 in the Development Management Policies Document (2019), an extension to a dwelling is acceptable in principle. This stands so long as the proposal does not detract from the character, appearance or amenity of the existing property, its setting and the neighbouring properties.
33. Accordingly, the pertinent consideration for this application is whether the proposed extension conserves the character, appearance and amenity of The Barn, in addition to the impact on the setting of the Eyam conservation area. The impact of the proposed development on the residential amenity of neighbouring properties is also a key consideration.

### Design and Impact on the character and appearance of The Barn

34. The Barn is a historic structure, visible on the 1897 OS map of Eyam, which received consent in 2005 for its conversion into ancillary residential use. As part of this conversion, the property received consent for a large single-storey rear lean-to, which covers up all of the rear elevation of the barn. Notwithstanding the scale of the lean-to, it is considered that the property retains a good sense of its historic and agricultural character. The property is clearly interpreted as a traditional agricultural barn, with the necessary domesticating influences that are required for conversion, such as new windows, doors, rooflight, vents and a flue. As a result of the original conversion being carried out in a sensitive and thoughtful manner, it is vital that any subsequent alterations to the barn also conserve and respect the historic and agricultural character of the barn.
35. The existing structure is utilitarian in form, comprising mainly of a simple barn structure with narrow gables. By virtue of the structures historic use, the number of openings within the barn is limited, featuring 2 hayloft windows, a large barn opening on the principal elevation, pedestrian door on one of the gables and a small number of ground floor windows. As a result of the limited number of openings, it is considered that the barn has retained a good sense of its historic character. At present, the structure is interpreted as a strong structure with a very strong solid-to-void ratio. This allows the legibility of the structure's historic use to be retained.
36. The proposed development is seeking the construction of a single-storey extension off the eastern gable of the barn. The scale of the structure is relatively modest, measuring 3.6m by 3.6m with a relatively low eaves height. Notwithstanding the small scale of the structure, it is necessary to consider the size of the structure in its context. The Barn is

a small dwellinghouse, featuring a lounge, entrance hall and kitchen on the ground floor and two bedrooms on the first. As such, the size of the extension would be seen as relatively large when viewed next to the small structure. Notwithstanding this, it is acknowledged that the proportions of the extension broadly reflect the horizontal character of the barn.

37. Whilst the proportions of the extension appear appropriate in isolation, the proposed porch/glazed link between the extension proper and the dwellinghouse would lead to a poor relationship between the extension and host dwelling. The proposed link would extend the massing of the whole extension. It is noted that the intention of this is to allow the original barn's form to be retained; however, it is considered that the proposed flat-roof porch would likely detract from the property by creating a long, 5.1m extension off the gable. This would appear out of keeping with the traditional form of the structure.
38. The proposed detailing of the extension is also considered to not respond to the existing dwelling on site. As noted, the barn is a simple, strong and utilitarian structure. Its historic and agricultural character is still legible through the sensitive and traditional detailing of the barn. It is considered that when viewed together, the proposed French door and glazed link would substantially detract from the simple, agricultural detailing of the barn. Indeed, both the flat-roof glazed porch and the French doors are domestic characteristics, which contrast the current character of the barn. Whilst it is noted that some alterations to the barn have led to it becoming more domestic in nature, it is considered that for the most part, it has retained its original character. The proposed development would detract from this, weakening its solid-to-void ratio, and introducing domesticating details to the principal elevation of the barn.
39. From the rear, the porch link would be constructed from stone with a small recess from the external walls of the proposed extension and existing dwellinghouse. It is acknowledged that this is meant to appear as a wall; however, it is considered that it would be interpreted as a small section of a flat-roof on an otherwise pitched roof structure. This would confuse the overall massing and form of the barn, and further detract from its original character.
40. The proposed development would erode the historic form of the structure, detracting from its agricultural character. At present, the principal elevation of the structure is the only elevation which has retained its original characteristics.. It is interpreted as a simple, agricultural structure. The proposed side extension would erode this. It would be at odds with the simple form of the structure through the proposed link building. Whilst the rear lean-to has been successfully assimilated into the structure, it is acknowledged that it is a newer intervention to the building. The proposed side extension would erode principal elevation of The Barn, which at present allows the structure to be interpreted as the simple barn building. The side extension and glazed link would erode the simple form of the building, and introduce highly domesticating features to an otherwise sensitive conversion. It is also noted that the pitch of the extension roof would conceal much of the historic detailing of the eastern elevation, including the majority of the hayloft window, concealing a significant historic detail of the property.
41. By virtue of the proposed form, siting and detailing it is considered that the proposed development would erode the existing form of The Barn. At present, the barn's historic and agricultural character is fully legible on its principal elevation, with the plain detailing and minimal openings relating well to its historic use. The proposed side extension would erode the traditional appearance of the structure by introducing an extension with domesticating features, such as heavy glazing and a set of French doors. Whilst the structure would be constructed from matching materials, such as

gritstone and blue-slate, it is considered that the form, siting and detailing of the proposal is unacceptable. The proposed development would erode the simple form, design, and detailing of the barn. It is therefore considered to be contrary to policies DMC3, DMH7, and the guidance outlined within the Extension and Alterations SPG.

#### Impact on Eyam conservation area

42. The development site is located within the Eyam conservation area. As such, policies L3, DMC5 and DMC8 are engaged which require the significance or setting of heritage assets to be conserved or enhanced.
43. The development site is accessed from Glebe Park, which joins Church Street approximately 75m south of the property itself. By virtue of the varied street-scene and topography, the development site would not be visible from other locations within the conservation area. From the south on Church Street, the development would be blocked by existing built-form, including Pippin Cottage.
44. A small section of the property may be visible from Glebe Park; however, this is just a small part of the western side of the property. As the proposed development is located on the eastern side of the property, it would be screened from this viewpoint.
45. By virtue of the development site's location within the Eyam conservation area, it is considered that the proposed development would have a neutral impact on its significance and setting. It is therefore compliant with policies L3, DMC5, DMC8.

#### Amenity

46. The proposed development is small in scale. It would not have an overbearing impact on any of the immediate neighbours, including Pippin Cottage, Pippin Dell or 27 Glebe Park.
47. The principal outlook for the proposed development would be south. This would front onto the rear elevation of Pippin Cottage; however, the separation distance of about 11.5m, in addition to the existing boundary treatment, would ensure that the proposed development would not have an adverse impact on the privacy of Pippin Cottage.
48. It is noted that the roof-pitch of the proposed extension would cover up the majority of the eastern hayloft window. It would be 1.5m from the window itself. This could create an overbearing impact, including a potential loss of sunlight. As this would impact the residential amenity of the application site itself, this will only be given very limited weight in the overall planning balance.
49. It is therefore considered that the proposed development would not impinge on the residential amenity of nearby properties.

#### Other matters

50. Several representations outlined social and economic benefits of the proposed development. The applicants' require an additional bedroom, and this development would allow them to stay in their existing property instead of finding a new one, which is acknowledged to be difficult in the National Park. It is noted that personal circumstances are not a material planning consideration, and are typically afforded no weight in the wider planning balance.
51. It is also noted that the development site is used in connection with the applicant's sculpting business. Sculptures are produced on site, and the applicant also opens their

garden as a sculpture garden, raising money for the Neonatal Unit at Chesterfield Royal Hospital. As this use is ancillary to residential use of the dwellinghouse, with no formal tie connecting the business to the land it operates on, it is not considered to be a material consideration in the determination of this planning application.

### **Conclusion**

52. The proposed development would not impact the setting of the Eyam conservation area, nor impinge on the residential amenity of neighbouring properties. This report has considered the socio-economic benefits of the proposed development raised by the representations, but was unable to give them weight in the planning balance due to them not being material planning considerations.
53. The proposed extension would erode the character and appearance of the existing dwelling. At present, the development site has retained its historic and agricultural character. The conversion was carried out in a sensitive way which conserved its simple, utilitarian form. The proposed extension would erode this simple form through the introduction of side extension which does not respect the existing form of the building. The proposed glazed link and French doors are inappropriate and overly domestic features, whilst the siting of the extension would detract from the property's principal elevation which contributes significantly to its character and form.

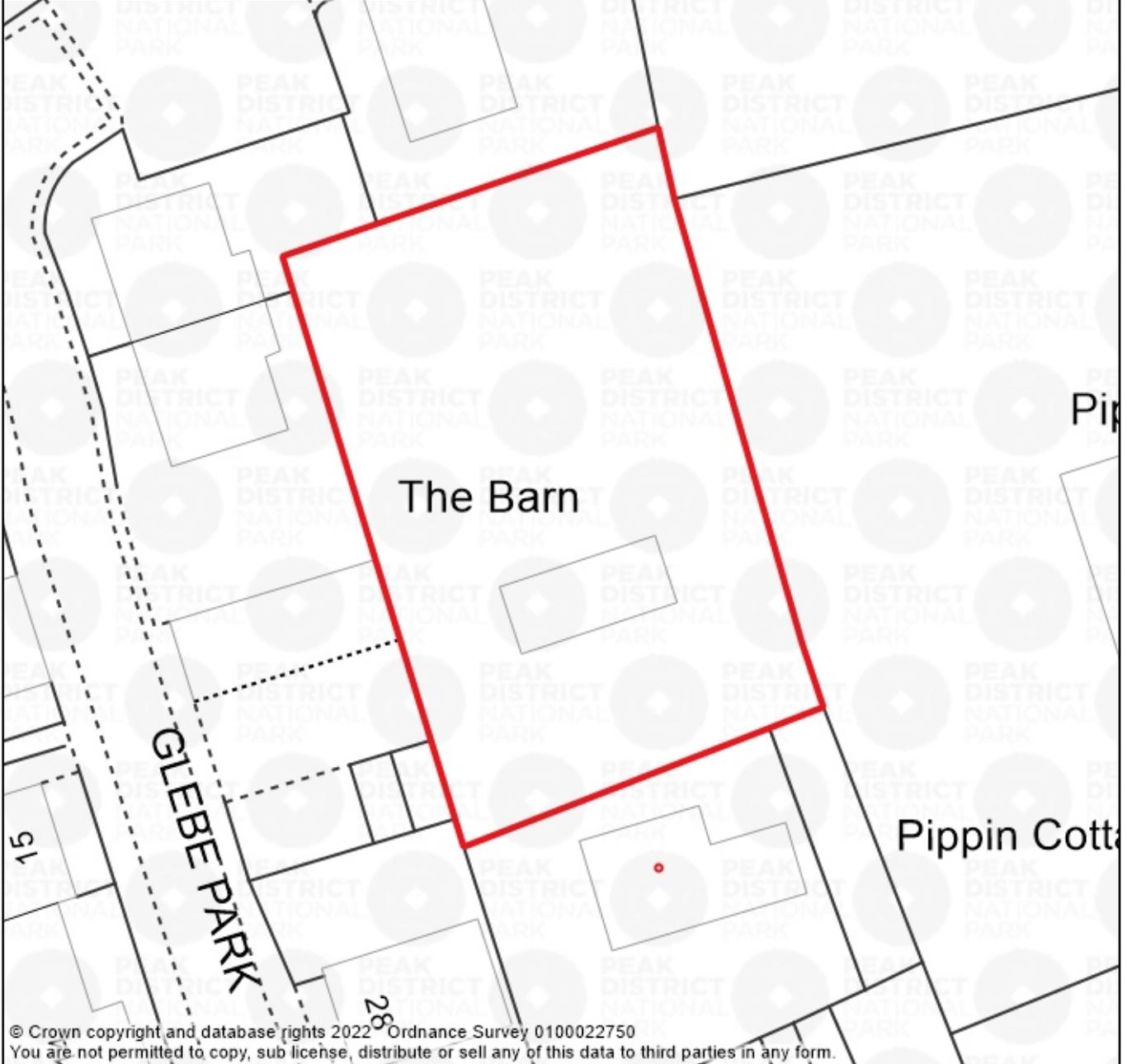
### **Human Rights**

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

Report author: Will Eyre, North Area Planner



1:400



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Committee Date:	12/05/2023	<b>Title:</b> The Barn, Church Street, Eyam	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 6		
Application No:	NP/DDD/0323/0260		
Grid Reference:	421923, 376485		

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## **7. FULL APPLICATION – PROPOSED ALTERATIONS AND NEW AWNING AT CAFÉ 19 AT SPAR, CALVER SOUGH, CALVER (NP/DDD/1022/1295, WE)**

**APPLICANT: MR EDWARD WHITE**

### **Summary**

1. This application seeks consent for an awning and frame at Café 19 at White's Calver. It would be situated on the small flat-roofed section between the Spar and the canopy formerly associated with the former garage.
2. The awning would extend from the fascia board of the building. It would extend 3.5m from the building, and would be 7m in width. The frame would feature 3 posts and rafters to support the awning. The awning would be fabric and retractable, but the posts and rafters would be permanently in situ.
3. The scheme would contrast the current built-form of the site, and appear visually weak when compared against the permanent timber and stone buildings. It would erode the legibility between the Spar building and the canopy of the café building.
4. This application was consulted on for a second time on 15<sup>th</sup> March 2023 after amended plans were received. These plans proposed the permanent framed awning. It was considered that the amended plans were materially different to the freestanding awning originally proposed. As such, a second round of consultation was deemed necessary.

### **Site and Surroundings**

5. The premises of Whites of Calver occupy a corner plot at Calver Crossroads, and comprises Calver Spar store with integrated Post Office and the adjoining Café 19.
6. The site features an area of outside seating to the west and north-west of the café building, with a carpark to the east. The whole site is bound by a small drystone wall.
7. Whites of Calver also includes a BP petrol station on the opposite side of the A623. The area is largely commercial in nature, featuring the petrol station, Eyre Arms, and outlet store nearby.
8. The development site is outside the Calver conservation area and its setting; however, it is situated on an important crossroad which forms the eastern approach into the historic section of the village.

### **Proposal**

9. This application seeks consent for the installation of an awning off the northern elevation of the Café 19 building. It would measure 3.5m by 7m, and be affixed to the fascia of the structure.
10. The fabric awning would be retractable on a frame comprised of 3 posts and rafters. The frame would be permanently in situ.
11. In addition to the awning and frame, the application also proposes the creation of a small raised patio to match the existing terrace.

## **RECOMMENDATION:**

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

1. **The proposed awning and frame would erode the character and appearance of the Whites of Calver site. The proposed scale of the frame and awning is considered large in its context, and the increased massing would erode the legibility between the Spar building and the Café. It is therefore considered contrary to policies DMC3 and the National Planning Policy Framework.**

## **Key Issues**

- Impact on character and appearance of the site;
- Other matters

## **History**

12. 29<sup>th</sup> January 2001 - Refurbishment, alteration and extension of existing premises – Granted conditionally
13. 5<sup>th</sup> February 2014 - S73, Refurbishment, alteration and extension of existing premises. Introduction of double doors to south west elevation, refrigeration units and timber fence enclosure to south west elevation. Amendment on DDD1200510 – Granted conditionally
14. 21<sup>st</sup> December 2016 - Section 73 application for the variation of condition 1 - revision of drawing number on NP/DDD/0213/0168 – Granted conditionally

## **Consultations**

15. Calver Parish Council – No objection
16. Derbyshire County Council Highways Authority – No highway objection (28-10-2022)
17. Derbyshire County Council Highways Authority – No highway objection (21-03-2023)

## **Representations**

18. During the second round of consultation, the application received 7 representations, all supporting the proposed development.
19. The representations stated that the proposed development would enhance a local facility and contribute towards local employment and tourism. They stated that the proposal would be an enhancement for customers, tourists, the local community and existing business. It is a growing business that needs more undercover seating.
20. The development is in keeping with the host building and the retracting roof would have a minimal impact and maintain the open feel.

## **National Planning Policy Framework (NPPF)**

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

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

22. The National Planning Policy Framework (NPPF) has been revised (2021). This replaces the previous document (2019) with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In particular Paragraph 174 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
23. In the National Park, the development plan comprises the Authority's Core Strategy 2011 and the Development Management Policies (DMP), adopted May 2019. These Development Plan Policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. In this case, it is considered there are no significant conflicts between prevailing policies in the Development Plan and government guidance in the NPPF.

### **Main Development Plan Policies**

#### **Core Strategy**

24. 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.
25. 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.
26. DS1 - *Development Strategy*. Sets out that most new development will be directed into named settlements. Taddington is a named settlement.
27. L1 - *Landscape character and valued characteristics*. Seeks to ensure that all development conserves and enhances valued landscape character and sites, features and species of biodiversity importance.
28. L3 – Cultural heritage assets. Seeks to ensure all development conserves and where appropriate enhances the significance of any heritage assets. In this case the Bradwell Conservation area is the relevant heritage asset.
29. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.
30. Policy HC5 states that premises for the sale and consumption of food and drink will be permitted provided there is no harm to the living conditions or to the role or character of the area.
31. Policy E2 outlines that appropriate improvements to make existing business sites more attractive to businesses will be welcomed.

### Development Management Policies

32. Policy DMC3 reiterates that where developments are acceptable in principle, policy requires that design is to high standards and where possible enhances the natural beauty, quality and visual amenity of the landscape. The siting, mass, scale, height, design, building materials should all be appropriate to the context. Accessibility of the development should also be a key consideration.
33. Policy DMS1 states that shops, professional services and premises for the sale and consumption of food and drink within settlements will be encouraged provided that there are adequate facilities and access for the storage and disposal of goods, waste and delivery of stock.
34. Policy DMS4 states that particular attention will be paid to the design and appearance of any new shop fronts or alterations to existing shop fronts.

### Supplementary Planning Documents

35. The Shop Front SPG provides detailed guidance on appropriate designs for shopfronts.

### Assessment

#### Principle of development

36. Policy DMS1 outlines that premises for the sale and consumption of food and drink will be encouraged, subject to appropriate access, storage, and highways arrangements.
37. Accordingly, the proposed alteration to the café is considered acceptable in principle. Policy DMC3 is therefore engaged which dictates that development that is acceptable in principle will only be approved where the design is to a high standard and enhances the amenity of the local area. Attention should be paid to the proposed siting, mass, scale and height of the development.
38. The Authority is also mindful of policy DMS4 which states that particular attention will be paid to the alterations to existing shopfronts to ensure that the proposed works conserve and enhance the character of the building and its locality. It is noted that the alteration is not to a historic shopfront in a retail area; however, the principles of the policy remain an important consideration.

#### Impact on character and appearance of the site

39. At present, the Whites of Calver site is predominantly comprised of two distinct elements; the café building which is located in the former canopy of the garage building, and the larger Spar building. Between the larger, more dominant features of the building is a small flat-roofed section which links the larger buildings. When viewed from the A623, this section of the building is interpreted as a minimal link, featuring heavy glazing and a low roof. This flat-roofed section of the building is important for allowing the two structures to retain distinct on site and ensure they do not merge into one.
40. The proposed awning and frame would be located off the fascia board of the northern elevation of the flat-roofed link. It would extend 3.5m from the northern elevation, and be 7m in width. By virtue of the proposed scale of the awning, it would almost fully conceal the existing fascia board of the link structure.

41. It is considered that when the awning is out, it would substantially increase the massing of the building on site. The three posts would be sited 3m from the northern elevation of the structure. The cafe building is angled perpendicular to the to the Spar, with the link building running at an almost 45 degrees between them, albeit recessed from the external walls of the neighbouring structures. When drawn out, the link building would lose its recess when compared to the neighbouring structure, resulting in the two elements of the structure appearing incongruous. This would appear visually poor when viewed from the street-scene. It is also acknowledged that small sections between the awning and canopy, and awning and Spar building, would remain uncovered. This would further exacerbate the poor relationship between the awning and neighbouring structures.
42. When retracted, it is acknowledged that the massing of the structure will be reduced. Notwithstanding this, the three posts and rafters would remain visible on site. The rafters and posts would appear out of keeping next to the café, and conceal one of the current entrances into the café. Whilst the café is currently well-glazed on the northern elevation, the timber painted dark and recessive colours, in addition to its placement in-between a stone and timber buildings, gives a sense of solidity. The placement of an awning frame would weaken this characteristic by featuring isolated framing on an otherwise stone and timber building.
43. Policy DMC3 requires development that is acceptable in principle to be of a high standard of design. The policy highlights that particular attention will be paid to the form and orientation of the development. In this instance, it is considered that the proposed development would erode the character and appearance of the development site by weakening the legibility between the Spar and café. From the street-scene, the two structures are seen as equal and dominant elements on the Whites of Calver site. It is considered that the proposed development would increase the overall massing of the link structure and erode the legibility between the two structures. This would detrimentally harm the character and appearance of the development site. It is therefore considered to be contrary to policy DMC3.
44. The Shop Front SPG (2014) outlines that *canopies and plastic awnings are not in keeping with historic areas and obscure the architectural features of a building*. It is noted that the whilst the awing itself is retractable, the frame itself is not. It is acknowledged that the proposed development would not affect a historic structure; however, it would obscure the small flat-roofed section of the site which is a key architectural element of the wider building. As such, it is considered to be contrary to the guidance outlined in the Shop Fronts SPG.

### **Other matters**

45. Several of the representations outline the economic benefits of the proposed development. According to the amended plans, the proposed development would provide covered shelter for approximately 6 tables. It is acknowledged that this could create more revenue for the business, particularly on poor-weather days.
46. The economic benefit of providing additional covered seating for the company is acknowledged; however, it is considered that it does not outweigh harm to the character and appearance of the site as a result of the proposed design.
47. The proposed development is located adjacent a busy road. The majority of land uses nearby are commercial, including the café itself, the Spar, petrol station, and the Eyre Arms Public House. There is one dwelling immediately opposite Café 19; but, it is considered that there would be a minimal amount of increased noise by virtue of the

existing outside seating on site, in addition to the background noise generated by the A623. As such, there are no anticipated amenity constraints.

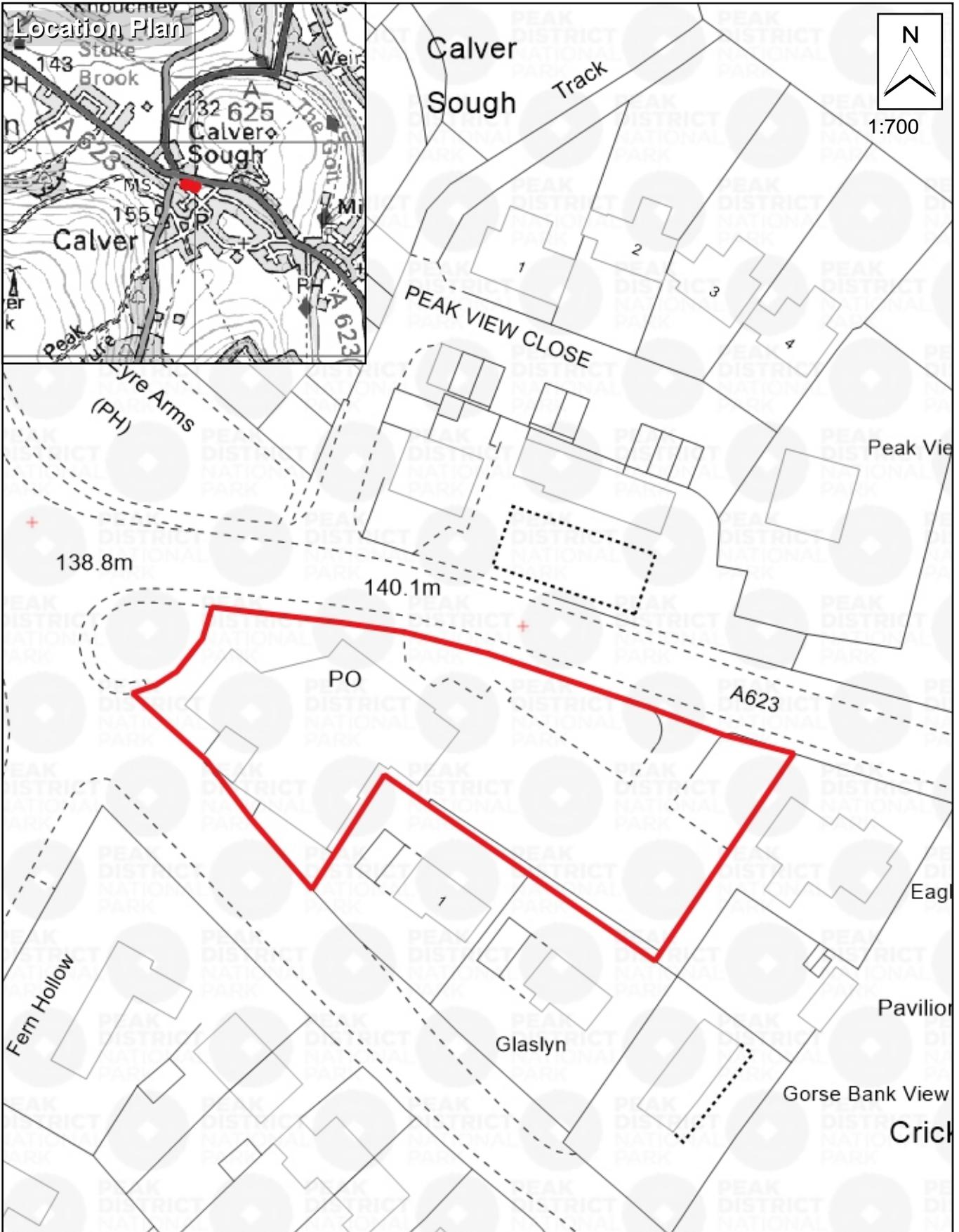
### **Conclusion**

48. The proposed development would harm the character and appearance of the site. The two existing dominant structures on site, the Spar and café canopy, would lose their dominance on site by eroding the small link between them. Whilst it is acknowledged that the flat-roofed section would remain single-storey, the recess of the link building from the external wall of the neighbouring buildings is a key feature in allowing the two structures to be read as individual elements. By bringing the awning and its associated frame forward by 3m, it would lose the recess and increase the link structures overall massing, and potentially result in the two structures being interpreted as one. This would result in a disjointed relationship between the two properties, eroding the character of the street-scene on the approach into the historic village.

### **Human Rights**

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

Report author: Will Eyre, North Area Planner



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Committee Date: 12/05/2023  
 Item Number: Item 7  
 Application No: NP/DDD/1022/1295  
 Grid Reference: 423971, 374798

**Title:** Cafe 19 at Spar, Calver Sough, Calver



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**8. APPLICATION FOR THE ERECTION A NEW GARAGE AT DAINS MILL, ROACH ROAD, UPPER HULME (NP/SM/1022/1316, DH)**

**APPLICANT: MR MICHAEL JONES**

**Summary**

1. The application is for a new garage building to the west of the former corn mill building and north of the former drying store, referred to as the Kyle Building.
2. The application was discussed at the January 2023 meeting, when Members expressed concern about the design and requested clarity on the exact use of the proposed building. However, they acknowledged that the applicant had made some amendments to the scheme which had previously been proposed and refused in April 2022. Therefore it was resolved to defer making a decision to allow for further negotiations between the applicant and officers, relating to the design of the building.
3. Following the January Planning Committee meeting the agent was contacted by telephone, however, they had not been instructed to issue any amended plans at that time. Since then, no further discussions have been entered into and no amended plans have been provided.
4. In light of no further engagement, an email to the agent dated 5 April advised that if no response was received within three weeks that the application would return to Planning Committee for a decision to be made. To date no response has been received and the three weeks have elapsed.
5. The garage building, by virtue of its form, character and scale, would cause harm to the significance of the historic mill and drying store, which are considered to be non-designated heritage assets.
6. The harm to the non-designated heritage assets is not outweighed by any public benefits.
7. The application therefore remains recommended for refusal.

**Site and Surroundings**

8. The application site is located in open countryside to the southern (lower) end of a narrow steep sided valley on Back Brook, a tributary of the River Churnet. It is approximately 300m north of Upper Hulme, which is not a named settlement in policy DS1.
9. The site comprises a C17th former corn mill and detached corn drying store (the Kyle Building) to the west, a mill pond, dam and weir to the north, set within 4.4 acres. Dains Mill is a two-storey structure constructed in natural gritstone with a pitched roof and an adjoining waterwheel house. The Kyle Building is a three-storey pitched roof building built into the bank side and constructed in the same materials.
10. The historic buildings on site are not listed but are considered to be non-designated historic assets.
11. The site does not lie within the designated conservation area, but is described in the

## Upper Hulme Conservation Area Appraisal.

12. A public right of way runs in a north to south direction along the track between the former mill and the former drying store.
13. The mill and drying store were restored in 2006, and planning permission was granted for the mill to be a holiday let. In 2021 planning permission was granted for the conversion of the corn mill to a single open market dwelling, and for the conversion of the drying store (now known as the 'Kyle' building) to a further single open market dwelling or holiday let.

### **Proposal**

14. The proposal is for the erection of a detached garage to the west of the mill and north of the Kyle building.

### **RECOMMENDATION:**

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

**The garage, by virtue of its scale, form and design would cause harm to the significance of the Kyle Building and the setting of the historic corn mill, which are considered to be non-designated heritage assets. 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 to advice in the Authority's adopted Supplementary Planning Documents 'Design Guide' and 'Building Design Guide'**

### **Key Issues**

16. The key issues are:

- Whether the proposal would have a detrimental effect on the character and appearance of the site and its setting, or the wider landscape setting within which it sits; and
- Whether the proposals would harm the amenities of nearby neighbouring properties.

### **History**

17. 2004 – The restoration of the derelict mill was approved under NP/SM/1203/0923
18. 2006 – The change of use of the restored mill to holiday accommodation was granted subject to conditions under NP/SM/0106/0032
19. 2016 – A Section 73 application to remove condition 4 from the above (holiday occupancy restriction) was refused by NP/SM/0716/0609
20. 2018 - A Section 73 application to remove condition 4 from the above (holiday occupancy restriction) to allow the property to be occupied as a single open market dwelling was granted conditionally by NP/SM/1017/1042.
21. July 2021 – The conversion and change of use of the former drying store (Kyle Building) to an open market dwelling or holiday let was granted subject to conditions

by NP/SM/0321/0302. Non-Material Amendments to this application were later accepted by NP/NMA/0921/0958

22. July 2021 - The change of use of the Mill to residential and holiday let with external alterations was granted subject to conditions under NP/SM/0321/0297
23. October 2021 – A pre-application enquiry regarding the erection of a double garage and stables was received (Enquiry 43987) Advice was that the proposed would cause harm to the setting of Dains Mill contrary to policies. With regard to the garage, a more modestly sized single storey garage dug into the hillside with a flat green roof (as proposed at this time) may be acceptable.
24. April 2022 – An application for the erection of a double garage (NP/SM/0422/0516) was refused. Post decision correspondence in July 2022 advised that a smaller single garage dug into the banking with a flat or mono-pitch roof with a parapet front wall may be an acceptable alternative. Further correspondence in September 2022 maintained this view.
25. April 2022 – A Section 73 application for the variation of condition 2 on NP/SM/0321/0297 (NP/SM/0422/0514) to permit a larger balcony was refused. Post decision correspondence in July 2022 advised that a balcony any bigger than that already approved would not be accepted but the Authority would be sympathetic to a modest area of domestic curtilage to the north (rear) of the Mill.
26. April 2022 – The erection of stables, fencing and creation of two car parking spaces was granted subject to conditions by NP/SM/0422/0523
27. December 2022 – An enforcement complaint (reference 46905) was received regarding excavations and hard surfacing at the site which has yet to be investigated

### **Consultations**

28. Staffordshire County Council (Highway Authority) – There are no highway issues but it is noted that the garage is not required to meet parking standards.
29. Staffordshire Moorlands District Council – No response to date.
30. Leekfirth Parish Council - No response to date.
31. PDNPA Conservation Officer – *‘The plans are not sufficiently different to those refused under the previous application and the garage would dominate the setting of the Kyle building and the surroundings in which this and the Mill are experienced. This would result in harm to the setting of the two non- designated heritage assets which are seen together as a group. While the proposed materials for walling, the roof and for the doors are acceptable, the size and design are not and it is not in accordance with PDNPA guidance requiring roof pitches to reflect those of the house.’*

### **Representations**

32. During the publicity period the Authority received 14 representations, all of which support the proposal. Comments are as follows:
  - *The erection of a double garage would have a positive benefit for the existing site.*
  - *It will enhance the existing building.*
  - *It sits well with the other buildings, its design is consistent with the rest of the location and will prove very useful in the maintenance of the site.*

- *This building can only add merit to the site and future proof its existence.*
- *It will prove to be of great value to the location, which needs to be developed in order for it to be utilised.*
- *The garage can only assist in the projects development going forward.*

### **Main Policies**

33. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1 & L3
34. Relevant Local Plan policies: DM1, DMC3, DMC5 & DMH8
35. National Planning Policy Framework

### **Wider Policy Context**

36. 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
  - 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**

37. 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.
38. 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.'*
39. 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.
40. 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.

41. 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.

#### Peak District National Park Core Strategy

42. 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
43. 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.
44. 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
45. DS1 - *Development Strategy*. This sets out what forms of development are acceptable in principle within the National Park.
46. L1 - *Landscape character and valued characteristics*. L1 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.
47. L3 - *Cultural heritage assets of archaeological, architectural, artistic or historic significance*. This policy requires that development must conserve and where appropriate enhance or reveal significance of archaeological, artistic or historic asset and their setting, including statutory designation and other heritage assets of international, national, regional or local importance or special interest.

#### Local Plan Development Management Policies

48. 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.
49. 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.

50. DMC5 - *Assessing the impact of development on designated and non-designated heritage assets and their settings*. This policy states that applications affecting a heritage asset should clearly demonstrate its significance including how any identified features will be preserved and where possible enhanced and why the proposed works are desirable or necessary. Development of a heritage asset will not be permitted if it would result in harm to, or loss of significance character and appearance unless the harm would be outweighed by public benefit.
51. 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.'

### Supplementary Guidance

52. Paragraph 7.14 of the 2007 Design Guide states that garages should be designed in sympathy with the property they serve, with materials and roof pitches reflecting those of the house.
53. The Supplementary Planning Document (Detailed Design Guide) which was adopted July 2014 for alterations and extensions includes advice on ancillary buildings. Paragraph 3.24 reiterates that garages should be designed in sympathy with the property they serve; it goes on to say that if size requirements result in a building of a size that cannot be considered to be a design that is sympathetic to the property then these considerations will outweigh any considerations towards car storage.
54. Paragraph 3.26 of the 2014 guidance states that garage doors on gable elevations should be avoided.
55. Paragraph 3.27 states that another design option for garages is the 'non-building' approach where the garage is underground or behind high walls or planting, which is a situation where a flat-roofed solution is appropriate.

### Assessment

#### Principle of the development

56. Policy DS1 states that in principle, extensions and alterations to dwellings, including ancillary buildings are supported by the Authority, provided that they are of a suitable design, scale, form and massing and do not raise any amenity issues. Similarly, DMH8 supports the provision of outbuildings provided 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.
57. In this instance Dains Mill and the Kyle building are considered to be non-designated heritage assets. Therefore, the requirements of policies L3 and DMC5, to take into account the significance of the existing buildings and their setting, forms the basis of the balanced judgement as to whether the development is acceptable.

#### Visual Impacts

58. As noted at the start of this report, despite Members' deferral of the application at the January 2023 planning committee meeting for further design discussion, there have been

no amendments to the design of the building since that deferral, with officers having been unable to engage with the applicant.

59. The siting for the proposed garage to the north of the Kyle building on the west side of the track through the site is such that it would not block views of the principal elevations of the Mill or the Kyle building. However, it would partially block views of the Kyle building from the site approach from the north, and the siting means that it would be seen in conjunction with both buildings from both the north and south, therefore affecting their setting.
60. DMC5 (F) states that development will not be permitted if it would result in any harm to, or loss of, the significance, character and appearance of a heritage asset (from its alteration or destruction, or from development within its setting), unless there a clear and convincing justification is provided.
61. In this instance the justification provided is that the garage building would facilitate the restored buildings in the approved holiday let use. More specifically, the applicant has identified that the building is required for storage associated with the maintenance of the site; like many garage buildings, it would therefore likely be utilised for domestic storage rather than residential parking, but would retain that flexibility. The Highway Authority note that the garage is not required to meet parking standards at the site – equally, it's use for other incidental domestic use would not give rise to insufficient parking within the site. In the case of either use, there is no public benefit identified.
62. As noted, following the refusal of NP/SM/0422/0516, post decision correspondence was entered into prior to the submission of this application. The advice provided was that a smaller single garage dug into the banking with a flat or mono-pitch roof with a parapet front wall may be an acceptable alternative. Further correspondence in September 2022 maintained this view.
63. With regard to the advice that the garage could be dug into the banked land to reduce its visual impact, a Slope Stability Report has been provided with the application to support this advice not being taken. However, the report relates to the instability of an area to the south-east of the site, the proposed site, which is the slope to the west side of the track and north of the Kyle building has not been assessed.
64. The revised scheme for the proposed garage shows the footprint as previously proposed and also retains the pitched roof, which has been turned by 90 degrees such that the gable is now wider than the other axis, which traditionally should be the longer elevation. Whilst the eaves and ridge height has been reduced and the rooflights omitted, the advice provided that a flat or mono-pitch roof could be more acceptable has not been heeded.
65. The height reduction results in a disproportionate massing with the roof to the building appearing over-large in addition to the gable being over-wide. The form is not sympathetic to either the Mill or the Kyle building, contrary to policies GSP3, DMC3, DMH8, and design guidance.
66. The openings, which now include a pedestrian door in addition to the double garage doors are all in the gable of the building, which is contrary to advice in the Authority's Adopted Design Guidance which states that where pitched roofs are acceptable, openings should predominantly be below the eaves. In addition, the garage doors and the pedestrian door are all under a single lintel, which draws further attention to the width of the gable.
67. The form and massing of the building now proposed is not considered to be acceptable as it is non-traditional and disproportionate.

68. In terms of the detailed design, the character of the proposed is more domestic and suburban in character and appearance than that the originally submitted scheme. This, along with the elevated position of the building, which is on higher ground than the Kyle building and the Mill itself, makes the proposed more prominent within the setting.
69. The proposal, by virtue of its scale, massing, form and detailed design fails to respect the character and appearance of the existing buildings on the site and has a detrimental impact on the setting and significance of Dains Mill and the Kyle building, which are non-designated heritage assets.
70. As such, it is concluded that the proposal is contrary to policies GSP3, L1, L3, DMC3, DMC5 and DMH8, and contrary to advice in the Authority's Design Guidance.

### Amenity Impacts

71. Due to the location of the site in relation to neighbouring properties, it will have will not have an adverse effect upon any neighbouring properties. However, as noted in policy DMH8, an application of this type would only be acceptable if 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.
72. As noted above, the proposed form, massing and design of the proposed building do not respect the existing buildings on the site, the setting of Dains Mill, or the wider landscape area. It is therefore considered that it will have a detrimental effect on the character and appearance of the site, the setting of the non-designated heritage assets, and the appearance of the locality, therefore the proposal is contrary to the requirements of GSP3, L1, L3, DMC3, DMC5, DMH8 and national planning policy.

### Sustainability

73. Policy 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. All development must address this policy and validation requirements require a statement be provided for every application, the statement and the measures should be commensurate to the scale of the development. No Sustainability Statement was provided with the application.

### Conclusion

74. The Authority is required to take a balanced judgement, weighing any public benefits of the development against the impact on the significance of non-designated heritage assets on the site.
75. The proposed development, by virtue of its massing, form and detailed design, fails to respect the character and appearance of the existing buildings on the site.
76. Whilst the principle of a garage in this location is acceptable, the benefits identified do not outweigh the adverse impact of the proposed development on the significance and setting of the non-designated heritage assets of Dains Mill and the Kyle building.
77. It is concluded that the proposal is contrary to policies GSP3, L1, L3, DMC3, DMC5, DMH8 and national planning policy, and advice in the Authority's Design Guidance.

### Human Rights

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

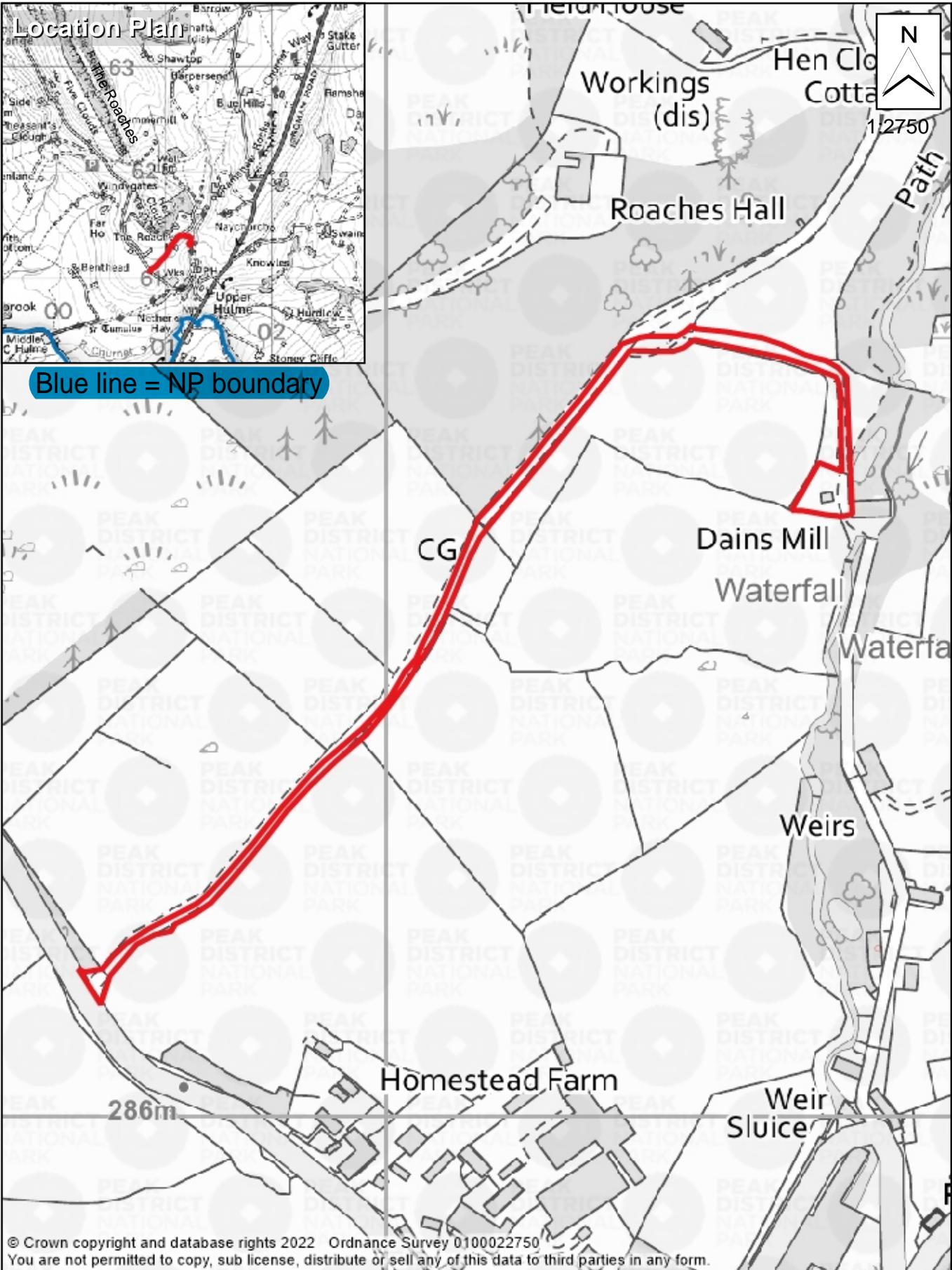
**List of Background Papers** (not previously published)

Nil

**Report Author and Job Title**

Denise Hunt – Planner – South Area

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Committee Date:	12/05/2023	<b>Title:</b> Dains Mill, Roach Road, Upper Hulme	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 8		
Application No:	NP/SM/1022/1316		
Grid Reference:	401083, 361288		

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**9. FULL APPLICATION – ERECTION OF FARM WORKERS DWELLING WITH ASSOCIATED LANDSCAPING AND GROUND SOURCE HEAT PUMP, AT FIELD FARM, ONCEOTE ROAD, ONECOTE (NP/SM/0722/0909).**

**APPLICANT: MR ANDREW STONE**

**Summary**

1. The application seeks full planning permission for the construction of a detached four bedroomed farm workers dwelling with parking, on land north of the main group of farm buildings at Fields Farm Onecote. In addition, to some localised landscaping including the insertion of a ground source heat pump.
2. Policy supports this type of development provided the applicant can demonstrate that there is a genuine and essential functional need for the dwelling, including financial evidence that the business is currently profitable and sustainable. In this case, the evidence provided is considered to meet this criteria.
3. In addition, due to the proposed siting of the dwelling close to the existing farm group, there would be limited landscape impact, amenity or highway concerns. Consequently, the application is recommended to members for conditional approval.

**Site and Surroundings**

4. Fields Farm comprises around 140 acres of land and a small group of farm buildings, which lie in open countryside approximately 200m to the south of the main built up area of Onecote.
5. A public right of way runs from the B5053 west of the site and heads south towards the neighbouring Field House Farm.
6. In relation to the surrounding upland landscapes in the Peak District, this is an intensively farmed agricultural landscape where stock rearing and dairying are the primary land uses. The landscape surrounding the application site reflects these characteristics and is generally a peaceful rural landscape with open distant views to surrounding higher ground.

**Proposal**

7. Full planning permission is being sought for the construction of an Agricultural Workers Dwelling, associated landscaping and ground source heat pump.
8. Amended plans have been received which show a reduction in the size of the dwelling. These amended plans now form part of the current scheme.

**RECOMMENDATION:**

9. That the application be **APPROVED** subject to the following conditions and entering into an appropriate S106 legal agreement restricting the occupancy for the dwelling to agricultural workers and tying the property with the land holding.

- **2 year time limit**
- **Adopt amended plans**
- **Removal of Permitted Development rights for external appearance, extensions/alterations and outbuildings.**
- **Detailed design conditions**
- **Maintain parking and turning space**
- **Underground services**
- **Recommended highway measures to be implemented**
- **External lighting scheme to be approved**
- **Climate mitigation measures to be implemented**

### **Key Issues**

10. The principle of development.
11. Scale, design and external appearance.
12. Impact on the character and appearance of the locality.
13. Residential amenity.
14. Highways safety.

### **History**

15. 2019 - NP/SM/0619/0685 – Change of roof material from Asbestos Sheet, to Staffordshire Blue plain clay tiles - Granted.
16. 2017 - NP/SM/0917/1003 - Extend an existing cattle shed to join it to an existing cattle shed and to house cattle, feed stuffs and agricultural machinery. Granted.
17. 2014 - NP/SM/0714/0740 - Slatted floor and cubicle over slurry store manure storage facility within a covered muck store. Granted.
18. 2013 - NP/GDO/0513/0426 - GDO notification - underground water tank. Accepted.
19. 2011 - NP/SM/0311/0281 - Replace and extend old silage storage pit with new larger shed. Granted.
20. 2009 - NP/GDO/0409/0267 - GDO Notification - Agricultural building. Accepted.

### **Consultations**

21. Highway Authority – No objections subject to conditions (see Highway section of report at Paras: 87 & 88).
22. Parish Council – No response at the time of drafting the report.

### **Representations**

23. One letter of support and four letters of objection have been received. The planning relevance are summarised below.

### **Support**

24. Need to support young farmers in the Peak District. The proposal also includes green environmental measures.

### **Relevant planning objections**

25. Increased traffic issues and poor visibility for exiting and entering the property.
26. Development not in keeping with the area.
27. Proposed dwelling too large in relation to farm holding.
28. No functional need.
29. Current traditional farm buildings are suitable for conversion.

30. A solicitor's letter relating to the farm access has also been received, of which the contents are considered a civil matter between the neighbouring farm and the applicant and as such not a planning consideration in this instance.

### **National Planning Policy Framework (NPPF)**

31. 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.
32. In particular Para: 176 states, that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
33. Moreover, Para: 80, states amongst other things, that planning policies and decisions should avoid the development of isolated homes in the countryside, unless there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.
34. In the National Park, the development plan comprises the Authority's Core Strategy and the new Development Management Policies (DMP). These Development Plan Policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application.
35. In this case, it is considered there are no significant conflicts between prevailing policies in the Development Plan and government guidance in the NPPF.

### **Main Development Plan Policies**

#### **Core Strategy**

36. 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.
37. 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.
38. DS1 – *Development Strategy & L1 - Landscape character and valued characteristics*. Supports agricultural development in the open countryside, provided that development respects, conserves and enhances the valued characteristics of the site paying particular attention to impact upon the character and setting of buildings and siting, landscaping and building materials.
39. HC2 - *Housing for key workers in agriculture, forestry or other rural enterprises*. States amongst other things, that new housing for key workers in agriculture must be justified by functional and financial tests.
40. CC1 - *Climate change mitigation and adaption*. Sets out that development must make the most efficient and sustainable use of land, buildings and natural resources. Development must also achieve the highest possible standards of carbon reductions.

41. *CC2 Low carbon and renewable energy development.* Sets out that proposals for low carbon and renewable energy development will be encouraged provided they can be accommodated without adversely affecting landscape character or the special qualities of the National Park.

### **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. Accessibility of the development should also be a key consideration.

43. *DMH4 - Essential worker dwellings* - The need for a worker dwelling to support agriculture, forestry or other rural enterprise businesses will be considered against the needs of the business concerned. Development will be permitted by conversion or new build provided that:

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

the business has been operating for at least three years; and

the business is currently profitable; and

it has been profitable for at least one of the last three years; and

the profit from the business as opposed to turnover, is such that it can sustain the ongoing cost of the dwelling; and

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

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

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

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

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

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

B. Where there is uncertainty about the financial sustainability of an otherwise acceptable proposal, permission may be granted for an appropriately coloured caravan

or other temporary accommodation.

44. DMH11 - *Section 106 agreements*. A legally enforceable agreement to mitigate impacts of a development proposal, where this cannot be achieved through the use of planning conditions alone. These will be applied to housing developments such as affordable housing, Essential worker dwellings and ancillary accommodation. Removal of a Section 106 Agreement to remove the ancillary status of accommodation will not normally be permitted.
45. DMT3 - *Access and design criteria*. States amongst other things, that a safe access should be provided in a way that does not detract from the character and appearance of the locality and where possible enhances it.

### **Supplementary Planning Documents**

46. Supplementary Planning Guidance on Design, 1987, 2007, 2014.
47. Climate Change and Sustainable Buildings.

### **Assessment**

#### **Background summary**

48. According to the submitted agricultural appraisal, Fields Farm was purchased by the applicant in 2008. At that time, the holding comprised a range of traditional and mid to late 20th century block and brick buildings.
49. Since purchasing the farm, the applicant has carried out significant capital works including the erection of modern agricultural buildings and installation of slurry storage infrastructure and drainage.
50. In 2014, the applicant restructured the business and developed a dairy heifer breeding unit. The enterprise comprises the rearing of quality pedigree dairy heifers to sell freshly calved to dairy herds in the area. This enterprise has taken off and the applicant has now established a herd of approximately 122 head of pedigree dairy heifers of varying age.
51. As the scale of the enterprise has enlarged, the applicant is having increasing difficulty managing the business whilst residing offsite.
52. Primarily, the applicant is experiencing issues in relation to animal husbandry, welfare and in particular ensuring that sufficient assistance is provided during calving. Residing off site is not sustainable in the long term.

### **Principle of the development**

53. The application site lies outside the obvious limit of the village settlement and therefore considered in policy terms to be within open countryside, where there are strong restrictions on new build development and only allowed under exceptional circumstances.
54. Where it is permitted under Policy HC2 & DMH4 of the Authority's Development Plan, there has to be clear evidence justified by functional and financial tests. These are set out in the following sections.

### **Functional test**

55. The applicant has submitted the information required, concerning the farming enterprise, which is based primarily on a growing cattle rearing activity.
56. In this case, the applicant farms a total of 200 acres (81 hectares) with Fields Farm itself extending to approximately 20 acres (8.012 hectares). The remaining land is occupied on various arrangements with around 50 acres of land at Leek occupied on a 10 year Farm Business Tenancy. A full breakdown of the land farmed by the applicant is provided in Appendix I of the submitted Agricultural Statement, should members wish to examine.
57. In terms of fodder making, the majority of the feed is obtained from silage making with approximately 120 acres (48.563 hectares) of 1st cut taken with approximately 70 acres (28.340 hectares) of second cut. Fodder making does vary depending on the weather conditions and the growing season.
58. According to the figures presented, (based on standard man days), there is a current labour requirement equivalent to one full time and one part time worker.
59. The applicant does plan to increase the livestock numbers kept and has capacity to increase further to approximately 135 head. This would require two full time workers when the dairy unit would be operating at full capacity. The actual labour requirement for the operations at Fields Farm is met by the applicant, and by contract or casual staff.
60. Currently, the applicant is responsible for the overall operation of the farm business including all livestock work and husbandry tasks, grassland operations, farm administration including farm records, accounts, inspections and assurance requirements. During busier times, additional contract or casual staff are required for a number of farm tasks including herd handling (during TB testing for example), silaging etc.
61. With this regard and based on the size of the farming operations, it is considered that there is an essential need for at least one full time key worker on site at all times to ensure that the livestock have the necessary level of care and husbandry and that the test for an essential need is met In accord with policy DMH4 & Para: 80 of the NPPF.

### **Financial Test**

62. Financial information has been provided to fulfil the financial test and includes the farm accounts, which have been prepared by an independent accountant.
63. These figures indicate annual profits over the last three years between the years ending 2019-2021 and clearly show an upward trend in revenue, which is an indicator that the farming business is seen as both profitable and sustainable.
64. In addition to passing the functional and financial tests, Government advises that the proposed dwelling should be commensurate with the needs of the enterprise and should not reflect the personal preferences or circumstances of the applicant.
65. The enterprise should also be capable of sustaining the dwelling in financial terms i.e. cover capital costs as well as ongoing maintenance.
66. According to the agent, *'the build cost would be in the region of £350,000 which would be significantly less than the cost of buying any open market dwelling currently*

*available which would, in any event, not be within sight or sound of the livestock. The business's profits, reserves, plus existing asset values would ensure a mortgage to cover build costs would be readily available. The costs associated with the dwelling therefore reflect the actual and potential income from the landholding'.*

### **Siting, Design and materials**

67. The proposed dwelling would be sited immediately to the north of the existing farm buildings and on a generally flat area of land. Access to the dwelling would spur off from the existing farm track.
68. The proposed dwelling is based on a simple L-shaped floor plan, which is considered to be in keeping with the local vernacular tradition. The design incorporates a fenestration which is considered to be generally acceptable in terms of the proportions of openings, window designs and the solid to void relationship between the proposed openings and wall elevations.
69. Internally at ground floor level, the dwelling would comprise a hallway, living room, dining/kitchen area, and an office and utility space. With four bedrooms (one with en-suite) and a bathroom at first floor.
70. Externally, there would be space for parking and turning of at least two vehicles and garden areas to the east and south of the dwelling. The domestic curtilage would be bounded by a mix of native hedging and drystone walling.
71. Immediately to the north of the garden curtilage, would be an area of field demarcated for the insertion of a ground source heat pump loop, in connection with the dwelling's heating requirements.
72. In this case and by virtue of form, design and use of materials, the proposed dwelling would help complement the character and appearance of the area, generally according with the Authority's conservation and design policies GSP3 & DMC3 and supplementary advice on design.

### **Landscape and visual impact**

73. The application site is a fairly flat area of open field, with the backdrop of the existing agricultural buildings to the south. To the west is a run of mature trees along the boundary of a neighbouring access track. To the North is open field with a cluster of roadside properties over 90m away and to the east rising open countryside with scattered tree cover along field boundaries.
74. Glimpses of the building would be visible particularly when approaching from the north along the main road through the village. However, this would be seen at distance and viewed partially against the backdrop of the existing farm buildings.
75. Some additional tree planting, including hedging around part of the garden curtilage have been incorporated and shown on the amended site plan. A condition can ensure that native species of tree and hedging are implemented. This would further diminish the impact of the site, in particular when viewed from the residential properties to the north.
76. In this instance, the position of the proposed dwelling and associated curtilage is judged to be the least intrusive location on the site.

77. Consequently, it would not appear in any way dominant over its surroundings, therefore would have little or no adverse impact on the established local landscape character of the area, since the development would be incorporated close to an already established farmyard area and farm access in accord with policy L1 in particular.

### **Other matters**

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

79. The applicant has recently purchased Brownlow Farm which includes 30 acres of land, and currently resides there. We are advised that the applicant intends to sell Brownlow Farmhouse to fund the build of the new dwelling at Fields Farm.

80. Whilst residing at Brownlow Farm has allowed the applicant to be closer to Fields Farm than their previous property - which is sited around 5 miles from Field Farm – this property still does not meet the essential need for residential accommodation to support the business and was purchased mainly to obtain the additional land, with the applicant planning to sell the farmhouse to provide funds to invest in Fields Farm. That property is not subject to agricultural restriction, and as such the Authority has no control over its occupation, or whether the property is split from the currently associated land.

81. Regardless of that intention, or whether it comes to pass, the ownership of this property is not a significant factor to the determination of the current application in terms of need assessment. The current beef enterprise has been established at Fields Farm, with associated development having been constructed in support of that. The Authority have supported applications to facilitate the business at this site, and the need for a worker to now reside at the site is unchanged by the ownership of a further farmhouse or holding in a different location.

82. In terms of other potential accommodation, searches had been made within the local property market. However, there was only one property that had been sold subject to contract for £815,000. Even if this were affordable, it would not have met the applicant's requirement to be within sight and sound of the livestock in his care in any case.

83. Policy also requires that where a new building is proposed, there is no traditional building/s that could be converted for use as a worker dwelling, within or close to the main group of buildings.

84. In this instance, there is a traditional barn which forms part of the range of agricultural buildings at Fields Farm. However, this is currently in agricultural use and with the barn adjoining an existing livestock building and in close proximity to the cattle yard and the main farm access, is considered unsuitable for conversion to residential use.

### **Potential amenity issues**

85. Due to the distance from the nearest residential properties, which are sited over 90m away to the north of the development site, it is considered the scheme would have no adverse impacts on the amenity of these or any other properties in the locality, therefore accords with policies GSP3 & DMC3 in these respects.

### **Local Highway matters.**

86. The local Highway Authority have raised no objections to the scheme, subject to the access drive being resurfaced in a bound and porous material for a minimum distance of 5m back from the carriageway edge and that the parking area to be provided in accordance with the approved plans are implemented prior to the development being brought into use.
87. These matters can be conditioned accordingly. Should the scheme be approved by members, the proposed development would be acceptable in highway safety terms, according with policy DMT3 in these respects.

### **Environmental Management and sustainability**

88. According to the submitted information, the design and orientation of the proposed dwelling would make the most/best use of solar gain and natural daylight.
89. High levels of thermal insulation, low energy light fittings and argon filled double glazed units would be used. Including a high efficiency boiler and ground source heat pump providing heating for the dwelling.
90. In addition, all construction materials and finishes would be to be locally sourced e.g.: reclaimed local stone, low carbon cement and timber from sustainable sources.
91. With regard to water efficiency, low use, water-conserving fittings for taps and sanitary ware would be used throughout, both internally and externally. Including the capture of surface water drainage from roofs and other hard surfaces with water butts and existing stone troughs for garden use to reduce mains water usage.
92. To mitigate any localised flooding, the proposal would maximise the use of permeable surfaces for the drives and parking and turning areas. With new surface water drainage running into soakaways within the site.
93. In this case and should the scheme be recommended for approval, these measures would be considered sufficient to meet the requirements of Policy CC1 & CC2 in these respects.

### **Conclusion**

94. In conclusion, it is considered the proposed development would accord with the relevant policies in the Development Plan, subject to conditions.
95. In this case, a legal agreement would be required in compliance with Policy DMH11 to restrict the future occupancy of the dwelling and to prevent land in the applicant's ownership being sold separately from the new house.
96. Accordingly, the current application is recommended to members for conditional approval and subject to a prior entry into an appropriate 106 legal agreement.

### **Human Rights**

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

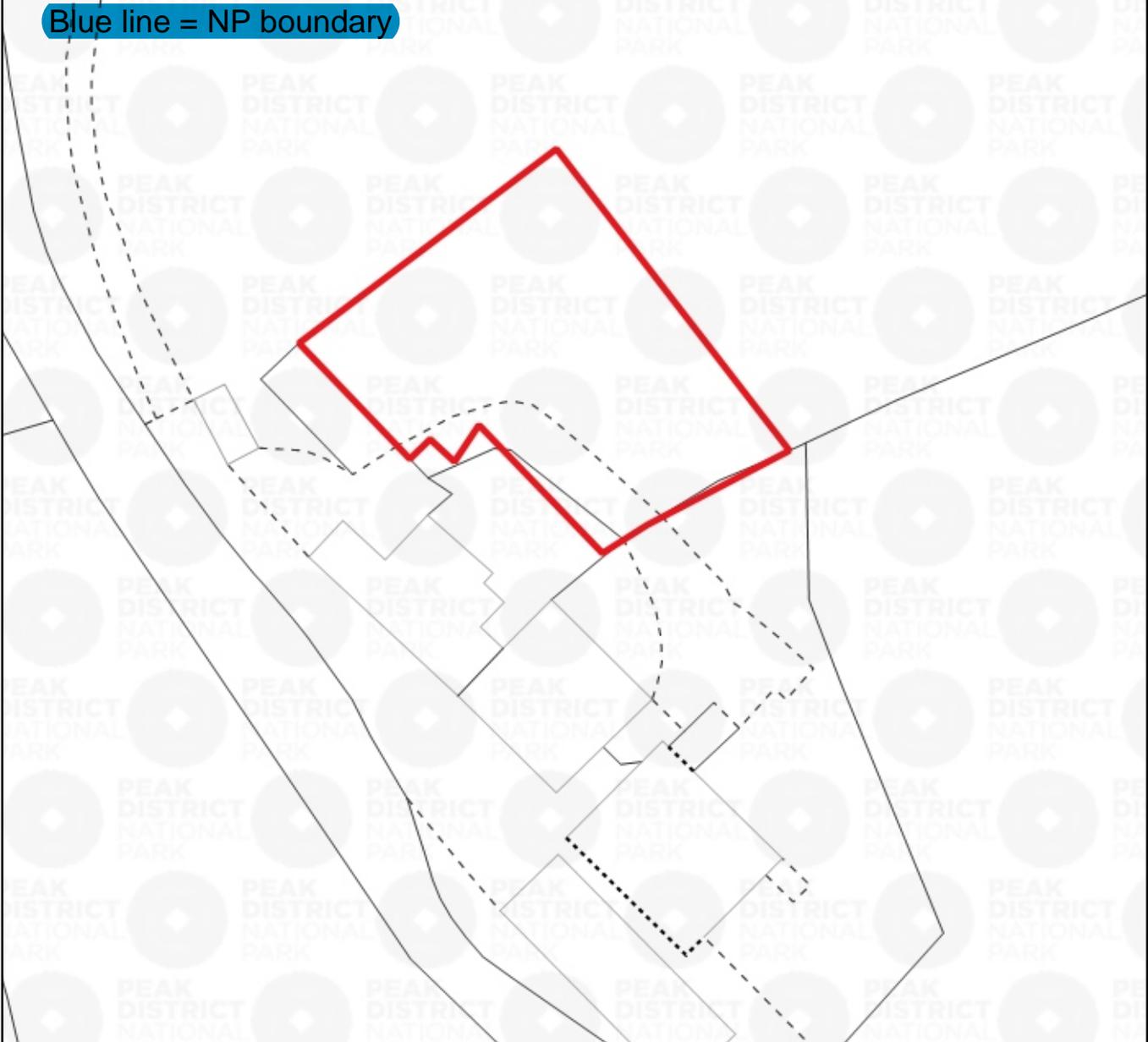
99. Nil

100. Report Author: Steve Coombes, South Area Planning Team.



1:700

Blue line = NP boundary



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Committee Date:	12/05/2023	<b>Title:</b> Fields Farm, Onecote Road, Onecote	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 9		
Application No:	NP/SM/0722/0909		
Grid Reference:	405048, 355010		

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

**1. APPEALS LODGED**

There have been no new appeals have been lodged during this month.

**2. APPEALS WITHDRAWN**

There have been no appeals withdrawn during this month.

**3. APPEALS DECIDED**

The following appeals have been decided during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
NP/DDD/0622/0851 3307714	Retrospective application for alterations and extension of dwelling at The Old Post Office, Main Street, Birchover	Written Representations	Allowed	Delegated

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Retrospective permission was granted subject to conditions in August 2022. The applicant appealed against condition 2 of the permission regarding the removal and replacement of the bay window, which had to be within 6 months of permission being granted. The Inspector agreed that the replacement of the bay window would ensure the protection of the character and appearance of the surrounding area and the significance of the Conservation Area, but found that such a condition needed to be modified so as to require the timescale of the removal and replacement of the bay window to be within 12 months from the date of the appeal decision, and to be in full accordance with an approved scheme agreed by the Authority. The appeal was allowed, and condition 2 modified.

NP/DDD/0122/0132 3307826	Proposed additional digestate lagoon at Slipper Low Farm, Grange Mill	Written Representations	Dismissed	Delegated
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The Inspector considered that the proposed digestate lagoon would be visible from long range views and would be seen as a man-made feature in the landscape, and the deviation of the wall around the lagoon would be seen as an incongruous feature which would harm the character and appearance of the area. The appeal was dismissed.

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ENF 19/0113 3300746	Enforcement for carrying out building operations, namely construction of timber cabin and associated structures without planning permission, formation of hard surface access and parking area and material change of use of building from agricultural to residential at The Hut, Wilshaw Bottom, Hollinsclough	Hearing	Dismissed and Enf Notice Upheld. Costs Awarded	Delegated
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The Inspector considered that the development, which required planning permission, but which had not been granted, constituted a breach of planning control, and was not immune from enforcement action having regard to the time limits as the new planning unit commenced in 2019. The Inspector dismissed the appeal, and awarded full costs to the Authority as the Appeal was flawed and unsupported with any reliable evidence thus resulting in wasted expense for the Authority in defending the appeal.

4. **RECOMMENDATION:**

**To note the report.**